

REGULATIONS UNDER THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

(as in force on February 1, 2023)

[...]

CHAPTER 2 INTERNATIONAL APPLICATIONS

[...]

Rule 9 Requirements Concerning the International Application

[...]

- (4) *[Contents of the International Application]*
- (a) The international application shall contain or indicate
- [...]
- (v) a representation of the mark, furnished in accordance with the Administrative Instructions, that shall be in color where color is claimed under item (vii),
- [...]
- (vii) where color is claimed as a distinctive feature of the mark in the basic application or basic registration, or where the applicant wishes to claim color as a distinctive feature of the mark and the mark contained in the basic application or basic registration is in color or is applied to be or is protected in color, an indication that color is claimed and an indication by words of the color or combination of colors claimed,
- [...]
- (5) *[Additional Contents of the International Application]*
- [...]
- (d) The international application shall contain a declaration by the Office of origin certifying
- [...]
- (v) that, if color is claimed as a distinctive feature of the mark in the basic application or the basic registration, or the mark in the basic application or the basic registration is applied to be or is protected in color, a color claim is included in the international application or that, if color is claimed as a distinctive feature of the mark in the international application without having being claimed in the basic application or basic registration, the mark in the basic application or basic registration is in fact in the color or combination of colors claimed, and

[...]

CHAPTER 3 INTERNATIONAL REGISTRATIONS

[...]

Rule 15 *Date of the International Registration*

- (1) *[Irregularities Affecting the Date of the International Registration]* Where the international application received by the International Bureau does not contain all of the following elements:

[...]

- (iii) a representation of the mark,

[...]

CHAPTER 4 FACTS IN CONTRACTING PARTIES AFFECTING INTERNATIONAL REGISTRATIONS

[...]

Rule 17 *Provisional Refusal*

[...]

- (2) *[Content of the Notification]* A notification of provisional refusal shall contain or indicate

[...]

- (v) where the grounds on which the provisional refusal is based relate to a mark which has been the subject of an application or registration and with which the mark that is the subject of the international registration appears to be in conflict, the filing date and number, the priority date (if any), the registration date and number (if available), the name and address of the owner, and a representation of the former mark or an indication of how to access that representation, together with the list of all or the relevant goods and services in the application or registration of the former mark, it being understood that the said list may be in the language of the said application or registration,

[...]

CHAPTER 7
GAZETTE AND DATA BASE

Rule 32
Gazette

(1) *[Information Concerning International Registrations]*
[...]

(b) The representation of the mark shall be published as it was furnished in the international application. Where the applicant has made the declaration referred to in Rule 9(4)(a)(vi), the publication shall indicate that fact.

(c) [Deleted]

[...]

SCHEDULE OF FEES
(as in force on February 1, 2023)

Schedule of Fees

Swiss francs

1. *[Deleted]*

2. *International application*

The following fees shall be payable and shall cover 10 years:

2.1. Basic fee (Article 8(2)(i) of the Protocol)*

2.1.1. where no representation of the mark is in color

653

2.1.2. where any representation of the mark is in color

903

[...]

* For international applications filed by applicants whose country of origin is a Least Developed Country, in accordance with the list established by the United Nations, the basic fee is reduced to 10 per cent of the prescribed amount (rounded to the nearest full figure). In such case, the basic fee will amount to 65 Swiss francs (where no representation of the mark is in color) or to 90 Swiss francs (where any representation of the mark is in color).