

INTERNATIONAL TRADEMARKS

Each country in the world handles trademarks differently and each country has its own unique filing system, filing fees and protections for trademarks. To obtain protection in countries besides the United States, a trademark holder can file its trademark country by country on an individual basis. Each country imposes filing fees and requires that a domestic attorney or agent be used to submit the application to its Trademark Office for registration. Country by country filing is expensive and requires full national examination under the laws of each country when you file.

Madrid Agreement. Due to the expense and long process of filing country by country, many countries entered into the Madrid Agreement (also called the Madrid Protocol) by which a trademark owner can file in its country of origin and use that filing as a "central application" in a filing at the World Intellectual Property Organization (WIPO) based in Geneva, Switzerland. On November 2, 2003, the United States officially became a party to the Madrid Protocol for the international registration of trademarks. The Madrid Protocol can allow for a simpler registration and a single renewal date across all member countries, as well as reduced renewal fees. Trademark owners can apply for registration under the Madrid Protocol in two ways: i) at the time of filing a domestic trademark application; or ii) with a separate filing based on a previously filed application or registration. In addition to U.S Registration fees (either \$275 or \$325 per class), the owner will need to pay the basic international registration fee (usually about \$500) and a fee (determined by each applicable country) to each country in which the trademark owner seeks protection. The applicant designates in which countries in the Madrid System it wishes to have coverage. The application is then examined under the national laws of each country so designated. One central WIPO filing, without the involvement of local agents or attorneys, results in international trademark registration. Currently there are 79 countries that are signatories to the Madrid Agreement. A few of the examples are: China, Japan, Singapore as well as most of Europe. A notable country that is not part of the Madrid Agreement is Canada.

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303-757-3800
info@brownlegal.com