



1 What is protectable as a trade mark?

A trade mark is a sign capable of distinguishing the goods or services of a company or individuals from those of others. Such signs include, for instance, words, personal names, logos, letters, numbers, colours, the shape or packaging of goods or sounds. Trade mark registration grants its owner an exclusive right to use its trade mark in relation to specific goods and services. The trade mark to be applied for should not be identical or similar to any earlier trade marks for the same or related goods or services (classes).

How do I check availability?

Searches for earlier trade marks can be performed using the following databases: [TMview](#), [Madrid Monitor](#) and [Global Brand Database](#). For further information on how to search for trade marks, you can refer to the [European IPR Helpdesk Fact Sheet on how to search for trade marks](#).

2 How to apply for a trade mark under the Madrid System?



National IP Office

Before filing an international application, the applicant needs to have an existing national trade mark (or trade mark application) in the IP office of one of the territories of the Madrid System (the basic mark).

The application must contain a reproduction of the trade mark applied for, which must be identical to the applicant's basic mark, the designation of the territories in which the applicant wishes the trade mark to be registered and a clear indication of the goods and services that the trade mark intends to cover following the [Nice Classification](#).

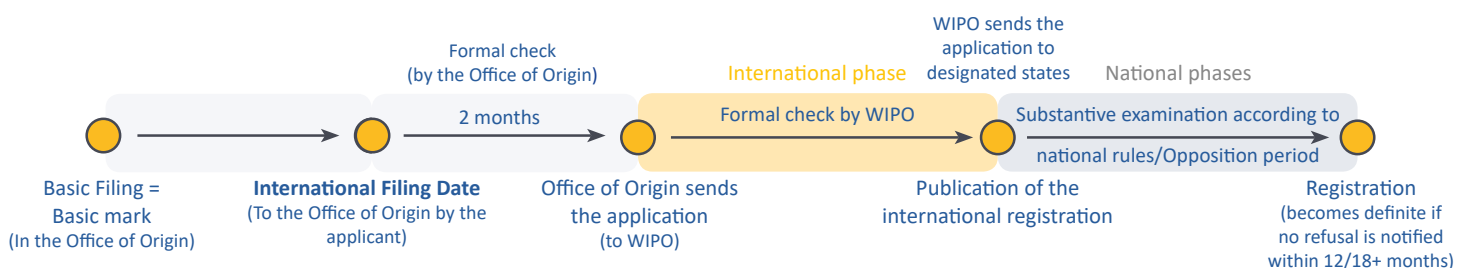
3 Who can file an international trade mark application?

The applicant must either have a business in, or be domiciled in or be a national of any territory that is part of the [Madrid System](#).

4 When should I file an international trade mark application?

Generally, the person who first files a valid trade mark application will become its owner (first-to-file principle). An applicant can claim priority to file the same trade mark in another IP office for the same goods and services within six months from the date of the earlier application.

5 What happens after filing an international trade mark application?





6 What are the fees for filing an international trade mark application at WIPO?



The fees depend on the designated countries, type of filing and on the number of classes (goods and services) applied for. Detailed information on the fee structure is available on the WIPO website in the [Schedule of Fees](#) section (in Swiss Francs). [WIPO's fees calculator](#) can also be used as a tool to estimate the fees under the Madrid System.

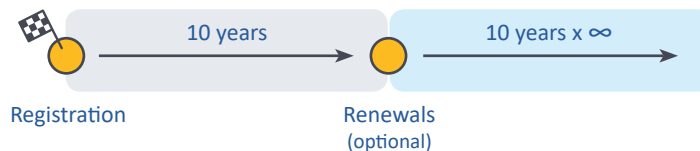


In most countries, the trade mark has to be put to use in connection with the goods or services for which it is registered within a certain period of time, against the risk of losing it (generally 5 years following registration). Please check national rules.

7 How long is the term of protection?

7

International trade mark registrations last for 10 years from the international registration date and can be renewed every 10 years indefinitely.



8 What are the advantages of the Madrid System?



A single application in one language and paying a single set of fees to obtain trade mark protection in more than 100 territories



Time saving and cost effective filing since there is no need to pay for translations into multiple languages or to spend extra time working through the administrative procedures of multiples offices



Easy management of filing and post-application processes (e.g. recordal of change in owner's name, address etc.), instead of dealing with different jurisdictions

Although the application has an international character, the registration in each designated state is governed by national laws. Therefore, an international application may be successful in some designated territories and refused in others where the trade mark applied for does not comply with the registration requirements applicable in those territories. The "all-or-nothing" principle applicable to the EU trade mark regime does not apply.

Disclaimer

The European IPR Helpdesk project receives funding from the European Union's Horizon 2020 research and innovation programme under Grant Agreement No 641474. Even though this chart has been developed with the financial support of the EU, its content shall not be considered as the official position of the Executive Agency for Small and Medium-sized Enterprises (EASME) or the European Commission. Neither EASME nor the European Commission nor any person acting on behalf of EASME or of the European Commission is responsible for the use which might be made of this content. The support provided by the European IPR Helpdesk should not be considered as of a legal or advisory nature.

Get in Touch

European IPR Helpdesk
c/o infeuropa S.A.
62, rue Charles Martel
L-2134 Luxembourg

service@iprhelpdesk.eu
www.iprhelpdesk.eu