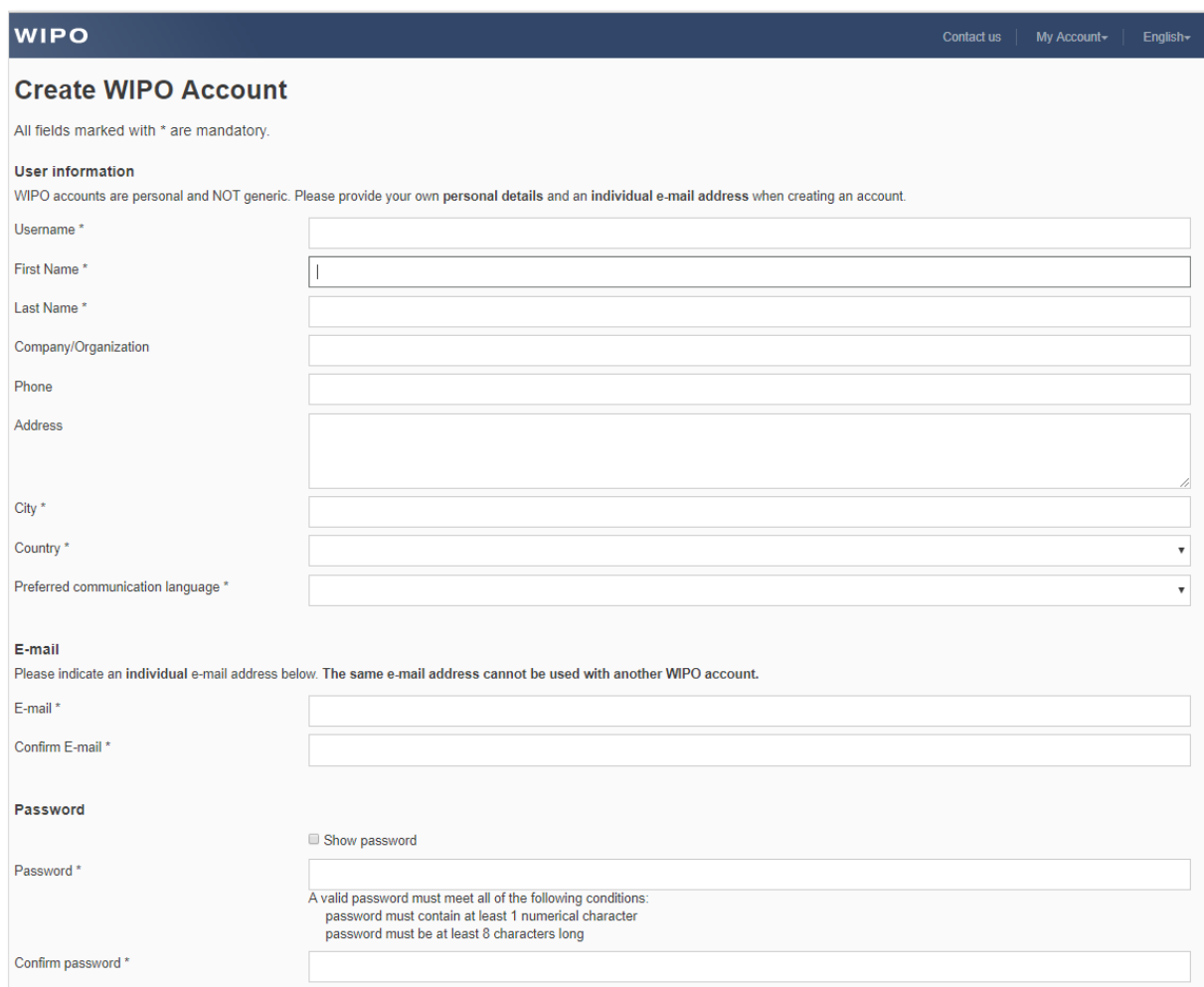# Madrid eFiling User Guide

Contents

1. Introduction

Madrid eFiling (MeF) is a web-based solution designed to facilitate quick and easy filing of an international trade mark application within the Madrid System. Madrid eFiling is available to all interested national offices and their applicants. The service is comprised of two distinct modules: the applicant module; and the office of origin module. Within the applicant module, a user is able to file an international application (MM2) electronically. The filing approach is clear, linear, and simple to use. For national offices, the office of origin module allows them to review, verify, and certify international applications before transmitting them to WIPO.

This introductory guide is for applicant and office users that are new to Madrid eFiling. It clearly illustrates the necessary steps required by an applicant to complete and file an international application (IA) request to their office of origin; and by the office of origin to validate and certify the international application before submitting it to the IB.

2. Accessing Madrid eFiling

Access to Madrid eFiling is now available via WIPO's external user registration and authentication service. To get started, one needs to have registered for a WIPO account. Account registration can be found here - https://www3.wipo.int/wipoaccounts/en/usercenter/public/register.jsf.
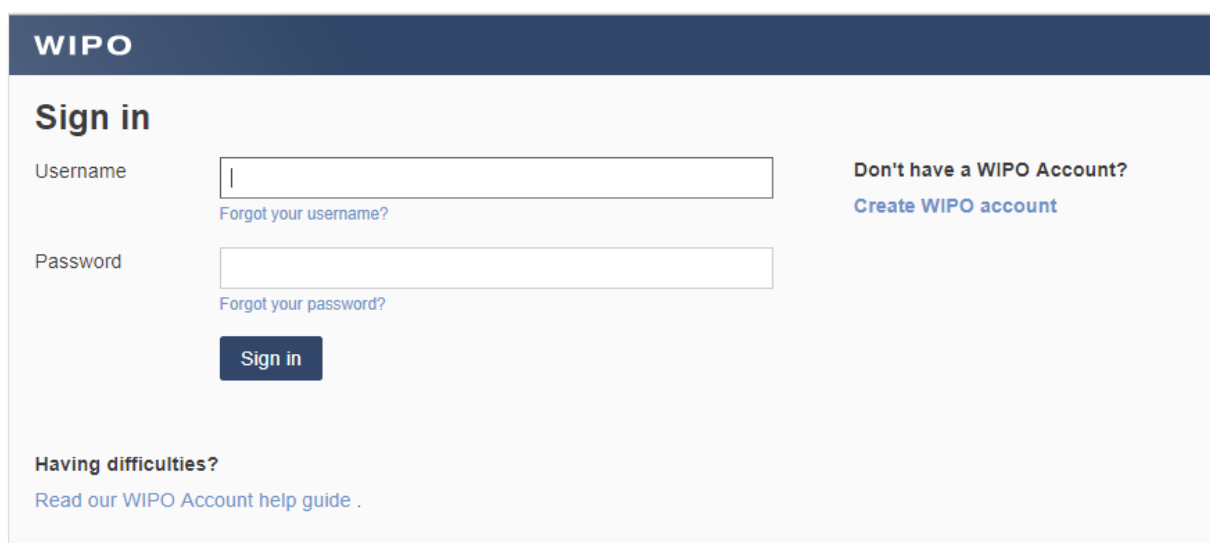

Once complete, access to Madrid eFiling is available via two entry points:

- Pre-production environnement: https://webaccess.wipo.int/iwa
- Production environnement: https://www3.wipo.int/iwa

Both URLs will redirect the user to the WIPO user authentication page.

To access Madrid eFiling, the applicant or office examiner must provide the same credentials (username and password) used when registering the WIPO account, clicking the 'Sign in' button when complete. At this point, they will be redirected to the Madrid eFiling applicant module.

Madrid eFiling User Guide

3. Madrid eFiling for Applicants

3.1 Applicant Settings

We encourage first time applicant users to set their preferred national office. This is done in 'Settings' located in the top right-hand corner of the screen.

Note: the settings screen will be reconfigured in the next release to support the persistence of the default national office to an application request. The registered email will be correctly populated. Preferred language for applications and preferred communication channel will be removed. Current account name and current account number will be removed.

For more experienced users, it is also possible to share application requests with other applicant users. To do so, enter the User ID and Email of the person wished to share the application request, clicking save once complete.

This feature should be used with the utmost discretion. Generally speaking, it is trademark attorney offices that most frequently use this feature.

3.2 My request list

An applicant's international application (IA) request list is a centralized repository displaying every international trademark application request ever created. These IA requests, shown in their various states of completion, will stay in the applicants' Madrid eFiling account in perpetuity. This means, even with the features to do so, it is not necessary to download and maintain a separate file repository in parallel to what is kept in Madrid eFiling.

The IA request list page displays the following columns:
- **Number** – the national basic application number used as the base for the international application (IA)
- **My reference** – an optional field available for an applicant to enter a reference
- **Mark text** – displays the name of the registered national trademark
- **Updated** – date when the application was last modified or changed status
- **Paid** – shows if the application has been paid for or not.
- **Status** – displays the point in the filing process the IA has reached. The possible statuses are:
    - o **Incomplete request** – An application that has been started but not completed. The ownership of the IA request remains with the applicant.
    - o **Submitted to office** – A completed application that has been submitted to the national office for verification. The ownership of the IA request is with the originating office. An applicant has read-only access to the application
    - o Office examination – An application that the office of origin has started verifying. The ownership of the IA request is with the originating office. An applicant has read-only access to the application
    - o Correction pending - An application that the office of origin has partially verified, identifying irregularity issues in the process. The application has been returned to the applicant for correction. The ownership of the IA request is with the applicant yet limited only to the screens requiring verification/correction.

o   WIPO Processing – An international application has been submitted to the IB after successful validation and certification. Both the originating office and the applicant have read-only access to the application.

Clicking on the cog icon ⚙ will display additional details for the application (Filing language; Applicants Reference; Mark text; WIPO service request number). Different action and details will be displayed depending on the application status.

- Incomplete request – Only an incomplete IA request can be deleted by the applicant

- Submitted to Office & Office Examination – Allows the applicant download a PDF copy of the IA request.
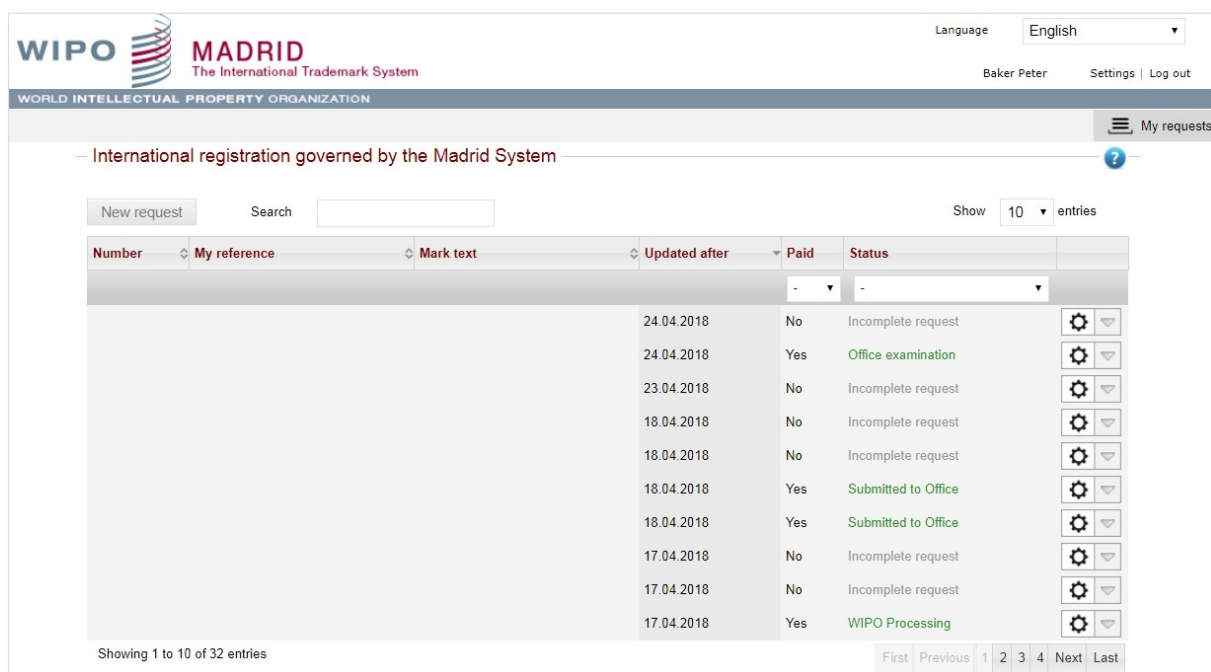
- Correction Pending – Allows the applicant to view irregularities created by the Office of Origin for a submitted IA request.

3.3 Filing an international application
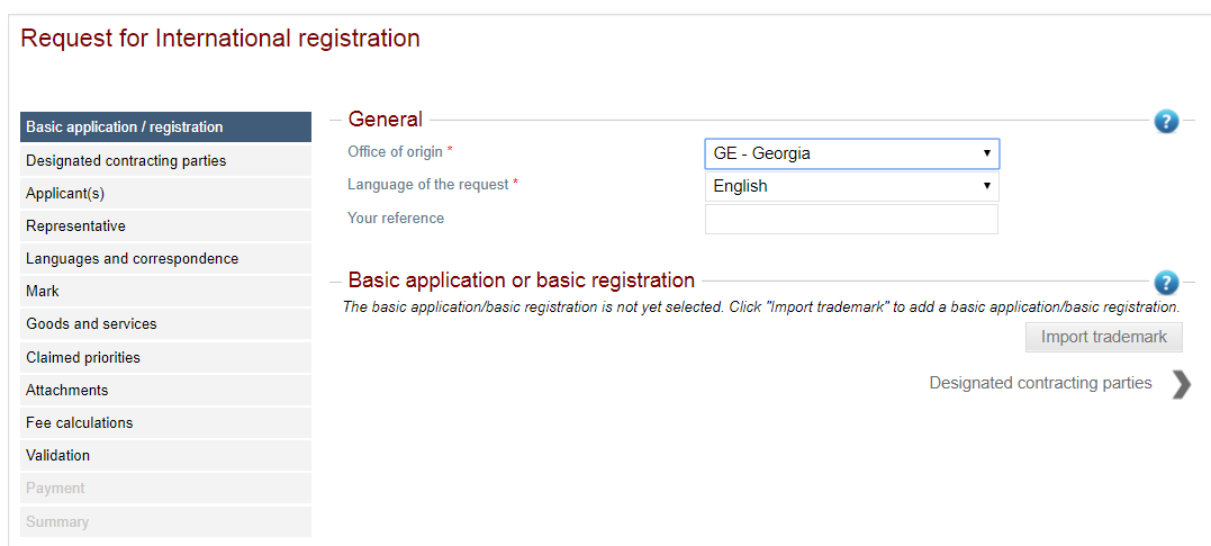
To start filing a new IA request, click on the 'New request' button that is located in the top left-hand corner of the 'My Request' screen. This will redirect the applicant to the 'Basic application/registration' screen.

Note: at any point during the filing process, an applicant can access a Help page by clicking on the question mark icon❓.

The applicant must select the office of origin and, if they wish, add an IA request reference.
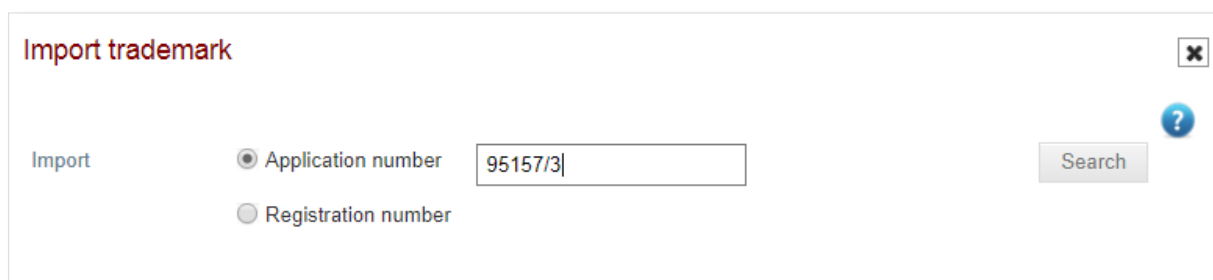
Clicking on the 'Import trademark' button opens the 'Import trademark' screen. An applicant must enter a national application or registration number, clicking on the 'Search' button once complete.

Note: the applicant should pay careful attention not to transpose the national basic numbers. E.g. - using a registration number in the application number entry window.
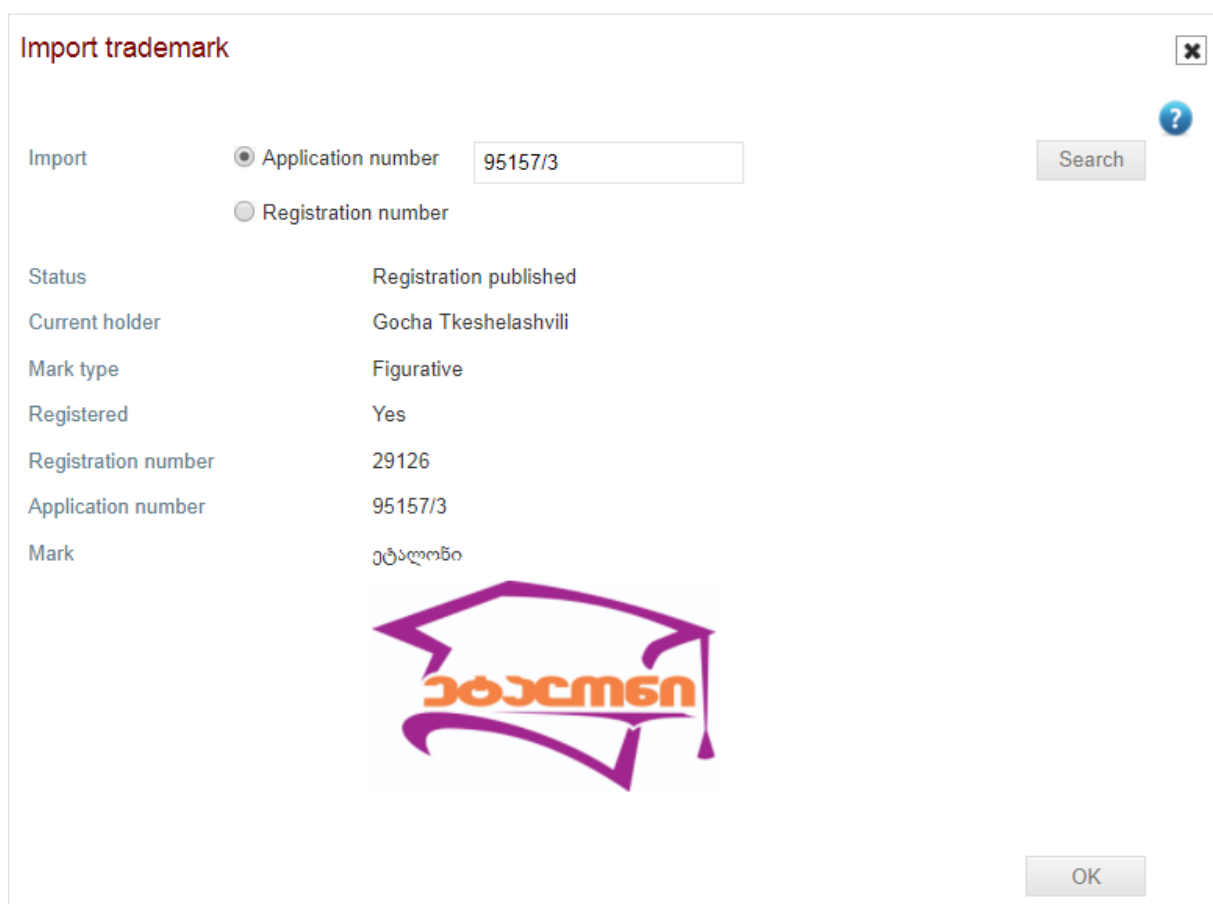
Provided the national application and registration number entered is active in the national office's trademark registry, Madrid eFiling returns and displays the results.
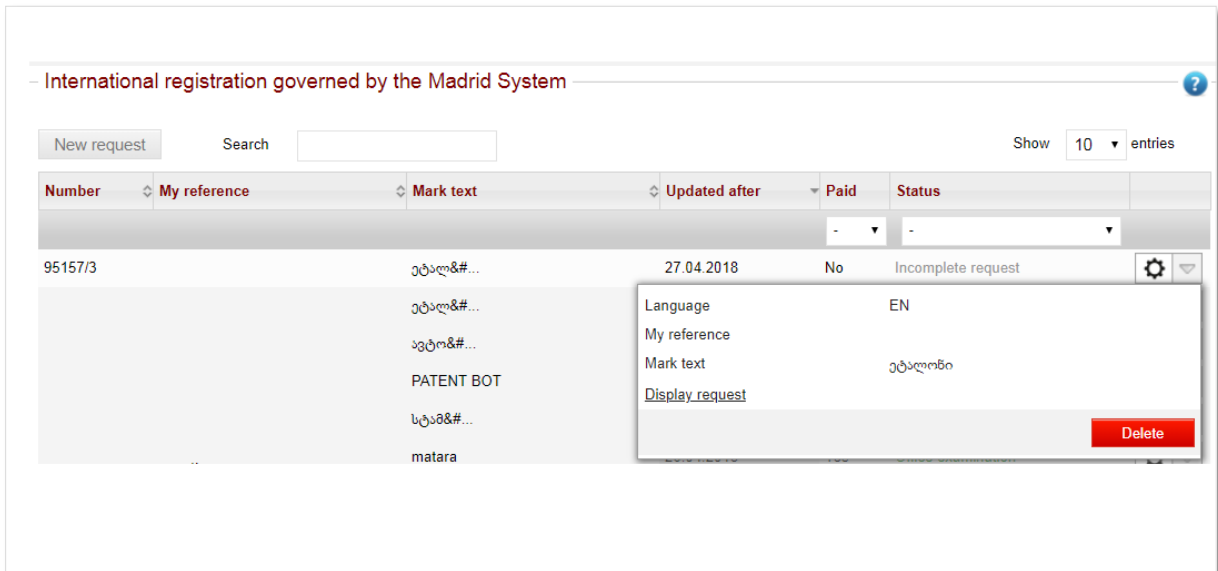
Once confirming that the trademark is displayed is correct, the applicant clicks the 'OK' button. This will return them to the 'Basic application/registration' screen. One can choose to have multiple basic applications or registrations; however, they ALL MUST be registered to the same holder. The first trademark entered is considered as the primary one and will be used by the national office for verification.

Note: The primary basic trademark details cannot be deleted once having progressed to the subsequent screen (Designated contacting parties). Should an applicant want to use an alternative national trademark, they return to the 'My Requests' screen, select the cog icon ⚙ of the application in question and click delete. To start again, they click on the 'New request' button**.**
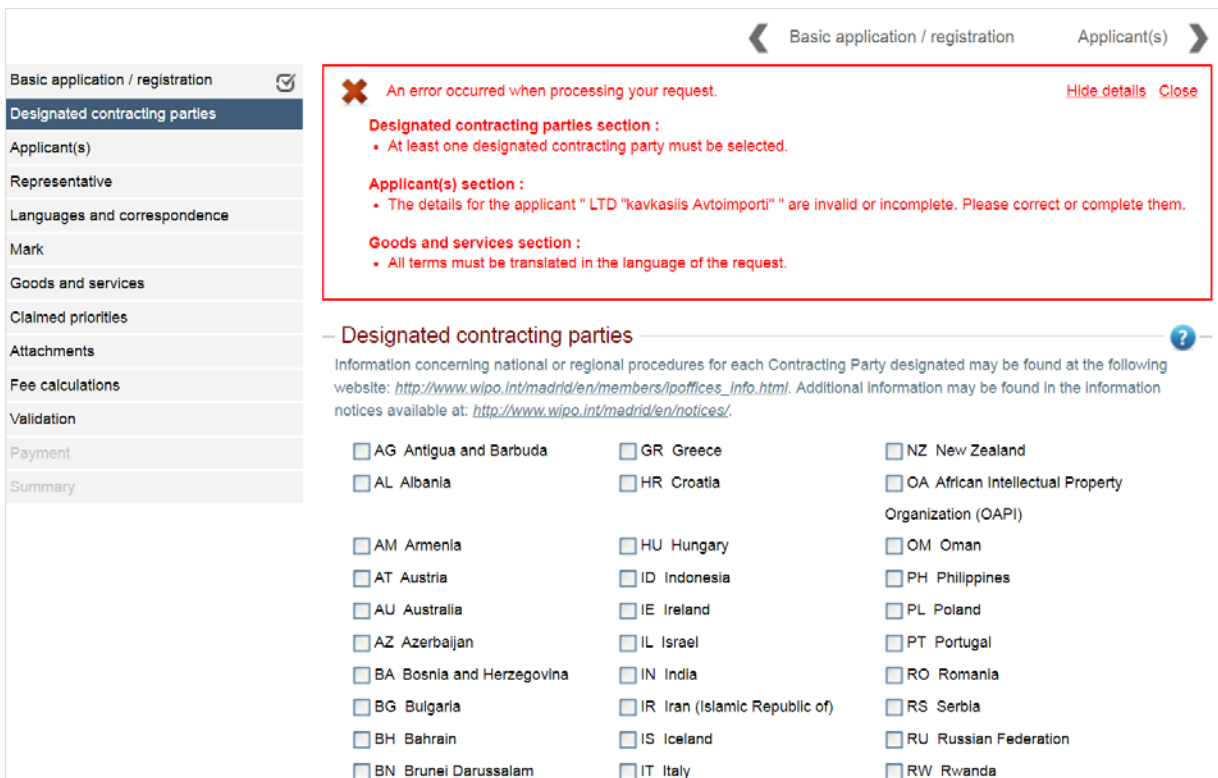
Progression through the application filing process is followed in a linear manner. This means that each screen must be completed in the order shown. It is not possible to skip screens. When a screen is complete, the applicant can use the top or left navigation to progress to the subsequent screen.

3.4 Designated contracting parties

The Designated Contracting Parties screen allows an applicant to simply and easily select the countries in which international trademark protection is sought. When relevant, country-specific disclaimers are displayed for informational purposes.

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3.5 Applicant

An essential part of the national basic trademark import is retrieving the applicant information.

Clicking on the applicant name will open 'Applicant' screen.

An applicant adds any missing mandatory information. Mandatory fields are indicated by a red asterisks *.

Most importantly, entitlement must be indicated. This could through physical or legal entitlement.

Physical Entitlement: the applicant is a physical person, either as a national or domiciled.

Note: if domiciled, you need to supply a street address. **A PO Box or c/o is not acceptable.**

Legal Entitlement: the applicant has a real and effective industrial or commercial establishment in the territory covered by the office of origin.

Note: a street address is required. **A PO Box or c/o is not acceptable.** If a PO Box or c/o has been provided as the applicant's address, the 'Provide another address' tick box should be selected and further fields will display where the street address can be entered.

Legal nature of the legal entity: e.g. Company Limited by Shares, Proprietary Limited, Corporation etc.

- might be required by certain Designated Contracting Parties. For example, if the United States of America is designated, it is necessary to include these indications. **Note:** it is in the applicant's best interest to provide details in order to avoid any application processing delays
- country of legal entity – mandatory
- state of Incorporation – state legal entity is registered in – optional

3.6 Representative

Same as the 'Applicant' screen, the information in 'Representative' screen is retrieved from the national basic and auto-populated if a representative has been appointed.

Note: Designating a representative is optional. If a representative has not been assigned then the email and phone number for the applicant are mandatory.

3.7 Languages and correspondence

An applicant needs to indicate the language (English, French or Spanish) they would like to communicate with WIPO and their office of origin.

Should the applicant designate the EUIPO then a second language must be indicated.

All correspondence will be sent to the representative's address if an applicant has appointment one. If not, the default behavior is to send all correspondence to the applicant's address. Additionally, the option of providing an alternative address becomes available in absence of an appointed representative.

3.8 Mark

Following the behavior of the previous screens, the trademark information registered in the national basic is retrieved and displayed.

The applicant should review the accuracy of the imported information, making amendments where applicable. For example, marks with an image, Madrid eFiling indicates if it is in color or not. If the indication is not correct the applicant must amend accordingly.

For word marks, an applicant can claim standard characters. For figurative or color marks, claiming a color as a distinctive feature is an option.

An applicant is required to provide a transliteration for a Mark containing non-Latin characters or non-Arabic numbers.

Description of the Mark (optional) - where the basic application or basic registration contains a description of the mark, the same description may, if the applicant wishes or if the Office of origin requires, be included in this section. If a description is provided, it must be a description of the mark and not, for example, a statement concerning the use of the mark or its reputation.

Voluntary description of the mark (optional) – any description of the mark, including the description contained in the basic application or registration, if the applicant was not required to provide this description in the Description of the Mark field.

Verbal element details should be provided if the mark feature is a Combined (picture and text logo). If these are not auto populated, then the applicant should add them.

Transliteration of the mark ❓

If in the basic application or basic registration a text occurs in non-Latin characters (for example Arabic or Cyrillic writting), you must provide the literal text in Latin characters. It does not concern a translation here, but rather a sequence of characters:

Other mark information ❓

Description of the mark

Voluntary description of the mark

Verbal elements of the mark

The applicant declares that he wishes to disclaim protection for the following element(s) of the mark

< Languages and correspondence   Goods and services >

3.9 Goods and Services

Undoubtedly, the Good and Services screen, being one of the more critical in the international application filing process, contains the most user functionality. Understanding the tools and features available will allow the applicant to maximize the value of this screen.

Translating the imported list of Goods and Services

The Madrid Goods and Service Manager (MGS), TMClass and Google Translate are available to assist in the translation and validation of the terms from the imported national language to the indicated language of filing (English, French, or Spanish).

Note: an applicant can translate the list of goods and services manually if they wish.

An applicant selects the tool they wish to use and clicks on the 'Translate terms into English' button. The results will vary depending on the tool selected.

Clicking 'Bilingual Display' located in the top header of an expanded class will show the national and international terms as reference for the applicant

Clicking 'Edit' in the same class header allows the applicant to edit the terms in a given class

Modifying a class is also possible by selecting individual terms then clicking 'Remove all selected terms'. A dialogue box will appear requesting confirmation of this change before proceeding.

Finally, clicking on an individual term will permit an applicant to edit or remove it.
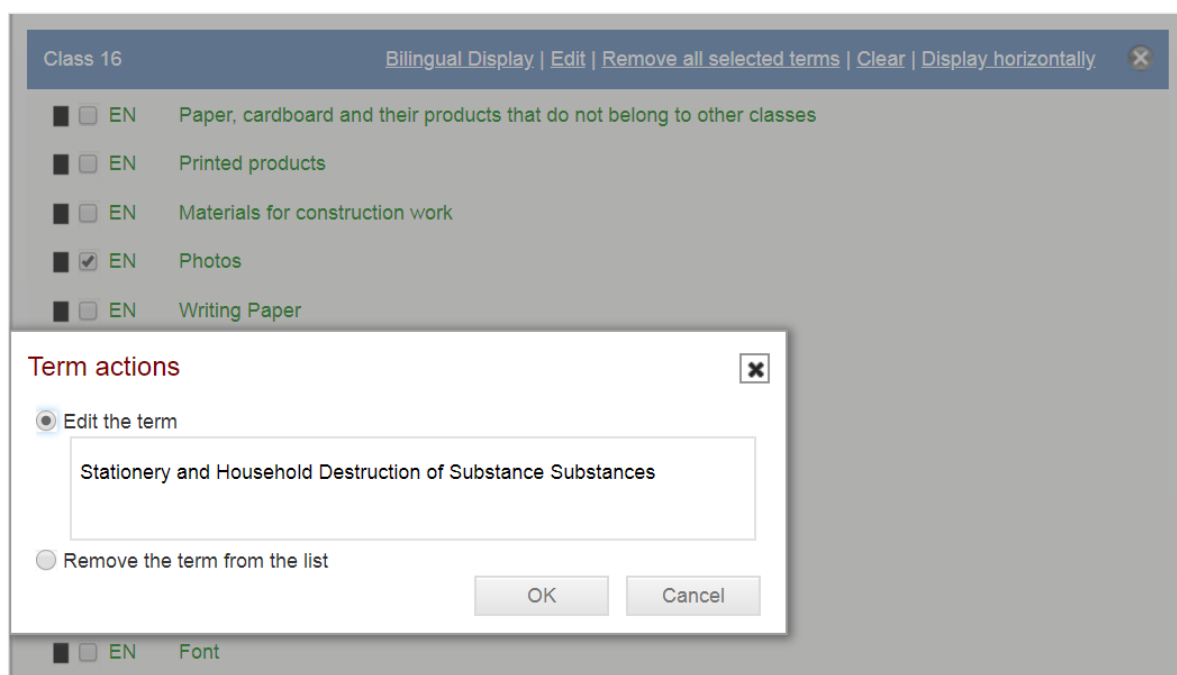
Creating a Limitation

It is possible to create a limitation for each Designated Contracting Parties. To start, the applicant navigates to the 'Limitations' tab, selects a DCP and clicks 'Create list'.
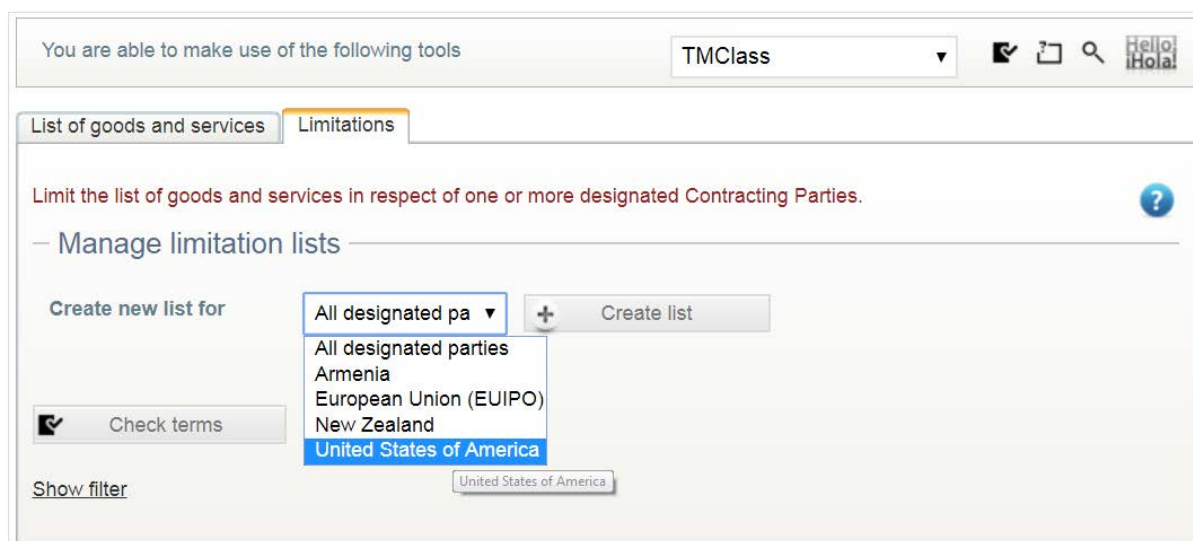
It is now possible to modify the list of Goods and Services using the same functionality available on the Goods and Services tab.

If the limitation is the same for another DCP, the applicant selects the country from the dropdown list, and adds it to the current limitation.

Removing a DCP and deleting a list is possible, in addition to creating another unique list for a DCP.

3.10 Claimed Priorities

To claim a priority, the applicant clicks on the 'Add claimed priority' button. The filing office, application number of the earlier filing and the date must be indicated. If the date of the earlier filing is older than six months, it won't be possible to claim a priority.

Note: The national mark data retrieval process for some offices might already display a claimed priority. An applicant can delete it by clicking on the ⊠ icon located in the top left-hand corner of the screen.

By default, the entire list of goods and services is claimed. It is possible to create a restricted list of goods and services by adding specific classes or individual terms from a certain class.

3.11 MM18

This screen will only appear if the United States of America has been designated. The applicant must complete the mandatory elements, indicated by a red asterisks *, in the MM18 form to progress to the next screen.

Note: as deemed valid by the USTPO and consistent with their domestic trademark filing practice, a forward slash at the beginning and end of the applicant's name in the signature lined considers the MM18 form as signed.

* ☑ I declare under penalty of perjury under the laws of the United States of America that all the foregoing statements are true and correct to the best of my knowledge and belief. I understand that willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, and are punishable by fine or imprisonment, or both (18 U.S.C. §1001). 35 U.S.C. §25(b).

/Peter Baker/

Signature *

Peter Baker

Signatory's Name (Printed) *

Owner

Signatory's Title *

21.04.2018

Date of execution (dd.MM.yyyy) *

INSTRUCTION

This declaration must be signed by:
  (1) the applicant/holder or a person with legal authority to bind the applicant/holder; or
  (2) a person with firsthand knowledge of the facts and actual or implied authority to act on behalf of the applicant/holder; or
  (3) an attorney who is authorized to practice before the United States Patent and Trademark Office under 37 C.F.R. §10.1(c), who has an actual written or verbal power of attorney or an implied power of attorney from the applicant/holder.

3.12 Attachments

The completed MM18 is displayed on the attachment screen and can be downloaded.

An applicant can also add a completed MM17 form, in additional to any other files that might be relevant to the IA request.

3.13 Fee Calculations

A clear summary of the national handling fee, the IB fee, and the DCP fees are displayed.

🖨 Print fees

Fee calculations

National fees	CHF 100.00
International fees (basic part)	CHF 903.00
International fees (individual part)	CHF 2,824.00
Grand total	**CHF 3,827.00**

Show fees details

❮ Attachments   Validation ❯

Clicking on 'Show fees details' will display the entire breakdown of the fees associated with the application.

Fees details

National fees

Handling fees	CHF 100.00
Total national fees	**CHF 100.00**

International fees (basic part)

Basic fee when any reproduction of the mark is in color(s)	CHF 903.00
Total basic fees	**CHF 903.00**

International fees (individual part)

	Individual fees	Collective and individual fees	Supplem. fees quantity	Supplem. fees unit amount	Total amount
Armenia (1 class(es) included)	CHF 221.00		2	CHF 22.00	CHF 265.00
European Union (EUIPO) (1 class(es) included)	CHF 897.00		1	CHF 55.00	CHF 952.00
European Union (EUIPO) (2 class(es) included)			1	CHF 164.00	CHF 164.00
New Zealand (1 class(es) included)	CHF 93.00		2	CHF 93.00	CHF 279.00
United States of America (1 class(es) included)	CHF 388.00		2	CHF 388.00	CHF 1,164.00
Total individual fees					**CHF 2,824.00**

3.14 Disclaimers

If applicable for the office of origin a disclaimer, that the applicant must indicate as having read and agreed with, can be added

3.15 Validation

The 'Validation' screen is a natural stopping point for either the applicant or representative.
It is possible to download a copy of the IA request in PDF format or view it in HTML format.

Note: It is possible to make modification to any of the completed screens. E.g. DCPs can be added or removed. Once the application has been paid and completed, any further modification will not be possible.

3.16 Payment

Once the IA request is complete, the applicant progresses to the 'Payment' screen. Here the user is redirected to WIPO's centralized payment platform. The applicant can select one of the payment options displayed and progress through the subsequent payment steps.

3.17 Summary

Upon successfully making a payment, the applicant is automatically redirected to the 'Summary' screen and the IA reuqest is sent to the office of origin. An applicant will receive a payment confirmation email from WIPO's payment service. They will also receive an email from the office of origin confirming that the request for an international trademark application has been received. Both emails include the relevant application request details. These details are also displayed on the 'Summary' screen. A copy of the application can be downloaded in PDF format or viewed as a HTLP page.

Clicking on the 'My requests' button will return the applicant to the IA request list screen. The status of the completed IA request has changed to 'Submitted to Office'.

Note: it is always possible to download a PDF copy of the filed IA request by clicking on the cog icon ⚙ followed by clicking on 'Display request'.

4. Madrid eFiling for Offices

4.1 Application Reception

Submitted international trademark application requests are received by the office of origin and displayed under 'Office tasks'**.**
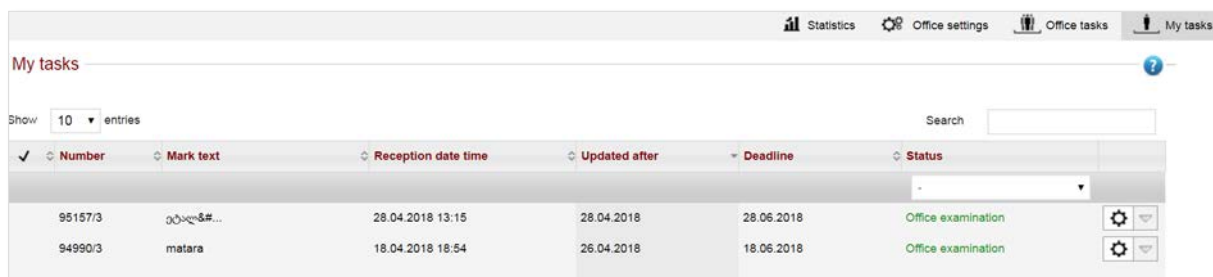
Depending on the authority, an office user can view, assign, and examine an IA request.
Once an IA has been assigned, it will become available for validation and certification on the examiner's task list.

An examiner clicks on 'My tasks' that located in the upper top left-hand corner of the screen to display their IA request list.

4.2 Application Validation

Only IA requests that have has been assigned to an examiner can be validated, certified and sent to the IB.

To display the IA request, an examiner clicks on the application number. This action will redirect the examiner to the application validation screen.

An examiner must review and validate each tab for accuracy and completeness. At any point, it is possible to raise an irregularity. This irregularity can be sent via email to the applicant for review and resolution. The irregularity process, both for the office examiner and applicant, is detailed in section 5 of this user guide

General tab

If shown as mandatory, an office reference must be set. **Note:** this is an optional setting available under 'Office settings'**.**

Basic mark tab

For this tab and all subsequent tabs, an examiner must review the information and tick the 'Information is correct' box.

DCP tab

Applicant tab

An examiner ensures that the applicant has not modified the address information from what it was in the national basic.

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Representative tab

Mark representation tab

Any elements, such as description or verbal elements, which remain in the language of the national filing, should be added in the indicated request language. An examiner can do this by clicking on the 'Jump to corresponding efiling screen'. This feature is located in the top right-hand corner of every tab.

Goods and services tab

Attachments tab

Check tab

An examiner can check the IA request against the office and IB validation rules.

Note: It is a good idea periodically save the application during examination and validation. If not, any changes not saved will be lost when closing the request.

Comments tab

An examiner can add comments. These comments, once added and saved, will always be available as part of the application history

4.3 Application Certification

Once the application has been examined and validated, an examiner navigates to the 'Decision' window. This is found in the dropdown list located in the top right-hand corner of the screen.

An examiner clicks the 'Validate and send to WIPO' button. This will display the email message that the applicant will receive. The examiner clicks the 'OK' button to send the validated and certified international trademark application to WIPO.
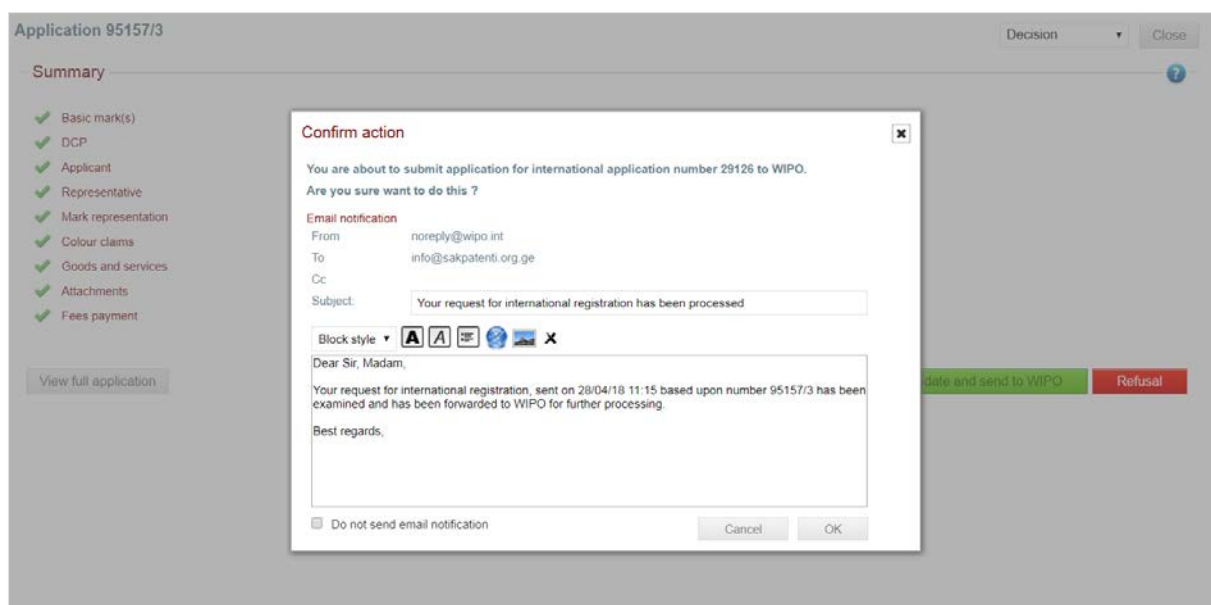
The certified application is removed from the examiner's task list. The status changes to 'WIPO Processing'.
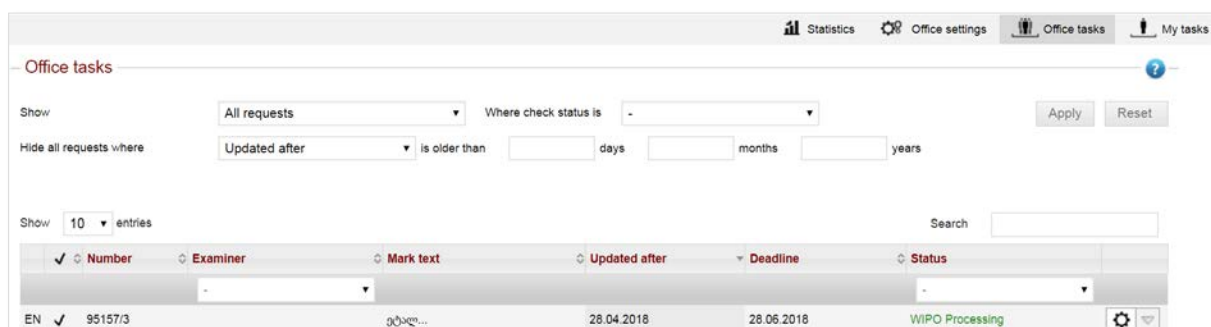
5. Irregularities in Madrid eFiling

5.1 Raising an Irregularity (Office)

As mentioned in the 'Application Validation' section of this document, it is possible for an office examiner to raise an irregularity during the examination and validation process.

To do so, an examiner clicks the 'Add an irregularity' button located on each tab of the application validation screen.

Doing so, opens a window into which the examiner can add the specific information concerning the irregularity issue. The examiner selects the 'This irregularity is a question' check box if a response or confirmation is required from the applicant. Once the irregularity is complete, the examiner clicks the 'Add or update' button.

Add or edit irregularity   ✖

   ◉   Free text

Irregularity name | MM17 | In Georgian

An MM17 form needs to be added

☑ This irregularity is a question   Add or update

Add or edit irregularity   ✖

   ◉   Free text

Irregularity name | Mark Colour claim | In Georgian

Please add the Mark colour claim

Section | Mark information - Colour claim ▼ |

☑ This irregularity is a question   Add or update

All added irregularities are centrally displayed on the 'General' tab of the application.

The examiner clicks the 'Send to applicant' button located in the bottom right-hand corner of the screen to return the IA request to the applicant for correction and resolution. The examiner ticks the 'Allow screen data update if the screen only has question irregularities' check box if the office expects the applicant to make updates to the application screens in addition to answering the irregularity questions. Finally, the examiner clicks the 'OK' button to send the email.

As soon as an IA request is returned to the applicant, the status changes to 'Correction pending'. The examiner no longer can access or modify the application in any way.

Clicking on the application number will display the application history. Clicking on the 'Irregularity added' will display the individual irregularity.

Note: any 'Correction pending' applications will remain on the task list of the examiner who returned the IA request to the applicant.

5.2 Responding to an irregularity (Applicant)

An applicant receives an email when an examiner at the originating office returns an IA request with raised irregularities. Using this email as a prompt, the applicant logs back into Madrid eFiling to review the IA request in question. To get started, the applicant can filter the application status to 'Correction pending', clicks on the cog icon [⚙] to display the application details and clicks on the 'Display irregularities' button.

By default, the applicant is taken to the 'Validation' screen where a summary of all raised irregularities are displayed.

Navigating to each screen containing an irregularity (indicated by the 💬) an applicant responds to each one accordingly. For example, the irregularity on the 'Mark' screen requires the applicant to add a color claim.

The irregularity on the 'Goods and services' screen requires a term in Class 36 to be adjusted.

The irregularity on the 'Mark' screen requires an answer from the applicant.

All irregularities that are questions must be answered before an applicant can send the IA request back to the originating office. Once complete, the applicant clicks the 'Send' button located in the bottom right-hand corner of the screen.
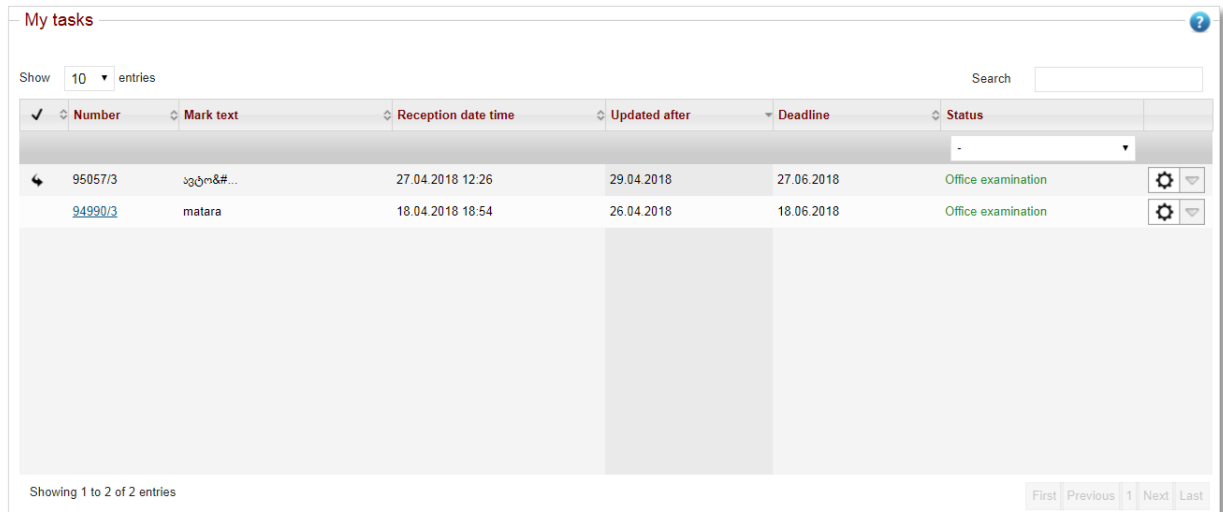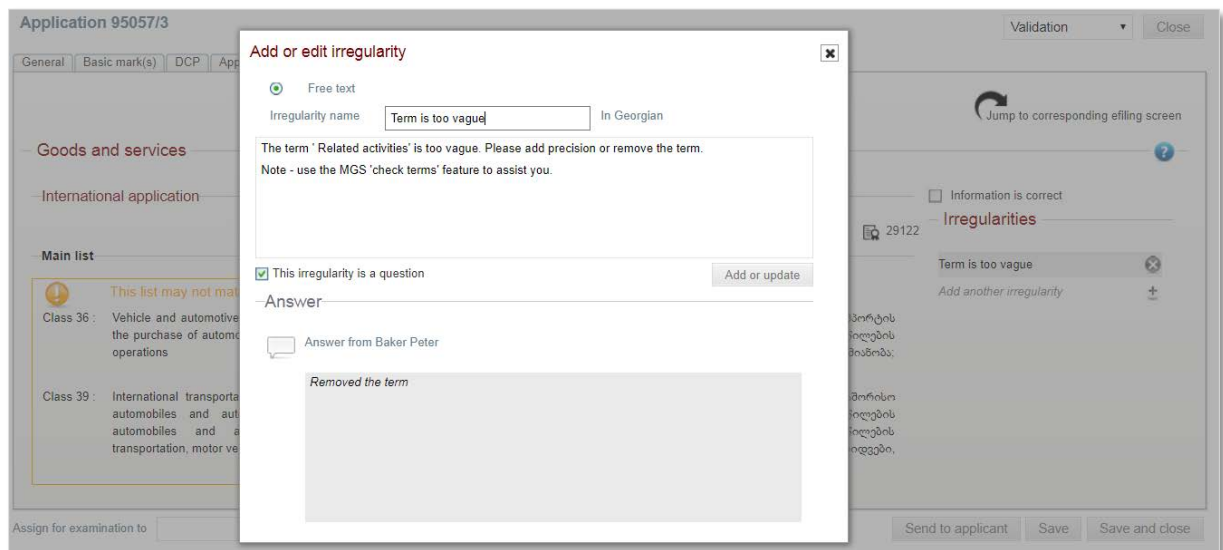
5.3 Closing an irregularity (Office)

A return arrow to the left of the application number is shown when an applicant returns an IA request after addressing the raised irregularities.

The assigned examiner opens the IA request to the application validation screens, reviewing the irregularity responses for accuracy and completeness. Provided each irregularity has been fully satisfied, the examiner can delete it from the concerned tab. The examiner should save the application after each irregularity has been deleted.

All raised and satisfied irregularities are permanently saved as part of the application history.

To certify and finalize an application, an office examiner follows the same steps as detailed in section 4.3 Application Certification.

- End of document -