

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2003 Nr. 63

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A. TITEL

*Protocol bij de Schikking van Madrid betreffende de internationale inschrijving van merken;  
Madrid, 27 juni 1989*

B. TEKST

De Franse en de Engelse tekst van het Protocol zijn geplaatst in *Trb.* 1990, 44.

C. VERTALING

Zie *Trb.* 1990, 44.

D. PARLEMENT

Zie *Trb.* 1998, 43.

Bij brieven van 9 september 2002 (Kamerstukken II 2002/2003, 28 611 (R 1726), nr. 1) is het Protocol in overeenstemming met artikel 2, eerste en tweede lid, en artikel 5, eerste en tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en Tweede Kamer der Staten-Generaal en aan de Staten van de Nederlandse Antillen en van Aruba.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Buitenlandse Zaken J. G. DE HOOP SCHEFFER.

De goedkeuring door de Staten-Generaal is verleend op 21 oktober 2002.

E. BEKRACHTIGING

Behalve de in *Trb.* 1998, 43 genoemde hebben nog de volgende staten in overeenstemming met artikel 14, tweede en derde lid, van het Protocol een akte van bekrachtiging, aanvaarding of goedkeuring bij de Directeur-Generaal van de Wereldorganisatie voor de Intellectuele Eigendom nedergelegd:

Griekenland <sup>1)</sup> . . . . .	10 mei 2000
Ierland <sup>2)</sup> . . . . .	19 juli 2001
Italië <sup>3)</sup> . . . . .	17 januari 2000
Marokko . . . . .	8 juli 1999
Mongolië . . . . .	16 maart 2001
het <i>Koninkrijk der Nederlanden</i> . . . . .	28 januari 2003
(voor de Nederlandse Antillen)	
Oostenrijk . . . . .	13 januari 1999
Roemenië . . . . .	28 april 1998
Servië en Montenegro . . . . .	19 november 1997

<sup>1)</sup> Onder de volgende verklaringen:

“– the declaration that, pursuant to Article 5(2)(d) of the Madrid Protocol (1989), the time limit of one year referred to in Article 5(2)(a) shall be replaced by 18 months;

– the declaration that, pursuant to Article 8(7)(a) of the Madrid Protocol (1989), the Government of the Hellenic Republic, in connection with each international registration in which it is mentioned under Article 3*ter* of the Protocol, and in connection with the renewal of any such international registration, shall receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee. (translation)”.

<sup>2)</sup> Onder de volgende verklaringen:

“– the declaration that, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months and that, under Article 5(2)(c) of the said Protocol, where refusal of protection may result from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), Ireland, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”.

<sup>3)</sup> Onder de volgende verklaringen:

“– the declaration that, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months and that, under Article 5(2)(c) of the said Protocol, where refusal of protection may result from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the Italian Republic, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”.

## F. TOETREDING

Behalve de in *Trb.* 1998, 43<sup>1)</sup> genoemde hebben nog de volgende staten in overeenstemming met artikel 14, tweede en derde lid, van het Protocol een akte van toetreding bij de Directeur-Generaal van de Wereldorganisatie voor de Intellectuele Eigendom nedergelegd:

Antigua en Barbuda. . . . .	17 december 1999
Armenië <sup>2)</sup> . . . . .	19 juli 2000
Australië <sup>3)</sup> . . . . .	11 april 2001
Belarus <sup>4)</sup> . . . . .	18 oktober 2001
Bhutan. . . . .	4 mei 2000
Bulgarije <sup>5)</sup> . . . . .	2 juli 2001
Estland <sup>6)</sup> . . . . .	18 augustus 1998
Georgië <sup>7)</sup> . . . . .	20 mei 1998
Griekenland. . . . .	10 mei 2000
Japan <sup>8)</sup> . . . . .	14 december 1999
Kenia <sup>9)</sup> . . . . .	26 maart 1998
Lesotho. . . . .	12 november 1998
Letland. . . . .	5 oktober 1999
de Voormalige Joegoslavische Republiek Macedonië. . . . .	30 mei 2002
Mozambique. . . . .	7 juli 1998
Oekraïne <sup>10)</sup> . . . . .	29 september 2000
Sierra Leone. . . . .	28 september 1999
Singapore <sup>11)</sup> . . . . .	31 juli 2000
Swaziland. . . . .	14 september 1998
Turkije <sup>12)</sup> . . . . .	1 oktober 1998
Turkmenistan <sup>13)</sup> . . . . .	28 juni 1999
Zambia. . . . .	15 augustus 2001
Zuid-Korea <sup>14)</sup> . . . . .	10 januari 2003

<sup>1)</sup> In verband met het weer uitoefenen van de soevereiniteit over Macau vanaf 20 december 1999 heeft de regering van China bij nota d.d. 7 juli 2000 medege-deeld dat het Protocol tot nader bericht niet van toepassing is op Macao Special Administrative Region.

<sup>2)</sup> Verklaringen afgelegd op 24 juli 2001:

“– the declaration that, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the Republic of Armenia, in connection with each international registration in which it is mentioned under Article 3<sup>ter</sup> of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”

Deze verklaringen zijn op 24 oktober 2001 van kracht geworden

<sup>3)</sup> Onder de volgende verklaringen:

“– the declaration that, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months and that, under Article 5(2)(c) of the said Protocol, where refusal of protection may result from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), Australia, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”.

<sup>4)</sup> Onder de volgende verklaringen:

“– the declaration that, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), that, under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the Republic of Belarus, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”.

Belarus heeft op 18 januari 2002 bovengenoemde verklaringen ingetrokken.

Belarus heeft op 28 januari 2003 bovengenoemde verklaringen wederom afgelegd. De verklaringen zijn op 28 april 2003 van kracht geworden.

<sup>5)</sup> Onder de volgende verklaringen:

“– the declaration that, pursuant to Article 5(2)(d) of the Madrid Protocol (1989), the time limit of one year referred to in Article 5(2)(a) shall be replaced by 18 months;

– the declaration that, pursuant to Article 8(7)(a) of the Madrid Protocol (1989), the Government of the Republic of Bulgaria, in connection with each international registration in which it is mentioned under Article 3*ter* of the Protocol, and in connection with the renewal of any such international registration, shall receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”.

<sup>6)</sup> Onder de volgende verklaringen:

“– the declaration that, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months and that, under Article 5(2)(c) of the said Protocol, where refusal of protection may result from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the Republic of Estonia, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to

receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee;

– the declaration that, in accordance with Article 14(5) of the Madrid Protocol (1989), the protection resulting from any international registration effected under the said Protocol before the date of entry into force of the said Protocol with respect to the Republic of Estonia cannot be extended to it.”.

7) Verklaringen afgelegd op 3 november 1998:

“– under Article 5(2)(b) of the Madrid Protocol (1989), the time limit of one year referred to in subparagraph (a) is replaced by 18 months;

– in accordance with Article 8(7)(a) of the Madrid Protocol (1989), Georgia, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”.

De verklaringen zijn op 3 februari 1999 van kracht geworden.

8) Onder de volgende verklaringen:

«– la déclaration, conformément à l’article 5.2)b) du Protocole de Madrid (1989), que le délai d’un an prévu à l’article 5.2)a) du Protocole est remplacé par 18 mois;

– la déclaration, conformément à l’article 8.7)a) du Protocole de Madrid (1989), que le Gouvernement du Japon, à l’égard de chaque enregistrement international dans lequel il est mentionné selon l’article 3*ter* dudit Protocole, ainsi qu’à l’égard du renouvellement d’un tel enregistrement international, veut recevoir, au lieu d’une part du revenu provenant des émoluments supplémentaires et des compléments d’émoluments, une taxe individuelle. (traduction)».

9) Onder de volgende verklaringen:

“– under Article 5(2)(b) of the Protocol, the time limit of one year referred to in subparagraph (a) is hereby replaced by 18 months;

– under Article 5(2)(c) of the Protocol, the specification referred to therein shall apply to applications in which Kenya is designated.”.

10) Onder de volgende verklaring:

“in accordance with Article 5(2)(d) of the Madrid Protocol (1989), that, under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months and that, under Article 5(2)(c) of the said Protocol, where refusal of protection may result from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit.”.

11) Onder de volgende verklaringen:

“– the declaration, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), that, under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months and that, under Article 5(2)(c) of the said Protocol, where refusal of protection may result from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the Republic of Singapore, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”.

<sup>12)</sup> Onder de volgende verklaring:

“– in accordance with Article 14(5) of the Madrid Protocol (1989), the protection resulting from any international registration effected under this Protocol before the date of entry into force of this Protocol with respect to the Republic of Turkey cannot be extended to it.”

Op 8 augustus 2000 verklaarde de regering van Turkije dat “... under Article 5(2)(b) of the Madrid Protocol (1989), the time limit of one year referred to in subparagraph (a) is replaced by 18 months.”

Deze verklaring is op 8 november 2000 van kracht geworden.

<sup>13)</sup> Verklaringen afgelegd op 10 januari 2000:

“– under Article 5(2)(b) of the Madrid Protocol (1989), the time limit of one year referred to in subparagraph (a) is replaced by 18 months;

– in accordance with Article 8(7)(a) of the Madrid Protocol (1989), Turkmenistan, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”

De verklaringen zijn op 10 april 2000 van kracht geworden.

<sup>14)</sup> Onder de volgende verklaringen:

“– the declaration, in accordance with Article 5(2)(d) of the Madrid Protocol (1989), that, under Article 5(2)(b) of the said Protocol, the time limit of one year to exercise the right to notify a refusal of protection referred to in Article 5(2)(a) thereof is replaced by 18 months and that, under Article 5(2)(c) of the said Protocol, where refusal of protection may result from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit;

– the declaration that, in accordance with Article 8(7)(a) of the Madrid Protocol (1989), the Republic of Korea, in connection with each international registration in which it is mentioned under Article 3*ter* of the said Protocol, and in connection with the renewal of any such international registration, wants to receive, instead of a share in the revenue produced by the supplementary and complementary fees, an individual fee.”

#### G. INWERKINGTREDING

Zie *Trb.* 1998, 43.

Het Protocol is ingevolge artikel 4, vierde lid, onderdeel b, voorts nog voor de volgende staten in werking getreden:

Antigua en Barbuda . . . . .	17 maart 2000
Armenië . . . . .	19 oktober 2000
Australië . . . . .	11 juli 2001
Belarus . . . . .	18 januari 2002
Bhutan . . . . .	4 augustus 2000
Bulgarije . . . . .	2 oktober 2001
Estland . . . . .	18 november 1998
Georgië . . . . .	20 augustus 1998
Griekenland . . . . .	10 augustus 2000
Ierland . . . . .	19 oktober 2001
Italië . . . . .	17 april 2000
Japan . . . . .	14 maart 2000

Kenia . . . . .	26 juni 1998
Lesotho . . . . .	12 februari 1999
Letland. . . . .	5 januari 2000
de Voormalige Joegoslavische Republiek Macedonië . . . . .	30 augustus 2002
Marokko . . . . .	8 oktober 1999
Mongolië . . . . .	16 juni 2001
Mozambique. . . . .	7 oktober 1998
het Koninkrijk der Nederlanden . . . . . (voor de Nederlandse Antillen)	28 april 2003
Oekraïne . . . . .	29 december 2000
Oostenrijk . . . . .	13 april 1999
Roemenië . . . . .	28 juli 1998
Servië en Montenegro . . . . .	17 februari 1998
Sierra Leone. . . . .	28 december 1999
Singapore . . . . .	31 oktober 2000
Swaziland . . . . .	14 december 1998
Turkije. . . . .	1 januari 1999
Turkmenistan . . . . .	28 september 1999
Zambia. . . . .	15 november 2001
Zuid-Korea . . . . .	10 april 2003

#### J. GEGEVENS

Zie *Trb.* 1990, 44 en *Trb.* 1998, 43.

Uitgegeven de *negende* mei 2003.

*De Minister van Buitenlandse Zaken,*

J. G. DE HOOP SCHEFFER