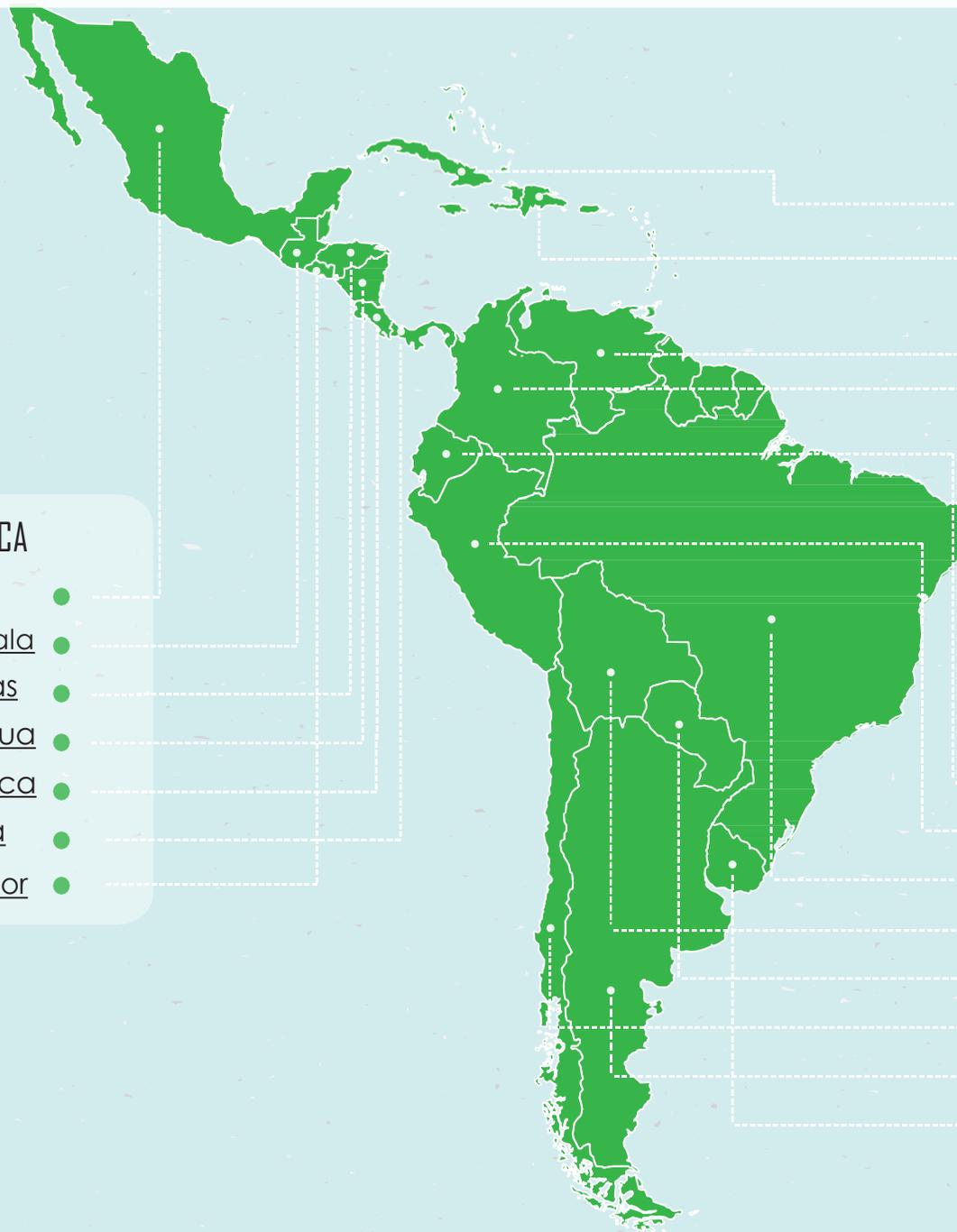


# LATAM, Basic IP Prosecution Information



## CARIBBEAN

-  Cuba
-  Dominican Republic

## CENTRAL AMERICA

-  México
-  Guatemala
-  Honduras
-  Nicaragua
-  Costa Rica
-  Panamá
-  El Salvador

## SOUTH AMERICA

-  Venezuela
-  Colombia
-  Ecuador
-  Perú
-  Brazil
-  Bolivia
-  Paraguay
-  Chile
-  Argentina
-  Uruguay

# ARGENTINA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date.
- As of June 3, 2019, use has to be declared every 5 years throughout the entire life of the trade mark. A sworn declaration of use must be filed between the 5th and 6th year, counted from the registration date for marks registered or renewed on/after January 12, 2013, as well as with every subsequent renewal.

## REGISTRATION TERM

- 10 years as from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 days from the publication date. If an opposition is filed against the application, the applicant has three (3) months from the notification, to negotiate the withdrawal of the opposition. If no agreement is reached, the opposition is held before the IP Office.

## FILING REQUIREMENTS

- Power of Attorney duly notarized and legalized within 40 working days from filing date.
- Certified copy of priority application and its translation into Spanish within 90 days from filing. The translation of the priority application must be signed by a local sworn translator.

## MULTICLASS

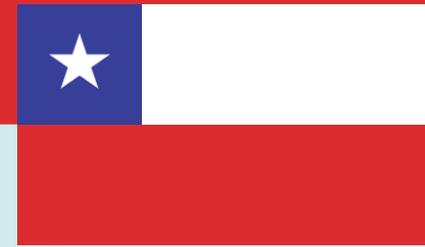
- No.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.



# CHILE



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 business days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required) 60 working days after the official request.
- Copy of priority application (in color) and its translation into Spanish within 90 days from filing.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 6 months prior to renewal date.
- Grace period: 6 months.



# BRAZIL



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date. A partial cancellation action is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 60 days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required) within 60 days from filing date.
- Scanned copy of the priority application and its translation into Portuguese within 120 days from filing.

## MULTICLASS

- Possible for IR trade marks.
- Not possible for national trade marks.

## RENEWAL TERM

- 1 year prior to the renewal date.
- Grace period: 6 months.



# URUGUAY



## CANCELLATION ACTION

- YES. Can be requested if a trademark has not been used for 5 years, counting from the registration date. Cancellation actions due to non-use are possible as of January 1, 2019. A partial cancellation is not possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 days from publication date.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required) within 30 days from the application date.
- Certified copy of the priority application and its translation into Spanish within 90 days from the application date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.



# PARAGUAY



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date. A partial cancellation is not possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 60 days from publication.

## FILING REQUIREMENTS

- Power of Attorney duly notarized within 60 working days from the application date.
- Certified copy of priority application within 90 days from filing. Translation of the priority application must be signed by a local sworn translator.

## MULTICLASS

- No.

## RENEWAL TERM

- 1 year prior to renewal date.
- Grace period: 6 months.



# BOLIVIA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years in any member state of the Andean Community, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 working days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney duly notarized and legalized within 60 working days from the official request.
- Certified copy of priority application and its translation into Spanish within 9 months from the priority application date.

## MULTICLASS

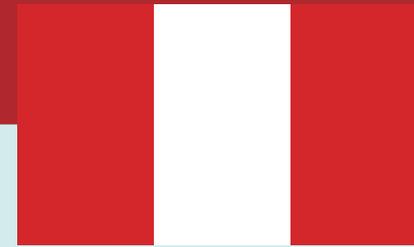
- No.

## RENEWAL TERM

- 6 months prior to renewal date.
- Grace period: 6 months.



# PERU



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years in any member state of the Andean Community, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required) within 60 days from the official request.
- Certified copy of the priority application and its translation to Spanish within 9 months from the priority date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.



# ECUADOR



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years in any member state of the Andean Community, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 working days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney duly notarized and legalized within 60 days from the official request.
- Certified copy of the priority application and its translation into Spanish within 9 months from the priority date.

## MULTICLASS

- No.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.



# COLOMBIA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years in any member state of the Andean Community, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required) within 60 days from notification request.
- Scanned copy of priority application and its translation into Spanish within 9 months from priority application date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.



# PANAMA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the application date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 2 months counting from the publication.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required) within 2 months from application date.
- Certified copy of the priority application and its translation into Spanish within 6 months from the application date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 1 year prior to the renewal date.
- Grace period: 6 months.



# COSTA RICA



## CANCELLATION ACTION

- YES. Cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 2 months from the first publication date.

## FILING REQUIREMENTS

- Power of Attorney duly notarized (no legalization required) within 90 days from filing date (PoA has to be dated before filing date OR Power of Attorney duly notarized (no legalization required) with an earlier date when the application is filed under the Trade Mark Law Treaty (TLT) within 60 days from filing date.
- Certified copy of priority application and its translation into Spanish within a 90-days term from filing date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 1 year prior to the renewal date.
- Grace period: 6 months.



# NICARAGUA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 working days from the publication, with the option to extend it once, for 15 additional working days. The extension must be requested before the original 30 day period expires.

## FILING REQUIREMENTS

- Power of Attorney duly notarized and legalized within 2 months from the application date.
- Certified copy of priority application and its translation into Spanish within 3 months from the application date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 1 year prior to the renewal date.
- Grace period: 6 months.



# HONDURAS



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years, counting from the registration date. A partial cancellation is possible. A Reinstatement Tax can be paid, which protects the mark against cancellation petitions from third parties.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 working days counted from the day of the last publication.

## FILING REQUIREMENTS

- Power of Attorney duly notarized and legalized within 30 days from the official request.
- Certified copy of the priority application and its translation into Spanish within 30 days from the official request.

## MULTICLASS

- No.

## RENEWAL TERM

- 1 year prior to the renewal date.
- Grace period: 6 months.



# EL SALVADOR



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 2 months from the first publication.

## FILING REQUIREMENTS

- Power of Attorney notarised and legalized within 2 months from the official request.
- Certified copy of the priority application and its translation into Spanish within 3 months from the application date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 1 year prior to the renewal date.
- Grace period: 6 months.



# GUATEMALA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 5 years, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the registration date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 2 months from the publication date.

## FILING REQUIREMENTS

- Power of Attorney duly notarized and legalized by Apostille within 1 month from the official request.
- Certified copy of the priority application and its translation into Spanish within 3 months of the priority deadline.

## MULTICLASS

- No.

## RENEWAL TERM

- 1 year prior to the renewal date.
- Grace period: 6 months.



# MEXICO



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years, counting from the registration date. A partial cancellation is not possible.
- A Declaration of Use must be filed for all trade marks (both national and IR-designations) registered after August 10, 2018. The first Declaration of Use has to be filed 3 years from the registration date. A second declaration of use must be filed along with each renewal application.

## REGISTRATION TERM

- 10 years from the application date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney: Not necessary.
- Priority certificate: Not necessary.
- Indication of date of first use or intention of use.

## MULTICLASS

- No.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.



# DOMINICAN REPUBLIC



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trade mark has not been used for 3 years, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the application date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 45 days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required) within 30 days from the official request.
- Certified copy of the priority application and its translation into Spanish within 3 months from the application date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.



# VENEZUELA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 2 years, counting from the registration date. However, as the burden of proof of non-use rests on the applicant of the cancellation request.

## REGISTRATION TERM

- 15 years from the registration date for trademarks granted on or after September 17, 2008.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 30 days from the publication date.

If the applicant fails to reply to an opposition filed within the legal term, the application will be considered abandoned.

## FILING REQUIREMENTS

- Power of Attorney duly notarized and legalized within 30 days from the application date.
- Certified copy of the priority application and its translation into Spanish within 60 days from filing date. The translation of the priority application must be signed by a local sworn translator.

## MULTICLASS

- No.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months. Subject to surcharges (additional fees)



# CUBA



## CANCELLATION ACTION

- YES. A cancellation can be requested if the trademark has not been used for 3 years, counting from the registration date. A partial cancellation is possible.

## REGISTRATION TERM

- 10 years from the application date.

## EXAMINATION

- Absolute grounds for refusal.
- Relative grounds for refusal.

## OPPOSITION PERIOD

- 60 days from the publication date.

## FILING REQUIREMENTS

- Power of Attorney merely signed (no legalization and no notarization required), within 60 days from the filing date.
- Certified copy of the priority application and its translation into Spanish, within 3 months from the filing date.

## MULTICLASS

- Yes.

## RENEWAL TERM

- 6 months prior to the renewal date.
- Grace period: 6 months.

