Community trademark: Protocol on the international registration of marks; Madrid Agreement 1989 (amend. Regulation (EC) No 40 /94)

1996/0198(CNS) - 27/10/2003 - Final act

PURPOSE : to establish a link the Community trademark system and the international registration system established under the Madrid Protocol, adopted on 27 June 1989. LEGISLATIVE ACT : Council Regulation 1992/2003/EC amending Regulation 40/94/EC on the Community trade mark to give effect to the accession of the European Community to the Protocol relating to the Madrid Agreement concerning the international registration of marks adopted at Madrid on 27 June 1989. CONTENT : the Council has adopted this Regulation which gives effect to the accession of the European Community by modifying the Community trade mark system to the Madrid Agreement concerning the international registration of markets adopted at Madrid in 1998. The Protocol Relating to the Madrid Agreement concerning the International Registration of Marks (the Madrid Protocol) was adopted in Madrid on 27 June 1989, with two main aims: a) to establish a more flexible system than that of the Madrid Agreement, thus making it more attractive to certain States which were reluctant to accept some aspects of the Madrid Agreement, and b) to enable a link to be established between the international Madrid system for the registration of marks and the Community trade mark, making it possible to obtain an international registration on the basis of a Community trade mark, and to obtain a Community trade mark on the basis of the filing of an international application. To this end, not only States but also the European Community as such may become parties to the Madrid Protocol. By adopting this act, it will be possible for firms to profit from the advantages of the Community trade mark through the Madrid Protocol and vice versa by allowing Community trade mark applicants and holders of such trade marks to apply for international protection of their trade marks through the filing of an international application under the Madrid Protocol and, conversely, holders of international registrations under the Madrid Protocol to apply for protection of their trade marks under the Community trade mark system. The establishment of a link between the Community trade mark system and the International registration system under the Madrid Protocol is expected to promote a harmonious development of economic activities, eliminate distortions of competition, be cost efficient and increase the level of integration and functioning of the internal market. ENTRY INTO FORCE : this Regulation shall enter into force on the date on which the Madrid Protocol enters into force with respect to the European Community. The date of entry into force of this Regulation shall be published in the Official Journal of the European Union.