



Council of the
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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	13899/22 REV1
Subject:	20th Session of the WIPO Working Group on the Legal Development of the Madrid System for the International Registration of Marks (WIPO, Geneva, 7–11 November 2022) - Final EU/Member States statements

Delegations will find attached the final EU/Member States statements delivered at the above-mentioned WIPO meeting.

**Working Group on the Legal Development of the Madrid System
for the International Registration of Marks
20th Session (hybrid)
(WIPO, Geneva, 7-11 November 2022)**

Statement on Ukraine

Chair,

1. On behalf of the European Union and its Member States, I would like to reiterate our solidarity with Ukraine, and our unwavering support to its independence, sovereignty and territorial integrity.
2. In line with the recent UN General Assembly resolution, condemning Russia's attempted annexation of further regions from Ukraine's internationally recognized territory, let me stress that the EU and its Member States will never recognize such illegal claims on Ukraine's territories.
3. In this respect, it is our legitimate expectation that also the WIPO's registries, including the Madrid registry, shall reflect all address data of the parties according to the internationally recognized national borders.
4. Finally, let me recall the recent GA decision on WIPO's Assistance and Support for Ukraine's Innovation and Creativity Sector and Intellectual Property System, and reiterate our wish to receive regular updates on its implementation.

Thank you.

**Proposed Amendments to the Regulations Under the Protocol Relating to the Madrid
Agreement Concerning the International Registration of Marks**

(MM/LD/WG/20/2)

Agenda item 5

Chair,

1. The European Union and its Member States would like to thank the WIPO Secretariat for preparing document MM/LD/WG/20/2. We welcome most of the proposed amendments to the Regulations under the Madrid Protocol and agree that they would support the ongoing process of simplifying the Regulations and making the Madrid System more user-friendly. However, we would like to preserve the option to file requests for subsequent designations, recording of changes as well as licenses through the offices of Contracting Parties.
2. Therefore, we can welcome only the proposals presented in the Annexes of the working document containing concrete suggestions for amending Rules 8, 9, 21, 22, 23bis, 24(1)(a), 24(3)(c), 25(2), 25(4) and 32(1)(b) of the Regulations and an interpretative statement to Article 2 of the Protocol.

Thank you.

Provisional Refusal (MM/LD/WG/20/3 and MM/LD/20/INF/2)

Agenda item 6

Chair,

1. The European Union and its Member States would like to thank the WIPO Secretariat for preparing documents MM/LD/WG/20/3 and MM/LD/20/INF/2 on provisional refusal.
2. We reiterate our support for a minimum time limit of two months, as well as for the delayed implementation of any proposed amendment to allow Contracting Parties for making changes to the applicable legislations, practices and information and communication technology systems.
3. Accordingly, we fully endorse the proposed amendments to rules 17, 18 and 40 as contained in the Annex of document MM/LD/WG/20/3 and a recommendation to the Madrid Union Assembly concerning their adoption, for entry into force on 1 November 2023. In addition to the amendment in Rule 17(2)(v), we propose to amend Rule 17(3) and to add ‘if possible’ there as well. Furthermore, we propose to amend Rule 18 to ensure that the rectified notification is also recorded in the register by adding: ‘...and be recorded in the International register’ at the end of the paragraph.

Thank you.

Dependency (MM/LD/WG/20/4)

Agenda item 8

Chair,

1. The European Union and its Member States would like to thank the WIPO Secretariat for preparing document MM/LD/WG/20/4 on dependency, summarising five options discussed by the Working Group.
2. As regards the possible way forward, we reiterate our support for the reduction of the dependency period from five to three years, to be further discussed at this session concerning the possible convening of a diplomatic conference to amend Article 6 of the Protocol. We also reiterate our support to the existence of the dependency and emphasise that the EU would not consider any of the options as a step forward to a future suppression of the dependency.

Thank you.

An Updated Road Map for the Evolution of the Madrid System

(MM/LD/WG/20/7)

Agenda item 11

Chair,

1. The EU and its Member States would like to thank the Secretariat for preparing an updated Road Map for the Evolution of the Madrid System in document MM/LD/WG/20/7.
2. As regards the legal framework of the Madrid system, we agree that the list of issues identified by the International Bureau are indeed those where concrete improvements are possible to achieve, though perhaps to varying degrees.
3. We support and commend the proposals aimed at further improvements to be achieved by the International Bureau relating to better customer service and digitalisation. We also agree that major harmonisation regarding the examination of classifications is desirable.
4. We propose the introduction of a single fee for the international application without difference between marks in colour and black and white marks.
5. Since for many years now we have been discussing the essential question of which office has to examine limitations in subsequent designations (Rule 24) and limitations recorded as a change under Rule 25, we would appreciate the objective to clarify this point being included in the roadmap.
6. In addition to this we would also like to add ‘Cancellations’ as a topic for future discussion. It is our view that in some situations the designated offices should have the possibility to refuse cancellations which they find vague or extensive in relation to the current list of goods and services.

Thank you.