

### 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,  
APC  
[www.craftbeerattorney.com](http://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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