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## Protecting your trade mark abroad

Registering your trade mark in the Swiss trade mark register provides protection in Switzerland. When you created your distinguishing mark and selected the classes of goods and services, your intention was to provide the most comprehensive protection possible for your trade mark. You can now extend that protection to other countries as well using one of three options:

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### Filing directly in other countries

You can apply directly for trade mark registration in other countries just as you did in Switzerland. In most countries, filing is open to foreigners. Bear in mind, however, that all correspondence will be in the national language of that country, and that you must often appoint a local representative. Information can be found on the [home pages](#) of the national trade mark offices.

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### Filing regionally

Filing at regional trademark offices, such as the [European Union Intellectual Property Office \(EUIPO\)](#), you can protect your trademark in all the countries belonging to that region. For example, filing at the EUIPO gives you protection in all EU Member States simultaneously.

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### Registering internationally under the Madrid System

Two international treaties, the Madrid Agreement and the Madrid Protocol, and the corresponding Regulations for Common Execution of these two treaties (the Regulations) make up a system of protection for trade marks referred to

as the Madrid System. This system is administered by the World Intellectual Property Organization ([WIPO](#)) in Geneva.

The objective of these agreements is to simplify the administrative procedures for extending trade mark protection within Contracting Parties using a system of centralized notification. Through this system, a trade mark owner can apply for protection for his trade mark in designated Contracting Parties by submitting a single application, using one language for correspondence, with a single payment in Swiss francs. Every designated Contracting Party then examines the mark according to its own national regulations. Thus, protection is not automatically granted, but if it is granted, it is the same as if an application had been made separately at each national office.

Ninety-seven states or regional entities including members of the EU, a majority of Eastern European countries, the USA, Russia, China, Japan, Australia and still others are contracting parties to one or both of these two treaties (status March 2016).

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### **Where to file abroad**

International trade mark registration applications can be filed with the Swiss Federal Institute of Intellectual Property if the applicant has a trade mark or a Swiss trade mark application and fulfills the conditions for being the owner of an international registration in the eyes of Switzerland (see paragraph "Almost anyone can register internationally" below). For national or regional registrations, filings must be made directly to the respective offices as the Institute cannot assist with such applications.

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### **Searches**

"Search before filing": this basic principle is equally valuable for international registrations. [Trade mark search specialists](#) offer such services.

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### **Procedure under the Madrid system**

An international application may be submitted to the Institute at any time once the Swiss application has been filed. We recommend that you submit the international application simultaneously with the national application to be able to best coordinate the applications. We then forward the international application to WIPO which then certifies the international registration.

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### **Almost anyone can register internationally**

If you are seeking protection in Contracting Parties bound by the Madrid Protocol, you must:

- have a real and effective commercial or industrial establishment in Switzerland ; OR
- be domiciled in Switzerland ; OR
- be a Swiss national.

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### **Register as quickly as possible**

You can file an international application at any time, provided that you have filed for Swiss registration or that you are already in possession of a Swiss registration. However, if you wish to benefit from the priority of the Swiss trade mark (protection under the international application runs parallel with the Swiss filing), we recommend that you submit your international application at the same time as your national application. For more details regarding the date of the international registration, see [item 10](#), "Priority Claims" in the "Instructions to the International Registration Form."

Priority under the Paris Convention, in [German](#), [French](#) or [Italian](#), pdf 62 KB

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### **Protecting your trade mark through international registration**

Once your request for registration has been forwarded to WIPO, it is formally examined, entered in the international register and published in the "WIPO [Gazette](#) of International Marks."

WIPO notifies the Contracting Parties you have designated in the international registration application. The national offices must then examine your mark according to their legislation within a maximum of 18 months of WIPO's notification. Each office has the right to accept or refuse territorial extension for all or only some of the goods and services classes. This is why protection can vary among Contracting Parties:

- some Contracting Parties extend protection to the entire trade mark;
- other Contracting Parties may protect the mark only partially; and
- some may refuse protection entirely.

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### **National registration and international registration are interdependent**

International registration is tied to the basic Swiss registration for a period of five years. If the Swiss trade mark registration lapses within this period or if its scope of protection is reduced, for example by partial cancellation, this will also apply to the international registration. At the end of five years the international registration becomes independent of the basic Swiss registration.

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