

**Príloha
k č. 59/2000 Z. z.**

**AMENDMENTS TO THE REGULATIONS UNDER THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS
AND THE PROTOCOL RELATING TO THAT AGREEMENT**

Rule 6

Languages

- (1) (No change)
- (2) [Communications Other Than the International Application]
- (a) Any communication concerning an international application governed exclusively by the Agreement or the international registration resulting therefrom shall, subject to Rule 17(2)(v) and (3), be in French, except that, where the international registration resulting from an international application governed exclusively by the Agreement is or has been the subject of a subsequent designation under Rule 24(1) (b), the provisions of subparagraph (b) shall apply.
- (b) (No change)
- (3) [Recordal and Publication]
- (a) (No change)
- (b) (No change)
- (c) If a subsequent designation made under Rule 24(1) (b) is the first subsequent designation made under that Rule in respect of a given international registration, the international Bureau shall, together with the publication in the Gazette of that subsequent designation, publish the international registration in English and republish the international registration in French. Thereafter, that subsequent designation shall be recorded in the International Register in English and French. The recordal in the International Register and the publication in the Gazette of any data to be both recorded and published under these Regulations in respect of the international registration concerned shall be in English and French.
- (4) (No change)

Rule 15

**Date of the International Registration
in Special Cases**

- (1) [Irregular International Application]
- (a) Where the international application received by the International Bureau does not contain all of the following elements:
- (i) (No change)
- (ii) indications permitting the conclusion that the

applicant is entitled to file an international application,

- (iii) the Contracting Parties which are designated,
- (iv) the date and number of the basic application or basic registration, as the case may be,
- (v) the declaration of the Office of origin referred to in Rule 9(5) (a) (v) or Rule 9(6) (a) (vii),
- (vi) and (vii) (No change)
- (b) (No change)
- (2) (No change)

Rule 17

Notification of Refusal

- (1) (No change)
- (2) [Refusal Not Based on an Opposition] Where the refusal of protection is not based on an opposition, the notification referred to in paragraph (1) shall contain or indicate
- (i) (No change)
- (ii) the number of the international registration, preferably accompanied by other indications enabling the identity of the international registration to be confirmed, such as the verbal elements of the mark or the basic application or basic registration number,
- (iii) (Deleted)
- (iv) to (viii) (No change)
- (3) to (5) (No change)

Rule 24

**Designation Subsequent
to the International Registration**

- (1) [Entitlement]
- (a) (No change)
- (b) (No change)
- (c) The holder of an international registration resulting from an international application governed exclusively by the Protocol may designate Contracting Parties bound by the Agreement, whether or not those Contracting Parties are bound also by the Protocol, provided that, at the time of that designation, the Contracting Party whose Office is the Office of origin is bound by the Agreement, or, where a change in ownership has been recorded, the Contracting Party, or at least one of the Contracting Parties, in respect of which

the new holder fulfills the conditions to be the holder of an international registration, is bound by the Agreement, and provided that either the international registration is based on a basic registration, or, if it is based on a basic application, the said application resulted in a registration.

(2) (No change)

(3) [Contents]

(a) (No change)

(b) (No change)

(c) The subsequent designation may also contain

- (i) the indications and translation or translations, as the case may be, referred to in Rule 9(4) (b),
- (ii) a request that the subsequent designation take effect after the recordal of a change or a cancellation in respect of the international registration concerned or after the renewal of the international registration.

(d) Where the international registration is based on a basic application, the subsequent designation shall be accompanied by a declaration, signed by the Office of origin, certifying that the said application has resulted in a registration and indicating the date and number of that registration, unless such a declaration has already been received by the International Bureau.

(4) and (5) (No change)

(6) [Date of Subsequent Designation]

(a) (No change)

(b) and (c) (No change)

(d) Notwithstanding subparagraphs (a), (b) and (c), where the subsequent designation contains a request made in accordance with paragraph (3) (c) (ii), it may bear a date which is later than that resulting from subparagraph (a), (b) or (c).

(7) to (9) (No change)

Rule 25

Request for Recordal of a Change; Request for Recordal of a Cancellation

(1) [Presentation of the Request]

(a) A request for recordal shall be presented to the International Bureau on the relevant official form, in one copy, where the request relates to any of the following:

- (i) to (iii) (No change)
- (iv) a change in the name or address of the holder;
- (v) (No change)

(b) and (c) (No change)

(2) [Contents of the Request]

(a) (No change)

(b) (No change)

(c) The request for recordal of a change or a cancellation may also contain a request that it be recorded before, or after, the recordal of another change or cancellation or a subsequent designation in respect of the international registration concerned or after the renewal of the international registration.

(3) and (4) (No change)

Rule 27

Recordal and Notification of a Change or of a Cancellation; Declaration That a Change in Ownership Has No Effect

(1) [Recordal and Notification of a Change or of a Cancellation]

(a) The International Bureau shall, provided that the request referred to in Rule 25(1) (a) is in order, promptly record the change or the cancellation in the International Register, shall notify accordingly the Offices of the designated Contracting Parties in which the change has effect or, in the case of a cancellation, the Offices of all the designated Contracting Parties, and shall inform at the same time the holder and, if the request was presented by an Office, that Office. Where the recordal relates to a change in ownership, the International Bureau shall also inform the former holder in the case of a total change in ownership and the holder of the part of the international registration which has been assigned or otherwise transferred in the case of a partial change in ownership. Where the request for the recordal of a cancellation was presented by the holder or an interested Office during the five-year period referred to in Article 6(3) of the Agreement and Article 6(3) of the Protocol, the International Bureau shall also inform the Office of origin.

(b) The change or the cancellation shall be recorded as of the date of receipt by the International Bureau of a request complying with the applicable requirements, except that, where a request has been made in accordance with Rule 25(2) (c), it may be recorded as of a later date.

(2) (No change)

(3) [Recordal of Merger of International Registrations] Where the same natural person or legal entity has been recorded as the holder of two or more international registrations resulting from a partial change in ownership under paragraph (2), the registrations shall be merged at the request of the said person or entity, made either direct or through the Office of origin or another interested Office. The international registration resulting from the merger shall bear the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

(4) (No change)

Rule 35

Currency of Payments

(1) (No change)

(2) [Establishment of the Amount of Individual Fees in Swiss Currency]

(a) (No change)

(b) (No change)

(c) Where, for more than three consecutive months,

the official exchange rate of the United Nations between the Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the individual fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette.

- (d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is lower by at least 10% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Director General shall establish a new amount of the individual fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette.