



Council of the  
European Union

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#### DECLASSIFICATION

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Subject:	Link between the Community trade mark and the Madrid Protocol -Proposal for a Regulation, Articles 142 and 157
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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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RESTREINT  
PI 14

**Interinstitutional File**  
**No 96/0198 (CNS)**

NOTE

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from : Presidency

to: Permanent Representatives Committee (Part 1)

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No. prev. doc.: 6294/98 PI 9 RESTREINT

No. Cion prop.: 9530/96 PI 48

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Subject: Link between the Community trade mark and the Madrid Protocol  
-Proposal for a Regulation, Articles 142 and 157

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1. **Article 142**

The outstanding question with regard to Article 142 of the proposal for a Regulation concerns the extent to which the Community Office in Alicante may send written communications to the applicant in the second language indicated by the applicant, rather than in the language of filing.

In the Presidency's understanding of the situation, any communications from the Office to the applicant concerning the international application can be made on standard forms, which the Office would draw up in all the Community languages. It would therefore be no more costly for the Office to communicate with the international applicant in the language of filing than in the second language indicated by the applicant.

The Presidency therefore suggests that its suggestion under point 5 of 6294/98 be replaced by the suggestion that the following sentence be added to paragraph 1 of Article 142<sup>1</sup>:

"The Office shall correspond with the applicant in the language of filing, using a standard form."

2. **Article 157**

The Presidency maintains its suggestion under point 6 of 6294/98 that Article 157 be deleted.

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<sup>1</sup> The full text of Article 142 as amended by this suggestion is set out in the Annex.

Article 142

Form and contents of the international application

1. The international application shall be filed in one of the official languages of the European Community, using a form provided by the Office. The Office shall correspond with the applicant in the language of filing, using a standard form.
2. If the international application is filed in a language which is not one of the languages allowed under the Madrid Protocol, the applicant must indicate a second language from among those languages. This shall be the language in which the Office submits the international application to the International Bureau.
3. Where the international application is filed in a language other than one of the languages allowed under the Madrid Protocol for the filing of international applications, the applicant may provide a translation of the list of goods or services in the language in which the international application is to be submitted to the International Bureau pursuant to paragraph 2.
4. The Office shall forward the international application to the International Bureau as soon as possible.
5. The filing of an international application shall be subject to the payment of a fee to the Office. In the case referred to in the second sentence of Article 141(2), the fee shall be due on the date of registration of the Community trade mark. The application shall be deemed not to have been filed until the required fee has been paid.
6. The international application must fulfil the relevant conditions laid down in the Implementing Regulations referred to in Article 158.