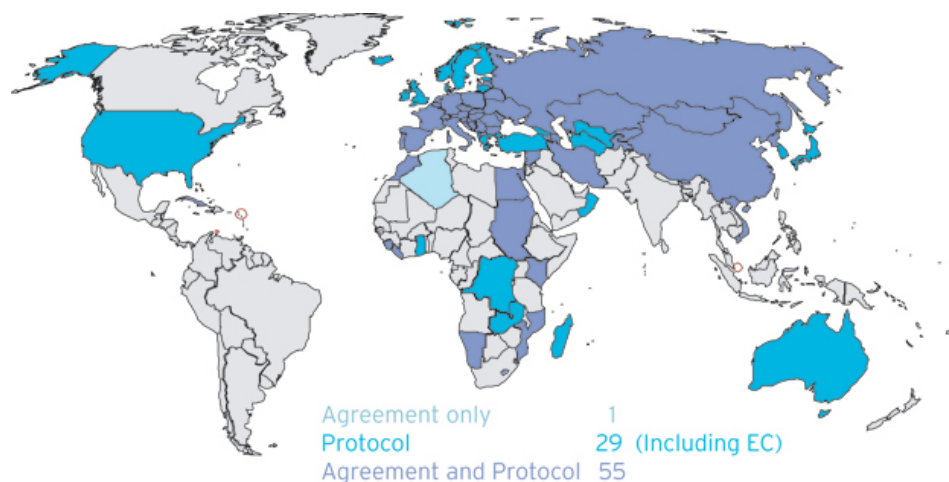


### PHILIPPINES, MEXICO, COLOMBIA TO JOIN MADRID

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**Simon Crompton explains the impact of three countries joining or clearing the last hurdles to join the international trade mark system**



The Madrid Protocol for international registration of trade marks received a big boost in the past couple of months, with three countries either joining or taking big steps towards joining the system. And more are likely to follow.

On March 28, the Colombia Constitutional Court ruled that the Protocol was enforceable in the country – a big step towards the first South American country joining. An official also said that it planned to deposit its instrument of accession with WIPO, which administers the international trade mark system, by the end of June. After that, the system would automatically come into force after six months.

A few weeks later, the Mexican Senate passed legislation that will allow it to join Madrid – its biggest hurdle in the process. And then at the end of the month, the Philippines announced that it had actually deposited its instrument of accession, having begun the procedure to join only a year earlier.

Colombia's membership will be significant because the Madrid system, although including 85 countries worldwide, has had a large hole in South America, with no members there at all (see map, right). Arguably, however, Mexico's accession would be more important, given the size of its economy. Certainly, both moves would encourage other Latin American countries to join, including Brazil, where former President Luiz Inácio Lula da Silva requested last year that Congress examine the country's potential accession.

Argentina's discussions stalled in 2009, but there have been positive discussions in the Dominican Republic and Peru has also expressed interest.

The other major developing country that is on the road to joining is India. It approved legislation in 2010, although there has been little progress since.

The Philippines, meanwhile, will certainly be followed by several other countries in its south-east Asian association, ASEAN. The eight nations that are not already members of Madrid made an agreement to join by the end of 2015. Singapore and Vietnam are already members.

The head of the Philippines IP Office, Ricardo Blancaflor, made a last-minute visit to the Madrid System Users Meeting at the INTA Annual Meeting in Washington, DC last month, to explain how the office is doing with pendency rates and why Madrid will be a big benefit for companies serving the Philippines' large diaspora. See Managing IP's exclusive interview with him below for more details.

Trade mark associations and their members, meanwhile, were excited by the news.

"I am delighted to see two new countries joining Madrid – it will be great news for companies that need to seek protection of their trade marks worldwide," said Tove Graulund of Graulund IP and ex-chairman of MARQUES.

"Mexico is a G20 country so its membership would be a big step for Madrid," said Laura Cruz, external relations manager, Latin America at INTA. " We

are seeing a trend in Latin America of governments opening up markets to encourage global trade, and recognizing how the Madrid Protocol can support that."

Many would-be members have seen vocal opposition to the system, particularly from trade mark attorneys that worry about losing work.

"In a country like Mexico, where 80% of the filings are from foreign companies, this will have a big impact. I'm not sure it will benefit national companies at all, either," one attorney in the country told Managing IP, adding: "If we [accede], I think it will be a nightmare for everybody. We don't have a system that's ready for it."

But a need to encourage foreign trade and investment appears to be winning out over local lobbying. The Mexican Senate said in a statement (translation by Managing IP): "This is part of the modernisation that our country is carrying out to the regulatory framework of the trade mark system, seeking to provide legal certainty to businesses and contribute to the competitiveness of our country."

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