

## IP Policy Brief

October 2024

### An overview of highlights in Latin America in the field of Intellectual Property



#### Uruguay enters the PCT

In October 2024 Uruguay [deposited the adhesion to the Patent Cooperation Treaty](#). Uruguay becomes the 158th Contracting Party of the Treaty. European inventors will be able to extend their patent protection to the country and benefit from the advantages of PCT applications. Likewise, Uruguayan inventors will have a cost-efficient tool to internationalise their patent applications.



#### Brazil tackles its patent pending applications

In 2022, INPI Brazil reduced its [stock of pending patent applications by 10,9% to 60,282](#). This is the result of maintained policies to fight backlog. Processing pending applications is among the priorities of the [INPI Action Plan 22-25](#), and new measures to speed up examination came into force on January 1st, 2024. It is expected that Brazil keeps supporting INPI's effort in reducing backlog, providing the required budgetary and personal resources.



#### Major changes in El Salvador IP system

El Salvador's Legislative Assembly approved a [new intellectual property law](#) to replace the [1993 law](#). Key changes include expanded protection for trade secrets, plant varieties and traditional knowledge, and more efficient procedures for registering trade marks, patents, and copyright. The law also strengthens measures against piracy and counterfeiting. Lastly, it creates the Salvadorian Institute of Intellectual Property (ISPI), which will centralise and simplify IP services, including digital registration processes. This initiative seeks to reduce bureaucracy and lower costs, particularly for SMEs and creative industries.



#### Andean Community

The Andean Community has reached notable milestones towards a more consistent and predictable IP framework. The Andean Court has confirmed applicability of the [clarified act doctrine](#) (doctrina del acto aclarado) to its interpretative function. By virtue of such doctrine, national courts are not obliged to submit a request for interpretation, if the Andean Court has already interpreted the subject matter in an earlier case. With a harmonised substantive law - Andean countries are deepening on the convergences of practices with the [Andean Manual for Patent Examination](#) (2022), the [Andean Manual for Trade Mark Examination](#) (2023), and the [Protocol for the Andean Opposition](#).



#### EU Chile advanced framework agreement

The [EU-Chile Advanced Framework Agreement](#), which modernises the existing 2003's [EU-Chile Association Agreement](#), includes, inter alia, measures targeted at simplifying SMEs trade and exports, allowing EU companies to participate in public procurement contracts in Chile and remarkable tariffs reduction. The treaty will enter into force once Chile ratifies it.



#### Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge

WIPO has adopted a Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge. The treaty will enter into force once fifteen WIPO members ratify it. Eighteen Latin American countries (out of thirty one) are among the early signatories, namely Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.



## TM View

Currently, nineteen Latin American countries have integrated their trade mark databases within [TMview](#) - including the CAN TMview functionality. Thanks to this information, EU SMEs can conduct trade mark searches simultaneously in all these countries and design a coherent trade mark strategy in the region. This is particularly relevant, as most countries within the region conduct ex-officio analysis of relative grounds.



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