

The impact of Jordan's accession to the Madrid trademark registration system



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Abstract This study aims to find out the impact of Jordan's accession to the Madrid trademark registration system, which is one of the most important means of international protection as the applicant's trademark is registered in all countries through one registration in one language, It is submitted to the Registrar of Current Marks in the Country of Origin, whose role is to transfer to the International Registration Office of the World. The descriptive and analytical methodology has been used, as this registration has been described and a statement of procedures and conditions legal implications and analysis of the legal texts governing this system. The study drew several conclusions and recommendations, the most important of which was that the brand enjoyed international protection in all countries of the world as if it were registered with the National Office, and that all States must join the Madrid system in order to provide broader brand protection.

Keywords: brand, protection, Hashemite Kingdom of Jordan, join

1. Introduction

The importance of brands has increased and played a distinct role because of the use of technological means of production, which has increased in quantity and quality, thus intensifying competition between merchants, products and service providers, as well as economic development, especially after the emergence of globalization and increased freedom of foreign trade (Kaliobi, 2009).

Protecting the brand is therefore of the utmost importance at the international level, as protecting the trading brand within the State is no longer sufficient in the context of globalization and the expansion of the world's business activity.

It is understood that the protection of the trademark stands at the territorial boundaries of the State in which the trademark is registered and does not exceed those limits, the effect of registration applies only within the territory of the State in which the registration applies. A trademark owner who wishes to protect it in multiple States must register it separately in each of these States separately, This requires enormous difficulties, as a mark owner is required to submit an independent application to each State. The translation of documents into the languages of multiple States, as required by the various requirements of this State, requires time, effort and fees (Zineeldin, 2017).

In response to those complexities, Madrid's trademark registration system of 1891 came into force in 1995 and began to operate in 1996. which has joined the Hashemite Kingdom of Jordan to eliminate the difficulties of individual registration working to overcome the difficulties faced by the trademark owner in achieving international brand protection, Saving time and effort and applying the principle that an international trademark registration is equivalent to a set of national registrations, The trademark owner submits a registration application and a trademark application to the International Trademark Registrar and pay one fee in one language for all registration applicants (Zineeldin, 2017). According to the Madrid regime, persons under the jurisdiction of a Contracting State ensure the protection of their trademarks that distinguish their products or services in all Member States, where an internationally registered trademark, and from the date of registration, in each of the States concerned, enjoys legal protection as if it had been deposited directly (Jaghbir, 2012).

The problem with the study is to know the extent of protection offered by the Madrid Marking System to the Jordanian trademark owner who wishes to expand his trade and wants to protect it beyond the Kingdom's borders, and to know the scope of such protection, as well as the conditions and procedures required by international registration, and the legal implications that it entails.

Study aims, Know the purpose of establishing Madrid trademark registration system, Statement of trademark registration conditions according to Madrid trademark registration system, Clarification of the impact of Jordan's accession to the Madrid regime.



The importance of this study stems from the fact that it will know the impact of the Hashemite Kingdom of Jordan's accession to the Madrid Trademark Registration System, which is regarded as an international global necessity for trademark registration. This study therefore shows the extent and duration of protection offered by the Madrid International Trademark Registration System, the legal implications of this registration and the scope and duration of the protection.

2. The provisions of the Madrid branding system

The Madrid system aims to facilitate the registration of trademarks at the international level as well as to facilitate the management of protection in a concrete manner because international registration is equivalent to a set of national records and the Madrid system set out the procedures to be followed for trademark registration, so that each person belonging to a Contracting State to the Convention may protect his or her trademark registered in the country of origin in all States of the Union and the system set out how and where to apply, a registration office in a country of origin Based on the foregoing, I will talk about the purpose of the Madrid system, and therefore the procedures to be followed for registration of the trademark internationally.

2.1. Objective of the Madrid Agreement

Every merchant, service provider or producer who wishes to give trade protection to a group of countries and who wishes to protect it must follow the procedures required by those laws for each country wishing to protect its brand. s offices ", requiring applications to these offices in multiple languages, This needs time, effort, fees and expenses, such as registration fees and translation fees, In addition to the existence of different protection periods from country to country.

All these reasons and for facilitating trademark registration in each Member State the Madrid Convention established a system of international trademark registration, whereby everyone belonging to a Contracting Country may ensure the protection of a trademark registered in the country of origin in all Member States by placing the registered mark in the International Office for the Protection of Industrial Property, so that applications are placed at the original office in the country of origin (Al-Sharqawi, 2005).

The system also aims to facilitate the registration of trademarks internationally and to facilitate the concrete management of protection because the international registration of a brand is equivalent to a set of national registrations, Registration and registration of changes in the title, name or address of the label can be determined by a central procedure and one of the International Bureau's and thus eliminate fees and expenses, save time and effort, eliminate the difficulties of individual registration, and establish a maximum protection mark (Shawara, 2017).

2.2. Registration procedures

Between the Madrid system and the procedures to be followed by the brand owner s country of origin in all countries that have signed a regime, This is done by submitting an application in the sign's country of origin, which is in the course of transferring it to the International Marker Office. The system has identified the persons entitled to submit an application (Sweidan, 2012).

Article 1, paragraph 2, stipulates the following: "All citizens of the Contracting Countries may ensure the protection of their marking applicable to goods or services registered in the country of origin in all other countries Parties to this Agreement, provided that the country of origin's administration deposits the said marking with the International Bureau (Madrid System, 1891).

According to the preceding text, the persons entitled to request the international registry of the sign are those of a Contracting State, so that it is entitled to ensure the protection of its mark in any Contracting State to this Convention in respect of the mark or its goods registered in the States of origin, so that the mark is deposited by the country of origin's administration with the International Intellectual Property Office

The application for international registration means the form adopted for registration of marks at the International Registration Office for Marks in accordance with the Madrid Agreement. All application statements are subject to the Madrid Agreement (Khazaleh, 2007).

An applicant must register to a registry office in a country of origin where it is audited and certified that the accompanying trademark has been entered into the national registration of trademarks in the country of origin of the applicant's name and the same goods and products, after which the originating office sends it to the international registration office (Kaliobji, 2009).

An international registration application is not submitted directly to the International Bureau. If it does so, the International Bureau does not look at it and is away to the local office. which in turn refers it to the registry office internationally, and then immediately initiates the registration of the deposited mark on the same date as the application for international registration was submitted in the country of origin s request to the administration of the country of origin, If the Office does not receive a State within that period, it has to be restricted on the date of its arrival (Shawara, 2017).

A trademark owner who wishes to register his trademark internationally must have registered his trademark with a trademark registrar in her country of origin, that is, after receiving, registering, passing through the period of the objection and challenging (Sweidan, 2012).

The depositor may be a natural or moral person or a person provided by an international organization. The Madrid system recognizes common law persons and private law persons, and it may happen that several people have the same trademark here. All owners of the trademark have the right to submit an international application for registration of the trademark. On the basis of a certificate issued by a trademark registrar from the country of origin, it would not benefit from the advantages offered by the Madrid system. (Kaliobi, 2009).

The application may also be made by a trademark agent, or by the guardian or guardian if the owner of the trademark is here incompetent, as may be provided by the heirs, the employer or, if any, the licensee.

A special form is applied so that the National Registry Office checks the authenticity and conformity of the data contained in the application with the data registered in the country of origin and that the mark has been entered into the National Trademark Registry in the country of origin on behalf of a claimant for the same goods and services and is then sent to the International Bureau with the relevant fees

An applicant must sign an application and thereafter the office of origin shall sign an application. The language in which the application is made is French. This request and its address, as well as copies of the mark to be registered, must be in the same colour as those recorded in front of the National Marker Registrar, The national registration number and deposit number, together with the certificates and date of origin office, The depositor's name in the international registration application is the same as that of the original application. (Khazaleh, 2007).

Article 8, paragraph 2, stipulates that a fee must be paid in order for the International Office to register trademarks in the international registry, which includes a foundation fee, an additional fee for each category of the international classification after the third category in which the goods or services to which the mark applies and a supplementary fee for each application for an extension of protection. (Madrid System, 1891).

If additional fees are due on an application and have not been paid within a period of three months, the International Bureau considers the request null and void. and the applicant is then entitled to a fee refund if the International Bureau considers that the classifications of goods, products and services provided in the registration application are vague, Inconspicuous or misjudgmental, it makes suggestions to the National Office for classification corrections, The application shall be granted for a period of three months from the date of notice to be corrected This period can be renewed to another three months. If it is not corrected, a trademark will be registered (Zineeldin, 2017).

Article III of the Convention states: "An application for international registration must be submitted on the form provided for in the implementing regulation. The competent department of the country of origin of the mark shall certify that the data received correspond to the data contained in the national registry, and shall state the dates, numbers, deposit and registration of the mark in the country of origin as well as the date of the application for international registration" (Madrid System, 1891).

It is reported that the national registry offices certify the authenticity of the data contained in the application so that it conforms to the data contained in the national registry with the date of the application for international registration, as well as the validation of the applicant's signature, after which they transfer to the international registry office (Shawara, 2017).

Finally, in terms of complying with the requirements of the Madrid system, the International Office checks applications for registration received by the Office. If the applications are in conformity with the requirements, the National Office conducts the procedures for registration of the trademark and notifies the States concerned. The Office publishes the registration in the register of the marks it issues together with the data provided on the mark in the application for registration.

If the application does not meet the required requirements, the International Office shall so notify the local office, so that the deficiencies must be completed within a period of three months from the date of notice, and the International Office may have a further grace period of three months. This shall be felt by the applicant and the National Office. If the application is not completed, it shall be considered as if the fees paid in advance are not received (Sweidan, 2012).

We note here that the Madrid system has put in place a set of procedures to facilitate the registration of trademarks at the international level, by submitting an application, one and one in one language, saving time, effort and costs to the registrar of trademarks in a country of origin, where he checks trademarks and if they find conditions available, refers the application to the International Registration Office.

3. The impact of Jordan's accession to the Madrid system and the duration of protection

According to the Madrid system, the brand enjoys the same protection it can enjoy in the event of a direct application in that country. The duration of the international registration of the trademark is 20 years, and the owner has the right to renew the registration of a trademark for a period of 20 years calculated from the date of expiration of the previous registration period That is, the owner of the trademark can keep the international registration of his or her desired brand for another 20 years.

Based on the foregoing, I will talk about the impact of Jordan's accession to the Madrid regime, and then the duration of the brand protection.

3.1. Impact of Jordan's accession to the Madrid system

Jordan has acceded to the Madrid Trademark System so that each trademark owner is entitled to submit an application to the Registrar of Marks at the Ministry of Industry and Trade in Jordan, which is referred to the Registrar of International Trademarks. The Registrar of Trademarks also receives applications from the International Registration Office to protect foreign trademarks on the Kingdom's territory.

Article 42 of the Trademark Act stipulates the procedure to be followed for the registration of international trademarks: "1. The first paragraph of the article states:" The Registrar shall assume the functions of the Office of Origin in connection with the receipt of an application for international registration and the request for an extension of international protection in accordance with the provisions and procedures specified in the regulations of this Act ".

Paragraph 2 stipulates (Whoever has submitted a basic registration application to the Registrar or possesses a basic registration shall apply to the Registrar, in his capacity as the Office of Origin, for an international registration application or an extension of protection in accordance with the modules adopted by the International Bureau, provided that:

- a. Be a citizen.
- b. To be a resident of the Kingdom.
- c. Be a business or industrial enterprise with a genuine and effective presence in the Kingdom).

Paragraph 3 of the Jordanian Trademark Act stipulates that: "Upon receipt of an application for international registration or an extension of international protection, the registrar shall check the application to ascertain that the information is identical to the basic registration application data or the basic registration data."

Paragraph 4 of the Jordanian Trademark Act states: "Upon completion of the audit, the Registrar shall send the application for international registration or request an extension of international protection to the International Bureau within 60 days of receipt of the application".

The fourth paragraph of the Madrid system stipulates that: "The mark shall be protected in all relevant Contracting Countries as if it had been deposited directly from the date of registration with the International Bureau."

According to the above, each Jordanian trademark owner is entitled to register an international trademark by submitting an application in the country of origin (Jordan) marking on the certified form for registration of trademarks at a registered office that transfers them to the international office, where it is scrutinized and certified that the attached trademark has been entered into the national registration of trademarks in Jordan, and therefore the owner of the Jordanian trademark enjoys the protection of the Madrid system in all the organizing countries (Sweidan, 2012).

We note here that Jordan's trademark law has kept pace with global developments in the field of international brand protection by joining the Madrid system As a consequence, each trademark owner wishing to protect its trademark internationally may apply for registration internationally to benefit from the protection provided by the system, This saves time, effort and costs to avoid the complexities of individual registration the owner of a mark he wishes to protect must follow the procedures required by those laws for all States in which he wishes to protect his brand, This needs time, effort, fees and expenses, such as registration fees and translation fees (Zineeldin, 2017).

3.2. Duration of brand protection

Article 6, paragraph 1, of the Madrid Regulations stipulates that: "Any mark shall be registered with the International Bureau for a period of 20 years. Registration may be renewed under the specified conditions".

According to the above, the period of international registration of the sign is 20 years. The owner of a Jordanian trademark who has registered his trademark internationally is entitled to renew the registration of his trademark for a period of 20 years calculated from the date of expiration of the previous registration period; Renewal is possible over and over again, that is, the owner of the brand can retain the international registration of his or her desired brand after paying the fees arising from the renewal (Tabashat, 2012).

4. Final Considerations

The impact of Jordan's accession to the Madrid International Trademark Registration System has been studied, which is a global necessity for trademark registration s trademark registered in the home town of all the Union States, This registered mark is deposited with the International Office for the Protection of Industrial Property And the deposit is done by requesting the registrar of the tags in the original town.

The protection of the trademark stands at the territorial boundaries of the State in which the trademark is registered and does not exceed those limits. The effect of the registration applies only within the territory of the State in which the registration applies, States have developed the Madrid system to avoid the procedures and complexities of placing marks in other States where protection is requested and to alleviate the difficulties faced by individual registration, and the Madrid

system's international registration application is not submitted directly to the International Office but to a local office and if so forwarded to the International Office in Geneva and if submitted to the International Bureau, do not view it and its distance to the local office.

According to the Madrid system, a trademark in each of the countries concerned enjoys the same protection as a trademark if a direct application is made in that country, The period of international registration of the trademark according to the Madrid system is 20 years, and the owner of the trademark is entitled to renew the registration of his trademark, dawning from the review as a future line of work:

- All countries must join the Madrid system in order to provide broader brand protection.
- We recommend that the Madrid system be modified and not limited to one language: French.

Ethical Consideration

Not Applicable.

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Conflict of Interest

The authors declare no conflicts of interest.

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