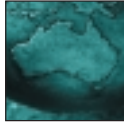


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This application kit is designed to help you prepare and file an international trade mark application under the Madrid Protocol. This kit does not cover every issue that may come up and you should not regard this kit as an authoritative statement on the relevant law and procedure. You should also note that the requirements may change from time to time and while we make every effort to ensure the information presented is accurate, you should check with IP Australia before relying on the information.



# International trade mark registration *and the Madrid Protocol*

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## *Introduction*

The Madrid Protocol is a treaty providing for the international registration of trade marks. It is administered by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) in Geneva. Current members of the Madrid Protocol include the United Kingdom, France, Germany, Italy, Democratic People's Republic of Korea, Singapore, China, Japan and Norway. Member countries are listed on the international application form in this kit.

There are two different ways Australian trade mark owners can seek trade mark protection overseas. An application may be filed directly with each country, or a single international application can be filed through IP Australia nominating the relevant Madrid Protocol countries in which protection is required.

The Madrid Protocol also allows trade mark owners overseas to designate Australia in their international applications.

## *The benefits of international registration*

A single international application can be made in English when an Australian trade mark owner is seeking trade mark protection in other countries that are also members of the Madrid Protocol. This can be simpler and less expensive than applying directly to each country. Furthermore, only a single request is required to make changes to or renew international registrations.

When an international registration is granted protection in a designated country, the trade mark will have the same protection that would be extended to a national registration in that country.

Another benefit of international registration is the ability to designate other Madrid Protocol countries at a later date. These are called subsequent designations.

## *What to consider before applying for an international registration*

The national trade mark systems of Madrid Protocol members continue to operate independently, and a trade mark owner can still apply for registration directly to overseas countries. There may be some circumstances where applying directly to a country of interest may be a better option than seeking international registration under the Madrid Protocol.

Some of the points you need to consider are whether:

- ▶ the countries you are interested in are members of the Madrid Protocol;
- ▶ you are eligible to file an international application under the Madrid Protocol; and
- ▶ the scope of your Australian trade mark includes all the goods and/or services you wish to protect overseas.

Your intellectual property professional or business adviser can assist when you are deciding whether to use the existing system or the Madrid Protocol system.

## *Searching*

Before applying for an international registration you should try to identify any national trade marks in Madrid Protocol countries of interest that are similar to your trade mark, as this may cause a conflict. To do this you should search the trade mark records in the relevant countries as well as the IB records.

Various trade mark offices provide searchable records of existing trade mark applications and/or registrations on their web sites. There are also companies which provide searching services for a fee and some are internet based.

IB records can be searched using the Madrid Express database which is available, free of charge, through the WIPO web site at **<http://ipdl.wipo.int>**. Madrid Express contains information about international applications that have been received by the IB from an Office of Origin and all international registrations. When searching

the Madrid Express database it should be noted that the IB has not made a decision on the international applications or pending subsequent designations.

### *How long does an international registration last?*

An international registration under the Madrid Protocol is protected for a period of 10 years from its date of registration. The date of registration is usually the date the international application was received by the Office of Origin. International registrations can be renewed every 10 years upon payment of the relevant fee.



# *Applying for an* international trade mark registration

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## *Who can apply?*

An applicant, whether a person or a legal entity, must satisfy at least one of the following criteria:

- ▶ the applicant must be an Australian national;
- ▶ the applicant must be domiciled in Australia; or
- ▶ the applicant must own a real and effective industrial or commercial establishment in Australia.

When the application for an international registration is filed by more than one applicant, each applicant must satisfy at least one of the above requirements.

The applicant must also have an application for registration of a trade mark or a registered trade mark with IP Australia.

## *The basic trade mark*

An application for international registration **must** be based on one or more Australian trade mark applications or registrations owned by the same applicant(s).

The national trade mark(s) is referred to as the basic trade mark(s). The international application must be for a mark identical to the basic trade mark and include some or all of the goods and/or services covered by that basic trade mark. There may be more than one basic trade mark where the goods and/or services claimed in the international application are spread over several Australian trade mark applications and/or registrations.

**Dependence on basic trade mark:** The basic trade mark must be carefully maintained because the international registration is dependent on it for 5 years from the date the international application is filed. IP Australia must report changes to the scope of the basic trade mark to the IB because this will have the same affect on the international registration.

For example, if the basic trade mark lapses, is cancelled or removed, or the goods and/or services are restricted within 5 years of the international application being filed, the IB will cancel the international registration to the same extent in all designated countries. This also applies if the basic trade mark is restricted or ceases as a result of an action that commenced within the 5 year period.

**Priority:** If you have previously filed the same trade mark in another country, the Paris Convention allows you to claim an earlier priority date on your international application **providing** it is filed within 6 months of the date on which the trade mark was first filed. This may be your national application.

**Note:** If you have not yet filed your (basic) Australian application, you should consider doing so and then later filing your international application.

If you wait to receive an examination report on your national application before filing your international application, you will have an indication of the likelihood of acceptance of your basic Australian trade mark. Please call the IP Australia Customer Support Centre on (02) 6283 2999 to find out the current time between filing and examination of national applications.

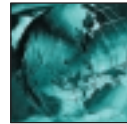
### *Series of trade marks*

It is NOT possible to file an international application for a series of trade marks, even where the basic trade mark covers a series of marks. The international applicant is advised to select one trade mark in the series as the trade mark on their international application.

### *Special trade marks*

- ▶ **three-dimensional**
- ▶ **colour**
- ▶ **sound**

International applications for three-dimensional trade marks, colour trade marks and sound trade marks must include the same written description as the basic trade mark.



### ► **certification, collective and guarantee trade marks**

It is possible to file an international application for a collective, certification or guarantee trade mark. You should be aware that in some countries collective and certification trade marks are **not** the same as collective or certification trade marks under Australian trade mark legislation. Some countries will require documentation such as rules, and will advise holders of their requirements. Australia does not have guarantee trade marks.

### *Care is needed*

Please be very careful when completing the international application form. Once filed the goods and/or services cannot be extended. No changes at all can be made to the trade mark.

### *Filing your international application*

International applications which are based on Australian trade mark applications or registrations must be filed through IP Australia.

An international application cannot be filed direct with the IB.

The information required on the form in this kit must be typed or printed in black ink.

The form can also be downloaded from the WIPO web site at **[www.wipo.int/madrid/en/index.html](http://www.wipo.int/madrid/en/index.html)**

We accept completed international applications

- by mail to The Registrar of Trade Marks, IP Australia, PO Box 200, WODEN ACT 2606
- by fax (credit card payments only) to our secure fax at (02) 6283 7999
- in person at one of our state offices

If mailing or faxing your credit card details please use our payment options form included in this kit.

## *Looking after your international registration*

You can file your own application for international registration or you can use the services of a registered patent or trade mark attorney or a solicitor experienced in trade mark matters.

Some designated countries may insist on the nomination of an address for service in their country if they issue a provisional refusal (an objection) against an international registration. The offices of designated countries will advise you of their requirements where this occurs in relation to your international registration.

## *At any stage*

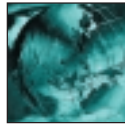
At any stage after filing your international application, you may apply in writing directly to the IB, or through IP Australia to record:

- ▶ an amendment to the holder's name or address;
- ▶ a restriction to the goods and/or services;
- ▶ a change in ownership of the international registration; or
- ▶ subsequent designations.

**Subsequent Designations:** It is possible to add countries to an international registration at any time. This may be desirable when your markets expand or when other countries join the Madrid Protocol. Requests for subsequent designations may be made through IP Australia or direct to the IB. A separate form and fees are needed for these requests. Please read the information on IP Australia's web site.

## *Renewal*

Under the Madrid Protocol, renewal of international registrations is due 10 years from the registration date as recorded by the IB. The IB notifies the holder or their representative six months before the expiry date. Payment of renewal fees may be made up to six months after the expiry date, however penalty fees apply.



## *Fees and payment options*

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### *How much does it cost?*

All fees may be paid either to IP Australia in Australian dollars at the time of filing the international application or directly to the IB.

IP Australia has a fee calculator to enable applicants to work out how much an international application will cost in Australian dollars. It is available at [www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)

If paying directly to the IB, the fee calculator on the WIPO web site [www.wipo.int/madrid/en/index.html](http://www.wipo.int/madrid/en/index.html) should be used to calculate the amount due in Swiss francs.

A handling fee of \$100 Australian applies to each international application filed through IP Australia. The handling fee is to cover costs involved in checking, certifying and transmitting the international application to the IB. The handling fee **must** be paid to IP Australia when filing an international application, even where other payments are being made directly to the IB.

The international application fee consists of:

▶ **basic fee**

653 Swiss francs or 903 Swiss francs where there is any colour in the representation of the trade mark.

and

▶ **supplementary fee**

73 Swiss francs for each extra class over 3 classes. **Note:** If all designated countries require individual fees, the supplementary fee does not apply.

and

▶ **complementary fee(s)**

73 Swiss francs for each designated country, unless the country requires an individual fee; and/or,

**individual fee(s)**

Currently 20 countries have individual fees. A country's individual fee can be no higher than the equivalent national filing and registration fees. The list of individual fees is available on the WIPO web site ([www.wipo.int](http://www.wipo.int)).

**EXAMPLE 1**

2 September 2002

The fee for a single class international application covering **UK, France, Germany, Japan** and **China** with no colour in the representation would be:

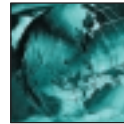
▶ <b>IP Australia Handling Fee to IP Australia</b>	<b>\$100.00</b>	
▶ <b>Basic</b> Fee:	\$771.00	653 CHF
▶ <b>Supplementary</b> Fee	\$0.00	0 CHF
▶ <b>Complementary</b> Fee:		
\$87.00 for each non individual fee state		
— Germany, France	\$174.00	146 CHF
▶ <b>Individual</b> Fees:		
China \$408.00 (for 1 class)	\$408.00	345 CHF
United Kingdom \$536.00 (for 1 class)	\$536.00	454 CHF
Japan \$1345.00 (for 1 class)	\$1,345.00	1139 CHF
<b>Total Fees:</b>	<b>AU \$3,334.00</b>	or <b>2737CHF + \$100</b>

**EXAMPLE 2**

2 September 2002

The fee for a FOUR class international application covering **UK, France, Germany, Japan** and **China** with COLOUR in the representation would be:

▶ <b>IP Australia Handling Fee to IP Australia</b>	<b>\$100.00</b>	
▶ <b>Basic</b> Fee:	\$1,066.00	903 CHF
▶ <b>Supplementary</b> Fee	\$87.00	73 CHF
▶ <b>Complementary</b> Fee:		
\$87.00 for each non individual fee state		
— Germany, France	\$174.00	146 CHF
▶ <b>Individual</b> Fees:		
China \$408.00 (for 1 class)	\$408.00	345 CHF
China (for 3 extra classes)	\$612.00	516 CHF
United Kingdom \$536.00 (for 1 class)	\$536.00	454 CHF
United Kingdom (for 3 extra classes)	\$447.00	378 CHF
Japan \$1345.00 (for 1 class)	\$1,345.00	1139 CHF
Japan (for 3 extra classes)	\$3,807.00	3225 CHF
<b>Total Fees:</b>	<b>AU \$8,582.00</b>	or <b>7179CHF + \$100</b>



## *How to pay*

International application fees may be paid either through IP Australia in Australian dollars at the time of filing the international application or directly to the IB in Swiss francs. Please complete the IB's Fee Calculation sheet included in this kit if you are paying the IB.

### **Payment can be made to IP Australia**

- ▶ At our state office (cash, cheque, money-order, debit or credit card)
- ▶ By post (cheque, money-order, payment options form for credit card)
- ▶ By fax (using the payment options form for credit card) to our secure business transaction fax (02) 6283 7999
- ▶ By Electronic Funds Transfer (EFT) — remittance advice required. To arrange please contact (02) 6283 2999

Cheques should be made payable to IP Australia. We accept MasterCard, Visa and BankCard credit cards.

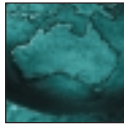
We will also accept payment in Australian dollars for other IB fees including renewal fees, subsequent designations, changes to the name and address of a holder and the transfer of ownership.

### **Payment can be made to the IB by**

- ▶ Debit to a current account with WIPO
- ▶ Payment or transfer to the Swiss postal cheque account of WIPO, No. 12-5000-8, in Geneva
- ▶ Transfer to WIPO's bank account No. 487080-81 with the Swiss Credit Bank, Geneva
- ▶ A banker's cheque
- ▶ Payment in cash at the IB.

The purpose of the payment to the IB must be indicated, together with:

- ▶ a copy of the mark to which the payment relates;
- ▶ the name of the applicant; and
- ▶ the number of the basic application or registration concerned, if available.



## Warning

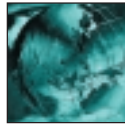
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International trade mark holders may be sent unsolicited documents from companies which offer, for a fee, to register trade mark information for the implied purpose of protecting trade mark rights. Some of these companies identify themselves as

- ▶ **Globus Edition SL, Palma de Mallorca, Spain**
- ▶ **Company for Economic Publications Ltd, Vienna, Austria**
- ▶ **IT & TAG, Switzerland**
- ▶ **Company for Publications and Information Anstalt, Liechtenstein**
- ▶ **INFOCOM, Schaan, Switzerland.**

These companies are sending documents resembling invoices to trade mark owners which offer “entry” of trade mark details in an annual publication. They are usually sent after the trade mark details have been advertised in IP Australia’s *Official Journal of Trade Marks*.

These companies **are not** associated with IP Australia and have no official or governmental authority in Australia. The service they offer does not provide official trade mark registration or trade mark rights in Australia or any other country.



## **Protection** process

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### *IP Australia as Office of Origin*

IP Australia checks the international application and the fees payable. When IP Australia can certify it, the international application, the certification, and IB fees (where they have been paid to IP Australia) are forwarded to the IB. **It is very important that you quickly respond to any issues raised by IP Australia during the certifying process.** The filing date of the international registration is the date of receipt of the international application by IP Australia, providing the international application and IP Australia's certification are received by the IB within 2 months of that date. However, if IP Australia cannot certify and forward the international application to the IB within 2 months from the date we receive the international application, the original filing date will be lost.

IP Australia will also monitor the basic trade mark for at least five years from the date the international application is filed and must notify the IB if it ceases to exist or there is a restriction in its scope.

### *International Bureau (IB)*

The IB checks that the international application meets their requirements such as classification, formalities and fees. The international applicant and IP Australia will be notified if the IB has any problems with the international application\*. When any problems have been overcome the trade mark is recorded in the *International Register*. The IB sends the applicant a Certificate of Registration and notifies all designated countries. Details of the international registration are published in the WIPO Gazette. International registration can be seen as equivalent to filing an application in each of the designated countries.

Further information can be obtained from the WIPO web site at <http://www.wipo.int/madrid/en/index.html>

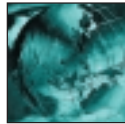
**\* Contact IP Australia immediately if you receive an irregularity notice from the IB about your international application.**

## *Designated countries*

The international registration is examined according to the trade marks legislation and laws existing in each designated country. It is important to note that if the international registration is refused in one country, it does not necessarily mean it will be refused in all designated countries. It is possible for an international registration to attract no objections in some countries but have a notification of refusal issued by others.

A notification of refusal is sent by the designated country to the IB who forwards a copy to the trade mark holder. Refusals must be made within a set time limit, 12 or 18 months. In some cases, but only after the holder has been made aware of the possibility, opposition can be lodged after the expiry of these time limits. Countries notifying a refusal are required to provide the IB and the holder with detailed reasons and supporting documentation. Most countries allow for a review of, or appeal against, a refusal. A provisional refusal based on examination is similar to a first adverse report in Australia. It will include any ways in which the problems may be able to be overcome.

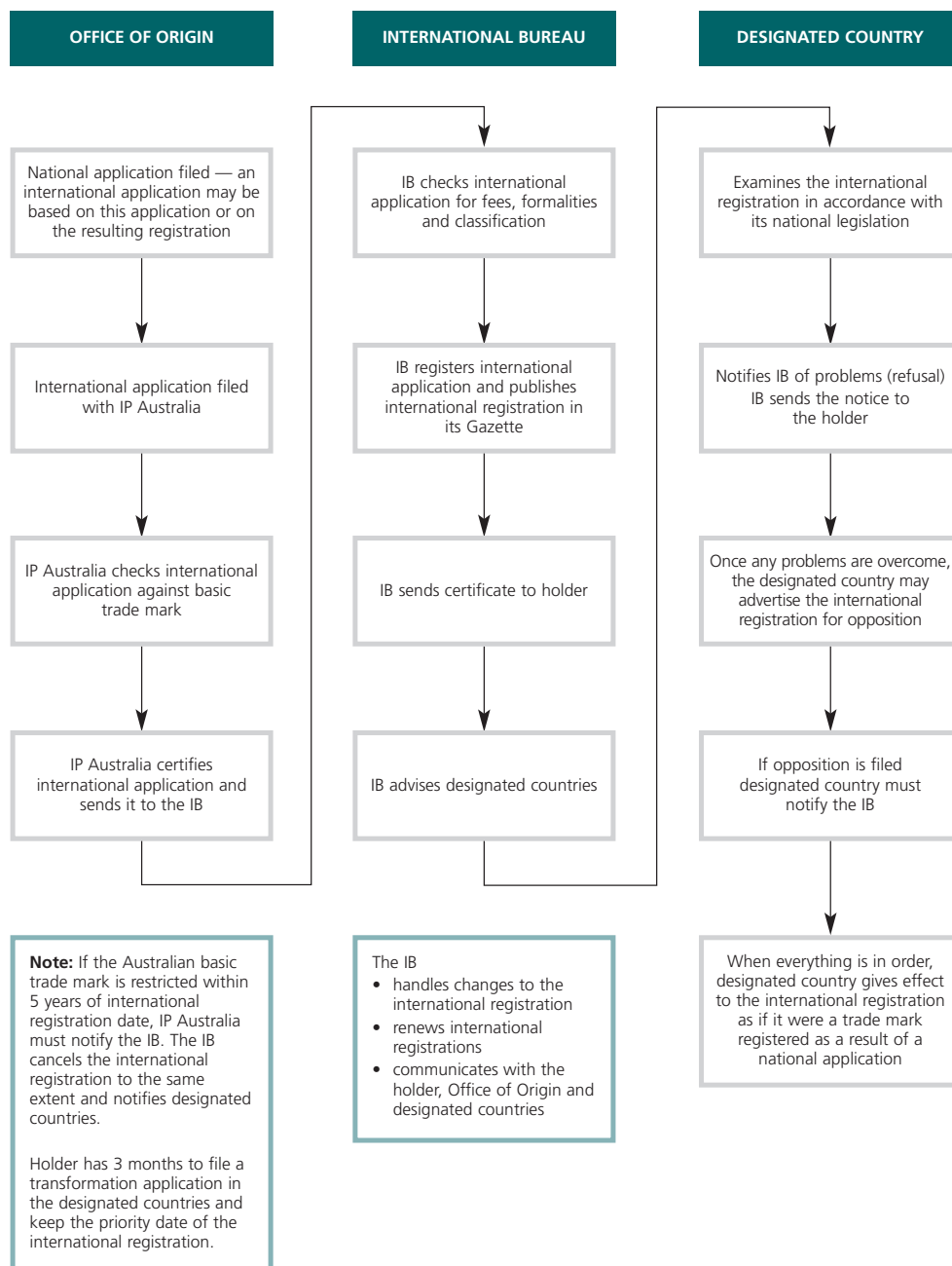
If no refusal is issued, or it is overcome, the international registration will be protected in the designated country. Protection will be effective from the date recorded on the international registration. In most cases this will be the date on which IP Australia received the application for the international registration. Protection in a designated country will give the holder the same rights as if the trade mark had been registered in that country.

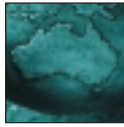


# International application flow chart

Note: IP Australia is the Office of Origin for Australians seeking protection overseas by filing international applications.

Australia will be a designated country for overseas trade mark owners seeking protection in Australia under the Madrid Protocol.





## Glossary

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**Basic Trade Mark** — The national application or registration on which the international application or registration is based.

**Contracting Party** — Any country, State or intergovernmental organization which is a member of the Madrid Protocol.

**Designated Countries** — Those countries that you nominate on the international application form as countries in which you are seeking international trade mark protection.

**Holder** — The owner of an international registration.

**IB** — The International Bureau of the World Intellectual Property Organization (WIPO).

**International Application** — Your international trade mark application before the IB has issued a Certificate of Registration.

**International Register** — The IB's database that contains all international registrations, including details of each designated country.

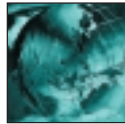
**International Registration** — Your international application after the IB has issued the Certificate of Registration and notified the designated countries.

**Office of Origin** — The Trade Marks Office of the country through which the international application is filed. For Australian applicants this is IP Australia.

**Protected International Trade Mark** — An international trade mark registration to which protection has been given in Australia.

**Subsequent Designation** — Any country that is added to your international registration after the international application is forwarded to the IB.

**WIPO** — The World Intellectual Property Organization in Geneva.



## Contacting IP Australia

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IP Australia staff are happy to help you and to answer your queries. However we cannot assist clients on legal matters or provide business advice. You may wish to consult a patent or trade mark attorney, a solicitor experienced in intellectual property matters, or your business adviser.

IP Australia subscribes to the **Telephone Interpreter Service**. If you need help communicating in English, you can phone the interpreter service on 131 450 for the cost of a local call from anywhere in Australia.

All written correspondence regarding trade marks should be directed to *The Registrar of Trade Marks*.

Postal Address: **PO Box 200, Woden ACT 2606**

Phone: **(02) 6283 2999**  
**Customer Support Centre** — for assistance with subscriptions, sale of patent publications, electronic communication and more detailed assistance with trade mark enquiries.

Phone: **1300 651 010**  
**General Enquiries** — for the cost of a local call contact your **nearest state office** for general information relating to trade marks, designs or patents.

Fax: **(02) 6283 7999**  
**Business Transactions Fax** — for lodgements, filings and business related correspondence such as financial and confidential material. Faxes received at this secure number are receipted at Australian Eastern Standard/Daylight Saving time.

Email: **assist@ipaustrialia.gov.au** — for general enquiries. However lodgement of documents is not available through this address.

Website: **<http://www.ipaustrialia.gov.au>** — for information relating to intellectual property.

## State Offices

Our state offices are open from 9.00am to 5.00pm weekdays (except local public holidays) and can provide assistance, resources including computers to search our databases and published reference materials.

### **Canberra**

Ground Floor, Discovery House  
47 Bowes Street  
PHILLIP ACT 2606  
Fax (02) 6283 7999

### **Melbourne**

Level 6, OCBC House  
565 Bourke Street  
MELBOURNE VIC 3000  
Fax (03) 9612 9807

### **Adelaide**

Level 10, AMP Building  
1 King William Street  
ADELAIDE SA 5000  
Fax (08) 8239 4507

### **Perth**

Level 2, Eastpoint Plaza  
233 Adelaide Terrace  
PERTH WA 6000  
Fax (08) 9220 8907

### **Brisbane**

Level 1, Grant Thornton House  
102 Adelaide Street  
BRISBANE QLD 4000  
Fax (07) 3007 1107

### **Sydney**

Level 1  
45 Clarence Street  
SYDNEY NSW 2000  
Fax (02) 9249 5807

### **Hobart**

Ground Floor, AMP Building  
27 Elizabeth Street  
HOBART TAS 7000  
Fax (03) 6235 6307

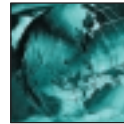
We encourage you to use our business transactions fax number (02) 6283 7999 to obtain certainty of time and date.

## *Australia's premier intellectual property resource*

IP Australia and a range of other government and non-government IP experts have pooled their resources to develop an online portal for intellectual property which provides easy and fast access to IP resources, the latest IP news and a personalised management system to ensure you get the information you need.

To find out more, visit [www.ipaccess.gov.au](http://www.ipaccess.gov.au)





### *Customer Service Charter*

IP Australia is committed to being a customer focused organisation. To help our customers, IP Australia has a Customer Service Charter outlining the standards of service you can expect from us. To obtain a copy of the charter, simply ring 1300 651 010 or visit our website.

### *Communicating electronically with IP Australia*

The date which information is provided to IP Australia can be critical to the certainty of IP rights.

IP Australia has implemented a set of business rules which establish that when you communicate with us electronically (eg email, fax or online) using our preferred contact numbers and methods, the date and time of communication will be Australian Eastern Standard/ Daylight Saving time.

Our preferred means of communication are:

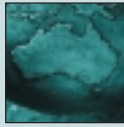
- ▶ the IP Australia website — **[www.ipaustralia.gov.au](http://www.ipaustralia.gov.au)**;
- ▶ our business transactions fax number — **(02) 6283 7999**; or
- ▶ email — **[assist@ipaustralia.gov.au](mailto:assist@ipaustralia.gov.au)**

Communication sent to other contact points electronically (eg state office fax numbers) will be processed in accordance with the date and time at the place of receipt. These communications will not gain the benefits provided by the *Electronic Transactions Act* such as security and certainty of receipt.

The *Electronic Transactions Act* business rules address a range of issues including:

- ▶ identifying the appropriate form of electronic communication to use for different types of correspondence;
- ▶ choosing electronic payment options;
- ▶ receiving notifications; and
- ▶ utilising supported electronic formats.

Further details on IP Australia's electronic communication business rules can be found at [http://www.ipaustralia.gov.au/about/A\\_ETA\\_home.htm](http://www.ipaustralia.gov.au/about/A_ETA_home.htm)



# Instructions for filling in the *international application form*

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Before filling out the international application form, please read the instructions carefully.

If your application is not received by the IB within 2 months of filing with IP Australia, the original date of filing cannot be granted. This may occur where your international application is not completed correctly or the handling fee has not been paid.

The international application **MUST** be typed or printed in black ink. This is an IB requirement which must be strictly adhered to because the IB scans all international applications.

## **1. Contracting party whose office is the office of origin**

This is the Protocol country through which the trade mark holder is applying. In this case, Australia.

## **2. Applicant**

As well as the name, address, address for correspondence, and telephone/fax numbers, the applicant is also required to state either English or French as the preferred language for correspondence coming from the IB. All correspondence between the applicant and IP Australia however must be in English. Also, all correspondence between IP Australia and the IB will be in English.

## **3. Entitlement to file**

Each applicant is required to state their connection with Australia. That is, **each** applicant must be either an Australian national, be domiciled in Australia, or have a real and effective industrial or commercial establishment in Australia. If the applicant is domiciled in Australia (see (a)(iii)) or has real and effective industrial or commercial establishment in Australia (see (a)(iv)), that address must also be provided.

#### **4. Representative**

This is an optional section to be completed only if the applicant has a representative who will communicate with the IB on their behalf. If the representative has previously been allocated an identification code by WIPO, that code should be given in the space provided; otherwise, that space should be left blank.

#### **5. Basic application or basic registration**

An international application must be based on a trade mark (or trade marks) applied for or registered with IP Australia. The owner of the trade mark must be the same as, the mark identical to, and the goods and/or services the same or less than the national trade mark. The number and filing date of the basic trade mark(s) must be included. If you have only recently filed your Australian application and do not yet know the number allocated to it by IP Australia, the basic trade mark must be described in the covering letter so that IP Australia can complete this section.

#### **6. Priority claimed**

The applicant may claim a filing date earlier than the actual filing date of the international application if their first filing of the trade mark in a country party to the Paris Convention occurred within 6 months prior to filing the international application. A convention claim can be based on the basic Australian trade mark where this international application is filed within 6 months of filing the Australian application.

#### **7. The mark**

A representation of the trade mark is to be attached to the space provided at box (a). The representation must be identical to the trade mark that is the subject of the basic application or registration.

If the representation on the basic trade mark is in black and white, the representation in box (a) must be black and white. If the representation on the basic trade mark is in colour, the reproduction in box (a) must also be in colour. If the representation on the basic trade mark is in black and white but claims colour as a distinctive feature of the mark (see point 8 below), a reproduction of the mark in colour must also be provided in box (b). The trade mark can be typed, printed, pasted or reproduced on the form.

The representation will be scanned for reproduction in WIPO's Official Gazette therefore it must be sufficiently clear for this purpose.

The representations must fit in the square area provided on the form and must be no larger than 8cm x 8cm.

If the trade mark is a word mark (that is a word/words rendered in common type script with no embellishments or device elements) box (c) may be ticked. This declaration does not legally bind either the Office or courts of a designated country who may themselves have criteria as to what constitutes standard characters.

#### **8. Colour(s) claimed**

This section is to be completed when the applicant claims colour as a distinctive feature of the mark in both the basic trade mark and the international application (see point 7 above).

#### **9. Miscellaneous indications**

Transliterations must be provided for characters other than Latin characters or numerals other than Arabic or Roman numerals.

The IB does not require the applicant to provide a translation for trade marks consisting of or containing words in languages other than English. Some member countries however may require a translation before protection can be granted. This section is also for the indication of trade marks which are three-dimensional, sound marks, or collective, certification or guarantee marks. There are no guarantee marks in Australia. In some countries a certification trade mark is referred to as a guarantee trade mark, or as a collective trade mark.

Any endorsements included in the basic trade mark which describe the mark itself must be recorded on the international application form. Endorsements concerning the use of the trade mark are not to be included.

#### **10. Goods and services for which international registration is sought**

The goods and/or services claimed must be the same as or less than those claimed in the basic trade mark(s). The exact wording need not be used however the claim may be equivalent to but not broader than the basic trade mark. The applicant must list the goods and/or services grouped in the appropriate class determined by the International Classification of Goods and Services. Each group must be preceded by the class number and where more than one class exists, listed in numerical order.



### **11. Designated contracting parties**

The applicant is to tick the boxes corresponding to the countries which the international registration is to cover. The space under Others is for the designation of countries which have acceded to the Madrid Protocol after the form was printed.

### **12. Signature by the applicant or his/her representative**

IP Australia does not require the application form to be signed.

### **13. Certification and signature of the international application by the office of origin.**

This is to be completed by IP Australia.

IP Australia must certify that the information contained in the international application form accords with the details of the basic trade mark.

### **Payment to the IB**

#### *Fee Calculation Sheet*

Part a) is only to be completed if the applicant has an existing account with the IB.

Part b) is to be completed if the applicant is paying the international application fee, in Swiss francs, directly to the IB.

### **Payment to IP Australia**

#### *Payment Options Form*

Please complete the Payment Options Form.