

Overview

Trademarks are a valuable business asset both in the United States and abroad. But determining *when* and *how* to protect your trademarks internationally can be tricky.

FAQs:

1. How can I protect my trademarks abroad? Is there a global trademark system?

There is not a single global trademark system unfortunately. There is, however, a treaty called the Madrid Protocol that allows member countries to file a unitary trademark application. Countries that are not party to the treaty each have individual requirements and application.

2. Are we a party to that treaty? Where is it applicable?

Yes! The United States is a party to the treaty as are 88 other countries, including most of Europe.

3. So how does this treaty work?

The treaty allows you to file a single application through the United States Trademark Office (in English!) and pay all of the required fees. The application will then be reviewed by the US, the treaty office in Geneva, and finally in the specific countries for which you have applied. If you pass the requirements in all three offices then you will be granted a trademark in each of the applied-for countries.

4. What kinds of requirements are there?

First off, you must have a valid trademark registration here in the US. Hence, the US office will apply the same requirements as it does for domestic applications (non-descriptive, non-geographic, not likely to cause confusion, etc). Many of the other countries apply similar principles. Note that if there is a confusingly similar mark in the countries you are applying for it will be an issue (and most countries will translate your mark before analyzing).

5. What is the downside?

The biggest downside is cost. There tend to be steep fees associated with each individual country, add to that the cost of *international* clearance and the possible need for an agent in each country.

6. So which countries should I make a priority?

The United States should obviously be your first priority, then the countries that you anticipate distributing to. If you have the money, you may also consider the case of smaller countries where foot traffic makes it likely that your beer may end up across borders easily.

Governing Law

The United States has signed a treaty called the Madrid Protocol. Accordingly, the US and 27 other countries are eligible to file international trademark registrations via an expedited process. Countries that are not party to the treaty generally require foreigners to complete individual trademark applications through their traditional systems.

Questions?

If you have further questions or concerns regarding craft breweries or trademark law, feel free to contact us at:

The Craft Beer Attorney,
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www.craftbeerattorney.com
866.290.5553



The following is a list of countries available for filing from the United States through the Madrid Protocol. Please note that new countries sign on from time to time and this list is only current as of the time of publication.

Antigua and Barbuda
Albania
Armenia
Austria
Australia
Azerbaijan
Bosnia and Herzegovina
Bulgaria
Bahrain
Bonaire, Sint Eustatius and Saba
Bhutan
Botswana
Benelux
Belarus
Switzerland
China
Colombia
Cuba
Curaçao
Cyprus
Czech Republic
Germany
Denmark
Estonia
Egypt
European Union
Spain
Finland
France
United Kingdom
Georgia
Ghana
Greece
Croatia
Hungary
Ireland
Israel
India
Islamic Republic of Iran
Iceland
Italy
Japan
Kenya
Kyrgyzstan
Democratic People's Republic of Korea

Republic of Korea
Kazakhstan
Liechtenstein
Liberia
Lesotho
Lithuania
Latvia
Morocco
Monaco
Republic of Moldova
Montenegro
Madagascar
The former Yugoslav Republic of Macedonia
Mongolia
Mexico
Mozambique
Namibia
Norway
New Zealand
Oman
Philippines
Poland
Portugal
Romania
Serbia
Russian Federation
Rwanda
Sudan
Sweden
Singapore
Slovenia
Slovakia
Sierra Leone
San Marino
Sao Tome and Principe
Sint Maarten (Dutch part)
Syrian Arab Republic
Swaziland
Tajikistan
Turkmenistan
Tunisia
Turkey
Ukraine
Uzbekistan
Viet Nam
Zambia

Frequently Asked Questions: International Trademarks

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