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European Union

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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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Subject: 12th Session of WIPO Working Group on the Legal Development of the Madrid System for the International Registration of Marks (Geneva, 20 to 24 October 2014)  
- Final EU Statements

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

**STATEMENT BY THE EUROPEAN UNION AND ITS MEMBER STATES**

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

**12<sup>th</sup> Session**

**WIPO, (Geneva, 20 to 24 October 2014)**

**Proposed amendments to the Common Regulations (agenda item 4, document  
MM/LD/WG/12/2)**

Mr. Chairman,

1. On behalf of the European Union and its twenty-eight Member States, this delegation would first like to congratulate you and the Deputy Chairmen on your election. We would also like to thank the WIPO Secretariat for its valuable work in preparing document MM/LD/WG/12/2 on proposals for the amendments to the Common Regulations.
2. The European Union and its Member States wish to reiterate their strong support for the further development of the Madrid system to make it simpler, more efficient, reliable, flexible, user-friendly as well as time and cost effective, where appropriate.
3. In this spirit, the European Union and its Member States welcome and support some of the proposed amendments to the Common Regulations as constituting an appropriate contributing to making the Madrid System more user-friendly and attractive to its users, interested third parties and Offices of Contracting Parties.

4. However, there are two proposals that require further clarification in order to better assess their merits. As regards the proposal to examine the classification of subsequent designations under Rule 12, we are concerned about the question whether this classification is supposed to be done in accordance with the Nice Classification in force at the time of the original filing. The EU would therefore welcome clarification in this regard.

Thank you, Mr. Chairman.

# STATEMENT BY THE EUROPEAN UNION AND ITS MEMBER STATES

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

12<sup>th</sup> Session

WIPO, (Geneva, 20 to 24 October 2014)

### Proposal for the introduction of the Recordal of Division or Merger Concerning an International Registration (agenda item 5, document MM/LD/WG/12/3)

Mr. Chairman,

1. On behalf of the European Union and its twenty-eight Member States, this delegation would like to thank the WIPO Secretariat for its excellent work in preparing document MM/LD/WG/3.
2. At previous sessions the European Union and its Member States have highlighted the value for users to dispose of the possibility to divide an International registration, thereby achieving coherence with international standards provided for both under the Trademark Law Treaty and the Singapore Treaty on the Law of Trademarks.

3. Against this background, the European Union and its twenty-eight Member States remain open to discussions on the Proposal for the introduction of the recording in the International Register of the division and merger of an international registration under a centralized approach. For the sake of legal certainty and to ensure that users obtain a distinct enforceable title in respect of the divided part, we are of the view in that context that the division of an international registration should result in a new international registration providing that the proposal process is simple and does not render the system more complex. This is how other offices usually record divisions of trade marks and this approach seems to us to be the most logical, and user friendly.

Thank you, Mr. Chairman.

# STATEMENT BY THE EUROPEAN UNION AND ITS MEMBER STATES

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

12<sup>th</sup> Session

WIPO, (Geneva, 20 to 24 October 2014)

### Replacement (agenda item 7, document MM/LD/WG/12/5)

Mr. Chairman,

1. On behalf of the European Union and its twenty-eight Member States, this delegation would like to thank the WIPO Secretariat for the preparation of document MM/LD/WG/12/5 which provides a very valuable insight into how differently the applicable provisions of the treaties of the Madrid System on replacement have been implemented and interpreted by the Contracting Parties.
2. The European Union and its Member States agree that it is worth discussing the relevant key elements of replacement with a view to trying to make the Madrid system more user-friendly and to achieve a smoother process for the users and the Office concerned.

Thank you, Mr. Chairman.

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