

## U.S. Patent and Trademark Office, Commerce

## § 7.1

### § 6.3 Schedule for certification marks.

In the case of certification marks, all goods and services are classified in two classes as follows:

- A. Goods.
- B. Services.

[24 FR 10383, Dec. 22, 1959. Redesignated at 38 FR 14681, June 4, 1973]

### § 6.4 Schedule for collective membership marks.

All collective membership marks are classified as follows:

Class	Title
200	Collective Membership.

[24 FR 10383, Dec. 22, 1959. Redesignated at 38 FR 14681, June 4, 1973]

## PART 7—RULES OF PRACTICE IN FILINGS PURSUANT TO THE PROTOCOL RELATING TO THE MADRID AGREEMENT CONCERNING THE INTERNATIONAL REGISTRATION OF MARKS

### Subpart A—General Information

Sec.

- 7.1 Definitions of terms as used in this part.
- 7.2 [Reserved]
- 7.3 Correspondence must be in English.
- 7.4 Receipt of correspondence.
- 7.5 [Reserved]
- 7.6 Schedule of U.S. process fees.
- 7.7 Payments of fees to International Bureau.

### Subpart B—International Application Originating From the United States

- 7.11 Requirements for international application originating from the United States.
- 7.12 Claim of color.
- 7.13 Certification of international application.
- 7.14 Correcting irregularities in international application.

### Subpart C—Subsequent Designation Submitted Through the Office

- 7.21 Subsequent designation.

### Subpart D—Recording Changes to International Registration

- 7.22 Recording changes to international registration.

- 7.23 Requests for recording assignments at the International Bureau.

- 7.24 Requests to record security interest or other restriction of holder's rights of disposal or release of such restriction submitted through the Office.

### Subpart E—Extension of Protection to the United States

- 7.25 Sections of part 2 applicable to extension of protection.
- 7.26 Filing date of extension of protection for purposes of examination in the Office.
- 7.27 Priority claim of extension of protection for purposes of examination in the Office.
- 7.28 Replacement of U.S. registration by registered extension of protection.
- 7.29 Effect of replacement on U.S. registration.
- 7.30 Effect of cancellation or expiration of international registration.
- 7.31 Requirements for transformation of an extension of protection to the United States into a U.S. application.

### Subpart F—Affidavit Under Section 71 of the Act for Extension of Protection to the United States

- 7.36 Affidavit or declaration of use in commerce or excusable nonuse required to avoid cancellation of an extension of protection to the United States.
- 7.37 Requirements for a complete affidavit or declaration of use in commerce or excusable nonuse.
- 7.38 Notice to holder of extension of protection.
- 7.39 Acknowledgment of receipt of affidavit or declaration of use in commerce or excusable nonuse.
- 7.40 Petition to Director to review refusal.

### Subpart G—Renewal of International Registration and Extension of Protection

- 7.41 Renewal of international registration and extension of protection.

AUTHORITY: 15 U.S.C. 1123, 35 U.S.C. 2, unless otherwise noted.

SOURCE: 68 FR 55769, Sept. 26, 2003, unless otherwise noted.

### Subpart A—General Information

#### § 7.1 Definitions of terms as used in this part.

(a) *the Act* means the Trademark Act of 1946, 60 Stat. 427, as amended, codified in 15 U.S.C. 1051 *et seq.*

(b) *Subsequent designation* means a request for extension of protection of an

## § 7.2

international registration to a Contracting Party made after the International Bureau registers the mark.

(c) The acronym *TEAS* means the Trademark Electronic Application System available on-line through the Office's Web site at: *www.uspto.gov*.

(d) The term *Office* means the United States Patent and Trademark Office.

(e) All references to sections in this part refer to 37 Code of Federal Regulations, except as otherwise stated.

## § 7.2 [Reserved]

### § 7.3 Correspondence must be in English.

International applications and registrations, requests for extension of protection and all other related correspondence with the Office must be in English. The Office will not process correspondence that is in a language other than English.

### § 7.4 Receipt of correspondence.

(a) *Correspondence Filed Through TEAS*. Correspondence relating to international applications and registrations and requests for extension of protection submitted through TEAS will be accorded the date and time on which the complete transmission is received in the Office based on Eastern Time. Eastern Time means eastern standard time or eastern daylight time, as appropriate.

(b) *Correspondence Filed By Mail*. International applications under § 7.11, subsequent designations under § 7.21, responses to notices of irregularity under § 7.14, requests to record changes in the International Register under § 7.23 and § 7.24, requests to note replacement under § 7.28, requests for transformation under § 7.31, and petitions to the Director to review an action of the Office's Madrid Processing Unit, when filed by mail, must be addressed to: Madrid Processing Unit, 600 Dulany Street, MDE-7B87, Alexandria, VA 22314-5793.

(1) International applications under § 7.11, subsequent designations under § 7.21, requests to record changes in the International Register under § 7.23 and § 7.24, and petitions to the Director to review an action of the Office's Madrid Processing Unit, when filed by mail,

## 37 CFR Ch. I (7-1-08 Edition)

will be accorded the date of receipt in the Office, unless they are sent by Express Mail pursuant to § 2.198 of this title, in which case they will be accorded the date of deposit with the United States Postal Service.

(2) Responses to notices of irregularity under § 7.14, requests to note replacement under § 7.28, and requests for transformation under § 7.31, when filed by mail, will be accorded the date of receipt in the Office.

(c) *Hand-Delivered Correspondence*. International applications under § 7.11, subsequent designations under § 7.21, responses to notices of irregularity under § 7.14, requests to record changes in the International Register under §§ 7.23 and 7.24, requests to note replacement under § 7.28, requests for transformation under § 7.31, and petitions to the Director to review an action of the Office's Madrid Processing Unit, may be delivered by hand during the hours the Office is open to receive correspondence. Madrid-related hand-delivered correspondence must be delivered to the Trademark Assistance Center, James Madison Building—East Wing, Concourse Level, 600 Dulany Street, Alexandria, VA 22314, Attention: MPU.

(d) *Facsimile Transmission Not Permitted*. The following documents may not be sent by facsimile transmission, and will not be accorded a date of receipt if sent by facsimile transmission:

(1) International applications under § 7.11;

(2) Subsequent designations under § 7.21;

(3) Responses to notices of irregularity under § 7.14;

(4) Requests to record changes of ownership under § 7.23;

(5) Requests to record restrictions of the holder's right of disposal, or the release of such restrictions, under § 7.24; and

(6) Requests for transformation under § 7.31.

(e) *Certificate of Mailing or Transmission Procedure Does Not Apply*. The certificate of mailing or transmission procedure provided in § 2.197 does not