<u>Information on Procedures before the Office of the designated Contracting party for Madrid Protocol Applicants</u>

April 2017

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1 77	21 C.1. 1. 1. 1. D.	(EUIPO)
	Applicant (Item 2 of MM2)	nts to be noted when filling an MM2 format
	Points to be noted when	None
1.1.1		None
	writing information about	
	an applicant (Item 2(a), (b)	
	and (f) of MM2 or of any	
	equivalent form or equivalent electronic form)	
1.2 CL	aim of priority (Item 6 of MM2	
1.2.1	Is partial priority allowed,	Yes
	which is a claim of priority	
	based on part of a basic application? (Yes/No)	
1.2.2	Are multiple priorities	Yes
1.2.2		ies
	allowed, which is a claim	
	of priority based on	
	multiple basic	
1.2 Ma	applications? (Yes/No) ark (Item 7 to 9 of MM2)	
	. ` '	
1.3.1	Category of marks which	Collective marks are foreseen by the EUTM Regulation (EUTMR). Certification and guarantee marks are currently NOT foreseen by the EUTMR.
	can be registered	
	(e.g.collective mark,	
	certification mark	
1.2.2	guarantee mark)	V C 11 d 1 11 1 11 1 1 1 1 1 1 1 1 1 1 1
1.3.2	Are there certificates	Yes, for collective marks, the holder shall submit Regulations governing use of the mark directly to EUIPO within a period of two months from
	required according to	notification of the designation by the International Bureau (IB) (Article 67 EUTMR and Rule 121 Implementing Regulation (EUTMIR)).
	category specified in Item	
	1.3.1? (Yes/No) If a	
	required certificate exists,	
	time and method of	
1 2 2	submission	
1.3.3	Types of non-traditional	3-D marks, sound marks, colour <i>per se</i> marks, position marks, tracer marks, animated marks (movement) and holograms are eligible for
1	trademarks that are eligible	registration provided that they have distinctive character and that they can be represented graphically. Marks depicting a pattern are 'figurative'
	for registration	marks in accordance with EUIPO's practice.
	(three-dimensional, sound,	For position marks, movement marks, hologram marks and colour <i>per se</i> marks for more than one colour, a description of the mark is required to

	single color, position, trade dress, etc) and their requirements.	clarify the scope of protection. Olfactory marks are NOT eligible for registration, as they cannot be represented graphically (see Formalities guidelines) https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law and practice/trade marks practice manual/WP 1 20 17/Part-B/02-part b examination section 2 formalities/part b examination section 2 formalities en.pdf
1.3.4	Is description of a mark required? (Yes/No) If yes, examples of such a description	No, except for position marks, movement marks, colour <i>per se</i> marks for more than one colour and hologram marks.
1.3.5	What an applicant should do if he/she is required to provide a description of his/her mark in question, but such a description cannot be specified in a MM2 format?	Descriptions not appearing in the International Register cannot be added before EUIPO, as EUIPO does not administer a shadow register for International trade marks.
1.3.6	Is there a standard character system? (Yes/No) If yes, what characters belong to the system? (Item 7(c) of MM2)	Yes, Latin, Cyrillic and Greek characters.
1.3.7	Points to be noted for Item 8 of MM2 (COLOR CLAIMED)	None
1.3.8	Points to be noted for Item 9 of MM2 (MISCELLANEOUS INDICATIONS)	9 d), e) and g) must be filled in, when applicable.
1.4 De	scription of goods and services	s (Item 10 of MM2)
1.4.1	Points to be noted for describing designated goods and services	EUIPO does not accept vague terms in the list of goods & services (see Classification guidelines) https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document library/contentPdfs/law and practice/trade marks practice manual/WP/Part-B/03-part b examination section 3 classification/part b examination section 3 classification en.pdf
1.4.2	A link to a website to verify whether indications of goods and services are acceptable to an Office	http://tmclass.tmdn.org/ec2/?lang=en
1.5 De 1.5.1	claration of intention to use ma Is a declaration of intention	No No
1.3.1	to use a mark in question	

	required? (Yes/No) If	
	required, how to submit	
	such a declaration	
1.6 Ad	ditional features	
1.6.1	(If any [ex. Seniority])	The applicant may, when designating the EU in an international application or as a subsequent designation, claim the seniority of an earlier mark registered in an EU Member State. Such a claim must be presented by attaching form MM17 to the international application or subsequent designation request. No certificates or documents in support of the seniority claims should be attached. Alternatively, the IR holder may also claim the seniority of an earlier mark registered in an EU Member State directly before EUIPO upon publication of the final acceptance of the IR.
		he territorial extension is received at an Office of a Contracting Party
	zettes published by an Office	
2.1.1	Are gazettes published by an Office? (Yes/No)	Yes, the EUTM Bulletin.
2.1.2	If yes, what are included in	Please see link to the "Vademecum" to the EUTM Bulletin at the following link:
	gazettes?	http://euipo.europa.eu/pdf/mark/vademecum-ctm-en.pdf
2.1.3	If yes, is there a link to a website?	https://euipo.europa.eu/eSearch/#advanced/bulletins (under 'advanced search' option, 'Daily publication')
2.2 Sul	bstantive examination	
2.2.1	Does an Office conduct substantive examination? (Yes/No)	Yes
2.2.2	If substantive examination	Ex officio examination is only conducted on absolute grounds during the registration procedure
	is conducted, will there be	
	an ex officio examination	
	under i) absolute and ii)	
	relative grounds for refusal	
222	be examined by <i>ex officio</i> ?	V
2.2.3	Does an Office issue partial refusals?	Yes
2.2.4	Information on	The different sections of the current trade mark practice on Absolute Grounds for refusal and EU collective marks can be found online at
2.2.4	examination standards (a	https://euipo.europa.eu/ohimportal/en/trade-mark-guidelines, in Section 4.
	link to a website)	https://eurpo.europa.eu/onimportai/en/trade mark guidennes, in section 4.
2.3 Op	position	
2.3.1	i) A starting date and ii) a	Oppositions may be filed against the IR between the first month and the fourth month following the date of first republication in the EUTM
	period to file an opposition	Bulletin.
2.3.2	Who can raise an	The proprietor of an earlier trade mark or its authorized licensee, and proprietors of earlier signs or rights pursuant to Article 8(4) and (4a)
	opposition?	EUTMR, including persons authorized under national law or EU legislation.
2.3.3	Can an opposition be filed	No, after the issuance of the Statement of Grant of protection, only the invalidation of the effects of the IR is available based on an invalidity
	before or after a statement	action or a counterclaim in infringement proceedings (Articles 53 and 158 EUTMR)
	of grant of protection is	
	sent? Such a statement is	

	based on Rule 18ter of the	
	Common Regulations.	
2.4 Th	ird party observations/ Informa	ation submission system
2.4.1	Is there third party	Yes
	observations/information	
	submission system?	
2.4.2	If yes, i) A starting date and	Until the end of the opposition period and, if an opposition has been filed, as long as the opposition proceedings are open, but not beyond the
	ii) a period to submit	18-month time limit for notifying refusals to the IB.
	observations/ Information?	
2.4.3	If yes, Person who can	Any natural or legal person (Article 40 EUTMR).
	submit	
	observations/information?	
	otification of provisional refusa	
2.5.1	Languages used to notify a	The language of filing the International application notified by the IB will be used by EUIPO for issuing provisional refusals.
	provisional refusal	It can be English, French or Spanish.
2.5.2	A period between a day	18 months
	when a notification of	
	territorial extension was	
	sent to an Office and a day	
	when a notification of a	
	provisional refusal is sent	
2.7.2	(12/18 months)	
2.5.3	Is there a declaration made	No
	in accordance with Article	
	5(2)(c) of the Madrid	
	Protocol? (Yes/No)	
	Note: Notification of that	
	such a provisional refusal may be notified based on	
	opposition after the lapse	
	of period of 18-month	
2.5.4	An average processing	15 days
2.3.7	time between a day when	10 days
1	territorial extension is	
	notified and a day when a	
	First Office Action is made	
2.5.5	i) A starting date, ii) a	i) The time limit starts on the day on which EUIPO issues the provisional refusal (Rule 112(1) EUTMIR).
	period and iii) an ending	ii) Two months
	day of a time limit to	iii) Two months starting on the day following the notification of the provisional refusal letter. The time limit shall expire on the day of the
	respond to a notification of	relevant month having the same number. Where the time limit expires at the end of a month and where the relevant subsequent month has
L		f

	a provisional refusal. Note: Examples of "i) a day on which the	no day with the same number, the period shall expire on the last day of that month (Rule 70 EUMIR). Any time limit will be deemed to expire at midnight on the final day, local time in Alicante (Spain).
	computation begins" are a day when an Office sent a	
	notification of a	
	provisional refusal; a day	
	when the International	
	Bureau sent a notification	
	of a provisional refusal;	
	and a day when a holder	
	received a notification of a	
	provisional refusal.	
	Note: Examples of "iii) an	
	ending day" are a day	
	when a holder sent his/her	
	response; and a day when	
	an Office received a	
27.5	response.	
2.5.6	Is it possible to extend a	Yes, in principle for another two months. Under certain circumstances further extensions could be granted. The request must be made in writing
	time limit to respond to a	before the expiry of the time limit.
	notification of a	For more information see paragraph 4 of the Guidelines, Part A, General Rules, Section 1: Means of Communication and Time Limits:
	provisional refusal?	https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_1_20_17/Part-A/01-part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section%201_means_of_communication_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_time_limits/part_a_general_rules_section_t
	(Yes/No) If yes, how long such a time limit can be	cation_time_limits_en.pdf
	extended, and how can	<u>cation_time_nimits_en.pdr</u>
	such an extension be	
	requested?	
2.5.7	Is it always necessary to	Yes, unless the IR holder is located in the territory of the EEA.
2.3.7	arrange a local	103, unless the fix holder is focuted in the territory of the EEA.
	representative when	
	responding to a notification	
	of a provisional refusal?	
	(Yes/No)	
2.5.8	Can a holder directly	Yes, if he is located in the territory of the EEA.
	submit his/her response to	
	an Office when responding	
	to a notification of a	
	provisional refusal?	
	(Yes/No)	

2.5.9	Can submitting a MM6	The IR holder should forward a copy of the MM6 that he has transmitted to the IB within the time limit for replying to the provisional refusal.
	form to request a limitation	
	be regarded as a domestic	
	procedure for amendment?	
	(Yes/No)	
2.5.1	If a MM6 submission is	Upon receipt of the copy of the MM6, the file will be put on hold until the limitation is recorded by the IB and notified to EUIPO.
0	regarded as a response to a	opon receipt of the copy of the Min of put on hold when the immation is recorded by the 12 that nothing to 2011 of
	provisional refusal, are	
	there any points to be noted	
	such as a time limit for	
	submission?	
	(For example, such points	
	may include that a MM6	
	form must be filled and	
	submitted to the IB within	
	a time limit to respond to a	
	notification of a	
	provisional refusal, or that	
	a notification of a	
	limitation must be sent	
	from the IB to an Office	
	within a time limit of	
	response.	
2.6 Tri	al/Appeal against examiner's d	lecision of refusal
2.6.1	When can demand for an	Within two months from notification of the refusal decision.
	appeal against examiner's	
	decision of refusal be	
	made?	
2.6.2	What is the competent	Boards of Appeal
	authority for such appeal?	
2.6.3	Information on appeal	https://euipo.europa.eu/ohimportal/en/appeal
2.0.5	against examiner's decision	
	of refusal (a link to a	
	website)	
3. Prod	,	rant of protection in designated contracting parties
	gistration	
3.1.1	Other than a statement of	No
0.1.1	grant of protection which is	
	a notification based on	
	Rule 18ter of the Common	
	Ruic roter of the Common	

	Regulations, is any notification of a decision of registration sent based on domestic laws? (Yes/No) If yes, to whom (a holder/an IB representative) will it be sent?	
3.1.2	i) Is a registration certificate automatically issued? (Yes/No) If yes, to whom (a holder/ an IB representative) will it be sent? ii) If a certificate is not issued automatically, is it possible to make a request so that a certificate will be issued? (Yes/No) If yes, how will it be requested?	i) No ii) No
3.1.3	Points to be noted for registration (For example, payment of fee)	None
3.1.4	Points to be noted for the purpose of maintaining the registration such as submitting a affidavits of continued use in commerce	The IR holder has to put into genuine use the mark within a period of five years following acceptance of the mark.
3.2 Re	placement	
3.2.1	Does an Office require a request to operate procedure for 'taking note' of an international registration?	Yes
3.2.2	Timing when a request to operate procedure for 'taking note' of an international registration is allowed (while an	At any time after notification of the EU designation by the IB.

post-registration, etc.) 3.2.3 Does it cost to "take decided to replace and provided in the EUTM Register and published in the EUTM Bulletin. In parallel, the IB will be informed and will publish it in the Guzette. 3.2.4 When will it be decided to replacement is entered into the EUTM Register and published in the EUTM Bulletin. In parallel, the IB will be informed and will publish it in the Guzette. 4.2.1 Trial/Appeal for invalidation 4.3.2.5 Can a replaced national registration and an international registration occasion? 4.4.1 Trial/Appeal for invalidation 4.1.2 Person who can demand a rail/alignment procedure. 4.1.3 What is the competent authority for such trial/appeal? 4.1.4 Procedure relating to a trial/appeal? 4.1.5 Procedure relating to a trial/appeal for invalidation (a link to a website) 4.1.4 Procedure relating to a website) 4.1.5 Procedure relating to a trial/appeal for invalidation (a link to a website) 4.1.6 Procedure relating to a trial/appeal for invalidation (a link to a website) 4.1.7 Procedure relating to a trial/appeal for invalidation (a link to a website) 4.2 Trial/Appeal for invalidation 4.2 Trial/Appeal for cancellation of registered trademark not in use 4.2.1 Time period for filing a non-use cancellation of registered trademark not in use 4.2 Trial/Appeal for cancellation of registered trademark not in use 4.2 Trial/Appeal for cancellation of registered trademark not in use 4.2 Trial/Appeal for cancellation of registered trademark not in use 4.2 Trial/Appeal for cancellation of registered trademark not in use 4.2 Trial/Appeal for invalidation of filing a non-use cancellation and proceedings and practice/trade marks practice manual/WP 1 20 1778-th-10-10-part d. cancellation section 2 substantive provisions en. pdf 4.2 Trial/Appeal for invalidation of registered trademark not in use 4.2 Trial/Appeal for invalidation of filing a non-use cancellation section 2 substantive provisions on the cancellation section 2 substantive provisions on the publication of the acceptance		application being		
Does it cost to "take note" No, it is free of charge.		processed,		
When will it be decided to replacement is entered into the EUTM Register and published in the EUTM Bulletin. In parallel, the IB will be informed and will publish it in question?	2 2 2		No it is free of charge	
replace a registration in question? 3.2.5 Can a replaced national registration and an international registration in received. 4.1.11 Time period for filing an invalidation 4.1.2 Person who can demand a trial/appeal for invalidation 4.1.3 What is the competent authority for such trial/appeal? 4.1.3 What is the competent authority for such trial/appeal? 4.1.4 Procedure relating to a trial/appeal? 4.1.5 Procedure relating to a trial/appeal for invalidation (a link to a website) 4.1.6 Procedure relating to a trial/appeal for invalidation (a link to a website) 4.1.7 Part Dol.part d. cancellation of the Cancellation process (invalidity) please see the Guidelines Part D': Section 1: Cancellation Proceedings but proceedings bard on the Cancellation section 2 substantive provisions en.pdf 4.2 Trial/Appeal for cancellation of reviscation based on non-use may be filed only after five years from the publication of the acceptance of IR. An application for revocation based on non-use may be filed only after five years from the publication of the acceptance of IR.				
question? Can a replaced national registration and an international registration and an an an application for invalidation and an invalidation and an invalidation and an invalidation and trial/appeal for invalidation and an invalidation (a link to a website) 4.1.1 Procedure relating to a or an invalidation (a link to a website) 4.2 Trial/Appeal for invalidation (a link to a website) 4.2 Trial/Appeal for cancellation or registered trademark not in use 4.2 Trial/Appeal for cancellation or registered trademark not in use 4.2 Trial/Appeal for friling a non-use an	3.2.4			
3.2.5 Can a replaced national registration and an international registration coexist?			the Gazette.	
registration and an international registration coexis? 4. Others 4.1 Triat/Appeal for invalidation 4.1.1 Imperiod for filing an invalidation of the proceedings and trial/appeal for invalidation and trial/appeal for analytic for the proceedings the first instance decision which may be appealed before the Board of Appeal. For more detailed information on the Cancellation process (invalidity) please see the Guidelines 'Part D': Section 1: Cancellation Proceedings and trial/appeal for cancellation proceedings and trial/appeal for cancellation proceedings and trial/appeal for ca	3.2.5		Yes	
international registration coexist? 4. Others 4.1 Trail/Appeal for invalidation 4.1.1 [Insert and the period for filing an invalidation and trail/appeal for invalidation (a link to a website) 4.1.4 Procedure relating to a trial/appeal for invalidation (a link to a website) 5. For more detailed information on the Cancellation proceedings she first instance decision which may be appealed before the Board of Appeal. 6. For more detailed information on the Cancellation proceedings (invalidity) please see the Guidelines 'Part D': Section 1: Cancellation Proceedings begins which consists of the exchange of observations between the parties. After the end of the proceedings begins which consists of the exchange of observations between the parties. After the end of the proceedings the Cancellation Division issues the First instance decision which may be appealed before the Board of Appeal. 6. For more detailed information on the Cancellation process (invalidity) please see the Guidelines 'Part D': Section 1: Cancellation Proceedings part d cancellation section 1 proceedings enjoy 17/Part-Dol-part d cancellation section 1 proceedings/part d cancellation section 2 substantive provisions https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law and practice/trade marks practice manual/WP 1 20 17/Part-Dol-part d cancellation section 2 substantive provisions en.pdf 6. Time period for fil				
cocxist?				
4.1.1 Trial/Appeal for invalidation 4.1.2 Person who can demand a may be filed by the right holder or licensee or as determined by the applicable national law. There are more earlier rights on the basis of which an invalidity new be filed by the right holder or licensee or as determined by the applicable national law. There are more earlier rights on the basis of which an invalidity proceeding may be filed by the right holder or licensee or as determined by the applicable national law. There are more earlier rights on the basis of which an invalidity receeding may be launched than in opposition proceedings. An invalidity action may also be invoked as a counterclaim in an infringement procedure. 4.1.3 What is the competent authority for such trial/appeal? In case of an invalidity request made as a counterclaim in an infringement procedure, the EUTM Court which deals with the infringement proceeding will be the competent authority. 4.1.4 Procedure relating to a trial/appeal for invalidation (a link to a website) Once admissible, the adversarial stage of the proceedings begins which consists of the exchange of observations between the parties. After the end of the proceedings the Cancellation Division issues the First instance decision which may be appealed before the Board of Appeal. For more detailed information on the Cancellation process (invalidity) please see the Guidelines 'Part D': Section 1: Cancellation Proceedings https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_1_20_17/Part_D01-part_d_cancellation_section_1_proceedings/part_d_cancellation_section_2_substantive_provisions/part_d_decouncellation_section_2_substantive_provisions/part_d_decouncellation_section_2_substantive_provisions_en_pdf 4.2. Trial/Appeal for cancellation of registered trademark not in use 4.1.2 Trial/Appeal for cancellation of religion and practice/trade_marks_practice_manual/WP_1_20_17/Part_D02-part_d_cancellation_section_2_substantive_provisio				
4.1.2 Trial/Appeal for invalidation An application for invalidity may be filed at any time once the Grant of Protection has been issued. invalidation An invalidity based on absolute grounds for refusal may be filed by any natural or legal person. An invalidity based on relative grounds for refusal may be filed by the right holder or licensee or as determined by the applicable national law. There are more earlier rights on the basis of which an invalidity proceeding may be launched than in opposition proceedings. An invalidity action may also be invoked as a counterclaim in an infringement procedure. The invalidity may be requested directly before EUIPO. In case of an invalidity request made as a counterclaim in an infringement procedure, the EUTM Court which deals with the infringement proceeding will be the competent authority. Procedure relating to a trial/appeal for invalidation (a link to a website) Once admissible, the adversarial stage of the proceedings begins which consists of the exchange of observations between the parties. After the end of the proceedings the Cancellation Division issues the First instance decision which may be appealed before the Board of Appeal. For more detailed information on the Cancellation process (invalidity) please see the Guidelines 'Part D': Section 1: Cancellation Proceedings https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_1_20_17/Part_D01-part_d_cancellation section 1 proceedings/part_d_cancellation section 1 proceedings_en.pdf Section 2: Substantive Provisions https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law_and_practice/trade_marks_practice_manual/WP_1_20_17/Part_D01-part_d_cancellation section_2_substantive provisions/part_d%20cancellation section_2_substantive provisions_en.pdf 4.2 Trial/Appeal for cancellation of registered trademark not in use The invalidation invalidation process (invalidity) please see the Guidelines 'Part D': Sect	4. Othe	ers		
4.1.2 Person who can demand a trial/appeal for invalidation may be filed by the right holder or licensee or as determined by the applicable national law. There are more earlier rights on the basis of which an invalidity proceeding may be launched than in opposition proceedings. An invalidity action may also be invoked as a counterclaim in an infringement procedure. 4.1.3 What is the competent authority for such trial/appeal? The invalidity may be requested directly before EUIPO. In case of an invalidity request made as a counterclaim in an infringement procedure, the EUTM Court which deals with the infringement proceeding will be the competent authority. 4.1.4 Procedure relating to a trial/appeal for invalidation (a link to a website) Once admissible, the adversarial stage of the proceedings begins which consists of the exchange of observations between the parties. After the end of the proceedings the Cancellation Division issues the First instance decision which may be appealed before the Board of Appeal. For more detailed information on the Cancellation process (invalidity) please see the Guidelines 'Part D': Section 1: Cancellation Proceedings https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/contentPdfs/law and_practice/trade_marks_practice_manual/WP_1_20_17/Part-D01-part_d_cancellation_section_1_proceedings/part_d_cancellation_section_1_proceedings_en.pdf 4.2.Trial/Appeal for cancellation of registered trademark not in use 4.2.Trial/Appeal for filling a non-use cancellation and proceedings for the proceedings on a papelication of the acceptance of IR. An application for revocation based on non-use may be filed only after five years from the publication of the acceptance of IR.	4.1 Tri	al/Appeal for invalidation		
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due to unfair use by owner of a trademark right or licensee				
of a trademark right or licensee				
licensee				
	4.4 Ot		al/appeal	
4.4.1 Other information relating				
to a trial/appeal				
4.5 Invalidation of the effects of an international registration in part or in whole	4.5 Inv			
	4.5.1	Where the effects of an	As soon as the decision is final.	
4 7 4 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	4.5.1	Where the effects of an	As soon as the decision is final.	

	international registration in	
	a designated Contracting	
	Party are cancelled in part	
	or in whole because of a	
	trial/appeal for invalidation	
	etc, the timing when a	
	notification of invalidation	
	per Rule 19 of the	
	Common Regulations will	
	be sent to the International	
	Bureau	
16 Tr		al registration into national or regional applications under Article 9quinquies of Madrid Protocol
4.6.1	Points to be noted for	Following the cancellation in whole or in part of an IR designating the EU at the request of the office of origin under Article 9quinquies Madrid
4.0.1	transformation	Protocol, the holder may file a 'direct' EUTM application for the same mark and the same goods and services as the cancelled mark.
	(If any)	This transformation may be filed within three months from the recordal by the IB of the cancellation at the request of the Office of origin. The fee
	· • • • • • • • • • • • • • • • • • • •	
	An amount of a fee if such	is the normal filing fee for a new EUTM application.
	a fee needs to be paid	If the EU designation under the cancelled IR had already been accepted by EUIPO when the cancellation occurs, the new EUTM resulting from
		the transformation will not be reexamined again nor will it be published for opposition purposes.
		The date of the original EU designation will not become the filing date of the new EUTM application, however it will be the date that determines
4.7. 4.1		the 'earlier right effect' of the EUTM for the purposes of inter partes proceedings (oppositions, cancellations), etc.
	ditional features	
4.7.1	(If any [ex. Conversion])	The option of conversion allows an EU designation through an IR to be converted into a national trade mark application, just like for a direct
		EUTM. Where the EU designation has been refused or ceases to have effect, it may be converted into national trademark applications in the EU
		Member States or designations of Member States party to the Madrid Protocol enjoying the date of designation of the EU or the date of priority, if
		any (Article 159 EUTMR).
	drid Protocol declarations	v.
5.1	Article 5(2)(b) of the	Yes
	Protocol (extension to 18	
	months of the refusal	
	period) (Yes/No)	
5.2	Article 5(2)(c) of the	No
	Protocol (possible	
	notification of refusals	
	based on an opposition	
	after the 18-month time	
	limit) (Yes/No)	
5.3	Article 8(7)(a) of the	Yes
	Protocol (individual fees)	
	(Yes/No)	
5.4	Article 9quater of the	No
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Protocol (Common Office of several Contracting States) (Yes/No) 5.5 Article 14(2)(d) of the Agreement (in respect of international registrations effected under the Agreement prior to the date of accession of the Contracting Party concerned, no subsequent designation) (Yes/No) 5.6 Article 14(5) of the Protocol (in respect of international registrations effected under the Protocol (in respect of international registrations effected under the Protocol prior to the date of accession of the Contracting Party concerned, no subsequent designation) (Yes/No) 5.7 Rule 7(2) of the Common Regulations (declaration of intention to use the mark) (Yes/No) 5.8 Rule 17(5)(d) of the Common Regulations (declaration of intention to use the mark) (Yes/No) 5.8 Rule 17(5)(d) of the Common Regulations (declaration of intention to use the mark) (Yes/No) 5.9 Rule 17(5)(c) of the Common Regulations concerning refusals) (Yes/No) 5.9 Rule 17(5)(c) of the Common Regulations (conoming refusals) (Yes/No)		T	
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	not open to review before	
	the Office) (Yes/No)	
5.10	Rule 20bis(6)(a) of the	No
	Common Regulations	
	(recording of licenses not	
	provided for in the	
	domestic law, so that the	
	recording of licenses in the	
	International Register has	
	no effect) (Yes/No)	
5.11	Rule $20bis(6)(b)$ of the	No
	Common Regulations	
	(recording of licenses	
	provided for in the	
	domestic law, but the	
	recording of licenses in the	
	International Register has	
	no effect) (Yes/No)	
5.12	Rule 34(2)(b) of the	No
	Common Regulations (the	
	Office accepts to collect	
	and forward fees to the	
	International Bureau)	
	(Yes/No)	
5.13	Rule 34(3)(a) of the	No
	Common Regulations	
	(individual fee payable in	
	two parts) (Yes/No)	