

THE MADRID SYSTEM: A COMPREHENSIVE SOLUTION FOR GLOBAL TRADEMARK REGISTRATION

Authored by
Rajlatha Kotni, Partner and Swagita Pandey, Associate, Lexport

The Madrid System is a convenient and cost-effective solution for registering and managing trademarks worldwide. With a single international trademark application, you can apply for protection in up to 131 countries by paying one set of fees. This centralized system allows you to modify, renew, or expand your global trademark portfolio effortlessly.

Understanding the Madrid Union: The Madrid Union consists of Contracting Parties to the Madrid Protocol. To be eligible for the Madrid System, you must meet one of the following criteria:

- Be a national of one of the Madrid System member countries.
- Be a resident of one of the Madrid System member countries.
- Have an industrial or commercial establishment in one of the Madrid System member countries.

Understanding the Office of Origin: The office of the Contracting Party where you apply for or register your basic mark is known as the "Office of Origin". In your international application, you can select the Contracting Parties where you wish to protect your mark or expand the geographical scope of your international registration under the Madrid System at a later date.

For a list of member countries, you can view [WIPO's Madrid System members here](#).

The international trademark registration process at a glance



Benefits of Applying Under the Madrid System:

Applying through the Madrid System offers numerous advantages, including:

- **Global Coverage:** Apply for protection in multiple countries simultaneously.
- **Cost and Time Efficiency:** Save on time and costs by avoiding the need to prepare and file multiple applications directly to each target country.
- **Local Examination:** Your application will be examined according to the trademark legislation and laws in the designated country or region.
- **Streamlined Processes:** File without needing to find an agent in each country first.
- **Centralized Management:** Make a single request for changes to details or to renew international registrations.
- **Future Expansion:** Add other member countries at a later date.
- **Convenient Communication:** Communicate with WIPO in English.

Limitations of Applying Under the Madrid System:

- **Vulnerability to “Central Attack”:** Madrid-based trademarks are exposed to the risk of “central attack” by competitors. If the basic trademark—the mark on which the international registration is based—is cancelled, invalidated, or rejected within five years of the international registration date, all corresponding protections in designated countries are automatically nullified. This could happen due to reasons such as Successful opposition or cancellation actions in the country of origin or Issues in the basic application or registration itself.
- **Incompatibility with Non-Traditional Marks:** The Madrid System does not effectively cover three-dimensional (3D) marks or other non-traditional marks (such as sound marks). These types of marks are prone to higher rejection risks, even in the applicant’s country of origin. If the basic mark is rejected or challenged, it jeopardizes the entire international registration.
- **Administrative Complexity in License Recording and Mergers:** While the Madrid System is meant to simplify international trademark management through a single application process, practical challenges arise in areas such as Recording licenses or mergers of international registrations or Dividing registrations in jurisdictions where local trademark laws do not align with Madrid provisions.

Filing of Trademark Application:

A Trademark application can be filed through Madrid e-Filing, the online system for submitting international trademark applications. Here’s how to do it:

1. Log in or create an account with the online services.
2. Navigate to Apply for IP rights > Apply for an international trademark. You will be directed to the e-Filing system from here.
3. Submit your application.
4. Payment is made as the final step in e-Filing and is processed directly to WIPO in CHF (Swiss Franc).

WIPO’s Madrid System is the one-stop solution for national or regional trademark holders to obtain and maintain protection of their brands overseas in multiple markets simultaneously. Whether you are a small start-up or a large multinational exporter, the Madrid System will help you manage your brands efficiently and centrally. However, in several territories, the Madrid System’s streamlined procedures become ineffective due to discrepancies with national laws. As a result, the system’s intended advantages—such as managing multiple registrations through a single filing—

may be impracticable in certain regions. Despite of the limitations, **Madrid System** offers valuable efficiency for international trademark registrations.
