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July 2019



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The July 2019 issue of Sterne Kessler's MarkIt to Market® newsletter discusses the 30th anniversary of the Madrid Protocol and the opening of a new gTLD Sunrise period. It also features a recent firm alert about the FDA's upcoming CBD guidelines release.

Sterne Kessler's [Trademark & Brand Protection practice](#) is designed to help meet the intellectual property needs of companies interested in developing and maintaining strong brands around the world. For more information, please contact [Monica Riva Talley](#) or [Tracy-Gene G. Durkin](#).

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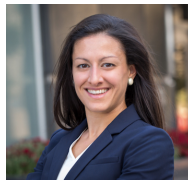


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HAPPY 30th MADRID PROTOCOL - MY HOW YOU'VE GROWN!

By [Monica Riva Talley](#)

July 27, 2019 marked the 30th anniversary of the adoption of the Madrid Protocol – the centralized system for registering and managing trademarks worldwide. The Madrid system is administered by the International Bureau of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland.



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gTLD SUNRISE PERIOD NOW OPEN

By [Monica Riva Talley](#)

As first reported in our December 2013 newsletter, the first new generic top-level domains (gTLDs, the group of letters after the "dot" in a domain name) have launched their "Sunrise" registration periods. Please contact us or see our [December 2013 newsletter](#) for information as to what the Sunrise period is, and how to become eligible to register a domain name under one of the new gTLDs during this period.

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IP HOT TOPIC: FDA EXPEDITES ITS EFFORTS TO RELEASE CBD REGULATIONS

By [Pauline M. Pelletier](#)

Products containing cannabidiol ("CBD"), a compound derived from cannabis, are part of a growing market that some analysts have projected will reach over \$2.3 billion by 2022.[1] CBD products—from gummy bears and pet products to cosmetics and shoe polish—are cropping up everywhere and industries, from biopharma to beer, are paying attention.[2] Here we provide an update on how CBD products may be regulated and how this will impact cannabis trademarks.

We will be exploring this topic and others relating to cannabis intellectual property in an upcoming Strafford live webinar, "Protecting Cannabis IP" on Tuesday, August 20, 1:00pm-2:30pm ET. For more information, please [click here](#).

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HAPPY 30th MADRID PROTOCOL - MY HOW YOU'VE GROWN!

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July 27, 2019 marked the 30th anniversary of the adoption of the Madrid Protocol – the centralized system for registering and managing trademarks worldwide. The Madrid system is administered by the International Bureau of the World Intellectual Property Organization (WIPO) in Geneva, Switzerland. While Madrid has its limitations, and may not be the best strategy for protecting every mark, the system has grown in reach and functionality over the past 30 years.

U.S. filers, initially skeptical when the U.S. acceded to the Madrid Protocol in 2003, have grown to embrace the Madrid system; by 2018 the U.S. was the top filer via the system. The U.S., along with China, is also one of the top designated countries for applications filed via Madrid applications.

WIPO reports that there are now over 60,000 IR registrations on the books, and Madrid filings were up 6.4% in 2018. In 2018, the top company filers via the Madrid Protocol included well-known pharmaceutical, cosmetic, automobile, and consumer electronics companies.

One major drawback to the Madrid system has historically been the absence of three of the major world economies – Mexico, Canada, and Brazil. However, Mexico joined in 2013, and Canada joined as of June 17, 2019. Brazil is now set to accede as of October 2, 2019. Particularly in light of the global reach of most brands in today's economy, the Madrid Protocol can provide cost effective international trademark coverage, which is a necessary component of monetizing and protecting brands outside of the U.S.

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As of July 31, 2019, ICANN lists a new Sunrise period as open for the following new gTLD that may be of interest to our clients (a full list can be viewed [here](#)):

.madrid

ICANN maintains an up-to-date list of all open Sunrise periods [here](#). This list also provides the closing date of the Sunrise period. We will endeavor to provide information regarding new gTLD launches via this monthly newsletter, but please refer to the list on ICANN's website for the most up-to-date information – as the list of approved/launched domains can change daily.

Because new gTLD options will be coming on the market over the next year, brand owners should review the list of new gTLDs (a full list can be found [here](#)) to identify those that are of interest.

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