

OVERVIEW OF TRADEMARK REGISTRATION PROCESS IN CENTRAL AND SOUTH AMERICA

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Even though the above mentioned process is very similar to the process before the U.S. Patent and Trademark Office ("PTO") that you are familiar with, we would like to provide you with a general overview of the trademark registration process in Latin America.

In general terms, the steps that must be taken to register a trademark in some of the main countries of Central and South America are the following:

- **Search of prior records:** Before filing the corresponding application before the competent authority, it is advisable to review the trademark records and registrations in each country, in order to determine whether there are any similar registered trademarks and the viability of registering the trademark in each country.
- **Filing of application:** A trademark application must be filed before the competent authority of each country, specifying the products or services to be used under the trademark.
- **Publication:** The trademark is then published in Intellectual Property Official Gazettes of each country, in order to provide third parties the opportunity to present oppositions in the event they consider to have a previous right over the trademark or if the register of said trademark may affect their rights.

In the event any oppositions are filed by third parties, such oppositions must be responded to, and generally the cost for filing these oppositions is approximately between US\$800 and US\$1,600.

- **Trademark Registration:** Finally, the trademark office of each country grants trademark registration, usually for a legal term of 10 years. During the term of the trademark registration, our offices and foreign counsel shall follow up the trademark use, and in the event an application that may affect the rights of a client is filed, we shall notify you in order to request your authorization to oppose (or not) such application.

Please review the enclosed Table 1, which describes approximate costs (expressed in U.S. Dollars) involved in the trademark registration process of a name trademark (only the name with no design) for one single class of goods or services. Additionally, Table 2 provides further detail in a comparative overview, country by country, of trademark rights.

Table 1
Latin America Estimated Trademark Search and Registration Costs*

| Country | Preliminary Trademark Search | Filing an Application | Total US\$ |
|------------|------------------------------|-----------------------|------------|
| Argentina | \$187 | \$1,044 | \$1,231 |
| Brazil | \$156 | \$1,212 | \$1,368 |
| Columbia | \$84 | \$1,080 | \$1,164 |
| Costa Rica | \$84 | \$960 | \$1,044 |
| Chile | \$156 | \$1,200 | \$1,356 |
| Cuba | \$84 | \$1,080 | \$1,164 |

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|--------------------|-------|---------|---------|
| Ecuador | \$84 | \$1,140 | \$1,224 |
| El Salvador | \$60 | \$996 | \$1,056 |
| Guatemala | \$96 | \$1,020 | \$1,116 |
| Honduras | \$78 | \$1,020 | \$1,098 |
| Mexico | \$5.5 | \$120 | \$175 |
| Nicaragua | \$132 | \$1,332 | \$1,464 |
| Panama | \$156 | \$1,200 | \$1,356 |
| Peru | \$156 | \$1,200 | \$1,356 |
| Uruguay | \$120 | \$1,068 | \$1,188 |
| Venezuela | \$156 | \$1,320 | \$1,476 |

*Costs are expressed in U.S. Dollars. All prices are approximate and based upon one class. Official fees and expenses are approximate. These costs do not cover extraordinary procedures, oppositions, objections or legal opinions, in which case an estimate of costs involved can usually be provided in advance in each case. Facsimile, telephone, courier, legalizations, authentications, translation and similar expenses are not included in the above costs and will be charged separately.

Table 2

Brief Comparative Analysis of Intellectual Property Legal Systems in Latin America (Trademark and Service Marks)

| Country | International Agreements | Classification | Time Necessary for Registration | Duration of Registration |
|---------------------------------|---|---|--|------------------------------------|
| Argentina | Paris Convention | International: single-class filing. It is possible to file for protection in an entire class of goods | Approximately 18 months | 10 years from registration date |
| Brazil | Paris Convention | National; single-class filing | 24 months | 10 years from date of registration |
| Chile | Paris Convention | International; multi-class filing | 6 months | 10 years from registration date |
| Columbia | Paris Convention, Decision 486 of the Cartagena Agreement (Andean Pact) | International; single-class filing. It is possible to file for protection of a mark in an entire class of goods; for service marks, specifying service is recommended | 12 months | 10 years from date of registration |
| United States of America | Paris Convention, Nice Agreement | International; multi-class filing | 12 months or more | 10 years from registration date |

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| Ecuador | Decision 486 of the Cartagena Agreement (Andean Pact) | International; single-class filing. It is possible to file for protection in an entire class of goods, provided goods are mentioned (e.g. “cosmetics, oils, and all goods in class 3”). | 15 months | 10 years from registration date |
| El Salvador | Paris Convention | International; single-class filing | 12-36 months | 10 years from registration date |
| Guatemala | None | International; single-class filing | 12 months | 10 years from registration date |
| Honduras | Paris Convention | International; single-class filing. It is possible to file for protection in an entire class of goods | 8-12 months | 10 years from granting date |
| Mexico | Paris Convention | International; single-class filing. Specific goods/services must be noted on an application | 8-12 months | 10 years from registration date |
| Nicaragua | Paris Convention | International; single-class filing | 8-10 months | 10 years from registration date |
| Panama | Paris Convention | International; single-class filing | Approximately 12 months | 10 years from registration date |
| Peru | Decision 486 of the Cartagena Agreement (Andean Pact), Paris Convention | International; single-class filing | 5-8 months | 10 years from registration date |
| Uruguay | Paris Convention, Nice Agreement | International; multi-class filing. It is possible to file | 10 months | 10 years from registration |
| Venezuela | Decision 486 of the Cartagena Agreement (Andean Pact), Paris Convention | International; single-class filing | 36 months or more | 10 years from the date of registration |
| Costa Rica | Paris Convention | International; single-class filing. Specific goods/services must be noted on an application | Approximately 6-8 months | 10 years from registration date |

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