

Appendix B

Members of International Trademark Agreements

The following is a list of members of international trademark agreements to which the United States is also a party.

If there is a discrepancy between the expiration of a foreign registration as listed here and the date listed on the foreign registration, the date listed on the foreign registration will be controlling.

Paris Convention for the Protection of Industrial Property

Under the Paris Convention, foreign applicants may seek U.S. registration, based on either (a) a valid registration, or (b) an application to register in any of the member countries listed below, with a right of priority if the United States application is filed within 6 months of the date of the first filing of the foreign application. For updates to the list below, see the World Intellectual Property Organization's home page at <http://www.wipo.int/treaties/en/ip/paris/index.html>.

| Country | Term of Registration (in years) | Renewal Period (in years) |
|--------------------------------------|--|---------------------------|
| ALBANIA | 10 (from date of application) | 10 |
| ALGERIA | 10 (from date of application) | 10 |
| ANDORRA | 10 (from date of registration) | 10 |
| ANGOLA | 10 (from date of application) | 10 |
| ANTIGUA and BARBUDA | 10 (from date of application) | 10 |
| ARGENTINA | 10 (from date of registration) | 10 |
| ARMENIA (Russian Federation) | 10 (from date of application) | 10 |
| ARUBA | 10 (from date of application) | 10 |
| AUSTRALIA | 10 (from date of application) | 10 |
| AUSTRIA | 10 (from end of month in which mark is registered) | 10 |
| AZERBAIJAN (Russian Federation) | 10 (from date of application) | 10 |
| BAHAMAS | 14 (from date of application) | 14 |
| BAHRAIN | 10 (from date of application) | 10 |
| BANGLADESH | 7 (from date of application) | 15 |
| BARBADOS | 10 (from date of application) | 10 |
| BELARUS (Russian Federation) | 10 (from date of application) | 10 |
| BELGIUM (Benelux Nations) | 10 (from date of application) | 10 |
| BELIZE | 10 (from date of application) | 10 |
| BENIN (African Union Nations) (OAPI) | 10 (from date of application) | 10 |
| BHUTAN | 10 (from date of application) | 10 |
| BOLIVIA | 10 (from date of registration) | 10 |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Term of Registration (in years) | Renewal Period (in years) |
|---|--|----------------------------------|
| BOSNIA and HERZEGOVINA | 10 (from date of application) | 10 |
| BOTSWANA | 10 (from date of application) | 10 |
| BRAZIL | 10 (from date of registration) | 10 |
| BULGARIA | 10 (from date of application) | 10 |
| BURKINA FASO (OAPI) | 10 (from date of application) | 10 |
| BURUNDI | Unlimited (from date of application) | |
| CAMBODIA | 10 (from date of application) | 10 |
| CAMEROON (OAPI) | 10 (from date of application) | 10 |
| CANADA | 15 (from date of registration) | 15 |
| CENTRAL AFRICAN REPUBLIC (OAPI) | 10 (from date of application) | 10 |
| CHAD (OAPI) | 10 (from date of application) | 10 |
| CHILE | 10 (from date of registration) | 10 |
| CHINA (PEOPLE'S REPUBLIC) | 10 (from date of registration) | 10 |
| COLOMBIA | 10 (from date of registration) | 10 |
| COMOROS | | |
| CONGO, DEMOCRATIC REPUBLIC OF | 10 (from date of application) | 10 |
| CONGO (OAPI) | 10 (from date of application) | 10 |
| COSTA RICA | 10 (from date of registration) | 10 |
| CÔTE D'IVOIRE (OAPI) | 10 (from date of application) | 10 |
| CROATIA | 10 (from date of application) | 10 |
| CUBA | 10 (from date of application) | 10 |
| CURAÇAO | 10 (from date of application) | 10 |
| CYPRUS | 7 (from date of application) | 14 |
| CZECH REPUBLIC | 10 (from date of application) | 10 |
| DENMARK | 10 (from date of registration) | 10 |
| DJIBOUTI | 10 (from date of registration) | 10 |
| DOMINICA | 14 (from date of application) | 14 |
| DOMINICAN REPUBLIC | 10 (from date of registration) | 10 |
| ECUADOR | 10 (from date of registration) | 10 |
| EGYPT | 10 (from date of application) | 10 |
| EL SALVADOR | 10 (from date of registration) | 10 |
| EQUATORIAL GUINEA (OAPI) | 10 (from date of application) | 10 |
| ESTONIA | 10 (from date of application) | 10 |
| FINLAND | 10 (from date of registration) | 10 |
| FRANCE (including Overseas Departments and Territories) | 10 (from date of application) | 10 |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Term of Registration (in years) | Renewal Period (in years) |
|---------------------------------|---|--|
| GABON (OAPI) | 10 (from date of application) | 10 |
| GAMBIA | 14 (from date of application) | 14 |
| GEORGIA | 10 (from date of registration) | 10 |
| GERMANY | 10 (starts on application date, ends after 10 years, on last day of the month of the application date) | 10 |
| GHANA | 10 (from date of application) | 10 |
| GREECE | 10 (from day following application date) | 10 |
| GRENADA | Term dependent on United Kingdom registration | Renewal dependent on United Kingdom registration |
| GUATEMALA | 10 (from date of registration) | 10 |
| GUINEA (OAPI) | 10 (from date of application) | 10 |
| GUINEA-BISSAU (OAPI) | 10 (from date of application) | 10 |
| GUYANA | 7 (from date of application) | 14 |
| HAITI | 10 (from date of registration) | 10 |
| HOLY SEE (Italy) | 10 (from date of application) | 10 |
| HONDURAS | 10 (from date of registration) | 10 |
| HUNGARY | 10 (from date of application) | 10 |
| ICELAND | 10 (from date of application) | 10 |
| INDIA | 10 (from date of application) | 10 |
| INDONESIA | 10 (from date of application) | 10 |
| IRAN | 10 (from date of application) | 10 |
| IRAQ | 10 (from date of application) | 10 |
| IRELAND | 10 (from date of application) | 10 |
| ISRAEL | 7 (from date of application for marks applied for on or before August 6, 2003);10 (from date of application for marks applied for after August 6, 2003) | 10 |
| ITALY | 10 (from date of application) | 10 |
| IVORY COAST | See CÔTE D'IVOIRE | |
| JAMAICA | 10 (from date of application) | 10 |
| JAPAN | 10 (from date of registration) | 10 |
| JORDAN | 10 (from date of application) | 10 |
| KAZAKHSTAN (Russian Federation) | 10 (from date of application) | 10 |
| KENYA | 7 (from date of application) | 14 |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Term of Registration (in years) | Renewal Period (in years) |
|--|--|----------------------------------|
| KOREA, NORTH (DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) | 10 (from date of application) | 10 |
| KOREA, SOUTH (REPUBLIC OF KOREA) | 10 (from date of registration) | 10 |
| KYRGYZSTAN (Russian Federation) | 10 (from date of application) | 10 |
| LAOS | 10 (from date of application) | 10 |
| LATVIA | 10 (from date of application) | 10 |
| LEBANON | 15 (from date of application) | 15 |
| LESOTHO | 10 (from date of application) | 10 |
| LIBERIA | 15 (from date of registration) | 15 |
| LIBYA | 10 (from date of application) | 10 |
| LIECHTENSTEIN | 10 (from date of application) | 10 |
| LITHUANIA | 10 (from date of application) | 10 |
| LUXEMBOURG (Benelux Nations) | 10 (from date of application) | 10 |
| MADAGASCAR | 10 (from date of application) [A new industrial property law covering patents, trademarks and designs was promulgated in Madagascar on July 31, 1989. Certain regulations have been promulgated, notably those covering the appointment of local trademark agents. In addition, due to Madagascar's prior involvement in OAPI, trademark owners can claim rights in OAPI registrations filed before December 31, 1976. December 9, 1994 was the cut-off date for filing Maintenance in Vigour applications. Because rights in Madagascar are acquired on a first-to-file basis, trademark registration applications should be filed as soon as is possible. Trademarks may be protected through publication of cautionary notices. Trademarks Throughout the World (Anne-Laure Covin, 5th ed. 2008).] | 10 |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Term of Registration (in years) | Renewal Period (in years) |
|---|--|----------------------------------|
| MALAWI | 7 (from date of application) | 14 |
| MALAYSIA | 10 (from date of application) | 10 |
| MALI (OAPI) | 10 (from date of application) | 10 |
| MALTA | 10 (from date of registration) | 10 |
| MAURITANIA (OAPI) | 10 (from date of application) | 10 |
| MAURITIUS | 7 (from date of application) | 14 |
| MEXICO | 10 (from date of application) | 10 |
| MOLDOVA (REPUBLIC OF) (Russian Federation) | 10 (from date of application) | 10 |
| MONACO | 10 (from date of application) | 10 |
| MONGOLIA | 10 (from date of application) | 10 |
| MONTENEGRO | 10 (from date of application) | 10 |
| MOROCCO | 10 (from date of application) | 10 |
| MOZAMBIQUE | 10 (from date of application) | 10 |
| NAMIBIA | 10 (from date of registration) | 10 |
| NEPAL | 7 (from date of registration) | 7 |
| NETHERLANDS (Benelux Nations) | 10 (from date of application) | 10 |
| NEW ZEALAND | 10 (from date of registration) | 10 |
| NICARAGUA | 10 (from date of registration) | 10 |
| NIGER (OAPI) | 10 (from date of application) | 10 |
| NIGERIA | 7 (from date of application) | 14 |
| NORWAY | 10 (from date of registration) | 10 |
| OMAN | 10 (from date of application) | 10 |
| PAKISTAN | 10 (from date of application) | 10 |
| PANAMA | 10 (from date of application) | 10 |
| PAPUA NEW GUINEA | 10 (from date of application) | 10 |
| PARAGUAY | 10 (from date of registration) | 10 |
| PERU | 10 (from date of registration) | 10 |
| PHILIPPINES | 10 (from date of registration) | 10 |
| POLAND | 10 (from date of application) | 10 |
| PORTUGAL | 10 (from date of registration) | 10 |
| QATAR | 10 (from date of application) | 10 |
| ROMANIA | 10 (from date of application) | 10 |
| RUSSIAN FEDERATION | 10 (from date of application) | 10 |
| RWANDA | Unlimited | |
| SAINT KITTS and NEVIS | 10 (from date of application) | 10 |
| SAINT LUCIA | 10 (from date of application) | 10 |
| SAINT VINCENT and the GRENADINES | 10 (from date of application) | 10 |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Term of Registration (in years) | Renewal Period (in years) |
|--|--|----------------------------------|
| SAN MARINO | 10 (from date of application) [San Marino has no trademark law. However, trademark protection obtained in Italy applies here by virtue of the Pact Of Amity And Good Neighborhood, dated March 31, 1939. Trademarks Throughout the World (Anne-Laure Covin, 5th ed. 2008).] | 10 |
| SAO TOME AND PRINCIPE | 10 (from date of application) | 10 |
| SAUDI ARABIA | 10 Hejira years, which is approximately 9 yr 8 mo (from date of application) | 10 Hejira years |
| SENEGAL (OAPI) | 10 (from date of application) | 10 |
| SERBIA | 10 (from date of application) | 10 |
| SEYCHELLES | 7 (from date of application) | 14 |
| SIERRA LEONE | 14 (from date of application) | 14 |
| SINGAPORE | 10 (from date of application) | 10 |
| SINT MAARTEN | 10 (from date of application) | 10 |
| SLOVAKIA | 10 (from date of application) | 10 |
| SLOVENIA | 10 (from date of application) | 10 |
| SOUTH AFRICA | 10 (from date of application) | 10 |
| SPAIN | 10 (from date of application) | 10 |
| SRI LANKA | 10 (from date of application) | 10 |
| SUDAN | 10 (from date of application) | 10 |
| SURINAME | 10 (from date of registration) | 10 |
| SWAZILAND | 10 (from date of registration) | 10 |
| SWEDEN | 10 (from date of registration) | 10 |
| SWITZERLAND | 10 (from date of application) | 10 |
| SYRIA | 10 (beginning on filing date of application and ending the last day of the month in which the application had been filed) | 10 |
| TAJIKISTAN (Russian Federation) | 10 (from date of application) | 10 |
| TANZANIA (UNITED REPUBLIC OF) - TANGANYIKA | 7 (from date of registration) | 10 |
| TANZANIA (UNITED REPUBLIC OF) - ZANZIBAR | 14 (from date of application) | 14 |
| THAILAND | 10 (from date of registration) | 10 |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Term of Registration (in years) | Renewal Period (in years) |
|--|---|--|
| TOBAGO | See TRINIDAD and TOBAGO | |
| TOGO (OAPI) | 10 (from date of application) | 10 |
| TONGA | Term dependent on United Kingdom registration | Renewal dependent on United Kingdom registration |
| TRINIDAD and TOBAGO | 10 (from date of registration) | 10 |
| TUNISIA | 10 (from date of application) | 10 |
| TURKEY | 10 (from date of application) | 10 |
| TURKMENISTAN (Russian Federation) | 10 (from date of registration) | 10 |
| UGANDA | 7 (from date of application) | 14 |
| UKRAINE | 10 (from date of application) | 10 |
| UNITED ARAB EMIRATES | 10 (from date of application) | 10 |
| UNITED KINGDOM | 10 (from date of application) | 10 |
| URUGUAY | 10 (from date of registration) | 10 |
| UZBEKISTAN (Russian Federation) | 10 (from date of application) | 10 |
| VENEZUELA | 10 (from date of registration) | 10 |
| VIETNAM | 10 (from date of application) | 10 |
| YEMEN | 10 (from date of application) | 10 |
| YUGOSLAV REPUBLIC OF MACEDONIA, FORMER | 10 (from date of application) | 10 |
| ZAMBIA | 7 (from date of application) | 14 |
| ZIMBABWE | 10 (from date of application) | 10 |

Inter-American Convention

Under the Inter-American Convention for Trademarks and Commercial Protection (also known as the “Pan-American Convention”), foreign applicants may seek U.S. registration, based on either (a) a valid registration, or (b) an application to register in any of the member countries listed below, with a right of priority if the United States application is filed within 6 months of the date of the first filing of the foreign application. See *Diaz v. Servicios De Franquicia Pardo’s S.A.C.*, 83 USPQ2d 1320 (TTAB 2007); *British-American Tobacco Co., Ltd. v. Phillip Morris, Inc.*, 55 USPQ2d 1585 (TTAB 2000).

| Country | Term of Registration (in years) | Renewal Period (in years) |
|----------------|--|----------------------------------|
| COLOMBIA | 10 (from date of registration) | 10 |
| CUBA | 10 (from date of application) | 10 |
| GUATEMALA | 10 (from date of registration) | 10 |
| HAITI | 10 (from date of registration) | 10 |
| HONDURAS | 10 (from date of registration) | 10 |
| NICARAGUA | 10 (from date of registration) | 10 |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Term of Registration (in years) | Renewal Period (in years) |
|----------|---------------------------------|---------------------------|
| PANAMA | 10 (from date of application) | 10 |
| PARAGUAY | 10 (from date of registration) | 10 |
| PERU | 10 (from date of registration) | 10 |

Buenos Aires Convention

Under the Buenos Aires Convention for the Protection of Trade Marks and Commercial Names, foreign applicants may seek registration based on a valid registration from a member country but *not* based on an application in the foreign country.

| Country | Term of Registration (in years) | Renewal Period (in years) |
|--------------------|---------------------------------|---------------------------|
| BOLIVIA | 10 (from date of registration) | 10 |
| BRAZIL | 10 (from date of registration) | 10 |
| COSTA RICA | 10 (from date of registration) | 10 |
| CUBA | 10 (from date of application) | 10 |
| DOMINICAN REPUBLIC | 10 (from date of registration) | 10 |
| ECUADOR | 10 (from date of registration) | 10 |
| GUATEMALA | 10 (from date of registration) | 10 |
| HAITI | 10 (from date of registration) | 10 |
| HONDURAS | 10 (from date of registration) | 10 |
| NICARAGUA | 10 (from date of registration) | 10 |
| PARAGUAY | 10 (from date of registration) | 10 |
| URUGUAY | 10 (from date of registration) | 10 |

European Community Trademark

On December 20, 1993, the European Council issued Regulation No. 40/94, establishing a single system of trademark registration, known as the Community Trade Mark (“CTM”), which is alternative to the various registration systems of each nation within the European Union (“EU”), formerly known as the European Community (EC) or European Economic Community (EEC). A foreign applicant may seek registration in the United States based on either (a) a valid CTM registration, or (b) a CTM application, with a right of priority if the United States application is filed within 6 months of the date of the first filing of the CTM application. European Union countries include all countries which are members of the European Union namely; Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom of Great Britain and Northern Ireland. A CTM is registered for a period of 10 years, running from the date of filing, and may be renewed for 10 years. CTM registrations are issued by the Office for Harmonization in the Internal Market (“OHIM”). For further information about the CTM, see OHIM’s website at <http://oami.europa.eu>.

TRADEMARK MANUAL OF EXAMINING PROCEDURE

For an updated listing of members of the EU, see the EU website at <http://userpage.chemie.fu-berlin.de/adressen/eu.html>.

World Trade Organization

The World Trade Organization (“WTO”), established on January 1, 1995, is the embodiment of the results of the Uruguay Round trade negotiations and the successor to the General Agreement on Tariffs and Trade (“GATT”). Article 4 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (“TRIPs”) contains a most-favored-nation clause under which any advantage a member gives to the nationals of another member must normally be extended to the nationals of all members. Section 44(b) of the Trademark Act, 15 U.S.C. §1126(b), provides that any person whose country of origin is a party to any convention or treaty to which the United States is a member is entitled to the benefits of §44. Accordingly, foreign applicants may seek U.S. registration, based on either (a) a valid registration, or (b) an application to register in any of the member countries listed below, with a right of priority if the United States application is filed within 6 months of the date of the first filing of the foreign application. The WTO Agreement entered into force in the United States on January 1, 1996. The benefits accorded to nationals under this agreement by the United States date from January 1, 1996. The following is a list of WTO members who are not currently members of the Paris Convention. WTO members who are also members of the Paris Convention are not set forth in the list below because nationals from these countries have been able to base their U.S. registration on their home country application or registration since the date of the country’s accession to the Paris Convention. For updates to the list of members below, see WTO’s home page at <http://www.wto.org>.

| Country | Effective Date of Membership | Term of Registration (in years) | Renewal Period (in years) |
|-------------------|-------------------------------------|---|----------------------------------|
| BRUNEI DARUSSALAM | Jan. 1, 1995 | 10 (from date of application) | 10 |
| EUROPEAN UNION | Jan. 1, 1995 | 10 (from date of application) | 10 |
| FIJI | Jan. 14, 1996 | 14 (from date of application) | 14 |
| HONG KONG | Jan. 1, 1995 | 10 (from date of registration) | 10 |
| KUWAIT | Jan. 1, 1995 | 10 (from date of application) | 10 |
| MACAO | Jan. 1, 1995 | 7 (from date of application) | 7 |
| MALDIVES | May 31, 1995 | [There is no trademark law in effect in the Republic of Maldives, whose closest financial ties are with India. The only means of obtaining protection is by publishing a cautionary | |

TRADEMARK MANUAL OF EXAMINING PROCEDURE

| Country | Effective Date of Membership | Term of Registration (in years) | Renewal Period (in years) |
|-----------------|------------------------------|---|--|
| | | note in the English section of a Maldives newspaper. Trademarks Throughout the World (Anne-Laure Covin, 5th ed. 2008).] | |
| MYANMAR | Jan. 1, 1995 | Unlimited (from date of first use) | |
| SOLOMON ISLANDS | July 26, 1996 | Term dependent on United Kingdom registration | Renewal dependent on United Kingdom registration |

Memorandum of Understanding Between United States and Taiwan

On the basis of a Memorandum of Understanding signed on April 10, 1996, between the American Institute in Taiwan and the Taipei Economic and Cultural Representative Office in the United States, a foreign applicant may seek U.S. registration based on either (a) a valid registration, or (b) an application filed in Taiwan, and may claim a right of priority if the United States application is filed within 6 months of the date of the first filing of the application in Taiwan. *See* notice at 1186 TMOG 50 (May 7, 1996). A registration in Taiwan is valid for 10 years from the date of registration, and may be renewed for 10 years.

Other Countries Offering Reciprocal Registration Rights to United States Applicants

Applicants from countries that are not members of international trademark agreements to which the United States is also a party may register in the United States based upon their home country registration if their home country provides reciprocal registration rights to U.S. applicants. Following is a partial list of such countries. A claim of priority based on a foreign-filed application (15 U.S.C. §1126(d)) is not usually available to these applicants.

If the country is not on the following list, the examining attorney should require an English copy of the foreign trademark statute providing for reciprocal registration rights to U.S. applicants based on a U.S. registration.

| Country | Term of Registration (in years) | Renewal Period (in years) |
|---------|---|--|
| TUVALU | Term dependent on United Kingdom registration | Renewal dependent on United Kingdom registration |

Additional Resources For Information About International Treaties and the Trademark Laws of Foreign Countries

For further information about the trademark laws of foreign countries, see *Trademarks Throughout the World* (Anne-Laure Covin, 5th ed. 2008) and *World Trademark Law and Practice* (Ethan Horwitz, 2nd ed. 2008).

The United States Department of State puts out a list of members of treaties currently in force, available at <http://www.state.gov/s/l/treaty/tif/index.htm>.

Information about the United Nations treaty collection is available at <http://treaties.un.org/>.

There is a directory of intellectual property offices on the World Intellectual Property Organization's website at <http://www.wipo.int/directory/en/urls.jsp>.

There are links to websites of foreign countries at <http://www.uspto.gov/faq/other.jsp>.