



IP Newsletter Switzerland

As of October 1, 2004, Owners of Swiss Trademarks will be able to use their Swiss Trademark Registration for the Registration of a European Community Trademark (as a basis under the Madrid Protocol).

What is a Community Trademark?

The community trademark ("CTM") was established by the European Community ("EC") to provide a unified trademark for the entire EC. Once registered, the trademark covers all countries of the EC. The application and the registration extend automatically to all member states of the EC indivisibly. So far, applications had to be submitted to the EC's trademark office, the Office for Harmonization in the Internal Market (Trademarks and Designs) (OHIM) in Alicante, Spain.

What is the Madrid System?

The Madrid System for the International Registration of Marks offers trademark holders the possibility of protecting a trademark registered already in a member state of the Madrid System in other member states by filing one application, in one language, with one set of fees in one currency. It is a cost-effective and efficient way for trademark holders to ensure international protection for their marks in designated countries through the filing of a single application. International registrations have the same effects as a local registration of the mark in each of the countries designated by the applicant. If protection is not refused by the national trademark office of a designated country, the protection of the mark is the same as if it had been registered by that office.

The Madrid System is governed by two treaties: the Madrid Agreement and the Madrid Protocol. Countries may adhere to either the Agreement or to the Protocol or to both. Under the Madrid Protocol,

certain intergovernmental organizations are able to accede to the treaty. The EC has now signed up as a member to the Madrid Protocol.

New: Community Trademark Registration through the Madrid Protocol

On October 1, 2004, the membership of the EC to the Madrid Protocol takes effect. From that date on trademark owners from member states of the Madrid Protocol will be able to designate the entire territory of the EC in the application for international trademark registration. If protection is not refused by the OHIM, protection of the trademark will be effective in all EC member states as if it had been applied for a Community Trademark directly with the OHIM.

Thouvenin rechtsanwälte actively supports its clients in trademark and other intellectual property rights matters.

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