

## Regulations Under the Trademark Registration Treaty

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## Rule 1 Abbreviated Expressions

### 1.1 "Treaty"

In these Regulations, the word "Treaty" means the Trademark Registration Treaty.

### 1.2 "Chapter" and "Article"

In these Regulations, the words "Chapter" and "Article" refer to the specified Chapter or Article of the Treaty.

### 1.3 Associations

In these Regulations, references to legal entities where such references concern them in their capacity of applicants or owners of international registrations shall be construed as references also to associations referred to in Article 4(5).

### 1.4 "Gazette"

In these Regulations, the word "Gazette" means the official Gazette of the International Bureau referred to in Article 2(ix).

### 1.5 "Table of Fees"

In these Regulations, the words "Table of Fees" mean the table of fees annexed hereto.

## Rules Concerning Chapter I

### Rule 2

#### Representation Before the International Bureau

##### 2.1 Number of Duly Appointed Representatives

(a) The applicant and the owner of the international registration may appoint only one representative.

(b) Where several natural persons or legal entities have been indicated as representatives by the applicant or the owner of the international registration, the natural person or legal entity first mentioned in the document in which they are indicated shall be regarded as the only duly appointed representative.

(c) Where the representative is a partnership or firm composed of attorneys or patent or trademark agents, it shall be regarded as one representative.

##### 2.2 Form of Appointment

(a) A representative shall be regarded as a "duly appointed representative" if his appointment complies with the prescriptions of paragraphs (b) to (e).

(b) The appointment of any representative shall require:

(i) that his name appear as that of a representative in the international application and that such application bear the signature of the applicant, or

(ii) that a separate power of attorney (i. e., a document appointing the representative), signed by the applicant or the owner of the international registration, be filed with the International Bureau.

(c) Where there are several applicants or owners of the international registration, the document containing or constituting the appointment of their common representative shall be signed by all of them.

(d) Any document containing or constituting the appointment of a representative shall indicate his name and his address. Where the representative is a natural person, his name shall be indicated by his family name and given name(s), the family name being indicated before the given name(s). Where the representative is a legal entity or a partnership or firm of attorneys or patent or trademark agents, "name" shall mean the complete name of the legal entity or partnership or firm. The address of the representative shall be indicated in the same manner as that provided for in respect of the applicant in Rule 5.2(c).

(e) The document containing or constituting the appointment shall contain no words which, contrary to Article 26(2), would limit the powers of the representative, in particular by indicating a time limit or event after which the appointment would expire, by excluding certain matters

from the powers of the representative, or by specifying some only of the powers which any representative has under the said Article.

(f) Where the appointment does not comply with the requirements referred to in paragraphs (b) to (e), it shall be treated by the International Bureau as if it had not been made, and the applicant or the owner of the international registration as well as the natural person, the legal entity, the partnership or firm which was indicated as the representative in the purported appointment shall be informed of this fact by the International Bureau.

(g) The Administrative Instructions shall provide recommended wording for the appointment.

##### 2.3 Revocation or Renunciation of Appointment

(a) The appointment of any representative may be revoked at any time by the natural person who or legal entity which has appointed that representative. The revocation shall be effective even if only one of the natural persons who or legal entities which have appointed the representative revokes the appointment.

(b) Revocation shall require a written document signed by the natural person or the legal entity referred to in the preceding paragraph. It shall be effective, as far as the International Bureau is concerned, as from the date of the receipt of the said document by that Bureau.

(c) The appointment of a representative as provided in Rule 2.2 shall be regarded as the revocation of any earlier appointment of any other representative. The appointment shall preferably indicate the name of the other earlier appointed representative.

(d) Any representative may renounce his appointment through a notification signed by him and addressed to the International Bureau.

##### 2.4 General Powers of Attorney

The appointment of a representative in a separate power of attorney (i. e., a document appointing the representative) may be general in the sense that it relates to more than one international application and more than one international registration in respect of the same natural person or legal entity. The identification of such applications and registrations, as well as other details in respect of such general power of attorney and of its revocation or renunciation, shall be provided in the Administrative Instructions. The Administrative Instructions may provide for a fee payable in connection with the filing of general powers of attorney.

##### 2.5 Substitute Representative

(a) The appointment of the representative referred to in Rule 2.2(b) may indicate also one or more natural persons as substitute representatives.

(b) For the purposes of the second sentence of Article 26(2), substitute representatives shall be considered as representatives.

(c) The appointment of any substitute representative may be revoked at any time by the natural person who or legal entity which has appointed the representative or by the representative. Revocation shall require a written document signed by the said natural person, legal entity or representative. It shall be effective, as far as the International Bureau is concerned, as from the date of the receipt of the said document by that Bureau.

## Rule 3

### International Register of Marks

#### 3.1 Contents of the International Register

The International Register of Marks shall contain, in respect of each mark registered therein:

(i) all the indications that must or may be furnished under the Treaty or these Regulations, and that have in fact been furnished, to the International Bureau, and, where relevant, the date on which such indications were received by that Bureau,

(ii) the amount of all fees received and the date or dates on which they were received by the International Bureau,

(iii) the number and date of the international registration and the numbers, if any, and the dates of all recordings relating to that registration.

### 3.2 Keeping of the International Register

The Administrative Instructions shall regulate the establishment of the International Register of Marks, and, subject to the Treaty and these Regulations, shall specify the form in which it shall be kept and the procedure which the International Bureau shall follow for inscribing recordings therein and for preserving it from loss or other damage.

## Rule 4

### Applicant

#### 4.1 The Same Applicant for All Designated States

(a) The applicant shall be the same for the purposes of all the designated States.

(b) Where the international application, as filed, does not indicate the same applicant for the purposes of all the designated States, that application shall be treated as if only the State first mentioned therein, and any other State for the purposes of which the same applicant is indicated as for the said first-mentioned State, had been designated.

## Rule 5

### Mandatory Contents of the International Application

#### 5.1 Indication that the International Application Is Filed Under the Treaty

The indication referred to in Article 5(1)(a)(i) shall be worded as follows: "The undersigned requests that the mark herein reproduced be registered in the International Register of Marks established under the Trademark Registration Treaty"; or it shall consist of a statement to the same effect.

#### 5.2 Indications Concerning the Applicant

(a) The applicant's identity shall be indicated by his name. If the applicant is a natural person, his name shall be indicated by his family name and given name(s), the family name being indicated before the given name(s). If the applicant is a legal entity, its name shall be indicated by the full, official designation of the said entity.

(b) The applicant's residence and nationality shall be indicated by the name(s) of the State(s) of which he is a resident and of which he is a national.

(c) The applicant's address shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and shall, in any case, consist of all the relevant administrative units up to, and including, the house number, if any. Where the national law of the designated State does not require the indication of the house number, failure to indicate such number shall have no effect in that State. Any telegraphic and teletype address and telephone number that the applicant may have should preferably be indicated. For each applicant, only one address shall be indicated; if several addresses are indicated, only the one first mentioned in the international application shall be considered.

#### 5.3 Reproduction of the Mark; Color; Transliteration

(a) Where the mark consists only of letters of the Latin alphabet, Arabic or Roman numerals, and punctuation signs usual in connection with the Latin alphabet, and the applicant does not wish to claim any special graphic feature, the mark may be reproduced, for example by typing the letters, numerals and signs, on the sheet itself on which the international application appears. The use of small letters and capital letters shall be permitted, and shall be followed in the publications of the International Bureau.

(b) In cases other than that referred to above, the mark shall be reproduced on a sheet of paper of A4 size (29.7 cm × 21 cm), separate from the sheet on which the text of the international application appears, and shall be attached to the latter sheet. The reproduction of the mark itself on the separate sheet shall not occupy a space larger than 10 centimeters horizontally and 10 centimeters vertically. The reproduction of the mark on the separate sheet shall be of a quality admitting of direct reproduction by photography and printing processes. The separate sheet shall indicate the name and address of the applicant.

(c) Where color is claimed, the international application shall contain a statement to that effect and shall be accompanied by

(i) either a reproduction of the mark in color in one copy satisfying the requirements set forth in paragraph (b),

(ii) or a reproduction of the mark in color in the number of copies fixed in the Administrative Instructions and a reproduction of the mark in black and white in one copy containing a description of the colors in words and signs as specified in the Administrative Instructions, all copies satisfying the requirements set forth in paragraph (b).

(d) Where the mark or a certain part of it is three-dimensional, the international application and the separate sheet containing the reproduction of the three-dimensional feature shall contain an indication to that effect.

(e) Where the mark is intended to be used, or also to be used, as a sound mark, the international application and any separate sheet containing the reproduction of the mark shall contain an indication to that effect.

(f) Where the mark consists of or contains matter in script other than Latin script or numbers expressed in forms other than Arabic or Roman, the international application shall also contain a transliteration of such matter in Latin script and Arabic numerals; the transliteration shall follow the English pronunciation if the international application is in English, and the French pronunciation if it is in French. If the International Bureau finds that such transliteration is incorrect or is missing and it is equipped to effect itself the said transliteration, it shall do so. In the latter case, however, it shall notify the applicant of its transliteration and invite him to make comments on it within one month from the date of the notification, and shall not proceed with the international registration before the expiration of the said period of one month.

#### 5.4 List of Goods and/or Services

(a) Each of the groups of terms pertaining to the same class of the International Classification shall be preceded by an indication of the number of the class, and the various groups shall follow in the numerical order of the corresponding classes.

(b) If, in the list of goods and/or services contained in the international application as filed, the terms are not or not properly grouped as provided in Article 5(1)(a)(iv), the International Bureau shall, after having notified the applicant of its intention to do so and allowing him one month from the date of the notification to react to such notification, classify each term as required and constitute the required groups. If any of the terms does not permit classification in one class only of the International Classification, it shall be classified in each of the applicable classes.

(c) If the International Bureau finds that any term is incomprehensible, it shall notify the applicant of its finding and allow him one month from the date of the notification to submit either arguments to the effect that the term is comprehensible or a request that the incomprehensible term be deleted. If, on the basis of the said arguments or other considerations, the International Bureau finds that the term is comprehensible, it shall treat it according to its comprehended meaning. Otherwise it shall delete it *ex officio*.

(d) The list of goods and/or services shall be the same for the purposes of all States designated in the international application as filed or as limited under Article 7(4)(b). Where the international application as filed or as limited under Article 7(4)(b) indicates different goods and/or services in respect of different designated States, that application shall be treated as if only the State first mentioned therein, and any other States for the purposes of which the same list of goods and/or services is indicated as for the said first-mentioned State, had been designated.

#### 5.5 Identification of States

(a) Identification of any State shall consist in writing its name in the international application in a manner sufficiently clear for the purposes of identification.

(b) The identification of any designated State which is not a Contracting State shall be treated as if such State had not been identified.

### 5.6 Choice Between National and Regional Marks

(a) The availability of any choice referred to in Article 5(1)(a)(vi) shall be notified by the interested Contracting State to the International Bureau, and that Bureau shall publish a corresponding announcement.

(b) The choice referred to in Article 5(1)(a)(vi) shall be indicated by the words "national mark desired" or "regional mark desired," respectively, or by other words to that effect, appearing next to the name of the designated State to which the choice applies.

### 5.7 Collective Marks and Certification Marks

The indication referred to in Article 5(1)(a)(vii) shall consist of the words "collective mark desired" or "certification mark desired," respectively, or other words to that effect, appearing next to the name of the designated State to which the indication applies.

### 5.8 Application Filed Through the Intermediary of a National Office

(a) The indication referred to in Article 5(3)(b) shall be worded as follows:

"The ... (1) certifies that the present international application was filed with it on ... (2)."

(1) Indicate the name of the national Office. (2) Indicate the date.

(b) The national Office of any Contracting State whose national law provides that international applications of residents of that State may be filed through the intermediary of the national Office of the said State shall, at least once a week, send to the International Bureau a note containing the following indications concerning each of the international applications filed with it since the sending of the last such note:

- (i) the name of the applicant,
- (ii) a reproduction of the mark,
- (iii) the date on which the international application was filed with that Office,
- (iv) the date on which the international application was mailed to the International Bureau.

(c) The notes referred to in paragraph (b) shall be numbered consecutively.

(d) If the International Bureau does not receive any of the international applications listed in any note within 15 days from the date on which it received such note, it shall inform the national Office accordingly.

## Rule 6

### Optional Contents of the International Application

#### 6.1 Naming of a Representative

The international application may indicate a representative.

#### 6.2 Claiming of Priority

(a) The declaration referred to in Article 5(1)(b) shall consist of a statement to the effect that the priority of an earlier application is claimed and shall indicate:

(i) where the earlier application is an application filed for the registration of a mark in the register of marks of a given country, the country in which it was filed; where the earlier application is an international application filed under the Treaty, a State designated therein; where the earlier application is an application for a regional mark, the authority with which it was filed and a State for which it was filed;

(ii) the date on which the earlier application was filed;

(iii) the number allotted to the earlier application.

(b) If the declaration does not indicate the country or State, and the date, referred to in paragraph (a)(i) and (ii), the International Bureau shall treat the declaration as if it had not been made.

(c) If the application number referred to in paragraph (a)(iii) is not indicated in the declaration but is furnished by the applicant or the owner of the international registration to the International Bureau prior to the expiration of the 10<sup>th</sup> month from the filing date of the said application, it shall be considered to have been included in the declaration and shall be published by the International Bureau.

### 6.3 Declaration of Intent To Use the Mark

(a) Any declaration made under Article 19(4)(a) shall consist of the following statement:

"The undersigned applicant declares that he (it) intends to use the mark which is the subject of this international application himself (itself) and/or by and through persons whose use inures to his (its) benefit in commerce with and/or on the territory of ... (1) on and/or in connection with the goods and/or services listed in this international application."

(1) If the declaration relates to all the States designated in the international application, insert "each of the States designated in this application"; otherwise, indicate those of the States designated in respect of which the declaration is made.

(b) It shall depend on the national law of each designated State whether any declaration to the same effect as but worded differently than in paragraph (a) shall produce the effect provided for in Article 19(4)(a) in that State.

### 6.4 Declaration of Actual Use

In respect of any designated State, the following statement, signed by the applicant, may be made and attached to the international application:

"The undersigned applicant declares that the following mark ... (1) which is the subject of the international application to which this declaration is attached is now in use by and through ... (2) in commerce with and/or on the territory of ... (3) on or in connection with the following goods and/or services listed in respect of such State ... (4); that such use commenced on ... (5); and that the mode and manner in which the mark is used is:

- on labels or tags affixed to and/or containers for the goods, as evidenced by the attached specimen(s) or facsimile(s) (6);
- on displays which are associated with the goods, as evidenced by the attached specimen(s) or facsimile(s) (6);
- in the case of services, in advertising of such services, as evidenced by the attached specimen(s) or facsimile(s) (6);
- other (7)."

(1) Reproduce the mark. (2) Insert "the undersigned applicant" and/or, if applicable, the name and address of the person or persons whose use of the mark inures to the benefit of the applicant in the State. (3) Insert name of State. (4) Insert "all" or indicate the particular goods and/or services on or in connection with which the mark is used. (5) Insert the date of commencement of the continuing use of the mark, including, where different dates are applicable to different goods and/or services, the particular goods and/or services to which each such date relates. (6) The inclusion of specimens or facsimiles may be dispensed with where the declaration is made in respect of a State whose national law does not require that specimens or facsimiles be attached to routine declarations of actual use. (7) Recite sufficient facts in addition to, or in lieu of, checking one or more of the above boxes as to sales or advertising, or both, to show that the mark is in current use.

### 6.5 Declarations Under Articles 21(2) and 22(2)

(a) Any declaration under Article 21(2), where included in the international application, shall:

(i) specify the designated State or States in respect of which it is made,

(ii) contain the statement that the applicant owns a national registration or national registrations of the same mark in the said State or States,

(iii) indicate, in respect of each such national registration, its number.

(b) Any declaration under Article 22(2), where included in the international application, shall:

(i) specify the designated State or States in respect of which it is made,

(ii) contain the statement that the applicant owns a Madrid registration of the same mark in respect of the said State or States,

(iii) indicate the relevant registration number under the Madrid Agreement.

### 6.6 Option Under Article 11(3)

The indication referred to in Article 11(3) shall be effected by identifying the appropriate national register or the appropriate part of the

national register (for example, "Supplemental Register" or "Part B Register").

#### 6.7 Trade or Business of the Applicant

The applicant may indicate in the international application the trade or business in which he is engaged.

#### 6.8 Translation of the Mark

If the mark consists of or contains one or more words which can be translated into the language of the international application, that application may contain such translation.

### Rule 7 Languages

#### 7.1 Language of the International Application

The international application shall be in the English or in the French language.

#### 7.2 Language of the Request for Recording of Later Designations

The request for the recording of any later designation shall be in the same language as that in which the international application was filed.

#### 7.3 Language of Registrations, Recordings, Annotations and Communications

(a) Registrations, recordings and annotations by the International Bureau shall be in the same language as that in which the international application was filed.

(b) Any notification or other communication addressed by the International Bureau to the applicant or the owner of the international registration and any request, demand, declaration or other communication addressed by the applicant or the owner of the international registration to the International Bureau shall be in the same language as that in which the international application was filed.

(c) Notifications by the national Offices to the International Bureau, and letters or other written communications from the national Offices to the International Bureau, shall be in the English or in the French language, it being understood that copies of papers filed by a third party in the case of an opposition proceeding attached to any notice of possible refusal and any copy referred to in Rule 20.3(a)(iii) shall be in the language in which such papers or copy were filed with the national Office.

(d) Letters from the International Bureau to any national Office shall be in English or French according to the wish of the national Office; any matter in such letters quoted from the International Register of Marks shall be in the language in which such matter appears in that Register.

(e) Where the International Bureau is under the obligation to forward to the applicant or the owner of the international registration any of the communications referred to in paragraph (c), it shall forward them in the language in which it received them.

### Rule 8 Form of the International Application

#### 8.1 Printed Forms

(a) The international application shall be made on the printed form referred to in paragraph (b) or on a paper identical, for all practical purposes, with that form as to size, content and layout.

(b) The International Bureau shall furnish free of charge, on request, to prospective applicants, attorneys, patent or trademark agents, and to the national Offices, printed forms for international applications. Such forms shall be established in the English language, in the French language, and in both of those languages.

(c) The form shall be filled in preferably by typewriter and shall be easily legible.

#### 8.2 Copies; Signature

(a) Subject to Rule 5.3(c)(ii), the international application, including the reproduction of the mark and any attachments, shall be filed in one copy.

(b) The international application shall be signed by the applicant.

#### 8.3 No Additional Matter

(a) The international application shall not contain any matter, and shall not be accompanied by any document, other than those prescribed or permitted by the Treaty or these Regulations.

(b) If the international application contains matter other than that prescribed or permitted, the International Bureau shall delete it *ex officio*; and if the international application is accompanied by any document other than those prescribed or permitted, the International Bureau shall treat such document as if it had not been transmitted to it and shall return the said document to the applicant.

### Rule 9 Fees Payable With the Filing of the International Application

#### 9.1 International Application Fee and State Designation Fees

(a) The fees payable with the international application shall be:

(i) an "international application fee," and, where Rule 5.3(c)(i) applies, a color reproduction fee,

(ii) in respect of each designated State, the individual State designation fee or the standard State designation fee, as the case may be.

(b) The amounts of the international application fee, the color reproduction fee and the standard State designation fee are indicated in the Table of Fees.

(c) The amounts of the individual State designation fees concerning the various Contracting States shall be published by the International Bureau each year in the month of August. The amounts so published shall be applicable as the individual State designation fees from January 1 to December 31 of the year following the year in which they are published.

### Rule 10 Mandatory Contents of the Request for the Recording of Later Designations

#### 10.1 Indication that the Request is for the Recording of Later Designations

The indication referred to in Article 6(2)(a)(i) shall be worded as follows: "The undersigned applicant/owner of the international registration identified herein requests the recording in the International Register of Marks of the following later designations made under the Trademark Registration Treaty"; or it shall consist of a statement to the same effect.

#### 10.2 Indications Concerning the Applicant or the Owner of the International Registration

Rule 5.2 shall apply, *mutatis mutandis*, in the case of Article 6(2)(a)(ii).

#### 10.3 Identification of the International Application or International Registration

(a) The international application shall be identified by a copy of the same and, where it was filed direct with the International Bureau, the date on which it was filed with or mailed to the International Bureau or, where it was filed through the intermediary of a national Office, the name of that Office and the date on which it was received by or mailed to the said Office.

(b) The international registration shall be identified by its international registration number and date.

#### 10.4 Identification of the Later Designated States

Rule 5.5 shall apply, *mutatis mutandis*, in the case of Article 6(2)(a)(iv).

#### 10.5 Indication of the Choice Between National Mark and Regional Mark

The choice referred to in Article 6(2)(a)(v) shall be indicated by the words "national mark desired" or "regional mark desired," respectively, or by other words to that effect, appearing next to the name of the designated State to which the choice applies.

### 10.6 Collective Marks and Certification Marks

The indication referred to in Article 6(2)(a)(vi) shall consist of the words "collective mark desired" or "certification mark desired," respectively, or other words to that effect, appearing next to the name of the designated State to which the indication applies.

### 10.7 Requests Filed Through the Intermediary of a National Office

(a) The indication referred to in Article 6(3)(b) shall be worded as follows:

"The ... (1) certifies that the present request was filed with it on ... (2)."

(1) Indicate the name of the national Office. (2) Indicate the date.

(b) The national Office of any Contracting State whose national law provides that requests for the recording of later designations by residents of that State may be filed through the intermediary of the national Office of the said State shall, at least once a week, send to the International Bureau a note containing the following indications concerning each of the requests filed with it since the sending of the last such note:

(i) the name of the applicant or the owner of the international registration,

(ii) the international registration number and date to which the request refers or, where such number and date are not available, the reproduction of the mark, together with, where the international application was filed through the intermediary of the national Office, the date on which it was so received by such Office and the date on which it was mailed to the International Bureau or, where the international application was filed direct with the International Bureau, the date on which it was so filed or the date on which it was mailed to the International Bureau,

(iii) the date on which the request was filed with that Office,

(iv) the date on which the request was mailed to the International Bureau.

(c) The notes referred to in paragraph (b) shall be numbered consecutively. Where since the sending of the last note no requests have been filed with the national Office, the note shall state that fact.

(d) If the International Bureau does not receive any of the requests listed in any note within 15 days from the date on which it received such note, it shall inform the national Office accordingly.

## Rule 11

### Optional Contents of the Request for the Recording of Later Designations

#### 11.1 Claiming of Priority

Rule 6.2 shall apply also to the declaration referred to in Article 6(2)(b).

#### 11.2 Declaration of Intent To Use

(a) Any declaration made under Article 19(4)(a) shall consist of the following statement:

"The undersigned applicant/owner of the international registration declares that he (it) intends to use the mark which is the subject of the international application/international registration to which this request relates himself (itself) and/or by and through persons whose use inures to his (its) benefit in commerce with and/or on the territory of ... (1) on and/or in connection with the goods and/or services listed in this request."

(1) If the declaration relates to all the States designated in the request, insert "each of the States designated in this request"; otherwise, indicate those of the States designated in the request in respect of which the declaration is made.

(b) It shall depend on the national law of each designated State whether any declaration to the same effect as but worded differently than in paragraph (a) shall produce the effect provided for in Article 19(4)(a) in that State.

#### 11.3 Declaration of Actual Use

In respect of any State designated in the request for recording of later designations, a statement, signed by the applicant or the owner of the international registration and whose form shall be the same as that

appearing in Rule 6.4 or Rule 26.3, as the case may be, may be made and attached to the request.

#### 11.4 Declarations Under Articles 21(2) and 22(2)

Rule 6.5 shall apply, *mutatis mutandis*, to any declaration under Articles 21(2) or 22(2), where such declaration is included in the request for the recording of later designations.

#### 11.5 List of Goods and/or Services

The formal concept of limitation referred to in Article 6(2)(b), second sentence, is defined in Rule 24.2.

#### 11.6 Option Under Article 11(3)

The indication referred to in Article 11(3) shall be effected by identifying the appropriate national register or the appropriate part of the national register (for example, "Supplemental Register" or "Part B Register").

## Rule 12

### Form of the Request for the Recording of Later Designations

#### 12.1 Printed Forms

(a) The request for the recording of later designations shall be made on the printed form referred to in paragraph (b) or on a paper identical, for all practical purposes, with that form as to size, content and layout.

(b) The International Bureau shall furnish free of charge, on request, to applicants, owners of international registrations, attorneys, patent or trademark agents, and to the national Offices, printed forms for requests for the recording of later designations. Such forms shall be established in the English language, in the French language, and in both of those languages.

(c) The form shall be filled in preferably by typewriter and shall be easily legible.

#### 12.2 Copies; Signature

(a) The request for the recording of later designations and any attachments thereto shall be filed in one copy.

(b) The request shall be signed by the applicant or the owner of the international registration.

#### 12.3 No Additional Matter

Rule 8.3 shall also apply to requests for the recording of later designations.

## Rule 13

### Fees Payable With the Request for the Recording of Later Designations

#### 13.1 International Later Designation Fee and State Designation Fees

(a) The fees payable with the request for the recording of the later designation of any Contracting State shall be the following:

(i) an "international later designation fee," and, where Rule 5.3(c)(i) applies, a color reproduction fee,

(ii) in respect of each later designated State indicated in the request, the individual State designation fee or the standard State designation fee, as the case may be.

(b) The amounts of the international later designation fee, the standard State designation fee and the color reproduction fee are indicated in the Table of Fees.

## Rule 14

### Defects in the International Application

#### 14.1 Minimum Amount Under Article 7

The minimum amount referred to in Article 7(2)(a)(ix) and (3)(a)(i) shall be an amount equivalent to the amount of the international application fee referred to in Rule 9.1(a)(i).

#### 14.2 Notification, and Reimbursement of Certain Fees, Under Article 7(5)

(a) Where the International Bureau declines the international application, it shall notify the applicant accordingly and shall state the

grounds for declining. It shall reimburse to the applicant all fees received from him except an amount equivalent to the international application fee referred to in Rule 9.1(a)(i).

(b) Where the International Bureau declines to record a State as a designated State either on the ground referred to in Article 7(3)(b) or on the ground that the said State is not a Contracting State, it shall reimburse to the applicant any fee received from him in respect of the attempted designation of that State.

#### 14.3 Notification of the National Office

Where the international application is treated as provided for in Article 7(6), the International Bureau shall inform accordingly the national Office through the intermediary of which the application was filed.

### Rule 15

#### Defects in the Request for the Recording of Later Designations

##### 15.1 Application of Rule 14

Rule 14 shall apply, *mutatis mutandis*, in respect of Article 8, provided that the amount referred to in Rules 14.1 and 14.2(a) shall be an amount equivalent to the amount of the international later designation fee referred to in Rule 13.1(a)(i).

### Rule 16

#### Procedure Where Avoiding the Effects of Declining Is Sought

##### 16.1 Recording and Publication Under Article 9(3)

(a) The fact of having received a copy of a petition under Article 9(1)(i) shall, where the petition relates to a mark which is already registered in the International Register of Marks, be recorded by recording the subject of the petition, the name of the national Office to which it appears to be addressed, and the date on which the said copy was received.

(b) The publication under Article 9(3) shall contain the international registration number of the mark, the name of the State to whose national Office the petition appears to have been addressed, and the date on which the copy of the petition was received by the International Bureau.

##### 16.2 Information Available to National Offices

On the request of the applicant or the owner of the international registration, or of the interested national Office, the International Bureau shall send to that Office a copy of the file of the declined international application or declined request for the recording of later designations, together with a memorandum setting out the grounds for and the various steps leading to the declining of the said application or request.

##### 16.3 Information Furnished by the National Office

Any request by a national Office referred to in Article 9(2)(i) shall indicate the grounds on which it is based.

### Rule 17

#### Certificates

##### 17.1 Certificates of International Registration and Certificates of Recording of Later Designations

(a) The certificates referred to in Articles 7(1) and 8(1) shall be issued in the name of the International Bureau and shall be signed by the Director General or an officer of the International Bureau authorized to do so by the Director General.

(b) Any such certificate shall consist of a facsimile of the publication of the international registration or of the publication of the recording of the later designations, as the case may be, and a statement to the effect that the said registration or recording reproduced in the certificate has been effected in the International Register of Marks.

(c) The certificate shall be promptly sent to the owner of the international registration.

### Rule 18

#### Publication of International Registrations and Recordings of Later Designations

##### 18.1 Contents of Publication of International Registrations

(a) The publication of any international registration shall contain:

(i) the name and address of the owner of the international registration, together with any indication of his trade or business and, if he bases his right to file international applications on his residence in, or his nationality of, a State other than that in which he has his address, the name of the State of his residence or nationality, as the case may be,

(ii) the reproduction of the mark, together with any indication under Rule 5.3(d) or (e) and any transliteration and translation; where color is claimed, the reproduction shall be in color if Rule 5.3(c)(i) applies, and it shall be in black and white and shall be accompanied by a description of the colors in words and signs if Rule 5.3(c)(ii) applies,

(iii) the list of goods and/or services,

(iv) the names of the designated States and, where applicable, after the name of each such State, an indication concerning the choice referred to in Rule 5.6 and the indication referred to in Rule 5.7,

(v) the international registration date,

(vi) the international registration number,

(vii) where the priority of one or more earlier applications is claimed, the date of filing and the number (if available) of such applications, the name of the country or countries in which or for which they were filed, and, where applicable, an indication that the application was filed under the Treaty or, where it was for a regional mark, an indication of the authority with which it was filed,

(viii) any indication under Article 11(3),

(ix) any declaration under Articles 21(2) and 22(2),

(x) the particulars concerning the representative; as provided in Rule 39.2(a).

(b) Where, in respect of any designated State, the international registration is effected pursuant to Article 9(2)(i), this fact shall be indicated in the publication.

(c) The Administrative Instructions shall provide for the composition and allocation of international registration numbers.

##### 18.2 Contents of Publication of Recordings of Later Designations

(a) The publication of any recording of a later designation shall contain:

(i) *mutatis mutandis*, the same elements as those referred to in Rule 18.1(a),

(ii) the international later designation number,

(iii) the date of the recording of the later designation.

(b) Where the recording of any later designation is effected pursuant to Article 9(2)(i), this fact shall be indicated in the publication.

(c) The Administrative Instructions shall provide for the composition and allocation of international later designation numbers.

(d) Where the recording of any later designation was effected sufficiently prior to the date of publication of the international registration to be practical to do so, the publication of the recording of the later designation shall be consolidated with the publication of the international registration.

### Rule 19

#### Notification of International Registrations and Recordings of Later Designations

##### 19.1 Form of Notification

The notification referred to in Article 10(2) shall be effected separately for each national Office and shall consist of:

(i) a list of the international registration numbers and the international later designation numbers of the international registrations and recordings of later designations in which the State of the said Office has been designated,

(ii) reprints made of the publication by the International Bureau of each international registration and of each recording of later designations referred to in the said list,



(iii) a copy of the international application or the request for the recording of later designations if it contains a declaration made under Article 19(4)(a),

(iv) a copy of any declaration made under Rules 6.4 or 11.3,

(v) where Rule 5.3(c)(ii) applies, the reproduction in color of the mark in the number of copies specified in the Administrative Instructions, provided that such Instructions shall enable each national Office to require at least six copies.

#### 19.2 Time of Notification

The notification shall be effected on the same day as that on which the issue of the Gazette is published that contains the matter from which the reprints referred to in Rule 19.1(ii) are made.

### Rule 20

#### Refusals; Notices of Possible Refusal

##### 20.1 Notifying the International Bureau; Grounds

(a) Any notification under Article 12(2)(a) shall be sent in one copy, preferably on a form furnished free of charge by the International Bureau to the national Office of each Contracting State. The notification shall, in any case, contain:

(i) the international registration number of the international registration, or the international later designation number of the later designation, as the case may be, to which the refusal or the notice of possible refusal relates,

(ii) the name of the owner of the international registration,

(iii) an indication of the mark in the cases and the manner provided for in paragraph (b),

(iv) an indication as to whether the notification is that of a refusal or of a notice of possible refusal,

(v) where it relates to some only of the goods and/or services listed, identification of those to which it relates,

(vi) the grounds referred to in Article 12(2)(a)(ii) and (iii), together with a reproduction of any mark cited in the notification and not reproduced therein and a copy of the list of goods and/or services (in the original language) pertaining to such mark, and, when the notice of possible refusal specifies the grounds by reference to the opposition of a third party, a copy of any document filed by the opposing party in which the said grounds are specified, together with a reproduction of any mark cited in the said document and not reproduced therein and a copy of the list of goods and/or services pertaining to such mark; where the grounds specified by the national Office in the notice of possible refusal do not include the grounds or some of the grounds invoked in the document filed by the opposing party and transmitted together with the said notice by the national Office, all the grounds contained in the said document shall be considered as having been specified by the national Office,

(vii) an indication as to whether any remedy is available, and if so with which authority it has to be sought and within what time limit.

(b) The cases and the manner referred to in paragraph (a)(iii) and in Rules 21.1(a)(ii) and 28.1(c)(ii) shall be as follows:

(i) where the mark consists of letters of the Latin alphabet, Arabic or Roman numerals, and punctuation signs usual in connection with the Latin alphabet, without any special graphic features and without also containing figurative elements, the indication shall consist of the letters, numerals and signs,

(ii) where item (i), above, does not apply, the indication shall consist of a reproduction of the mark.

(c) The form referred to in paragraph (a) shall be prepared separately for each Contracting State, in collaboration with its national Office. It shall list the more common of the grounds for refusal with a reference to the pertinent provisions of the national law so that, wherever possible, such grounds may be specified by marking the applicable items of the list. The form shall contain a space reserved for specifying any other grounds and for other possible indications.

##### 20.2 Notifying the Owner of the International Registration; Publication

(a) The notification, under Article 31, of the recording effected under Article 12(4)(a) shall be sent to the owner of the international

registration promptly after the receipt of the notification referred to in Article 12(2)(a); it shall indicate the date on which the notification made under Article 12(2)(a) was received by the International Bureau and shall include a copy thereof.

(b) The publication of the recording effected under Article 12(4)(a) shall be effected promptly and shall contain:

(i) the international registration number of the international registration, or the international later designation number of the later designation, as the case may be, to which the refusal or the notice of possible refusal relates, and the name of the owner of the international registration,

(ii) the name of the State whose national Office transmitted the notification,

(iii) a statement to the effect that a notification under Article 12(2)(a) was received.

##### 20.3 Notification and Recording of Final Decisions of Refusal; Cancellation of the Designation, and Publication of the Cancellation

(a) The notification by the national Office under Article 12(4)(b) shall be effected promptly after the date on which the decision of refusal becomes final and shall contain:

(i) an indication that it relates to a final decision of refusal,

(ii) the indications referred to in Rule 20.1(a)(i),

(iii) where the decision is that of a court, a copy of the final decision, or, where the decision is not that of a court, the grounds given in the final decision, preferably in the same manner as that indicated in Rule 20.1(c),

(iv) where the notification relates to some only of the goods and/or services listed, identification of those to which it relates,

(v) the name of the authority which pronounced the decision, the number, if any, and the date of such decision,

(vi) the date on which the decision became final.

(b) The notification by the International Bureau under Article 12(4)(b) shall be effected as soon as possible and shall include a copy of the notification referred to in paragraph (a), as well as the name of the State whose authorities have pronounced the final decision and an indication of the date of the receipt of such notification by the International Bureau.

(c) The details of the recording referred to in Article 12(4)(b) shall be provided in the Administrative Instructions.

(d) The publication referred to in Article 12(4)(b) shall be effected promptly and shall consist of the indications contained in the notification referred to in paragraph (a)(i) and (iv) to (vi), above, as well as the name of the State whose authorities have pronounced the final decision and the name of the owner of the international registration.

##### 20.4 Notification and Publication Where Final Decision Results in Acceptance of the Effect Provided for in Article 11(2)

(a) The notification under Article 12(4)(c) shall be effected promptly after the final disposal of the case and shall consist of a statement to the effect that the notice of possible refusal or the refusal is withdrawn, the indications referred to in Rule 20.1(a)(i), the number, if any, and the date of the decision, and the date on which the decision became final.

(b) The publication referred to in Article 12(4)(c) shall be effected promptly and shall consist of the elements referred to in paragraph (a), as well as the name of the State whose authorities have pronounced the final decision and the name of the owner of the international registration.

##### 20.5 Belated Notifications

If any notification referred to in Article 12(2)(a) is received by the International Bureau after the expiration of the time limit fixed in that provision, the International Bureau shall inform accordingly the national Office which effected the notification, treat such notification as if it had not been effected, inform the owner of the international registration that the notification it received is belated, and send to the owner a copy thereof.

## Rule 21

### Final Decisions of Cancellation

#### 21.1 Notification and Recording of Final Decisions of Cancellation;

##### Cancellation of the Designation, and Publication of the Cancellation

(a) The notification referred to in Article 13(3) shall be effected promptly after the date on which the decision of cancellation becomes final and shall contain:

(i) the international registration number of the international registration, or the international later designation number of the later designation, as the case may be, to which the final decision of cancellation relates,

(ii) an indication of the mark in the cases and the manner provided for in Rule 20.1(b),

(iii) where the final decision relates to some only of the goods and/or services listed, identification of those to which it relates,

(iv) the name of the authority which pronounced the final decision,

(v) the number, if any, and the date of such decision,

(vi) the date on which the decision became final.

(b) The details of the recording referred to in Article 13(3) shall be provided in the Administrative Instructions.

(c) The publication referred to in Article 13(3) shall be effected promptly and shall consist of the indications contained in the notification referred to in paragraph (a), as well as the name of the State whose authorities have pronounced the final decision of cancellation and the name of the owner of the international registration.

## Rule 22

### Changes in Ownership

#### 22.1 Request for Recording of Change in Ownership

(a) The indication referred to in Article 14(1)(b)(i) shall preferably be worded as follows: "The undersigned requests that the following change in ownership concerning the international registration identified herein be recorded."

(b) Rule 5.2 shall apply, *mutatis mutandis*, to the indications concerning the new owner referred to in Article 14(1)(b)(iii).

(c) The designated States referred to in Article 14(1)(b)(iv) shall be identified by their names in a manner sufficiently clear for the purpose, provided that, where the request relates to all the States designated in the existing international registration, they may be identified by a statement to that effect.

(d) The goods and/or services referred to in Article 14(1)(b)(iv) shall be identified as follows:

(i) where the request relates to all of the designated States and all of the goods and/or services listed in respect of each of those States, by a statement to that effect,

(ii) where the request relates to all of the designated States and the list of goods and/or services, while being the same for each, is more limited than in the international registration, by a new list and by a statement to the effect that it applies to all of the designated States,

(iii) in all other cases, in respect of those States for which the list of goods and/or services is the same as in the existing international registration, by a statement to that effect, and, in respect of those States for which the list of goods and/or services is more limited than the list of goods and/or services in the existing international registration, by a new list.

(e) The attestation referred to in Article 14(1)(c) shall be worded as follows:

"According to evidence produced before this Office, . . . (1) appears to be the successor in title of . . . (2) to the extent described in the present request, and the conditions referred to in Article 14(1)(c) of the Trademark Registration Treaty appear to be fulfilled. This attestation is given for the sole purpose of allowing the change of ownership to be recorded in the International Register of Marks."

(1) Insert the name of the new owner. (2) Insert the name of the earlier owner.

(f) The attestation shall be dated and shall bear the stamp or seal of the national Office and the signature of an official thereof.

(g) The amount of the fee referred to in Article 14(1)(d) is indicated in the Table of Fees.

(h) The request may contain an indication of the trade or business in which the new owner is engaged.

#### 22.2 Publication Where the Change in Ownership is Total

(a) Where the change in ownership concerns all the designated States and all the goods and/or services, the publication referred to in Article 14(1)(d) shall contain:

(i) an indication that the change in ownership concerns all the designated States and all the goods and/or services,

(ii) the name and address of the new owner together with the indication, if any was given by him, of his trade or business and, if he hases his right to own international registrations on his residence in, or his nationality of, a State other than that in which he has his address, the name of the State of his residence or nationality, as the case may be,

(iii) the name of the earlier owner,

(iv) the date on which the International Bureau received the request,

(v) a reference to all the prior publications concerning the international registration except those which have been superseded by later publications in respect of that registration.

(b) The publication shall be effected under the number of the international registration, and, where applicable, the numbers of later designations to which it refers, followed by such further indications as the Administrative Instructions shall provide.

#### 22.3 Publication Where the Change in Ownership is Partial

(a) Where the change in ownership concerns fewer than all of the designated States and/or some only of the goods and/or services, the publication referred to in Article 14(1)(d) shall contain two parts, one concerning the new owner, the other the earlier owner.

(b) The part concerning the new owner shall contain:

(i) an indication that the publication is effected pursuant to a request for the recording of a change in ownership,

(ii) the date on which the International Bureau received the request,

(iii) the number under which the part concerning the earlier owner is published,

(iv) the name and address of the new owner together with the indication, if any was given by him, of his trade or business and, if he hases his right to own international registrations on his residence in, or his nationality of, a State other than that in which he has his address, the name of the State of his residence or nationality, as the case may be,

(v) all the indications which, prior to the date referred to in item (ii), were published in respect of the international registration and which have not been superseded by later publications in respect of that registration, except those indications which solely concern designated States and goods and/or services in respect of which ownership is retained by the earlier owner.

(c) The part concerning the earlier owner shall contain:

(i) an indication that the publication concerns an existing international registration and contains those elements of that registration which, after the recording of the change in ownership concerning that registration, continue to concern the earlier owner,

(ii) the number under which the part concerning the new owner is published,

(iii) the date on which the International Bureau received the request,

(iv) all the indications which, prior to the date referred to in item (iii), were published in respect of the international registration and have not been superseded by later publications in respect of that registration, except those indications which, because of the change in ownership, no longer concern the earlier owner.

(d) Each part shall have a number and possibly also an appropriately worded heading. The Administrative Instructions shall provide the details of such numbers and headings.

#### 22.4 Notification of Recording of Changes

(a) The notifications referred to in Article 14(1)(d) shall be effected by sending reprints of the publication referred to in Rules 22.2 and 22.3.

(b) The transmittal to designated Offices of the reprints referred to in paragraph (a) shall be accompanied by a list of the numbers referred to in Rules 22.2(b) and 22.3(d) relating to recordings concerning the designated State to which the list is addressed. Rule 19.2 shall apply, *mutatis mutandis*.

#### 22.5 Notification of Declining of the Recording

The notification referred to in Article 14(2)(a) shall be effected by letter. The letter shall state the grounds for declining.

#### 22.6 Denial

(a) The notification by the national Office referred to in Article 14(4)(c) shall:

- (i) refer to the fact of the denial,
- (ii) identify the authority that pronounced the denial and the date on which it was pronounced,
- (iii) indicate the relevant number or numbers referred to in Rule 22.2(b) and 22.3(d),
- (iv) contain a brief indication of the grounds for the denial.

(b) The recording and the publication referred to in Article 14(4)(c) shall contain:

- (i) the elements referred to in paragraph (a),
- (ii) the date on which the International Bureau received the notification referred to in paragraph (a),
- (iii) a reference to the publication of the recording effected under Article 14(1)(d).

(c) The notification by the International Bureau referred to in Article 14(4)(c) shall be sent to the earlier and the new owners and to the national Office which notified the denial.

### Rule 23

#### Changes in the Name of the Owner of the International Registration

##### 23.1 Request for Recording of Change in the Name

(a) The indication and declaration referred to in Article 15(2)(b)(i) and (ii) shall preferably be worded as follows: "The undersigned requests that the following change in the name of the owner of the international registration(s) identified herein be recorded. He declares that this change in his name does not amount to change in ownership."

(b) Rule 5.2(a) shall apply, *mutatis mutandis*, to the indication of both the former and the new names of the owner of the international registration.

(c) The amount of the fee referred to in Article 15(2)(d) is indicated in the Table of Fees.

##### 23.2 Publication

(a) The publication referred to in Article 15(3) shall contain:

- (i) an indication to the effect that it concerns a change in the name of the owner of the international registration,
- (ii) the former name of the owner,
- (iii) the new name of the owner,
- (iv) the international registration number of the international registration in respect of which the recording has been effected,
- (v) the date on which the International Bureau received the request,

(vi) a reference to all the prior publications concerning the international registration except those which have been superseded by later publication in respect of the international registration concerned.

(b) The publication shall be effected under the number of the international registration, and, where applicable, the numbers of later designations to which it refers, followed by such further indications as the Administrative Instructions shall provide.

#### 23.3 Notification of Recording

(a) The notifications referred to in Article 15(3) shall be effected by sending reprints of the publication referred to in Rule 23.2.

(b) The transmittal to designated Offices of the reprints referred to in paragraph (a) shall be accompanied by a list of the numbers referred to in Rule 23.2(b) relating to recordings concerning the designated State to whose national Office the list is addressed. Rule 19.2 shall apply, *mutatis mutandis*.

#### 23.4 Notification of Declining of the Recording

The notification referred to in Article 15(4) shall be effected by letter. The letter shall state the grounds for declining.

#### 23.5 Denial

(a) The notification by the national Office referred to in Article 15(6)(b) shall:

- (i) refer to the fact of the denial,
- (ii) identify the authority which pronounced the denial and the date on which it was pronounced,
- (iii) indicate the relevant number or numbers referred to in Rule 23.2(b),
- (iv) contain a brief indication of the grounds for the denial.

(b) The recording and the publication referred to in Article 15(6)(b) shall contain:

- (i) the elements referred to in paragraph (a),
- (ii) the date on which the International Bureau received the notification referred to in paragraph (a),
- (iii) a reference to the publication of the recording effected under Article 15(3).

(c) The notification by the International Bureau referred to in Article 15(6)(b) shall be sent to the owner of the international registration and to the national Office which notified the denial.

### Rule 24

#### Recording of Limitations of the List of Goods and/or Services

##### 24.1 Request for Recording of Limitation of the List

(a) The request for recording referred to in Article 16(1) shall indicate its purpose and contain:

- (i) the name of the owner of the international registration,
- (ii) the international registration number,
- (iii) the desired limitation of the list of goods and/or services,
- (iv) where the request relates to fewer than all the designated States, identification of those States to which it relates,

(v) where the request relates to one only of the designated States and, while not conforming with the formal concept of limitation as defined in Rule 24.2(a) and (b), it conforms with a decision of the national Office or other competent authority of such State concerning the international registration, a copy of such decision and, if the decision is in a language other than English or French, a translation of such decision.

(b) The request shall be signed by the owner of the international registration.

(c) The amount of the fee referred to in Article 16(2) is indicated in the Table of Fees.

(d) Where any term which is the subject of the request appears under more than one class of the International Classification and the request does not identify the class or classes to which it relates, such request shall be treated as if it related to the term under each of the classes under which it appears.

##### 24.2 Formal Concept of Limitation

(a) Subject to paragraph (c), any request under Article 16(1) shall be regarded as conforming with the formal concept of limitation if it is presented in any of the following forms:

- (i) it asks for the deletion of one or more terms in the list of goods and/or services,
- (ii) it asks for the insertion of one or more words, linked to the existing term by words (such as "except") which, from the point of view

of syntax, make it clear that the inserted word or words are meant to be excluded from the existing term (for example, *milk products* (existing term) *except* (linking word) *condensed milk* (inserted words)),

(iii) it asks for the insertion of one or more words linked to the existing term by words (such as "provided that") which, from the point of view of syntax, make it clear that the inserted words are covered by the existing term (for example, *pineapples* (inserted word) *provided that they are* (linking words) *canned fruits* (existing term)).

(b) Unless the limitation is presented in one of the forms described in paragraph (a), it shall not, subject to paragraph (c), be regarded as conforming with the formal concept of limitation, however clear it may be that, in the ordinary sense of the word, there is a limitation (for example, replacing the term "milk products" by "condensed milk").

(c) For the purposes of Rule 24.1(a)(v), any change in the list of goods and/or services decided upon by the national Office or other competent authority concerned shall be deemed to conform with the formal concept of limitation.

#### 24.3 Recording, Publication, and Notification, of Limitation of the List

(a) If the request complies with the prescribed requirements, the International Bureau shall record the indications referred to in Rule 24.1(a)(i) to (iv) and the date on which the request was received.

(b) Where the request is based on a decision referred to in Rule 24.1(a)(v), this fact, together with the following particulars, shall also be recorded:

- (i) the name of the authority which pronounced the decision,
- (ii) the number, if any, and the date of such decision.

(c) The publication and the notification referred to in Article 16(2) shall contain the indications referred to in Rule 24.1(a)(i) to (iv), the indications referred to in paragraph (b) and the date of the recording.

#### 24.4 Declining the Recording of Limitation of the List

If the request does not comply with the prescribed requirements, the International Bureau shall decline the recording of the limitation and shall notify the owner of the international registration accordingly. The notification shall include the grounds for declining.

#### 24.5 Invitation To Record Limitation of the List; Recording, Publication and Notification

(a) The invitation by the national Office referred to in Article 16(5)(a) or (b) shall:

- (i) indicate the relevant international registration number and date,
- (ii) indicate the name of the owner of the international registration,
- (iii) refer to the declining of the request of the owner or to the recording of the limitation by the International Bureau, as the case may be,
- (iv) indicate the finding of the national Office or other competent authority together with a brief indication of its grounds,
- (v) where the finding is contained in a decision, identify the authority which pronounced the decision and the date on which it was pronounced,
- (vi) where, under Article 16(5)(b), the limitation is found to be a limitation only in part, specify the extent to which it is found to be a limitation.

(b) The recording and the publication referred to in Article 16(5)(c) shall contain:

- (i) the elements referred to in paragraph (a),
- (ii) the date on which the International Bureau received the invitation referred to in paragraph (a),
- (iii) a reference to the publication of the recording, if any, effected under Article 16(1).

(c) The notifications by the International Bureau referred to in Article 16(5)(c) shall be sent to the national Office which sent the invitation.

## Rule 25 Renewal

### 25.1 Reminder by the International Bureau

The International Bureau shall send a letter to the owner of the international registration before the expiration of the term, initial or renewal (as the case may be), which is in effect, reminding him that such term is about to expire. Further details concerning the contents of the reminder shall be provided in the Administrative Instructions. The reminder shall be sent at least 6 months before the expiration date. Failure to send or receive the reminder, or the fact of sending or receiving it outside the said period, or any error in the reminder, shall not affect the expiration date.

### 25.2 Demand for Renewal

(a) Any demand for renewal may exclude any of the designated States.

(b) Any demand for renewal may exclude in respect of any of the designated States all the goods and/or services appearing in the international registration under a given class or under given classes of the International Classification.

(c) The demand for renewal referred to in Article 17(3)(a) shall preferably be made on a printed form furnished free of charge by the International Bureau together with the reminder referred to in Rule 25.1. The demand shall, in any case, indicate its purpose and contain:

- (i) the name and address of the owner of the international registration,
- (ii) the international registration number,
- (iii) where the demand contains any exclusion under paragraph (a) or (b), the identification of the State or States and/or the class or classes referred to in paragraph (b).

(d) Where the demand contains any exclusion under paragraph (a) or (b), it shall be signed by the owner of the international registration.

(e) The demand for renewal shall not be combined with any other request; in particular, it shall not contain a request for recording a later designation, a request for recording a change in ownership, or, subject to paragraph (b), a request for recording a limitation in the list of goods and/or services.

(f) Rule 8.3 shall also apply to demands for renewal, provided that any declaration under Article 19(3)(d) may be filed at the same time as the demand for renewal.

### 25.3 International Renewal Fee and State Renewal Fees

(a) The fees payable under Article 17(3)(a) shall be the following:

- (i) an "international renewal fee," and, where Rule 5.3(c)(i) applies, a color reproduction fee, as well as, where applicable, the "renewal surcharge" referred to in Article 17(3)(a),
- (ii) in respect of each designated State to which the demand relates, the individual State renewal fee or the standard State renewal fee, as the case may be.

(b) The amounts of the international renewal fee, the color reproduction fee, the renewal surcharge and the standard State renewal fee are indicated in the Table of Fees.

(c) The amounts of the individual State renewal fees concerning the various Contracting States shall be published by the International Bureau each year in the month of August. The amounts so published shall be applicable as the individual State renewal fees from January 1 to December 31 of the year following the year in which they are published.

### 25.4 Imperfect Demands

(a) Where, within the time limits fixed in Article 17(3)(a), the International Bureau receives:

- (i) a demand which does not conform with the requirements of Rule 25.2, or
- (ii) a demand but no payment or insufficient payment to cover the renewal fees and any surcharge that is due, or
- (iii) money which appears to be intended to cover fees connected with renewal but no demand,

it shall, whenever practicable, promptly invite the owner of the international registration to present a correct demand, to pay or complete the renewal fees and any surcharge that is due, or to present a demand, as the case may be. The invitation shall indicate the applicable time limits.

(b) Failure to send or receive the invitation referred to in paragraph (a), or any delay in dispatching or receiving such invitation, or any error in the invitation, shall not prolong the time limits fixed in Article 17(3)(a).

#### 25.5 Recording, Publication, and Notification

(a) Where the demand is presented and the fees are paid as prescribed, the International Bureau shall record the renewal and shall publish the elements, as specified in paragraph (b), of the international registration as it stands on the first day of the term of renewal, together with an indication both of the fact that the publication is that of a renewal and of the date on which the renewal shall expire.

(b) The elements referred to in paragraph (a) shall be the following:

(i) the name and address of the owner of the international registration, together with the indication, if any was given by him, of his trade or business and, if he bases his right to own international registrations on his residence in, or his nationality of, a State other than that in which he has his address, the name of the State of his residence or nationality, as the case may be,

(ii) the reproduction of the mark, together with any indication under Rule 5.3(d) or (e) and any transliteration and translation; where color is claimed, the reproduction shall be in color if Rule 5.3(c)(i) applies, and it shall be in black and white and shall be accompanied by a description of the colors in words and signs if Rule 5.3(c)(ii) applies.

(iii) the list of goods and/or services, provided that, where the list of goods and/or services differs in respect of different designated States, the publication shall contain appropriate indications in order to show which goods and/or services relate to which designated State,

(iv) the names of the designated States and, where applicable, after the name of each such State, an indication concerning the choice referred to in Rule 5.6 and the indication referred to in Rule 5.7,

(v) where, in respect of any designated State, a refusal or notice of possible refusal was notified and no final decision resulting in the cancellation of the designation or in the acceptance of the effect referred to in Article 11(2) has been notified, an indication that a refusal or notice of possible refusal was notified, together with the date of the receipt by the International Bureau of the notification of the refusal or notice of possible refusal,

(vi) the international registration number,

(vii) any international later designation number,

(viii) where the priority of one or more earlier applications was claimed, a statement that such claim has been made,

(ix) a reference to any indication under Article 11(3),

(x) a reference to any declaration under Articles 21(2) and 22(2),

(xi) particulars concerning the representative, as provided in Rule 39.2(a).

(c) Any indication which, at some time prior to the first day of the term of renewal, has been part of the international registration but which, before that day, has been cancelled or superseded shall not be included in the publication referred to in paragraph (a).

(d) The notification under Article 31 shall be effected by sending to the owner of the international registration a reprint of the publication of the renewal referred to in paragraph (a).

(e) The International Bureau shall notify each designated Office of the renewal by sending it:

(i) a reprint of the publication referred to in paragraph (a), and

(ii) where Rule 5.3(c)(ii) applies, the reproduction of the mark in the number of copies specified in the Administrative Instructions, provided that such Instructions shall enable each national Office to require at least six copies.

#### 25.6 Declining the Demand

(a) Where the time limits fixed in Article 17(3)(a) are not respected or where the demand does not conform with the requirements of Rule 25.2 or the fees (including, where applicable, any surcharge) are not paid as

prescribed, the International Bureau shall decline the demand and shall notify the owner of the international registration by letter. The letter shall state the grounds for declining.

(b) The International Bureau shall not decline any demand before the expiration of 6 months after the starting date of the term of renewal.

#### 25.7 Reimbursement of Certain Fees

Where, under Rule 25.6(a), the International Bureau declines the demand, it shall reimburse to the owner of the international registration all fees received from him except an amount equivalent to the international renewal fee referred to in Rule 25.3(a)(i).

#### 25.8 Recording of Lack of Demand

Where, by the expiration of 6 months after the starting date of the term of renewal, no demand for renewal is presented to the International Bureau in respect of any or all of the designated States, such fact shall be recorded by the International Bureau.

#### 25.9 Publication of Lists of International Registrations Not Renewed

The International Bureau shall publish, at intervals specified in the Administrative Instructions, a list of the international registration numbers of those international registrations which, having become due for renewal, have been renewed in respect of none of the designated States.

### Rule 26

#### Declarations of Actual Use

##### 26.1 Information on Requirements Concerning Routine Declarations of Actual Use

The national Office of any Contracting State whose national law requires the filing of routine declarations referred to in the first sentence of Article 19(3)(d) shall inform the International Bureau of such requirement and of any changes therein. Such information shall, in particular, indicate the time limits within which such declarations must be filed according to the national law and state whether the attachment of specimens or facsimiles to routine declarations of actual use is required by the national law. Any information received shall be published promptly upon receipt. Furthermore, the International Bureau shall republish in August of each year all the information received and still applicable at the time of the republication in respect of all the States concerned.

##### 26.2 National Forms

The national Office of any Contracting State referred to in Rule 26.1 shall supply free of charge to the International Bureau in reasonable quantities declaration forms, in the form prescribed by the national law of that State, for the purposes of making declarations referred to in Article 19(3)(d). The International Bureau shall furnish such forms free of charge to interested persons.

##### 26.3 International Form

(a) Where the declaration referred to in Article 19(3)(d) is not made on a national form according to Rule 26.2, it shall be made on a form ("international form") consisting of the following statement and shall be signed by the owner of the international registration:

"The undersigned owner of the international registration declares that he (it) is the owner of the international registration which was effected under No. . . ., as shown by recordings in the International Register of Marks, in respect of . . . (1) on . . . (2); that the mark which is the subject of the international registration herein identified is now in use by and through . . . (3) in commerce with and/or on the territory of the said State on or in connection with the following goods and/or services listed in respect of such State: . . . (4); that such use commenced on . . . (5); and that the mode or manner in which the mark is used is:

- on labels or tags affixed to and/or containers for the goods, as evidenced by the attached specimen(s) or facsimile(s) (6);
- on displays which are associated with the goods, as evidenced by the attached specimen(s) or facsimile(s) (6);

- in the case of services, in advertising of such services, as evidenced by the attached specimen(s) or facsimile(s) (6);
- other (7)."

(1) Insert name of State. (2) Insert international registration date or, if applicable, recording date of the later designation of such State. (3) Insert "the undersigned owner" and/or, if applicable, the name and address of the person or persons whose use of the mark inures to the benefit of the owner in the State. (4) Insert "all" or indicate the particular goods and/or services on or in connection with which the mark is used. (5) Insert the date of commencement of the continuing use of the mark, including, where different dates are applicable to different goods and/or services, the particular goods and/or services to which each such date relates. (6) The inclusion of specimens or facsimiles may be dispensed with where the declaration is made in respect of a State whose national law does not require that specimens or facsimiles be attached to routine declarations of actual use. (7) Recite sufficient facts in addition to, or in lieu of, checking one or more of the above boxes as to sales or advertising, or both, to show that the mark is in current use.

(b) The International Bureau shall furnish such forms free of charge to interested persons.

(c) The inclusion of specimens or facsimiles may be dispensed with where the declaration is made in respect of a State whose national law does not require that specimens or facsimiles be attached to routine declarations of actual use.

(d) The specimens referred to in paragraph (a) shall, in the case of a mark for goods, be duplicates of the actually used labels, tags, or containers, or of the displays associated therewith, or portions thereof, when made of suitable material and capable of being arranged flat and of a size not larger than the declaration. When, owing to the mode of applying or affixing the mark to the goods or to the manner of its use on the goods, such specimens cannot be furnished, suitable photographs or other acceptable reproductions, not larger than the declaration, which clearly and legibly show the mark and all matter used in connection therewith, shall be furnished. In the case of marks for services, specimens or facsimiles, as specified above, of the mark as used in the sale or advertising of the services shall be furnished unless impossible because of the nature of the mark or the manner in which it is used, in which event some other acceptable reproductions shall be furnished.

(e) It shall depend on the national law of each Contracting State whether any declaration to the same effect as but worded differently than in paragraph (a) shall produce the same effect.

## Rule 27

### Declarations Concerning Earlier National or Madrid Registrations

#### 27.1 Separately Filed Declarations

(a) Any separately filed declaration under Article 21(2) shall:

- (i) specify the designated State or States in respect of which it is made,
- (ii) contain the statement that the owner of the international registration owned a national registration or national registrations in the said State or States on the international registration date or the international later designation date, as the case may be,
- (iii) indicate, in respect of each such national registration, its number,
- (iv) indicate the international registration number of the international registration to which it relates.

(b) Any separately filed declaration under Article 22(2) shall:

- (i) specify the designated State or States in respect of which it is made,
- (ii) contain the statement that the owner of the international registration owned a registration under the Madrid Agreement in respect of the said State or States on the international registration date or the international later designation date, as the case may be,
- (iii) indicate the number of the relevant Madrid registration,
- (iv) indicate the international registration number of the international registration to which it relates.

#### 27.2 Certification of National Registrations

The certification of the copy of any national registration referred to in Article 21(2) shall be in the English or French language, shall be

signed by a person authorized by the national Office to effect certifications and shall indicate the date to which the certification refers. That date shall be the international registration date or the international later designation date, as the case may be, or, where the certification is made before international registration or recording of the later designation is effected, the date on which the certification is effected. In the latter case, the national Office effecting the certification shall, on the request of the International Bureau presented once the said registration or recording is effected by it, indicate to that Bureau any change which might have occurred in respect of the national registration between the date to which the certification referred and the international registration date or the recording date of the later designation, as the case may be.

#### 27.3 Defects

(a) The International Bureau shall promptly notify the applicant or the owner of the international registration of any defect in the declaration made under Article 21(2) or Article 22(2), including the absence of the certified copy referred to in Article 21(2) and any defect in the certification thereof as provided in Rule 27.2.

(b) As long as any defect referred to in paragraph (a) is not corrected, the International Bureau shall treat the declaration as if it had not been made.

#### 27.4 Publication; Notification

(a) Unless effected by virtue of Rule 18.1(a)(ix) or Rule 18.2(a)(i), the publication of any declaration under Article 21(2) or Article 22(2) shall indicate:

- (i) the fact that the publication relates to a declaration made under Article 21(2) or 22(2), as the case may be,
- (ii) the State or States in respect of which the declaration was made and the numbers of the relevant national or Madrid registrations,
- (iii) the international registration number of the international registration to which the declaration relates,
- (iv) the name of the owner of the international registration.

(b) Unless effected by virtue of Rule 19.1, the notification of any declaration under Article 21(2) or 22(2) shall consist of an indication that the declaration made under Article 21(2) or 22(2), as the case may be, was recorded by the International Bureau and shall be accompanied by a copy of the declaration.

## Rule 28

### Transmittal of Documents to the International Bureau

#### 28.1 Place and Mode of Transmittal

(a) International applications, requests, demands, notifications and any other documents intended for filing, notification or other communication to the International Bureau shall be deposited with the competent service of that Bureau during the office hours fixed in the Administrative Instructions, or mailed to that Bureau.

(b) Where any document is transmitted to the International Bureau in response to an invitation by that Bureau bearing a reference number, the document shall indicate such reference number.

(c) Where paragraph (b) does not apply, any document transmitted to the International Bureau shall:

- (i) where it relates to an international application, be accompanied by a copy of such application,
- (ii) where it relates to an international registration, indicate, by its international registration number, the international registration to which it relates; it may also contain an indication of the mark as provided for in Rule 20.1(b).

(d) Paragraph (c) shall not apply in those cases where these Regulations contain specific provisions on the identification of the international application or registration to which any document transmitted to the International Bureau relates.

#### 28.2 Date of Receipt of Documents

Any document received by the International Bureau through deposit or mail shall be considered to have been received on the day on which it

is actually received by that Bureau, provided that, when it is actually received after office hours, or on a day when the Bureau is closed for business, it shall be considered to have been received on the next subsequent day on which the Bureau is open for business.

### Rule 29 Signature

#### 29.1 Legal Entity

(a) Where any document submitted to the International Bureau is signed by a legal entity, the name of the legal entity shall be indicated in the place reserved for signature and shall be accompanied by the signature of the natural person or persons entitled to sign for such legal entity according to the national law of the State under whose law the legal entity was established.

(b) Paragraph (a) shall apply, *mutatis mutandis*, to partnerships or firms composed of attorneys or patent or trademark agents but which are not legal entities.

#### 29.2 Exemption from Certification

No signature provided for under the Treaty or these Regulations shall require authentication, legalization or other certification.

### Rule 30 Calendar; Computation of Time Limits

#### 30.1 Calendar

The International Bureau, national Offices, applicants and owners of international registrations shall, for the purposes of the Treaty and these Regulations, express any date in terms of the Christian era and the Gregorian calendar.

#### 30.2 Periods Expressed in Years, Months, or Days

(a) When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

(b) When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

(c) When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

#### 30.3 Local Dates

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document is filed or the required fee is paid.

#### 30.4 Expiration on a Non-Working Day

If the expiration of any period during which any document or fee must reach the International Bureau or any of its agencies falls on a day on which such Bureau or agency is not open for business, or on which ordinary mail is not delivered in Geneva or the locality in which the agency is situated, the period shall expire on the next subsequent day on which neither of the said two circumstances obtains.

### Rule 31 Payment of Fees

#### 31.1 Payment to the International Bureau

All fees due under the Treaty and these Regulations shall be payable to the International Bureau.

#### 31.2 Applicable Fee Schedule

The fees payable shall be:

(i) where they concern an international application or a request for the recording of a later designation, the fees in force on the date the international application or the request for the recording of the later designation is received by the International Bureau or, where the application or request has been filed through the intermediary of a national Office under Article 5(3), on the date on which it was received by that Office,

(ii) where they concern a demand for renewal, the fees in force on the date which precedes by 6 months the starting date of the term of renewal.

#### 31.3 Currency

(a) Subject to paragraph (b), all fees due under the Treaty and these Regulations shall be payable in Swiss currency.

(b) Where the International Bureau has agencies, the Administrative Instructions may, under specified conditions, allow exceptions to paragraph (a).

#### 31.4 Deposit Accounts

(a) Any natural person or legal entity may open a deposit account with the International Bureau or any of its agencies.

(b) The details concerning deposit accounts shall be provided in the Administrative Instructions.

#### 31.5 Indication of the Mode of Payment

(a) Unless the payment is made in cash to the cashier of the International Bureau, the international application, and any request, demand, or other document, filed with the International Bureau in connection with any international registration, subject to the payment of any fee, shall indicate:

(i) the name and address, as provided in Rule 5.2(a) and (c), of the natural person or legal entity making the payment, unless the payment is made by a cheque attached to the document,

(ii) the mode of payment, which may be by an authorization to debit the amount of the fee to the deposit account of such person or entity, or by transfer to a bank account or to the postal cheque account of the International Bureau, or by cheque. The Administrative Instructions shall provide the details, in particular those governing the kind of cheques that shall be accepted in payment.

(b) Where the payment is made pursuant to an authorization to debit the amount of the fee to a deposit account, the authorization shall specify the transaction to which it relates, unless there is a general authorization to debit to a specified deposit account any fee concerning a certain applicant, owner of an international registration, or duly appointed representative.

(c) Where the payment is made by transfer to a bank account or to the postal cheque account of the International Bureau, or by a cheque not attached to the international application, request, demand, or other document, the notification of the transfer or the cheque (or paper accompanying it) shall identify the transaction to which the payment relates, in the manner to be provided for in the Administrative Instructions.

#### 31.6 Effective Date of Payment

Any payment shall be considered to have been received by the International Bureau on the date indicated hereinbelow:

(i) if the payment is made in cash to the cashier of the International Bureau, on the date on which such payment is made,

(ii) if the payment is made by debiting a deposit account with the International Bureau pursuant to a general authorization to debit, on the date on which the international application, the request for the recording of later designation, the demand for renewal or other document entailing the obligation to pay fees is received by the International Bureau, or, in the case of a specific authorization to debit, on the date on which the specific authorization is received by the International Bureau,

(iii) if the payment is made by transfer to a bank account or to the postal cheque account of the International Bureau, on the date on which such account is credited,

(iv) if the payment is made by cheque, on the date on which the cheque is received by the International Bureau, provided that it is honored upon presentation to the bank on which the cheque is drawn.

### Rule 32

#### Withdrawals and Renunciations

##### 32.1 *Withdrawal of the International Application or Request for Recording of Later Designation*

(a) Any withdrawal of an international application shall be treated as such by the International Bureau if the communication of withdrawal reaches it before preparations for publication have been completed.

(b) Any withdrawal of a request for the recording of later designation shall be treated as such by the International Bureau if the communication of withdrawal reaches it before preparations for publication have been completed.

##### 32.2 *Renunciation of the International Registration or of Certain Designations*

(a) The owner of the international registration may, at any time, renounce the international registration or the recording of the designation of any designated State.

(b) Renunciation of the recording of all designated States shall be treated as renunciation of the international registration.

##### 32.3 *Procedure*

(a) Withdrawals and renunciations referred to in Rules 32.1 and 32.2 shall be effected in a written communication addressed to the International Bureau and signed by the applicant or the owner of the international registration, as the case may be. The International Bureau shall acknowledge receipt of this communication.

(b) In the case of any withdrawals, the International Bureau shall reimburse to the applicant or the owner of the international registration any State designation fee which it received from him in connection with any State affected by the withdrawal.

(c) The International Bureau shall record and publish renunciations, and shall notify interested designated Offices thereof. The details shall be provided in the Administrative Instructions.

### Rule 33

#### Choice Between Individual and Standard State Fees

##### 33.1 *Initial Choice*

Any Contracting State shall choose between individual and standard State fees in a written declaration addressed to the International Bureau at the same time as it deposits its instrument of ratification or accession. If it chooses individual State fees, the declaration shall also indicate the amounts of those individual State fees in Swiss francs. The choice of the Contracting State shall become effective and the amounts indicated shall be applicable from the date on which such State becomes bound by the Treaty. Where the Contracting State fails to indicate its choice at the prescribed time, or where it chooses individual State fees but fails to indicate their amounts in Swiss francs, it shall be considered to have chosen standard State fees.

##### 33.2 *Change in Choice*

Any Contracting State may at any time indicate, in a written declaration addressed to the International Bureau, that it wishes to choose standard State fees instead of individual State fees or vice versa, provided

that, in the latter case, the declaration shall indicate also the amounts of the individual State fees. The change in choice shall apply from January 1 of that calendar year which commences at the expiration of at least 6 months after the date on which the International Bureau received the declaration. If the desired change is for individual State fees but the declaration fails to indicate their amounts in Swiss francs, the declaration shall be treated as if it had not been made.

### Rule 34

#### Change in the Amounts of Individual State Fees

##### 34.1 *Communication; Effective Date*

Any change in the amounts of individual State fees, expressed in Swiss francs, shall be communicated in writing by the interested national Office to the International Bureau. The amounts so communicated shall be applicable as from January 1 of that calendar year which commences at the expiration of at least 6 months after the date on which the International Bureau received the communication.

### Rule 35

#### State Fees

##### 35.1 *Individual State Fees*

(a) The International Bureau shall in every calendar year transfer to any interested designated Office the fees referred to in Article 18(3)(d) that are collected in respect of international registrations, recordings of requests for later designations, and recordings of renewals, effected in the preceding calendar year.

(b) Further details shall be provided in the Administrative Instructions.

##### 35.2 *Standard State Fees*

(a) The coefficient referred to in Article 18(4)(b) shall be:

(i) 2, if the national law provides only for examination of "absolute grounds of nullity,"

(ii) 3, if the national law provides for examination as to whether there is conflict with another mark ("relative grounds of nullity") and if such examination is carried out only where there is third-party opposition,

(iii) 4, if the national law provides for examination of relative grounds of nullity ex officio and without third-party opposition,

(iv) 5, if the national law provides for examination of relative grounds of nullity ex officio followed by the possibility of third-party opposition.

(b) Further details shall be provided in the Administrative Instructions.

### Rule 36

#### Fees Belonging to the International Bureau

##### 36.1 *Fees Belonging to the International Bureau*

All fees and charges collected under the Treaty, these Regulations and the Administrative Instructions, except those referred to in Article 18(2), shall belong to the International Bureau.

### Rule 37

#### Recordings Effected by National Offices

##### 37.1 *Notification*

The notification by the national Office provided for in Article 20(1) shall be made on a form furnished by the International Bureau and the details of which are provided in the Administrative Instructions.

##### 37.2 *Annotation and Publication*

The Administrative Instructions shall provide for the extent to which annotations of any changes notified under Article 20(2) shall be made in the International Register of Marks and shall be published by the International Bureau, provided that such annotation and such publication shall at least indicate the international registration number of the mark, the State which it concerns, the date on which it was received, and its subject matter.



### Rule 38 Changes in Addresses

#### 38.1 Recording and Publication

(a) The International Bureau shall, on request, record and publish, free of charge, any change in the address of the owner of the international registration or his representative.

(b) The request shall be signed.

### Rule 39

#### Recording and Publication Concerning Representatives

#### 39.1 Recording

(a) Where a representative is appointed, the appointment shall be recorded.

(b) Where the appointment of a representative is revoked or renounced, the revocation or the renunciation shall be recorded.

#### 39.2 Publication

(a) Where a representative is appointed, his appointment, including his name and address, shall be published.

(b) Where the appointment of a representative is revoked or renounced, the revocation or the renunciation shall be published unless, at the time the publication could be effected, the appointment of another representative is published.

### Rule 40 The Gazette

#### 40.1 Contents and Title of the Gazette

(a) All matters which, according to the Treaty or these Regulations, the International Bureau is obliged to publish shall be published in a periodical entitled "International Marks Gazette / *Gazette internationale des marques*."

(b) The Administrative Instructions may provide for the inclusion of other matters in the Gazette.

#### 40.2 Frequency of Issue of the Gazette

The Gazette shall be issued once a week.

#### 40.3 Languages of the Gazette

(a) The Gazette shall be issued in a bilingual (English and French) edition.

(b) The Administrative Instructions shall identify those portions which require translation and those portions which do not require translation.

(c) Matters which can be easily understood even if not translated (for example, the names of the designated States), or which are indicated by signs or abbreviations (for example, "Ren." for "Renewal/*Renouvellement*") to which the keys shall be published in each issue, need not be translated. The details shall be provided in the Administrative Instructions.

(d) Matters not falling within the scope of paragraph (c) (for example, the lists of goods and/or services) shall always be published in both languages. The publication shall indicate which is the original language. Translations shall be prepared by the International Bureau. In case of any divergence between the original and the translation, all legal effects shall be governed by the original.

#### 40.4 Sale of the Gazette

The subscription and other sale prices of the Gazette shall be fixed in the Administrative Instructions.

#### 40.5 Copies of the Gazette for National Offices

(a) Before July 1 of each year each national Office shall notify the International Bureau of the number of copies of the Gazette which it wishes to receive in the next subsequent year.

(b) The International Bureau shall make the requested number of copies available to the national Office:

(i) free of charge, up to the same number as the number of units corresponding to the class chosen under the Paris Convention for the Pro-

tection of Industrial Property by the Contracting State of which the said Office is the national Office,

(ii) at half of the ordinary subscription or sale price, for copies in excess of the said number.

(c) Copies given free of charge or sold under paragraph (b) shall be for the internal use of the national Office which has requested them.

#### 40.6 Errors in Publications

(a) Any error in the Gazette may be rectified by the International Bureau through publication of an appropriate corrigendum.

(b) Any national Office and any interested person may call any error in the Gazette to the attention of the International Bureau.

#### 40.7 Further Details

Further details concerning the Gazette may be provided in the Administrative Instructions.

### Rule 41

#### Copies and Other Information Available to the Public

#### 41.1 Copies and Information Concerning International Applications and International Registrations

(a) Any person may obtain from the International Bureau, against payment of a fee whose amount shall be fixed in the Administrative Instructions, certified or uncertified copies or extracts of the international registration or of any document in the file of any international application or international registration. Each copy or extract shall reflect the situation of the international registration or of the file, or parts of such registration or file, on a specific date; such date shall be indicated in the said copy or extract.

(b) On request and against payment of a fee whose amount shall be fixed in the Administrative Instructions, any person may obtain from the International Bureau oral or written information, or information by telecopier devices, on any fact appearing in any document in the file of any international application or international registration.

(c) Notwithstanding paragraphs (a) and (b), the Administrative Instructions may waive the obligation to pay any fee where the work or the expense connected with the furnishing of a copy, extract, or information is minimal.

### Rule 42

#### Regional Marks

#### 42.1 Declaration Under Article 25(1)(a)

(a) The declaration referred to in Article 25(1)(a) shall be in writing and shall be addressed to the International Bureau. It shall be effective as from the date or event specified in the declaration, provided that it shall not become effective prior to the expiration of 2 months from the receipt of the declaration by the International Bureau.

(b) The declaration shall be promptly published by the International Bureau.

#### 42.2 Fees

Rules 9, 13, 25.3, 33 and 34 shall apply, *mutatis mutandis*, in the case referred to in Article 25(2).

### Rule 43

#### Procedure Where Correction of Errors of the International Bureau Is Sought

#### 43.1 Time Limit Under Article 30

The time limit referred to in Article 30(1) shall be:

(i) where the alleged error may be discovered on the basis of a notification sent by the International Bureau to the applicant or the owner of the international registration, 2 months from the date of such notification,

(ii) where item (i) does not apply and the alleged error may be discovered on the basis of a publication of the International Bureau, 2 months from the date of such publication,

(iii) where neither item (i) nor item (ii) applies, the time limit provided for in the national law.

43.2 *Application of Rule 16*

Rule 16 shall apply, *mutatis mutandis*, in respect of Article 30.

## Rules Concerning Chapter II

### Rule 44

#### Expenses of Delegations

44.1 *Expenses Borne by Governments*

The expenses of each delegation participating in any session of the Assembly and in any committee, working group or other meeting dealing with matters of concern to the Union shall be borne by the Government which has appointed it.

### Rule 45

#### Absence of Quorum in the Assembly

45.1 *Voting by Correspondence*

(a) In the case provided for in Article 32(5)(b), the International Bureau shall communicate any decision of the Assembly (other than decisions relating to the Assembly's own procedure) to the Contracting States which were not represented when the decision was made and shall invite them to express in writing their vote or abstention within a period of 3 months from the date of the communication.

(b) If, at the expiration of the said period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum when the decision was made, that decision shall take effect provided that at the same time the required majority still obtains.

### Rule 46

#### Administrative Instructions

46.1 *Establishment of Administrative Instructions; Matters Governed by Them*

(a) The Director General shall establish Administrative Instructions. He may modify them. They shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(b) Before establishing the Administrative Instructions and before modifying any provision thereof which affects national Offices, the Director General shall communicate to the interested Offices the text of the intended provisions and shall invite the said Offices to notify him of any observations they might wish to make.

(c) All forms of interest to applicants and owners of international registrations shall be included in the Administrative Instructions.

46.2 *Control by the Assembly*

The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

46.3 *Publication and Effective Date*

(a) The Administrative Instructions and any modification thereof shall be published in the Gazette.

(b) Each publication shall specify the date on which the published provisions become effective. The date need not be the same for all the provisions provided that no provision may be declared effective prior to the expiration of a period of one month after the publication date of that issue of the Gazette in which it was published.

46.4 *Conflict with the Treaty and the Regulations*

In the case of conflict between any provision of the Administrative Instructions and any provision of the Treaty or of these Regulations, the latter shall prevail.

## ANNEX TO THE REGULATIONS

### Table of Fees

The fees marked by an asterisk apply to the States which have chosen the standard State fee system (see Article 18(2) and (4)). Where, either

because of the choice exercised by the applicant or the owner of the international registration under Article 5(1)(a)(vi) or 6(2)(a)(v), or because only a regional mark is available, the designation of one or more States party to a regional treaty has the same effect as if an application for the registration of the mark in the regional register of marks had been filed, the fees marked by an asterisk shall be payable once even if the regional registration effect extends to more than one State party to the regional treaty.

<i>Kind of Fee</i>	<i>Amount in Swiss Francs</i>
1. <i>Application</i>	
1.1 International Application Fee (Rule 9.1(a)(i)): irrespective of the number of designated States and of the number of classes	400
1.2 * Standard State Designation Fee (Rule 9.1(a)(ii)): for each designated State to which the Standard Fee System applies	30 multiplied by the number of classes
1.3 Color Reproduction Fee (Rule 9.1(a)(i))	100
2. <i>Later Designation</i>	
2.1 International Later Designation Fee (Rule 13.1(a)(i)): irrespective of the number of designated States and of the number of classes	100
2.2 * Standard State Designation Fee (Rule 13.1(a)(ii)): for each designated State to which the Standard Fee System applies	30 multiplied by the number of classes
2.3 Color Reproduction Fee (Rule 13.1(a)(i))	100
3. <i>Change in Ownership</i>	
3.1 Request for Recording Change in Ownership Fee (Rule 22.1(g))	100
4. <i>Change in the Name of the Owner</i>	
Request for Recording Change in the Name of the Owner (Rule 23.1(c)):	
4.1 Where the request relates to one international registration	100
4.2 Where the request relates to more than one international registration	50 for each of the international registrations to which it relates
5. <i>Limitation of List of Goods and/or Services</i>	
5.1 Request for Recording of Limitation of the List of Goods and/or Services Fee (Rule 24.1(c))	100
6. <i>Renewal</i>	
6.1 International Renewal Fee (Rule 25.3(a)(i)): irrespective of the number of designated States and of the number of classes	400
6.2 Renewal Surcharge (Rule 25.3(a)(i)): irrespective of the number of designated States and of the number of classes	200
6.3 * Standard State Renewal Fee (Rule 25.3(a)(ii)): for each designated State in which the Standard Fee System applies	30 multiplied by the number of classes
6.4 Color Reproduction Fee (Rule 25.3(a)(i))	100