



**International Chamber of Commerce**

*The world business organization*

## **Policy statement**

### **EC Adhesion to the Madrid Protocol**

Commission Intellectual and Industrial Property, 22 June 1998

The International Chamber of Commerce (ICC) is the world business organization. It is the only representative body that speaks with authority on behalf of enterprises both large and small from all sectors in every part of the world. Founded in 1919, it represents today thousands of member companies and associations from over 130 countries, many based in the European Union. As the world business organization, ICC firmly believes that the protection of intellectual property stimulates international trade and investment, and encourages transfer of technology, which are both essential for economic growth.

ICC set out its strong support for a flexible and cost-effective mechanism linking the European Community Trademark system to the Madrid Protocol in a letter to Commissioner Mario Monti of 24 March 1998. ICC and the business community are thus very disappointed that the May discussions in the Council of Ministers to establish such a link have failed.

This provision is important for businesses all over the world which use the EU trademark system. A flexible and cost-effective mechanism allowing trademark owners to pass from one system to the other would alleviate the administrative and financial burden on trademark owners, and especially on SMEs for which trademarks are sometimes the only intellectual property right of use. It would also be an important step towards the objective of a seamless international system of trademark protection which is becoming essential in the increasingly integrated global economy.

ICC therefore urges the European Union member-states and all parties involved in the debate not to leave aside this issue, but to start working towards achieving, in the near future, a link between the European Community Trademark and the Madrid system which has real advantages for trademark owners. The rapid creation of such a link will have immediate practical advantages for trademark owners, but only if the system's mechanics allow flexibility and cost-savings.

ICC urges the parties involved to make a fresh start and to refocus on the original objective of the exercise. This is to establish a system which would make it cheaper and easier for trademark owners to protect their trademarks in the European Union, when they also wish to protect their marks worldwide. The issues which stalled the process so far should be assessed against this principal objective and put in their proper context. Language problems should not stand in the way of solutions which must strive for practicality and simplicity. Failing to create a smooth linkage between the European Community Trademark system and the Madrid Protocol will in the long run alienate major sectors of the business community from the European Community Trademark system.

It should also be borne in mind that linking the two systems should give rise to a highly cost-effective data bank of trade mark registrations in all contracting states. This will enable conflict with existing trademarks to be avoided when selecting new trademarks, which should be of great benefit to all but particularly to SMEs.

**International Chamber of Commerce**

38 Cours Albert 1er, 75008 Paris, France

Tel +33 (0)1 49 53 28 28 Fax +33 (0)1 49 53 29 42

E-mail [icc@iccwbo.org](mailto:icc@iccwbo.org) Website [www.iccwbo.org](http://www.iccwbo.org)