

> IP ALERT

INTERNATIONAL TRADEMARKING

If you operate a Business in Australia and have registered one or more trade marks for trade mark protection in Australia, it is important to be aware that such protection does not automatically protect your trade mark internationally.

If you already hold an Australian trade mark, there are two (2) avenues you can follow if you want to extend trade mark protection overseas:

1. File an application directly in each country you require trade mark protection; or
2. If the country you require protection is a party to the Madrid Protocol, file a single application adopting that process.

Whether it is better to apply directly to a country of interest instead of seeking international registration under the Madrid Protocol will depend on individual circumstances.

The Madrid Protocol System is an international treaty derived system which facilitates the registration of trademarks in multiple jurisdictions around the world. Through this system it is possible to make application via a centrally administered body (WIPO), rather than seeking trade mark protection separately in each individual country of interest. This reduces time and costs and makes it easier to manage multiple trade marks.

Requests for protection in a Madrid Protocol contracting country are examined according to the trade mark legislation and laws existing in each designated country. There are currently 94 countries who are members of the so called "Madrid Union".

There are a number of steps that need to be taken in order to obtain registration through the Madrid Protocol.

The application costs to seek registration of an international trade mark will vary depending on:

- > which countries (and how many countries) you are applying for;
- > the number of classes you are seeking registration; and
- > other aspects such as whether it will include colour or some other non standard mark.

If you require further information or assistance registering a trade mark either in Australia or internationally or require intellectual property advice generally please contact Raymond Duffy, Associate on 07 3233 9909 or email: raymond@mdl.com.au