

Accession to the Madrid Protocol: How it supports ASEAN businesses

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The establishment of the ASEAN Economic Community (AEC) by 2015 generated immense interest by the business community to invest and trade in ASEAN. The AEC Blueprint seeks to achieve a single market and production base making ASEAN economies more dynamic and competitive with new measures to strengthen implementation of its economic initiatives. These include the implementation of accessible, efficient and transparent mechanisms that facilitate the protection of intellectual property (IP) in markets of interest.

Under the ASEAN Intellectual Property Rights (IPR) Action Plan 2011-2015, the ASEAN Member States (AMS) agreed to accede to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) by 2015. Singapore and Viet Nam were the only AMS that are Parties to the Protocol prior to the implementation of the IPR Action Plan in 2011. The Philippines and Cambodia became members of Madrid Protocol in 2012 and 2015, respectively.

Reducing the cost and complexity of doing business

A cost-effective trademark protection mechanism is an important aspect of business growth and competitiveness because it gives trade mark owners confidence that their valuable intellectual assets can be protected when they invest and trade in the region. Businesses can use the Madrid system to seek to protect their brands in multiple countries simultaneously through the filing of a single application. Users of the Madrid System can protect their brand in up to 95 territories, which are estimated to represent over 80% of world trade markets.

With ASEAN Member States becoming members of the Madrid Protocol, international brand protection becomes faster, more cost-effective and convenient for businesses in ASEAN, especially for small to medium enterprises (SMEs) which make up almost 80% of users of the Madrid system.

Supporting ASEAN's accession to Madrid Protocol

The AANZFTA Economic Cooperation Support Program (AECSP) has been instrumental in moving the ASEAN region closer to achieving the initiative under the IPR Action Plan to achieve accession to and implementation of the Madrid Protocol.

In February 2011, a regional workshop on the Madrid Protocol held in Australia provided a venue for the exchange of views and deeper understanding on the preparations needed for Madrid Protocol accession.

From 2012 to 2014, AECSP supported a series of pre-accession activities, including workshops and consultation meetings aimed to develop accession roadmaps that defined the necessary elements and provided structured methodology for the countries' Madrid accession, examination of trade mark workloads and business process, and review of trade mark laws and regulations.

The Philippines, as lead country for the initiative on Madrid Protocol accession, has stated that the project has been very useful for ASEAN countries in their preparations for accession to the Madrid Protocol.

The President of the Secretariat of the National Committee for Intellectual Property Rights and Director of the Department of Intellectual Property of the Ministry of Commerce of Cambodia stated that "Cambodia is happy with the Madrid project that has contributed to the accession of Cambodia earlier than planned." Cambodia became the 95th Member of the Madrid System, with the deposit of her instrument of accession on 05 March 2015. The Madrid Protocol entered into force in the country on 05 June 2015.



Enhancing the institutional capacity of IP Offices and technical skills of IP officers

From 2014 to 2015, AECSP also conducted a number of training activities on Madrid operations including assessments of IT systems, training of IT officers and technical exchanges among select ASEAN IP offices. These activities have not only enhanced the practical knowledge of IP offices but also improved their respective national trademark systems as part of the AMS' legal and operational preparations for accession. The improved efficiency achieved through these activities better prepares the countries for post-accession Madrid implementation and is critical not only for accession to the Madrid Protocol, but more broadly in terms of increasing the ease of doing business and facilitating economic integration.

Promoting stakeholder awareness

Throughout 2012-2015, Madrid Protocol workshops were also held, designed to raise stakeholder awareness of trade marks, the role of the Madrid system and to promote their use in the region. Key stakeholders and beneficiaries of these activities have been IP offices and other government departments, IP practitioners, chambers of commerce, SMEs and trademark owners.

Mainstreaming AECSP

The Accession to Madrid Protocol project is a good example of AECSP helping ASEAN deliver its international commitments while at the same time creating synergies with other dialogue partners to avoid duplication of efforts and maximise use of resources. Joint activities have been implemented with the EU-ASEAN Project on the Protection of Intellectual Property Rights (ECAP III Phase II), which is administered by the Office for Harmonization in the Internal Market (OHIM), and the World Intellectual Property Organization (WIPO).



Read more:

<http://www.asean.org/news/asean-secretariat-news/item/asean-enhances-awareness-and-technical-capacity-on-trademarks-and-madrid-protocol>

<http://www.asean.org/news/asean-secretariat-news/item/asean-holds-advanced-training-on-madrid-protocol>

<http://www.asean.org/news/asean-secretariat-news/item/making-international-brand-protection-easier-for-asean-businesses>

ASEAN IP portal:

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