


Procedure file

Basic information		
CNS - Consultation procedure Decision	1996/0190(CNS)	Procedure completed
International registration of marks: EC accession to the Madrid protocol		
Subject 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.50.16 Industrial property, European patent, Community patent, design and pattern		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs, Citizens' Rights		03/09/1996
		PSE MEDINA ORTEGA Manuel	
	Committee for opinion	Rapporteur for opinion	Appointed
	ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
	RELA External Economic Relations		25/09/1996
		PPE VALDIVIELSO DE CUÉ Jaime	
Council of the European Union	Council configuration	Meeting	Date
	Environment	2536	27/10/2003

Key events			
22/07/1996	Legislative proposal published	COM(1996)0367	Summary
25/10/1996	Committee referral announced in Parliament		
18/03/1997	Vote in committee		Summary
18/03/1997	Committee report tabled for plenary, 1st reading/single reading	A4-0092/1997	
16/05/1997	Debate in Parliament		Summary
16/05/1997	Decision by Parliament	T4-0265/1997	Summary
27/10/2003	Act adopted by Council after consultation of Parliament		
27/10/2003	End of procedure in Parliament		

Technical information	
Procedure reference	1996/0190(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 308; EC Treaty (after Amsterdam) EC 300-p3-a1; EC Treaty (after Amsterdam) EC 300-p2-a2
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/08334

Documentation gateway					
Legislative proposal		COM(1996)0367 OJ C 293 05.10.1996, p. 0011	22/07/1996	EC	Summary
Economic and Social Committee: opinion, report		CES0100/1997 OJ C 089 19.03.1997, p. 0014	29/01/1997	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0092/1997 OJ C 132 28.04.1997, p. 0005	18/03/1997	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0265/1997 OJ C 167 02.06.1997, p. 0228-0252	16/05/1997	EP	Summary

Additional information	
European Commission	EUR-Lex

Final act
Decision 2003/793 OJ L 296 14.11.2003, p. 0020-0021 Summary

International registration of marks: EC accession to the Madrid protocol

OBJECTIVE: the object of the proposal for a Council Decision is to establish a link between the Community trademark system and the international registration system established under the Madrid Protocol, adopted on 27 June 1989. **SUBSTANCE:** the Council is invited to approve the Madrid Protocol. The Madrid Protocol provides for the international registration of marks at the International Bureau of the World Intellectual Property Organization (WIPO) at Geneva. It has the same objectives as the Community trademark system, although they are achieved by different means. Whereas the Community trademark system provides for a complete and unified regional trademark registration system which covers the whole territory of the European Community, the Madrid Protocol introduces a single procedure for filing applications for registration, which potentially affects all the Contracting Parties to the Paris Convention (over 110 states). The two systems are thus complementary. The establishment of a link between the two would permit businesses to enjoy the advantages of the Community trademark through the Madrid Protocol and vice versa. ?

International registration of marks: EC accession to the Madrid protocol

The Committee has approved the recommendation of its rapporteur (Manuel MEDINA ORTEGA (PES, E) in favour of the European Community's accession to the Protocol to the Madrid Agreement concerning the international registration of trademarks.

International registration of marks: EC accession to the Madrid protocol

The rapporteur stated that the fairly complicated mechanics of the approval procedure for the Madrid Protocol required a Council decision for

the EU's accession, prior to the amendment of Regulation (EC) No 40/94 which had introduced the Community trade mark. This amendment was needed so that there was a link between the international and Community systems for the registration of trade marks. Noting that the Committee on Legal Affairs had adopted the Commission's proposal without amending this, Commissioner Monti indicated the benefits to the single market and European industry of this link between the two parallel trade mark protection systems.

International registration of marks: EC accession to the Madrid protocol

In adopting the report by Mr Manuel MEDINA ORTEGA (PSE, E), Parliament approved the accession of the European Community to the Protocol relating to the Madrid Agreement concerning the international registration of marks. ?

International registration of marks: EC accession to the Madrid protocol

PURPOSE : to establish a link the Community trademark system and the international registration system established under the Madrid Protocol, adopted on 27 June 1989. **LEGISLATIVE ACT :** Council Decision 2003/793/EC approving the accession of the European Community to the Protocol relating to the Madrid Agreement concerning the international registration of marks, adopted at Madrid on 27 June 1989. **CONTENT :** the Council adopted a Decision approving the accession of the European Community to the Protocol to the Madrid Agreement concerning the International Registration of Marks and the Regulation (please refer to CNS/1996/0198) giving effect to this accession by modifying the Community trade mark system accordingly. By adopting these acts, it will be possible for firms to profit from the advantages of the Community trade mark through the Madrid Protocol and vice versa by allowing Community trade mark applicants and holders of such trade marks to apply for international protection of their trade marks through the filing of an international application under the Madrid Protocol and, conversely, holders of international registrations under the Madrid Protocol to apply for protection of their trade marks under the Community trade mark system. The establishment of a link between the Community trade mark system and the International registration system under the Madrid Protocol is expected to promote a harmonious development of economic activities, eliminate distortions of competition, be cost efficient and increase the level of integration and functioning of the internal market. The Madrid Protocol was adopted in order to introduce certain new features into the system of the international registration of marks existing under the Madrid Agreement concerning the international registration of marks of 14 April 1891 as amended (hereafter referred to as "the Madrid Agreement"). The objectives of the Madrid Protocol are to ease the way for certain States, and in particular the Member States which are not currently parties thereto, to accede to the system of international registration of marks. As compared to the Madrid Agreement, the Madrid Protocol introduced, in its Article 14, as one of the main innovations, the possibility that an intergovernmental organisation which has a regional office for the purpose of registering marks with effect in the territory of the organisation may become party to the Madrid Protocol. The possibility that an intergovernmental organisation which has a regional office for the purpose of registering marks may become a party to the Madrid Protocol was introduced in the Madrid Protocol in order to allow, in particular, for the European Community to accede to the said Protocol. The Madrid Protocol entered into force on 1 December 1995 and became operational on 1 April 1996 and the Community trade mark system also became operational on the latter date. The Community trade mark system and the international registration system as established by the Madrid Protocol are complementary. Moreover, the establishment of a link between the Community trade mark system and the international registration system under the Madrid Protocol would promote a harmonious development of economic activities, will eliminate distortions of competition, will be cost efficient and will increase the level of integration and functioning of the internal market. Therefore, the accession of the Community to the Madrid Protocol is necessary in order for the Community trade mark system to become more attractive.?