
India announces accession to Madrid protocol

Six years after ratifying the Madrid Protocol, India has finally completed its accession: the Protocol will be effective in India from 8 July 2013. India is the 14th of the G-20 economies to accede to the Madrid Protocol; its accession follows that of Colombia, Mexico, New Zealand and Philippines, representing a significant geographical expansion of the Madrid system.

Following ratification of the Protocol in February 2007, India paved the way for implementation by amending its trade mark laws and introducing the Trade Marks (Amendment) Act in 2010. Because of the backlog at the Trade Marks Office, and the procedural changes required to comply with the time lines laid out in Protocol, implementation was, however, deferred. Given the problems that still exist in this regard, many practitioners and IP holders were surprised when the Commerce and Industry Minister handed over India's instrument of accession in Geneva on 9 April.

While accession to Madrid will undoubtedly benefit both Indian and foreign trade mark owners, there are concerns that the Trade Marks Office will not be able to comply with the strict time lines provided for in the Madrid Protocol. In particular, the backlog at the Office is still a cause of concern. Although several projects to reduce the backlog have been initiated in recent years, including the digitisation of records, it has continued to increase due to a combination of lack of manpower and the rapidly increasing number of applications being filed. It will be interesting to see if the Trade Marks Office is able to complete the trade mark registration process within the eighteen month period provided for in both the Madrid Protocol and the amended Trade Marks Act.

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