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Independence Day

“Tip of the Month”

New International Trademark Application Coming Soon!

Beginning in November 2003, US trademark applicants will have the opportunity to file one international trademark application for simultaneously seeking protection in multiple countries. It is the result of the Madrid Protocol Implementation Act, which was signed into law on November 2, 2002. There are currently 56 countries which are members of the Madrid Protocol, which includes major US trading partners such as Germany, Japan and the United Kingdom.

The application is known as an International Registration (IR). This is a misnomer since the result is neither international nor a registration. It is really a series of simultaneous, multinational applications. The International Registration application can be filed by any national or legal entity having a real and effective industrial or commercial establishment in a country belonging to the Protocol. There are two ways for applying for IR coverage. The first is to base the IR application on an existing registration in the applicant's home country. The second would be to file a new application in the home country and ask for the extension of IR protection at the same time. When requesting the extension, the applicant must designate in which countries the applicant wants coverage. The IR is examined in each designated country under the designated country's regulations. The extension must be for the same mark, the same goods and services, the same classes, and with the same owner as the home or base application.

There are several advantages to using the Madrid Protocol. First is the simple filing procedure. The applicant needs only file one application at its home trademark office. Second, the filing fees are significantly reduced from what they would be for country by country filings. Third, the expedited examination feature in each of the designated countries (18 months maximum) will lead to greatly reduced waiting periods for the processing of applications. Fourth, only one International Registration number covers all designee countries. If the applicant needs to record a change of name or address or amend the specification of goods and services covered, it can be accomplished by one filing and one fee. Further, the IR requires only one ten-year renewal.

If you have questions about the Madrid Protocol International Trademark application process, please call us at 668-1971 or contact us through the Internet at *Meslaw @ aol.com*.

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