



Council of the  
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**NOTE**

From:	Presidency
To:	Delegations
No. prev. doc.:	9725/1/17 REV1
Subject:	15th Session of the WIPO Working Group on the Legal Development of the Madrid System for the International Registration of Marks (Geneva, 19 - 22 June 2017) - Final EU statement

Delegations will find attached, for information, the statement delivered on behalf of the EU and its Member States at the above mentioned WIPO meeting.

**Working Group on the Legal Development of the Madrid System  
for the International Registration of Marks**

**15th Session**

**(WIPO, Geneva, June 19 - 22, 2017)**

**Replacement (MM/LD/WG/15/2)**

**Agenda item 4**

Mr. Chairman,

1. On behalf of the European Union and its Member States, this delegation would like to thank the WIPO Secretariat for its excellent work preparing document MM/LD/WG/15/2 on the proposed new paragraphs 5 and 7 of Rule 21 of the Common Regulations, concerning the scope of replacement and the collection of fees respectively, and on an appropriate date of entry into force for the proposed amended Rule 21 as a whole.
2. The European Union and its Member States agree in that replacement would benefit from a harmonisation exercise and would therefore favour discussions with a view to trying to achieve consensus and to having a harmonised practice as far as the scope of replacement is concerned.
3. As to the issue of fees, and while noting that it shall only be optional for Contracting Parties to charge a fee, the European Union and its Member States would appreciate a clarification as to whether the potentially additional fee to be charged by the International Bureau itself is envisaged to be charged only to those Contracting Parties that opt for charging a replacement fee themselves under new Rule 21(7), or, in fact, to all Contracting Parties.

4. Finally, as rightly pointed out in document MM/LD/WG/15/2, the envisaged amendments to Rule 21 would involve significant procedural changes, also affecting IT systems of the Contracting Parties. In order to allow for the necessary adaptations to be done everywhere well in advance, the European Union and its Member States propose that the date of entry into force of the amended Rule 21 is not set to be before 2019.

Thank you Chairman

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