

## **Working Group on the Legal Development of the Madrid System for the International Registration of Marks**

**Twenty-First Session**  
**Geneva, November 13 to 17, 2023**

### **REPORT ON TECHNICAL CONSULTATIONS HELD ON THE POSSIBLE INTRODUCTION OF NEW LANGUAGES AND PROPOSAL FOR A POSSIBLE WAY FORWARD**

*Document prepared by the International Bureau*

#### **BACKGROUND**

1. At its nineteenth and twentieth sessions, held in Geneva in November 2021 and November 2022, the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group” and “the Madrid System”) discussed document MM/LD/WG/19/7 “Revised Study of the Cost Implications and Technical Feasibility of the Gradual Introduction of the Arabic, Chinese and Russian Languages into the Madrid System and Other Relevant Information”.<sup>1</sup>

2. At its twentieth session, the Working Group requested that the International Bureau continue to hold technical consultations with interested Contracting Parties, other WIPO Member States and users’ organizations, in particular regarding the elements mentioned in paragraph 38 of the above-mentioned document, and report back to the Working Group on those consultations at its following session. The Working Group also requested that the International Bureau prepare a document proposing a way forward.

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<sup>1</sup> See document [MM/LD/WG/19/7](#) “Revised Study of the Cost Implications and Technical Feasibility of the Gradual Introduction of the Arabic, Chinese and Russian Languages into the Madrid System and Other Relevant Information”.

3. This document reports on the technical consultations the International Bureau has undertaken in accordance with the request referred to in paragraph 2, above, and on the topics discussed during those consultations. As requested by the Working Group, this document also proposes a possible way forward.

### **TECHNICAL CONSULTATIONS UNDERTAKEN BY THE INTERNATIONAL BUREAU**

4. In December 2022, the International Bureau held a meeting with the Regional Group Coordinators regarding the manner in which to conduct the technical consultations the Working Group had requested. The International Bureau proposed to:

- (a) call on Contracting Parties to express, through the Regional Group Coordinators, a specific interest in conducting bilateral technical consultations with the International Bureau;
- (b) contact Contracting Parties that had expressed the said specific interest to determine the mode in which they wished to conduct the technical consultations (i.e., in person, online or hybrid), the subjects of particular interest and whether these consultations would involve national users' organizations;
- (c) during the first semester in 2023, conduct consultations with officials from the above-mentioned Contracting Parties and, where requested, with national users' organizations;
- (d) by the end of the first semester in 2023, conduct a technical consultation session for Contracting Parties with a general interest (i.e., those that did not express a specific interest) as well as for other WIPO Member States, and another technical consultation session for international non-governmental organizations (hereinafter referred to as "international NGOs") that had participated in recent sessions of the Working Group; and,
- (e) inform the Regional Group Coordinators on the progress made to fulfill the request made by the Working Group.

5. In February 2023, the International Bureau called on Contracting Parties to express, through the Regional Group Coordinators, a specific interest in holding bilateral technical consultations. The following Contracting Parties expressed such interest: China, Germany, Japan, Russian Federation, Switzerland and United States of America. As proposed, in April 2023, the International Bureau contacted those Contracting Parties to determine the details of the technical consultations.

6. Between April and August 2023, the International Bureau conducted technical consultations with officials from the above-mentioned Contracting Parties. In addition, the International Bureau conducted consultations with national users' associations from China, Germany, Japan and Switzerland.

7. In June 2023, the International Bureau invited all WIPO Member States and international NGOs that had participated in recent sessions of the Working Group to register to participate in online technical consultations sessions.

8. On July 3, 2023, the International Bureau conducted an online technical consultation session for Contracting Parties with a general interest and other WIPO Member States. Officials from the following Contracting Parties participated in the session: Algeria, Australia, Austria, Brazil, Canada, China, Czech Republic, Egypt, European Union, Finland, France, Georgia, Germany, Hungary, Japan, Kyrgyzstan, Lithuania, Malaysia, Mexico, Morocco, Namibia, Norway, Philippines, Poland, Portugal, Republic of Moldova, Russian Federation, Samoa, San Marino, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland,

Tunisia, Ukraine, United Arab Emirates, United Kingdom, United States of America and Viet Nam (42). Officials from the following WIPO Member States participated in the session: Fiji, Iraq, Kuwait, Mali, Niger, Saudi Arabia, South Africa and Yemen (8).

9. On July 5, 2023, the International Bureau conducted an online technical consultation session for selected international NGOs. Representatives from the following international NGOs participated in that session: Center for International Intellectual Property Studies (CEIPI), European Communities Trade Mark Association (ECTA), Intellectual Property Latin American School (ELAPI), International Association for the Protection of Intellectual Property (AIPPI), International Trademark Association (INTA), MARQUES - Association of European Trademark Owners and The Chartered Institute of Trade Mark Attorneys (CITMA) (7).

10. On September 1, 2023, the International Bureau held a meeting with the Regional Group Coordinators and delegates from other interested Contracting Parties to brief them on the consultations it had undertaken.

11. In certain cases, the International Bureau conducted joint technical consultations regarding the Madrid System as well as the Hague System for the International Registration of Industrial Designs, for which the International Bureau had received a similar request to conduct consultations.<sup>2</sup>

## TOPICS DISCUSSED DURING THE TECHNICAL CONSULTATIONS

### GENERAL TOPICS

#### Inconvenience of Maintaining the Current Trilingual Regime; Issues that Might Be Resolved by Introducing New Languages

12. There was a need to understand the issues that the possible introduction of new languages sought to address and to discuss whether maintaining the current trilingual regime would be an inconvenience for its users. The current language regime might pose several difficulties for users, Contracting Parties and third parties who work in a language other than a Madrid System language.

13. Applicants who face the situation described above must incur additional costs to translate the list of goods and services and other relevant information into the Madrid System language in which the Office of origin accepts international applications. A similar situation occurs when these applicants and holders receive communications from the International Bureau or Contracting Parties, such as notifications of irregularity or provisional refusals. Translation costs and uncertainty regarding its accuracy might prevent right holders, in particular, small and medium-sized enterprises (SMEs), from using the Madrid System.

14. Contracting Parties whose Offices do not work in a Madrid System language must secure specialized resources (i.e., translation services or skilled personnel fluent in a Madrid System language) to certify international applications and process international registrations in which they are designated. The above might be a disincentive to becoming a member of the Madrid System.

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<sup>2</sup> See document [H/LD/WG/11/5](#) "Summary by the Chair", paragraph 16.

15. Third parties that work in a language other than a Madrid System language who wish to confirm that an international registration infringes on existing rights might need to translate the particulars of this international registration. Such would be the case when the international registration is available only in Madrid System languages, either because the Contracting Parties concerned rely on the publication in the *WIPO Gazette of International Marks* (the “WIPO Gazette”) or republish locally only in the language in which they received the notification from the International Bureau.

16. Possible administrative or judicial proceedings in Contracting Parties that are not conducted in a Madrid System language would rely on a translated version of the international registration produced by the Office of the Contracting Parties concerned, where available, or might require an official translation into the language in which the afore-mentioned proceedings take place. The latter might also increase the cost of using the Madrid System.

#### Priority of the Introduction of New Languages over Other Matters

17. Concerns were raised about giving priority to the possible introduction of new languages over the discussion and possible adoption and implementation of other measures that were of particular interest to certain right holders.

18. Since 2018, when it started discussing the possible introduction of new languages, the Working Group has recommended, and the Madrid Union Assembly (hereinafter, “the Assembly”) has adopted, several amendments to the Madrid System legal framework that address users’ interests and concerns. During this period, the Assembly has introduced, among others, the division and merger of international registrations, relief for failure to meet time limits due to *force majeure* reasons, an extended renewal period, new means of representing marks and a minimum time limit to respond to provisional refusals.

19. The International Bureau has developed and made available several solutions to facilitate the acquisition and management of international registrations, such as, Madrid e-Filing, the Madrid Application Assistant, various online forms to request recordings and a new version of Madrid Monitor. The International Bureau is developing a comprehensive online rights management platform, called e-Madrid, with input from users of the Madrid System, as well as a new Information and Technology (IT) architecture that would, among others, enable a transition to near real-time processing of transactions.

20. The possible addition of new languages to the Madrid System would be facilitated by the allocation of the resources specified in document MM/LD/WG/19/7 and would not impinge on the regular operations of the Madrid System nor on the International Bureau’s ability to implement other measures to benefit its users.

#### Need to Establish Criteria for the Selection of Possible New Languages

21. It was indicated that the Working Group had not yet established criteria for the selection of possible new Madrid System languages and that such criteria should, in particular, ensure that the benefits of introducing a new language outweigh any possible disadvantages. Consequently, it was suggested that the Working Group continue its deliberations towards establishing the above-mentioned criteria, and that new languages be introduced one at a time to assess their impact.

22. It is recalled that document MM/LD/WG/17/7 Rev.<sup>3</sup>, suggested possible criteria for the introduction of new Madrid System languages, as well as the possibility of introducing one language at a time. While the current requests concern the introduction of Arabic, Chinese and Russian as new Madrid System languages, the question of criteria for the introduction of new Madrid System languages is further discussed in paragraphs 84 to 109 of the present document.

23. It was argued that the introduction of new languages, apparently based on their status of official languages of the United Nations (UN), might open the door for requests for the introduction of further languages.

#### Continue Exploring Alternatives

24. There was a suggestion that the Working Group continue discussing alternatives to the introduction of new languages, in particular, the possible introduction of filing languages. The International Bureau described possible ways in which to introduce new languages in document MM/LD/WG/17/7 Rev. At the request of the Working Group, the International Bureau presented a study for the implementation of each of those options in document MM/LD/WG/18/5.<sup>4</sup>

25. Following discussions and informal consultations, it became apparent that there was no consensus on any of the options presented in document MM/LD/WG/18/5. In particular, there was opposition to any solution that did not treat new languages on equal footing with existing languages. Consequently, at the request of the Working Group, the International Bureau prepared document MM/LD/WG/19/7<sup>5</sup>, which presented a number of technical proposals that would facilitate the introduction of new languages, on equal footing, and a revised cost estimate.

#### Increase in Bad Faith Applications

26. Concerns were expressed about the possibility that the introduction of new languages could result in an increase in the number of international applications, which might possibly increase the number of bad faith applications filed under the Madrid System.

27. There is no evidence to suggest that bad faith applications are a significant or systemic issue of concern in the Madrid System. One of the arguments in favor of preserving the basic mark requirement is that it prevents the filing of bad faith applications through the Madrid System. A bad faith basic application would lead to its annulment or cancellation, *ex officio* or *ex parte*, resulting in the cancellation of the international registration due to the ceasing of effect of its basic mark. An applicant in bad faith stands to lose the costs associated with the prosecution of the basic and international marks, which would be a disincentive for these applicants to use the Madrid System over the direct route.

28. While it is reasonable to assume that the introduction of new languages might increase the number of international applications, there is no evidence or reason to suggest that this increase might result in a higher incidence of bad faith applications through the Madrid System.

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<sup>3</sup> See document [MM/LD/WG/17/7 Rev.](#) "Possible Options for the Introduction of New Languages into the Madrid System".

<sup>4</sup> See document [MM/LD/WG/18/5](#) "Study of the Cost Implications and Technical Feasibility of the Gradual Introduction of the Arabic, Chinese and Russian Languages into the Madrid System".

<sup>5</sup> See document [MM/LD/WG/19/7](#) "Revised Study of the Cost Implications and Technical Feasibility of the Gradual Introduction of the Arabic, Chinese and Russian Languages into the Madrid System and Other Relevant Information".

## FINANCIAL TOPICS

### Difference Between Cost Estimates in Documents MM/LD/WG/18/5<sup>4</sup> and MM/LD/WG/19/7<sup>5</sup>

29. There was a request for further information on the difference between the cost estimates in documents MM/LD/WG/18/5 and MM/LD/WG/19/7. The former document estimated that the simultaneous introduction of Arabic, Chinese and Russian under the current language regime of the Madrid System, as so-called “working languages”, might require a one-time investment of 310,000 Swiss francs and 18.4 million in annual operating expenses in 2020. In contrast, document MM/LD/WG/19/7 estimated a one-time investment of between 2.86 and 4.81 million Swiss francs and annual operating expenses of between 2.41 and 2.97 million Swiss francs in 2020.

30. The estimates in both documents consider the simultaneous introduction of Arabic, Chinese and Russian under an indirect translation practice with English as the relay language. They take, as baseline, the number of words subject to translation in 2019 and estimate this number for the 2020-2024 period using the growth rate forecasted in 2019 by WIPO’s Statistics and Data Analytics Division. In both cases, there would be a need to invest in IT.

31. The main differences between both cost estimates are:

- (i) the investment to develop a large terminology database (about 2 million expressions each having five words on average);<sup>6</sup>
- (ii) higher automatic translation rates as a result of this terminology database;
- (iii) the decision to apply the current practice not to post-edit final decisions;
- (iv) the use of lower post-edit rates (Swiss francs per word) based on the findings of a request for information (RFI) process.<sup>7</sup>

32. The estimate in document MM/LD/WG/18/5 assumed that the International Bureau could gradually develop a terminology database, at no additional costs and with the cooperation of interested parties, which might automatically translate about 20 per cent of the workload, a percentage that would slowly increase over time. In contrast, the estimate in document MM/LD/WG/19/7 considers an investment of between 2.4 and 4.3 million Swiss francs, based on the findings of an RFI process, to develop a large terminology database that might automatically translate about 60 per cent of the workload, by conservative estimates.

33. The estimate in document MM/LD/WG/18/5 considered the need to post-edit all machine translation output to and from Arabic, Chinese and Russian, due to the low rate of automatic translation and concerns about the quality of machine translation. The estimate in document MM/LD/WG/19/7 applies the current practice not to post-edit final decisions thanks to a higher rate of automatic translation and increased confidence in the quality of machine translation. The application of the current translation practice to the newly introduced languages along with the assumption of a higher automatic translation rate results in 74 per cent fewer words that would require post-editing.

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<sup>6</sup> The International Bureau uses a terminology database to translate automatically to and from English, French and Spanish. The terminology database translates automatically between 70 to 75 per cent of the current workload. The remaining 30 to 25 per cent of the workload is subject to machine translation, human post-editing and quality control. Final decisions are not subject to human post-editing or quality control. Human post-editing is outsourced.

<sup>7</sup> An RFI is a confidential process in which potential providers receive detailed information on a required service and furnish data to assess, among others, their capacity to deliver and the cost for their services.

34. The estimate in document MM/LD/WG/18/5 considered rates for post-editing the machine translation output of Patent Cooperation Treaty (PCT) applications, which are high due to the technical nature of these applications. The estimate in document MM/LD/WG/19/7 uses post-editing rates appraised following an RFI process in which several potential service providers participated. The post-editing rates used in document MM/LD/WG/19/7 are between 40 to 50 per cent lower than the PCT rates used in document MM/LD/WG/18/5.

35. In summary, the cost estimate in document MM/LD/WG/19/7 is lower than that in document MM/LD/WG/18/5 because the number of words that would be subject to post-editing is 26 per cent of the original estimate as a result of the development of the terminology database and because final decisions would not be post-edited (as per the current practice). Furthermore, the rates used to estimate the cost to post-edit the machine translation output are between 40 to 50 per cent lower, which are more accurate rates, based on the findings of an RFI process conducted in 2021.

### Cost Savings Through a Differentiated Translation Practice

36. There were discussions on the proposal described in document MM/LD/WG/19/7 to introduce a differentiated translation practice. As prescribed in the Regulations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (hereinafter, referred to as, the “Regulations”), registrations and recordings are effected in English, French and Spanish, for which the International Bureau makes the necessary translations. With the exception of final decisions, machine translation output is subject to human post-editing and quality control.

37. Under the proposed differentiated translation practice, the International Bureau would post-edit the machine translation output of registrations and recordings only into the languages required to notify designated Contracting Parties.

38. For example, the International Bureau would not post-edit the machine translation output of an international registration into English and Spanish, if the international application is filed in French and it designates only Contracting Parties that have chosen to receive communications from the International Bureau in French. The International Bureau would post-edit the English or Spanish translation if a Contracting Party that has chosen to receive communications from the International Bureau in these languages is the subject of a subsequent designation.

39. It is highly unlikely that the new policy will negatively affect third parties that rely on the information available in the WIPO Gazette and Madrid Monitor. The International Bureau has estimated that only about 0.12 per cent of Madrid Monitor inquiries are in a language in which no designated Contracting Party has chosen to receive notifications.<sup>8</sup> On the other hand, the introduction of a differentiated translation practice would lower the annual operating costs of introducing new languages. For example, as indicated in document MM/LD/WG/19/7, the annual operating costs of the simultaneous introduction of Arabic, Chinese and Russian under a differentiated translation practice might be between 0.7 and 0.9 million Swiss francs, which is about 29 per cent of the estimated costs without this practice (between 2.41 to 2.97 million Swiss francs).

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<sup>8</sup> An analysis of the use of Madrid Monitor conducted between March 2021 and May 2023, revealed that only 0.12 per cent of users accessed international registrations in a language not used for the purposes of notification.

### Increase in Fees and in Other Costs for Users

40. Concerns were expressed about the possibility that the introduction of new languages might require an increase in the amounts of the fees for users of the Madrid System or result in an increase in other costs, such as, for example, to respond to Office actions in the new languages.

41. As indicated in document MM/LD/WG/19/7, the Madrid Union reserves could finance the one-time investment required for the introduction of the proposed new languages, in accordance with WIPO's financial policies. Furthermore, the Madrid Union could absorb the possible annual recurring expenditures under a differentiated translation practice. In other words, the estimate in document MM/LD/WG/19/7 does not envisage the need to increase the amounts of the fees due under the Madrid System. As repeatedly mentioned during the consultations, the International Bureau does not intend to raise the fees under the Madrid System to cover the additional costs of introducing new languages.

42. Under the current trilingual regime, holders of international registrations must respond to Office actions in the language used by the administration or the courts of the designated Contracting Parties. The introduction of new languages into the Madrid System would not exacerbate this issue. To facilitate the understanding of communications from the designated Contracting Parties, such as notifications of provisional refusal, the International Bureau could make available machine-translated versions of these communications in the language chosen by the holder.

43. It is recalled that document MM/LD/WG/21/6 "Updated Roadmap for the Evolution of the Madrid System" proposes a future revision of the Schedule of Fees.<sup>9</sup> Such proposed revision does not seek to increase the revenue of the Madrid Union. Instead, the objective of the proposed revision is to simplify the Schedule of Fees in a revenue neutral manner.

### Financial Sustainability of the Proposals Made in Document MM/LD/WG/19/7

44. There were questions about the financial sustainability of the proposals in document MM/LD/WG/19/7, in particular, whether any required up-front investment and the increase in annual operating expenses could be absorbed by the Madrid Union. Furthermore, there were calls to exercise financial prudence in the face of the economic uncertainty introduced by recent events that have had a negative global negative impact and of the current downward trend in the number of domestic and international trademark applications.

45. As indicated in document MM/LD/WG/19/7, the introduction of new languages into the Madrid System will require one-time investments and annual recurring expenditure. The one-time investment may be financed from the Madrid reserves in accordance with the Reserves Policy of the Organization, should Member States so decide. Such use of the Madrid reserves will result in a reduction of the Union's reserves to the extent these are used to fund the relevant projects. The annual recurring expenditure that results from language expansion will increase the Madrid Union's annual expenditure. This will result in a reduction of the Madrid Union's operating result for the relevant period. The existing level of the Madrid Union Reserves permits the financing of the one-time investments. Regarding recurring expenditure, the Secretariat considers that, based on the current growth projections until 2025 from the Chief Economist, the estimated level of expenditure for the differentiated translation practice can be absorbed by the Madrid Union.

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<sup>9</sup> See document [MM/LD/WG/21/6](#) "Updated Version of the Road Map for the Evolution of the Madrid System".



## OPERATIONAL TOPICS

### Increase in the Workload of the International Bureau and of Contracting Parties; Availability of Resources and Cooperation

46. The possibility that the introduction of new languages might lead to an increase in the workload of the International Bureau and of Contracting Parties was raised during consultations. In particular, there were concerns about the availability of resources and whether technical assistance and cooperation activities could be envisaged to cope with such increase.

47. While it is reasonable to assume that the introduction of a new language might increase the workload within the Madrid System, following an increase in the number of international applications filed by users who work in that language, the actual impact of such introduction is difficult to forecast.

48. A possible increase in the number of international applications would have a positive impact on the income of the Madrid Union and of the designated Contracting Parties, which could be allocated to secure resources or to undertake dissemination, capacity building, technical assistance and cooperation activities.

49. The International Bureau undertakes regular capacity building activities, such as, for example, a fellowship program for examiners, periodical training activities for examiners and trademark professionals and *ad-hoc* training activities for new Contracting Parties or upon request. In the field of technical assistance and cooperation, the International Bureau continuously supports Offices to facilitate the exchange of electronic communications with the International Bureau by developing and sharing standards for electronic communication (Madrid Electronic Communications System (MECA)), online services (Madrid Office Portal (MOP), Madrid e-Filing) and business solutions (Industrial Property Administration System (IPAS) Madrid Module).

50. A degradation of the capacity to undertake dissemination, capacity building, technical assistance and cooperation activities as a result of an increase in the number of international applications following the introduction of new languages does not appear to be a likely risk.

### Quality and Consistency of Translations by the International Bureau and Across the Madrid System

51. There were concerns about the possibility that the introduction of new languages could lead to a deterioration of the quality and consistency of the translations undertaken by the International Bureau.

52. The International Bureau relies on a large terminology database to automatically translate between 70 to 75 per cent of registrations and recordings to and from the current languages of the Madrid System. This has helped to maintain the quality and consistency of translations. For example, in recent years, overall requests for correction regarding translation only concern between 0.1 and 0.2 per cent of international registrations. This includes possible mistranslations as well as requests from holders that the International Bureau use their preferred indications in the target languages.

53. As indicated earlier, document MM/LD/WG/19/7 proposes creating a terminology database in the possible new languages. Such database would be commensurate in size to the terminology database in the existing languages and would yield about 60 per cent of automatic translation, by conservative estimates, ensuring that new languages be introduced maintaining the current level of translation quality and consistency.

54. The question of translation quality and consistency is not limited to the International Bureau. The Offices of several Contracting Parties translate international registrations to the language in which they work to examine or publish them, or both. When those Offices issue their decisions, they translate these decisions back to the language in which they communicate with the International Bureau, which might result in inconsistencies in the way products or services are described due to this process.

55. Avoiding the situation described above could be an argument in favor of the creation of a large dataset of indications of goods and services in several languages. This initiative could be viewed as producing an enriched version of the current Madrid Goods and Services Manager (MGS), which currently has about 130,000 indications and is available in 25 languages. The benefits of such large dataset would spill beyond the Madrid System. For example, trademark holders wishing to file direct applications abroad could use the dataset to translate their lists of goods and services. Authorities wishing to confirm the correct classification of a given indication could use the dataset as an authoritative source. The data set thus could make a significant contribution to improved alignment and harmonization of trademark classification terminology and practices, benefitting the international trademark system as a whole.

#### Timeliness of Processes, Negative Impact on Time to Respond to Office Actions

56. There were discussions about the possibility that the introduction of new languages could result in processing delays at the International Bureau, in particular, should new languages be introduced under an indirect translation practice, and whether this could negatively impact the time holders have to respond to Office actions.

57. The International Bureau would translate international registrations and requests for recording filed in a language other than English to this language and take an additional week to translate and post-edit the machine-translation output into the new languages. Under a differentiated translation practice, this would only concern international applications and requests filed in the new languages, as well as those that must be translated into a new language for the purposes of notification.

58. The additional delay resulting from the introduction of an indirect translation practice would not negatively affect the holder or the Contracting Parties. The mark would continue to enjoy protection as from the date of the international registration and the refusal period would continue to be counted from the date of the notification to the Contracting Party. Furthermore, the International Bureau would continue to review and improve on its processes to shorten processing times and minimize the impact of the introduction of a relay translation practice, where applicable.

59. It is to be noted that there would not be additional delays in the processing of notifications of provisional refusal because these notifications are exempt from translation. As explained in paragraphs 68 to 70, the possibility to provide holders with a machine-translated version of the contents of the notification would be implemented without increasing processing times.

## OTHER POSSIBLE MEASURES

### Continued Obligation to Issue Decisions in One of the Current Languages

60. It was suggested that new languages be introduced without affecting the current language regime, in particular, the obligation that Contracting Parties communicate their decisions in one of the current languages of the Madrid System. The objective of the proposal was to hedge against possible translation errors into the new languages made by the International Bureau or a possible misinterpretation of the scope of protection made by the designated Contracting Parties.

### Amendment to Increase the Time Limit to Request the Correction of Translation Errors

61. An amendment to Rule 28 of the Regulations was suggested to provide for more time to request the correction of translation errors made by the International Bureau or Contracting Parties. The correction of errors made by the International Bureau, including the correction of translation errors, is covered under Rule 28(1) of the Regulations. Holders or Contracting Parties may request the correction of these errors. The International Bureau may also correct these errors *ex officio*. There is no time limit to request the correction of errors made by the International Bureau.

62. The correction of errors made by Contracting Parties is covered under Rule 28(4) of the Regulations. The Contracting Party concerned may request the correction of this error within nine months from the date of the publication of the relevant entry in the WIPO Gazette. The time limit prescribed in Rule 28(4) of the Regulations appears to be reasonable for the holder to take stock of the error and address the Office of the Contracting Party concerned, and for this Office to request its correction to the International Bureau.

63. Some Contracting Parties may require that the correction of an error made by its Office be the subject of an administrative or judicial proceedings, which might exceed the nine-month time limit prescribed in Rule 28(4) of the Regulations. Nevertheless, Contracting Parties may notify the corrected scope of protection under Rule 18~~ter~~(4) of the Regulations, where this follows a further decision taken by their Offices or by another competent authority.

64. In view of the above, it would appear that an amendment to Rule 28 of the Regulations to extend the time limit to request the correction of a translation error might not be required.

### Standardized Machine-readable Format of Communications from the Designated Contracting Parties

65. There were several calls to harmonize the content and format of communications Contracting Parties send under the Regulations, in particular, if new languages were to be introduced. The objective would be to facilitate the understanding of these communications, such as notifications, statements or declarations, regardless of the language in which they are communicated.

66. With the approval of the Working Group, the International Bureau has made available model forms that Contracting Parties may use to communicate information regarding the status of protection of international registrations.<sup>10</sup> The International Bureau is now developing standards so Contracting Parties can transmit all the relevant information to the International Bureau in machine-readable format, in addition to an electronic image of the document concerned.

67. There are several advantages to receiving all the relevant information in machine-readable format. For example, the information could be validated automatically and in near real-time to avoid the transmission of defective communications. Data entry delays and errors would be practically eliminated, which would have a positive impact on the quality and speed with which the International Bureau could translate these communications. Decisions could be inscribed without delay and the information could be made available to the holder almost immediately and in any language using machine-translation. The International Bureau could enhance its current services or introduce new ones for the benefit of the users of the system.

#### Notifications of Provisional Refusal and Other Communications Available in the Language Preferred by the Holder

68. There were discussions about the possibility of translating the content of notifications of provisional refusal into the Madrid System language in which the holder has chosen to receive communications from the International Bureau.

69. As the information in the communications Contracting Parties send to the International Bureau becomes available in electronic format, the International Bureau could provide an unofficial translation of these communications, including notifications of provisional refusal, in the language of communication with the holder. Such translation could be transmitted to the holder along with the original notification and would not delay the processing of provisional refusals nor negatively affect the time to respond to them because the unofficial translation would not be subject to post-editing.

70. In addition, Madrid Monitor could be enhanced to produce, upon request, machine translated versions of the information available in electronic format into several languages. For example, the International Bureau publishes the information in the Madrid Member Profiles Database in the Madrid System language in which the Contracting Party has provided this information. There is a feature that allows users to immediately obtain and download a machine-translated version of this information into the other two Madrid System languages.

#### Commitment to Provide Documents in the Relevant Language to Facilitate Enforcement

71. Frustration was expressed about the fact that international registration certificates and extracts produced by the International Bureau are insufficient to undertake administrative or judicial proceedings to enforce rights acquired under the Madrid System in certain Contracting Parties.

72. It was proposed that the introduction of new languages be accompanied by a requirement to transmit to the holder sufficient documentation, such as, for example, a domestic registration or renewal certificate or a certification issued by a competent authority, along with the statement of grant of protection, without delay and without requiring further steps or payments from the holder.

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<sup>10</sup> See document [MM/LD/WG/6/7](#) "Report", paragraph 141.

73. Under Article 4 of the Protocol, international registrations have the same effect as registrations effected by the Offices of the designated Contracting Party. In addition, under Article 5<sup>ter</sup> of the Protocol, extracts from the International Register are exempt from any legalization in the designated Contracting Parties. However, administrative or judicial authorities might require an official translation of these extracts to the language in which proceedings take place in the Contracting Party concerned.

74. While it could be argued that Contracting Parties have already an obligation to provide holders of international registrations with sufficient documentation to enforce their rights, the Working Group may wish to consider the introduction of an explicit requirement to do so, in particular, in the language used to conduct administrative or judicial proceedings in the designated Contracting Parties.

#### Commitment to Improve on the Implementation of the Madrid Protocol

75. There were several calls to require that the introduction of any language be accompanied by a commitment to improve the implementation of the Madrid Protocol by those Contracting Parties that benefit from such introduction. For example, the negative impact that short time limits to respond to notifications of provisional refusal and the obligation to meet strict formal requirements, such as the appointment of a local representative through a legalized power of attorney, might be exacerbated if Contracting Parties issue those notifications in languages with which the holder is not familiar. Holders would be required to translate the notifications before taking any action.

76. Improving the way in which the Madrid System operates, in particular, by reducing or eliminating possible points of friction introduced by all actors of the Madrid System, including applicants, holders, Contracting Parties and the International Bureau, ought to be a continued endeavor. For several sessions, the Working Group has conducted an informal exchange on technical matters, the Roundtable, which has resulted in a number of practical initiatives or in improvements to the Madrid System legal framework.

#### Reduction of the Number of Languages or Establishment of a Required Language

77. It was argued that increasing the number of languages would also increase the complexity of the Madrid System. Maintaining the International Register in an array of languages, with certain decisions available only in one of them, might diminish its usefulness as the single source of information on the acquired rights in the designated Contracting Parties. It was said that this would be an argument in favor of decreasing, rather than increasing, the number of languages. It was suggested that, at the very least, the International Register be always available in one language with a translation of the highest quality, if necessary.

78. The proposal for the introduction of new languages described in document MM/LD/WG/19/7 would not change the current language regime of the Madrid System. As prescribed in Rule 6 of the Regulations, the International Register would be maintained in all current Madrid System languages, and in the possible new ones, with the International Bureau undertaking the necessary translations. As indicated above, the International Bureau could also translate notifications of provisional refusal, which is not required under the current language regime.

79. For the sake of financial prudence, the above-mentioned proposal introduces the possibility of implementing a differentiated translation practice, which would rely solely on automatic and machine-translation where the translation output is not required to notify a designated Contracting Party.

Advanced Introduction of Certain Technical Measures Without Prejudice to Continue Discussing the Possible Expansion of the Language Regime

80. It was suggested that the International Bureau and Contracting Parties could introduce some of the technical measures described above irrespective of the ongoing discussions regarding new Madrid System languages.

81. Contracting Parties could continue to make efforts to send information concerning its decisions in the machine-readable format created by the International Bureau. Nothing in the current legal framework prevents Contracting Parties from transmitting to holders sufficient documentation in the relevant language to facilitate the enforcement of their rights.

82. The International Bureau could expand the MGS database to cover all the descriptions in the terminology database in all the languages in which it is available. In addition, the International Bureau could provide or make available unofficial translations of the entries in the International Register. It was noted that the International Bureau already provides attestations in several languages.

### **POSSIBLE WAY FORWARD**

83. As indicated earlier, at its twentieth session, the Working Group “requested the International Bureau to prepare a document proposing a way forward regarding the elements mentioned in paragraphs 39 to 60 of document MM/LD/WG/19/7 [...] to be discussed at the following session of the Working Group.”<sup>11</sup> The present section fulfills the request made by the Working Group, taking into account the issues discussed during the consultations that have been described in the preceding paragraphs. This section has three parts, namely:

- (i) a possible way forward at the level of principle;
- (ii) a possible way forward at the practical level; and,
- (iii) the relationship between these two levels.

#### **(I) POSSIBLE WAY FORWARD AT THE LEVEL OF PRINCIPLE**

84. It is recalled that document MM/LD/WG/17/7 Rev., suggested five possible criteria that the Working Group could take into account in its discussions concerning the introduction of new languages into the Madrid System.<sup>3</sup> The document suggested considering the number of Madrid applications, the number of Madrid designations, the number of direct applications filed abroad, the Madrid market share and the UN official languages.

85. A common feature of the three languages that have been proposed as new Madrid System languages is that they are UN official languages. There are six UN official languages, namely, Arabic, Chinese, English, French, Russian and Spanish. Three of those languages, namely, English, French and Spanish, are already Madrid System languages. The remaining three, namely, Arabic, Chinese and Russian, are not yet Madrid System languages and are the subject of the proposals under discussion.

86. The delegations that have proposed the introduction of Arabic, Chinese and Russian as Madrid System languages attach great importance to their status as UN official languages. Other delegations attach equal or more importance to other criteria, such as those suggested in document MM/LD/WG/17/7 Rev.

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<sup>11</sup> See document [MM/LD/WG/20/8](#) “Summary by the Chair”, paragraph 25(iii).

87. The International Bureau has compiled relevant statistical information on the criteria suggested in document MM/LD/WG/17/7 Rev. to support delegations in their deliberations. The information gathered covers the five-year period between 2017 and 2021 and is presented in a set of tables reproduced below. The information is sorted by language, but it excludes English, French and Spanish because they are already Madrid System languages.

#### Number of Madrid (International) Applications

88. The first criterion is the number of international applications by the language spoken in the jurisdiction of the applicant. For jurisdictions where more than one language is spoken, international applications were allocated in proportion to the percentage of the population speaking each language. The table below shows the top 10 languages spoken by international applicants, excluding English, French and Spanish, listed from highest to lowest.

*Table I: Number of Madrid Applications, Top 10 Languages Excluding English, French and Spanish*

<b>Language</b>	<b>Madrid Applications</b>
German	55,294
Chinese	30,749
Italian	16,618
Japanese	15,195
Dutch	9,906
Russian	9,391
Turkish	8,873
Korean	7,315
Swedish	4,632
Danish	3,193

89. This criterion considers the language spoken by current users of the Madrid System, that is, those trademark owners who have already filed an international application. The introduction of new Madrid System languages following this criterion would facilitate increased filing of international applications by those users because it would enable them to file in their own language. For languages for which a significant share of trademark owners does not yet use the Madrid System, the said introduction may serve as an incentive to opt for this system.

#### Number of Madrid Designations

90. The second criterion considers the number of designations under the Madrid system, per language of publication in the designated Contracting Parties. For Contracting Parties that publish in the language in which they receive communications from the International Bureau and in other languages, only the language of communication was considered. The table below shows the top 10 languages of publication, excluding English, French and Spanish, listed from highest to lowest.

*Table II: Number of Madrid Designations, Top 10 Languages Excluding English, French and Spanish*

<b>Language</b>	<b>Madrid Designation</b>
Russian	156,773
German	132,694
Chinese	131,372
Japanese	89,359
Korean	80,433
Arabic	59,095
Turkish	51,377
Norwegian	50,255
Vietnamese	45,527
Ukrainian	39,558

91. This criterion considers the language in which Offices of the designated Contracting Parties process and publish trademark applications. An introduction of new Madrid System languages following this criterion would facilitate the processing of international registrations by those Offices by enabling them to do so in the languages in which they work. It would also allow third parties who master those languages to understand the scope of an international registration without the need for translation.

92. Furthermore, it would benefit holders of international registrations because it would minimize uncertainty regarding the scope of the international registration in the languages used in the designated Contracting Parties because the scope in the said languages would be established by the International Bureau.

93. As explained earlier, several Offices translate international registrations into their local languages for processing and publication. These Offices translate their decisions from their local languages back into a Madrid System language to communicate them to the International Bureau, which transmits them to the holders. Holders are not necessarily aware of the scope of protection (i.e., the list of goods and services) in the local language, unless they obtain a copy of the original decision or access the domestic database, nor would they know how to react should there be inconsistencies due to possible mistranslations.

94. There would be little uncertainty regarding the goods and services for which the mark is protected in the designated Contracting Parties if the International Bureau undertook the necessary translations. The Madrid System would be more transparent because the translated scope would be available in the International Register. Designated Offices would be notified, process and issue their decisions in their local languages. Finally, the existing safeguards against possible translation mistakes made by the International Bureau would apply, as holders and Offices could request that the International Bureau correct any possible mistranslation at any time.



Number of Direct Applications Filed Abroad

95. The third criterion considered the number of direct applications filed abroad by the language spoken in the jurisdiction of the applicant. For jurisdictions where more than one language is spoken, international applications were allocated in proportion to the percentage of the population speaking each language. The table below shows the top 10 languages, excluding English, French and Spanish, listed from highest to lowest.

*Table III: Number of Direct Applications Filed Abroad, Top 10 Languages Excluding English, French and Spanish*

<b>Language</b>	<b>Direct Class Count</b>
Chinese	1,246,469
German	699,364
Dutch	379,722
Japanese	288,674
Italian	246,016
Korean	196,328
Swedish	96,083
Arabic	75,612
Polish	70,850
Danish	50,792

96. This criterion takes into account the direct non-resident filing activity, per language of the applicant. In other words, the applications filed by non-resident trademark owners who opted to file directly with an Office in a foreign jurisdiction rather than using the Madrid System. In a few cases, trademark owners might not have had the option to use the Madrid System because, for example, their jurisdiction is not yet a member of the System.

97. An introduction of new Madrid System languages following this criterion would place emphasis on languages for which the possibility of attracting new users is the highest; users for whom, while having the option to use the Madrid System, language might be a disincentive against using the System.

Madrid Market Share

98. This criterion considered the Madrid market share, which measures the percentage of applicants in each Contracting Party that prefer to file an international application over filing directly to protect their marks abroad. For example, a 60 per cent Madrid market share in a given Contracting Party means that, whenever they have a choice, six out of 10 applicants from this Contracting Party used the Madrid System to file abroad, while the remaining four applicants filed directly with the national or regional Office concerned. The market share was estimated taking into account the language spoken in the jurisdiction of the applicant. For jurisdictions where more than one language is spoken, applications were allocated in proportion to the percentage of the population speaking each language.

99. This criterion focuses on the difference between the applications filed directly and the designations under the Madrid System, the so-called gap between direct applications and Madrid designations. The table below shows the top 10 languages for which the gap between direct applications and Madrid designations is the widest in absolute terms, excluding English, French and Spanish.

*Table IV: Madrid Market Share, Gap Between Direct and Madrid Applications Excluding English, French and Spanish*

<b>Language</b>	<b>Gap Direct-Madrid</b>
Chinese	662,393
Dutch	279,828
Korean	118,146
Polish	38,838
Japanese	36,357
Portuguese	33,085
Malay	26,616
Thai	24,899
Greek	23,822
Romanian	12,764

100. This criterion focuses on the filing behavior by trademark owners from jurisdictions that are members of the Madrid System and who are seeking protection in other Madrid members. The table shows those languages for which a majority of trademark owners opted to file a direct application rather than to seek protection through the Madrid System.

101. An introduction of new Madrid System languages following this criterion would place emphasis on languages for which the possibility of attracting new users who are already able to use the Madrid System is the highest, and for whom the inability to file in their own language might be a disincentive against using the System.

#### Official Languages of the United Nations

102. Multilingualism is a core founding principle of the UN and a deliberate choice to achieve better representation among its Member States, as well as to facilitate communication. The UN Charter was signed in five equally authentic versions, namely, Chinese, English, French, Russian and Spanish, enshrining the principles of equality of its official languages and of non-discrimination among languages.<sup>12</sup>

103. In February 1946, the second resolution adopted by the General Assembly of the UN established Chinese, English, French, Russian and Spanish as its official languages. In December 1973, the General Assembly of the UN included Arabic as one of its official languages. Since 1995, multilingualism has appeared regularly in the agenda of the General Assembly of the UN, which has referred to it as a UN core value in several resolutions.

<sup>12</sup> United Nations Dag Hammarskjöld Library, "Why it Matters: Multilingualism at the United Nations", United Nations, 2023.

104. As a Specialized Agency of the UN, multilingualism is also as a core value at WIPO. In particular, it is a means to ensure inclusive access to WIPO's information and services.<sup>13</sup> In addition, as stated in paragraph 31 of document MM/LD/WG/19/7, "[w]hile language regimes and translation policies that are established under WIPO administered Treaties and related regulations are excluded from the scope of [the Revised Policy on Languages at WIPO], Member States discussions regarding those regimes that are ongoing in other competent WIPO bodies could be guided by the principles proposed in the present document."

105. It is recalled that, under the Convention Establishing WIPO (the WIPO Convention), WIPO's General Assembly must determine the working languages of the Secretariat, taking into consideration the practice of the UN.<sup>14</sup> The working languages at WIPO are Arabic, Chinese, French, English, Russian, and Spanish, as well as Portuguese under certain conditions.<sup>15</sup>

106. Status as an official language of the UN is not the only consideration put forth by the delegations proposing the introduction of Arabic, Chinese and Russian as Madrid System languages.

107. In 2018, in its proposal to introduce Chinese as a Madrid System language, the Delegation of China recalled that this country had been the most designated Contracting Party for 13 consecutive years and that applications from China had experienced the fastest growth. The Delegation highlighted that international applications represented a small fraction of the domestic trademark applications filed in China and that the language barrier was a major factor blocking more effective use of the Madrid System by Chinese applicants.<sup>16</sup>

108. In the same year, in its proposal to introduce Russian as a Madrid System language, the Delegation of the Russian Federation underscored the fact that Russian was spoken by more than 250 million people, placing it among the most spoken languages worldwide, and that Russian was either a state or official language in several Contracting Parties, as well as the main language of communication in the Eurasian region. The Delegation recalled the sustained growth of international applications from the Russian Federation and stated that the introduction of Russian would untap the potential for a more effective use of the Madrid System in the Russian Federation as well as in other Contracting Parties in the Caucasian, Central Asian and Eastern European region.<sup>17</sup>

109. In 2019, the Delegations of Algeria, Bahrain, Egypt, Morocco, Oman, Sudan, Syrian Arab Republic and Tunisia, in their proposal to introduce Arabic as a Madrid System language, recalled that Arabic was spoken by more than 380 million people, 240 million of whom were from Contracting Parties of the Madrid System, and that it was the official language in 22 Arab States, eight of which were already Contracting Parties of the Madrid System.<sup>18</sup> The Delegations highlighted the fact that use of the Madrid System within Arab Contracting Parties had been growing and stated that the introduction of Arabic as a Madrid System language could stimulate further growth and facilitate the accession to the Madrid Protocol of Arab States that had not yet done so.

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<sup>13</sup> See document [WO/PBC/32/6](#) "Revised Policy on Languages at WIPO".

<sup>14</sup> Article 6(2)(vii) of the Convention Establishing the World Intellectual Property Organization.

<sup>15</sup> In 2000, the General Assembly decided to develop promotional material in Portuguese, to introduce Portuguese as part of its website and to provide interpretation in this language for diplomatic conferences and for the General Assembly, see document [A/48/11](#) "Policy on Languages at WIPO" and document [WO/GA/26/10](#) "Report".

<sup>16</sup> See document [MM/LD/WG/16/7](#) "Proposal by the Delegation of China".

<sup>17</sup> See document [MM/LD/WG/16/9 Rev.](#) "Proposal by the Delegation of the Russian Federation".

<sup>18</sup> The United Arab Emirates acceded to the Madrid Protocol in 2022.

### Gradual Introduction of New Languages

110. The Working Group may wish to take into account the information presented above in its deliberations on the way forward on the subject under discussion. In particular, the Working Group could take into account the fact that some languages rank high on all the criteria, which might be relevant in the context of a gradual and staged approach to the introduction of new languages. This gradual and staged approach could take the form of the introduction of one of the requested languages as a new language of the Madrid System, while discussions on the introduction of the other requested languages continue.

### (II) POSSIBLE WAY FORWARD AT THE PRACTICAL LEVEL

111. If the Working Group does not reach consensus at the present session on the introduction of one or more new languages at the level of principle and pending future decisions on the matter, it could consider the benefits of agreeing that the International Bureau introduces a number of the technical elements mentioned in paragraphs 39 to 60 of document MM/LD/WG/19/7. As explained further below, even if there were no requests for the introduction of new Madrid System languages, practical progress in the implementation of these technical elements would not only benefit users of the Madrid System and Offices of Madrid members, but also trademark owners who opt to file direct applications instead of using the Madrid System, as well as the Offices where those direct applications are filed.

### Enhancement of the Terminology Database

112. Experience in the development and public availability of databases of trademark related indications, in particular, those indications used to describe the goods and services for which the mark is to be protected has proven to be positive. Use of these databases increases the quality of trademark applications, promotes harmonization in the way in which goods and services are described and benefits users because it increases predictability and legal certainty.

113. Offices also benefit from the public availability of the above-mentioned databases. Higher quality trademark applications with standardized indications of goods and services decrease the examination workload and reduce the need to issue Office actions concerning these indications. Offices face a lighter burden, which might allow them to allocate further resources to the substantive examination of applications and to expedite their processing.

114. Publicly available multilingual databases of trademark related indications, such as the MGS database, have the additional benefit of promoting harmonization on the way in which goods and services are described across multiple jurisdictions and in several languages.

115. For example, in the period between August 2022 and August 2023, users from 168 jurisdictions accessed the MGS database through over 531,000 sessions. Forty-two, six, and 13 per cent of MGS users accessed the search feature in, correspondingly, English, French and Russian. Meanwhile, only 11, four and eight per cent of users accessed MGS from, correspondingly, an English-speaking, French-speaking and Russian-speaking jurisdiction. This means that a number of non-English, non-French and non-Russian speakers access MGS in these languages.

116. The information presented above suggests that users are accessing the MGS database as a reference to create, validate or translate indications of goods and services to file direct applications in jurisdictions other than their own. This would mean that the MGS database provides a valuable service as a global reference for the classification and translation of indications of goods and services.

117. While the MGS database is available in 25 languages, its impact, although significant, is small due to its size. The English version of the MGS database contains some 130,000 indications. These indications have been carefully drafted and reviewed for accuracy and linguistic precision, avoiding some less precise alternative expression and redundancies.

118. In contrast, the internal terminology database the International Bureau uses to automate the translation of indications of goods and services has more than 2 million indications. These are indications that have featured in international applications filed in one Madrid System language, for which the International Bureau has validated their classification, for contextual reference, and their translation into the other two Madrid System languages.

119. Making available a version of this internal terminology database to the public in several languages, with its more than two million indications, would benefit users and operators of the global trademark protection system, irrespective of the ongoing discussion on the possible introduction of new languages. It would become a global reference for the description, classification and translation of goods and services for applicants seeking to secure protection through the Madrid System or directly, as well as for trademark officials. As indicated above, it would promote increased harmonization, legal certainty and predictability, while lessening the burden to process trademark applications.

120. The enhancement of the terminology database in languages other than English, French and Spanish could be undertaken in close cooperation between the International Bureau and interested Contracting Parties, in particular, those Contracting Parties that have proposed the introduction of new Madrid System languages. This cooperation could include contributions in the form of expertise and data, as well as financial contributions for the development of the database. The determination as to whether the database meets the desirable quality standards in any given language, including new languages, would continue to rest solely with the International Bureau.

#### Exchange of Communications in Standardized Machine-readable Format

121. At its twentieth session, the Working Group discussed an updated version of the road map for the evolution of the Madrid System to guide its discussions.<sup>19</sup> Among possible improvements to the practical functioning of the Madrid System, the document highlighted the need to accelerate the pace of its digital transformation by, among others, exchanging comprehensive information in machine-readable format between the International Bureau and Offices.

122. The International Bureau is currently developing standards for the transmission of machine-readable data in communications from Offices. The availability of this information in sufficient granularity would provide for the opportunity to improve the functioning of the Madrid System for the benefit of all its users, Offices and third parties.

123. As indicated earlier, if the International Bureau were to receive such data, it could process and validate the submissions automatically to identify possible inconsistencies and inform the Offices concerned without delay, shortening the processing time for the resolution of potential irregularities. Machine-readable data could allow the International Bureau to provide for near real-time processing of all communications from Offices and to deploy analytical tools to help users and third parties understand better all aspects of the status of an international registration in its designated Contracting Parties, including the reasons for its refusal. The International Register, including communications by designated Contracting Parties, could in the future be made available in virtually any language with the aid of machine-translation tools.

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<sup>19</sup> See document [MM/LD/WG/20/7](#) "An Updated Road Map for the Evolution of the Madrid System".

124. The potential advantages of receiving detailed information concerning communications from Offices in machine-readable format would benefit users of the Madrid System as well as third parties with an interest in this information, irrespective of the ongoing discussions on the possible introduction of new languages.

#### Differentiated Translation Practice

125. As explained earlier, under the current translation practice of the International Bureau, the contents of international registrations and recordings that are not automatically translated through the terminology database are subject to machine translation. In turn, all machine-translation output is subject to post-editing, which is provided by external companies, and subject to quality control conducted by internal translation experts.

126. Post-editing is conducted whether the translation output is required to notify designated Contracting Parties in a particular language or not. Document MM/LD/WG/19/7 suggested the introduction of a differentiated translation practice, where post-editing would apply to machine-translation output of international registrations and recordings only into languages that are required for the purposes of notification. It must be recalled that, under a differentiated translation practice, the International Register would continue to be maintained and be made available to the public in all Madrid System languages. The only difference would be in the practice used to translate its contents into languages that are not to be used in notifications.

127. Four reasons justify the introduction of a differentiated translation practice, irrespective of the ongoing discussions on the possible introduction of new languages, namely, the low volume subject to machine-translation, the increasing quality of machine-translation tools, the low demand for information in languages that are not used in notifications and financial prudence.

128. Only about 25 to 30 per cent of international registrations and recordings is subject to machine-translation, because 70 to 75 per cent is covered by the above-mentioned terminology database containing high-quality translations in the three existing working languages. The International Bureau currently uses its own artificial-intelligence-based machine-translation tool, which has been specifically trained to translate trademark related indications. This tool delivers better quality results than other commercially available machine-translation tools, and its precision continues to increase with time.

129. The contents of the International Register are available to the public in all Madrid System languages through Madrid Monitor, which is an online service that allows users to search and view the contents of the International Register. Only 0.12 per cent of users accessed international registrations in a language not used for the purposes of notification. These findings suggests that demand for information in languages not used for the purposes of notification is low.

130. Finally, while the International Bureau has managed to maintain the annual operating cost of post-editing low, due to the availability of the internal terminology database, this cost was slightly over 800,000 Swiss francs in 2022. The introduction of a differentiated translation practice would reduce these costs further by lowering the need for post-editing services. For example, it is estimated that translations in roughly 25 per cent of international registrations effected in 2022 were not used for the purposes of notification. This figure suggests that the possible savings resulting from a differentiated translation practice would justify its introduction.

### Summary of the Possible Benefits from the Introduction of the Proposed Technical Measures

131. As indicated, the introduction of the technical measures described above would not only yield benefits for the Madrid System but for the international trademark system as a whole, whether users rely on the Madrid System or file directly and whether new Madrid System languages are introduced or not.

132. An enhanced terminology database in several languages available to the public would be a global reference for the description, and classification of goods and services, which would:

- standardize and harmonize the description of goods and services across several jurisdictions and in multiple languages;
- increase the quality of trademark applications;
- decrease the examination workload;
- expedite the processing of trademark applications;
- increase predictability and legal certainty.

133. The exchange of communications in standardized machine-readable format between Offices and the International Bureau would allow the latter to:

- provide for automatic near real-time processing of communications;
- decrease processing delays;
- deploy analytical tools and added-value services benefitting users, Offices and third parties;
- make available the information in the said communication in virtually any language with the aid of machine-translation tools.

134. The implementation of a differentiated translation practice would allow the International Bureau to:

- lower the need for post-editing services;
- reduce annual operating costs; and,
- improve the operating results and strengthen the financial standing of the Madrid Union.

### (III) RELATIONSHIP BETWEEN THE TWO LEVELS

135. The Working Group may wish to consider whether achieving specified milestones in the introduction of the above-mentioned measures, or other technical or practical measures should be set as pre-conditions for the introduction of new languages. For example, the Working Group could request that the International Bureau expand the terminology database, confirm that it automatically translates a minimum percentage of international registrations and recordings and that the automatic translation output is of high quality. Likewise, the Working Group could request that the International Bureau certify that improvements to the operational functioning of the Madrid System have sufficiently taken place, such as the sending of detailed machine-readable data by its Contracting Parties.

136. *The Working Group is requested to consider the contents of the present document and to indicate whether:*

*(i) it is in a position to take a decision in principle on the proposals made for the introduction of new languages into the Madrid System, taking into account the possible approach outlined in paragraph 110, above;*

*(ii) it is in a position to agree that the International Bureau implement one or more of the technical elements described in paragraphs 111 to 130, above, and under which conditions, if any; and,*

*(iii) achieving specified milestones in the implementation of the above-mentioned technical elements, or of other technical or practical measures, should be a pre-condition for the introduction of new languages into the Madrid System.*

[Annex follows]



**INFORMATION CONCERNING CRITERIA SUGGESTED IN  
DOCUMENT MM/LD/WG/17/7 REV.**

TABLE I: NUMBER OF MADRID APPLICATIONS, TOP 13 LANGUAGES

<b>Language</b>	<b>Madrid Applications</b>
English	90,149
German	55,294
French	32,084
Chinese	30,749
Italian	16,618
Japanese	15,195
Dutch	9,906
Russian	9,391
Turkish	8,873
Spanish	7,844
Korean	7,315
Swedish	4,632
Danish	3,193

TABLE II: NUMBER OF MADRID APPLICATIONS, TOP 10 LANGUAGES EXCLUDING  
ENGLISH, FRENCH AND SPANISH

<b>Language</b>	<b>Madrid Applications</b>
German	55,294
Chinese	30,749
Italian	16,618
Japanese	15,195
Dutch	9,906
Russian	9,391
Turkish	8,873
Korean	7,315
Swedish	4,632
Danish	3,193

TABLE III: NUMBER OF MADRID DESIGNATIONS, TOP 13 LANGUAGES

<b>Language</b>	<b>Madrid Designations</b>
English	799,099
Russian	156,773
German	132,694
Chinese	131,372
Spanish	110,981
French	101,487
Japanese	89,359
Korean	80,433
Arabic	59,095
Turkish	51,377
Norwegian	50,255
Vietnamese	45,527
Ukrainian	39,558

TABLE IV: NUMBER OF MADRID DESIGNATIONS, TOP 10 LANGUAGES EXCLUDING ENGLISH, FRENCH AND SPANISH

<b>Language</b>	<b>Madrid Designations</b>
Russian	156,773
German	132,694
Chinese	131,372
Japanese	89,359
Korean	80,433
Arabic	59,095
Turkish	51,377
Norwegian	50,255
Vietnamese	45,527
Ukrainian	39,558

TABLE V: NUMBER OF DIRECT APPLICATIONS FILED ABROAD, TOP 10 LANGUAGES

<b>Language</b>	<b>Direct Class Count</b>
English	1,965,233
Chinese	1,246,469
German	699,364
French	494,354
Dutch	379,722
Japanese	288,674
Spanish	248,154
Italian	246,016
Korean	196,328
Swedish	96,083
Arabic	75,612
Polish	70,850
Danish	50,792

TABLE VI: NUMBER OF DIRECT APPLICATIONS FILED ABROAD, TOP 10 LANGUAGES EXCLUDING ENGLISH, FRENCH AND SPANISH

<b>Language</b>	<b>Direct Class Count</b>
Chinese	1,246,469
German	699,364
Dutch	379,722
Japanese	288,674
Italian	246,016
Korean	196,328
Swedish	96,083
Arabic	75,612
Polish	70,850
Danish	50,792

TABLE VII: MADRID MARKET SHARE, GAP BETWEEN DIRECT AND MADRID APPLICATIONS

<b>Language</b>	<b>Gap Direct-Madrid</b>
Chinese	662,393
English	556,798
Dutch	279,828
Spanish	138,455
Korean	118,146
Polish	38,838
Japanese	36,357
Portuguese	33,085
Malay	26,616
Thai	24,899
Greek	23,822
Romanian	12,764
Swedish	11,632

TABLE VIII: MADRID MARKET SHARE, GAP BETWEEN DIRECT AND MADRID APPLICATIONS EXCLUDING ENGLISH, FRENCH AND SPANISH

<b>Language</b>	<b>Gap Direct-Madrid</b>
Chinese	662,393
Dutch	279,828
Korean	118,146
Polish	38,838
Japanese	36,357
Portuguese	33,085
Malay	26,616
Thai	24,899
Greek	23,822
Romanian	12,764
Swedish	11,632

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