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EU SAYS YES TO MADRID PROTOCOL

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The EU is set to join the Madrid Protocol in less than a year's time following its member states' formal endorsement of the accession proposals last week.

The decision means that, by the end of next year, brand owners will be able to extend their Community Trade Mark to cover a total of at least 62 countries using the international system. Applicants filing an international trade mark application using the Madrid Protocol will be able to seek a Community Trade Mark from the same date.

The EU Council of Ministers approved the proposals for the EU accession to Madrid in its meeting on October 27. It also adopted a regulation changing EU Council Regulation (EC) 40/94 on the Community Trade Mark accordingly.

The European Commission expects the Protocol as well as the changes to the Community Trade Mark Regulation to enter into force on October 1 2004.

"European businesses will now be able to protect their trade marks at international level with one simpler procedure. That will encourage exchanges with other countries and create new commercial opportunities," said Frits Bolkestein, EU internal market commissioner.

The decision will be warmly welcomed by brand owners, who have been waiting for the EU's green light for many years.

"We are very excited. But in a way the news is weird, because it has been going on for such a long time now," said Tove Graulund, in-house counsel at Danish-Swedish company Arla Foods, and chairman of Marques.

The EU's accession to the Madrid Protocol has been considered since at least 1996, when the Community Trade Mark came into being, but has continuously stumbled over technical obstacles such as the opt-back provision.

WIPO member states in a meeting in September adopted a number of technical changes to allow for an EU accession, and also voted in favour of the opt-back provision. The provision allows trade mark owners to opt-back to national designations if their Community Trade Mark designation fails in an EU member state, while staying within the Madrid system.

"This link (between the CTM and Madrid) is perfect for trade mark owners, who can keep their filing date and stay within the system even though they have lost an opposition," said Graulund. She added that the link is bound to boost Community Trade Mark applications.

The link is even more important ahead of the accession of 10 new member states to the EU in May 2004, which means that trade mark owners will be able to register their rights in 25 countries with just one Community Trade Mark application.

The EU said it will not submit its instrument of accession to the World Intellectual Property Organization until all the necessary adjustments have been made to the system to make it fully operational, which delays its accession until late next year.

To see the up-to-date list of Madrid member states [click here](#).

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