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Union of Industrial and Employers' Confederations of Europe  
Union des Confédérations de l'Industrie et des Employeurs d'Europe

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**H.E. Mr Frans van Daele**

Ambassador  
Permanent Representative of Belgium  
to the European Union  
rue Belliard, 62

B-1040 BRUXELLES

ZT/FM/JPC/nd/5.2/8/1

28 April 1998

Dear Ambassador,

RE: ACCESSION OF THE EUROPEAN UNION TO THE MADRID PROTOCOL

I am writing to you in the context of current discussions surrounding accession of the European Union to the Madrid Protocol and would like to submit the following remarks for your attention.

- The 1891 Madrid Agreement is extremely successful and its registration system is of great importance to EU firms: it is cost-effective, very efficient and it fully meets the needs of trademark owners.
- Well before the Community Trademark (CTM) system was put in place, ways of creating a link between the CTM and the international system were being sought. This was made possible by successful conclusion of the 1989 WIPO Diplomatic Conference, with adoption of the Protocol relating to the Madrid Agreement.
- UNICE therefore very much welcomed European Commission proposals aimed at enabling the European Union to accede to the Madrid Protocol and it regrets that problems related to the language regime and the “opting-back” clause are delaying agreement. The Spanish delegation opposes the “opting-back” clause and has put forward a new proposal which UNICE cannot support because it would lead to unacceptable legal uncertainty. We are at your disposal to explain the – fairly technical – grounds for UNICE's position.
- Finally, UNICE understands that, in order for agreement to be reached, it is now proposed to remove the “opting-back” clause from the proposal. This would run counter to the objectives of EU accession to the Madrid Protocol. As first user of the system, the business community would strongly oppose any agreement that would exclude the “opting-back” possibility along the lines proposed by the Commission.

I therefore urge you to support the original Commission proposal, including the “opting-back” clause, and to do the utmost to reach rapid agreement on this important issue.

Yours sincerely,

Zygmunt Tyszkiewicz  
Secretary General