

quantitative scope of protection to be a positive value influencer.

Exact statements with respect to whether there are certain classes which hint at an especially valuable trade mark or brand cannot be made as this depends on the respective market intended to be covered. More realistically, the expert assessing the legal dimension will over time be able to discern essential classes for each industry branch, the lacking registration for which would have a negative impact on value, and non-essential ones.

5.4 Geographic Scope of Protection

5.4.1 The Law

Trade mark law is characterised by the principle of territoriality, which means that a trade mark is, in general, only valid in the countries for which it has been registered. The Community trade mark constitutes a peculiarity and alleviation in this connection as it covers all EU Member States with merely one registration (the downside being that it can be vitiated with effect for the complete EU territory by just one successful attack in one Member State).

The Madrid system of international trade mark registration is frequently utilised and shall therefore be briefly mentioned.⁷¹³ The Madrid Agreement Concerning the International Registration of Marks and the relating Protocol⁷¹⁴ have made it possible, once the proprietor holds a trade mark in one Contracting Party (including the EU), to register the same mark, via the International Bureau of *WIPO*, in one, several or all of the other Contracting Parties, by means of a single application in one language. Contrary to the European Community trade mark, the Madrid system does not give the proprietor one mark which is equally protected in all member countries but merely a unified application and registration system which facilitates simultaneous registration of a mark in several countries.⁷¹⁵ The international

713 More on registration of trade marks through the Madrid System below at 5.6.2.2. In addition, detailed information can for instance be found in *WIPO*, Guide to the International Registration of Marks under the Madrid Agreement and the Madrid Protocol and *Marx*, Deutsches, europäisches und internationales Markenrecht, no.s 1409 et seq.

714 Cf. fn. 118.

715 This process is similar to the Patent Cooperation Treaty (PCT) procedure with regard to patents.