

## Obtaining International Trade Mark Protection

A registration system previously known as “the Madrid Agreement” has existed for some considerable time. The World Intellectual Property Organisation (WIPO), based in Geneva, supervises the registration of Trade Marks under the Madrid Agreement. WIPO, recognising the various shortcomings of the Madrid Agreement system, instituted a modification of the system, “The Protocol to the Madrid Agreement on the International Registration of Trade Marks”, which is simply referred to as “the Madrid Protocol”. Registrations under the Madrid Agreement and the Madrid Protocol are known as “International Registrations”. The Madrid Protocol removes some of the less desirable features of the Madrid Agreement system.

The Madrid Protocol came into effect in the UK in 1989 and in Ireland in 2001. Unlike the Community Trade Mark registration system, this does not provide a single unitary registration but rather provides a mechanism for obtaining a collection of national registrations. An applicant makes a single “international application” to WIPO based upon a national application or registration for the Trade Mark in the country of origin. The international application must be based on either a home application or registration. The applicant selects only those countries in which it wishes to obtain protection for its Trade Marks. Utilising the Madrid Protocol, the applicant obtains “a basket of national registrations” which are individual registrations in their own right. As additional countries ratify the Madrid Protocol, new applications can be made to extend the coverage of the international registration to those countries. The list of countries which have ratified the Madrid Protocol is growing every year.

As at 16 June 2008, there are 83 countries which are party to the Madrid Protocol including the European Union itself.

### Please Note

This guide is intended as a very basic introduction to Trade Marks, and certain procedures surrounding them, and as such, it is no substitute for consulting with a qualified trade mark attorney.

If you have any further questions please [contact us](#).

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**Dublin, 27 Clyde Road, Dublin 4, Ireland**

T:+353 1 231 4848

F:+353 1 614 4756

E: [dublin@frkelly.com](mailto:dublin@frkelly.com)

**Belfast, 4 Mount Charles, Belfast BT7 1NZ, United Kingdom**

T:+44 28 9023 6000

F:+44 28 9023 5454

E: [belfast@frkelly.com](mailto:belfast@frkelly.com)