

Intellectual Property Update

U.S. Accesses International Trademark Filing System

On August 1, 2003, President Bush signed the Madrid Protocol, a treaty that facilitates the protection of U.S. trademark rights throughout the world. Beginning on November 2, a U.S. trademark owner will be able to file a single online application to register the trademark in any or all of 58 Madrid Protocol member countries. The application may be based on a pending application, or existing registration of a trademark or service mark filed with the U.S. Patent and Trademark Office (USPTO). The application is filed in English and filing fees are paid in U.S. dollars, thereby eliminating the necessity of filing applications in individual countries, in the language and currency of those countries.

The Madrid Protocol trademark application requires the applicant to indicate the member countries in which the application should be filed. The USPTO certifies that the information conforms to the U.S. data, and then sends the international application to the World Intellectual Property Organization. WIPO in turn forwards the application to the designated countries for examination. Thereafter, the examination process in each country takes its usual course. Successful examination results in "extension protection" based on the existence of the U.S. registration. The extension protection is valid for ten years and is renewable for additional ten-year periods.

This Intellectual Property update was written by Sherry H. Flax, a Partner in Saul Ewing's Intellectual Property Practice. If you are interested in learning more about international trademark registration via the Madrid Protocol, please contact Ms. Flax at sflax@saul.com.

INTELLECTUAL PROPERTY ATTORNEYS

Jamellah L. Ellis	(410) 332-8653	jellis@saul.com
Sherry H. Flax	(410) 332-8784	sflax@saul.com
Michael A. Lampert	(609) 452-3123	mlampert@saul.com
Scott D. Patterson	(610) 251-5089	spatterson@saul.com
Deborah L. Spranger	(610) 251-5086	dspranger@saul.com

SAUL EWING OFFICES

Baltimore

100 South Charles Street
Baltimore, MD 21201-2773
(410) 332-8600
fax: (410) 332-8862

Chesterbrook

1200 Liberty Ridge Drive,
Suite 200
Wayne, PA 19087-5569
(610) 251-5050
fax: (610) 651-5930

Harrisburg

Penn National Insurance Tower
2 North Second Street, 7th Fl.
Harrisburg, PA 17101-1604
(717) 257-7500
fax: (717) 238-4622

Philadelphia

Centre Square West
1500 Market Street, 38th Fl.
Philadelphia, PA 19102-2186
(215) 972-7777
fax: (215) 972-7725

Princeton

214 Carnegie Center
Suite 202
Princeton, NJ 08540-6237
(609) 452-3100
fax: (609) 452-3122

Wilmington

P.O. Box 1266
Wilmington, DE 19899-1266
(302) 421-6800
fax: (302) 421-6813

Washington

1025 Thomas Jefferson Street,
N.W.
Suite 425W
Washington, D.C. 20007
(202) 342-1402
fax: (202) 342-8387