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|---|--------------------|---|-----------|
|  | ARGENTINA |  | GUATEMALA |
|  | BOLIVIA |  | HONDURAS |
|  | BRAZIL |  | MEXICO |
|  | CHILE |  | NICARAGUA |
|  | COLOMBIA |  | PANAMA |
|  | COSTA RICA |  | PARAGUAY |
|  | CUBA |  | PERU |
|  | DOMINICAN REPUBLIC |  | URUGUAY |
|  | ECUADOR |  | VENEZUELA |
|  | EL SALVADOR | | |



TRADEMARKS IN LATIN AMERICA
AN ADMINISTRATIVE SHORTLIST PER COUNTRY

	Argentina	Bolivia	Brazil	Chile	Colombia
Applicable Law	<u>Law on Trademarks and Designations (Law No.22.362 of December 26, 1980)</u>	<u>Decision 486 de la Comunidad Andina</u>	<u>Law No.9279 on Industrial Property</u>	<u>Law No. 19.039 on Industrial Property (Consolidated)</u>	<u>Decision 486 de la Comunidad Andina</u>
Type of class application system	Single-Class	Single-Class	Multi-Class	Multi-Class	Multi-Class
What can be protected?	Signs that identify the commercial origin and distinguish a product/service from another: Any word, expression, name, pseudonym, letter, number, image, symbol, graph, and any combination of such signs, as well as any advertising slogan linked to a trademark may be registered as a trademark.				
Non-traditional trademarks registrability	Three-dimensional, tactile, smell, sound and moving	Three-dimensional (shape and packaging of products), sound, smell, tactile	Three-dimensional	Sound	Three-dimensional (shape and packaging of product), sound, smell, tactile
Where to register?	<u>INPI</u>	<u>SENAPI</u>	<u>INPI</u>	<u>INAPI</u>	<u>SIC</u>
Registration Method	Online/In person	Online/In person	Online/In person	Online/In person	Online/In person
Requirements	1. Graphical representation 2. Distinctive 3. Not misleading	1. Graphic representation 2. Distinctiveness 3. Non-deceptive 4. Not contrary to law, morality or public policy	1. Visually perceptible 2. Distinctiveness 3. Non-deceptive 4. Not contrary to public morals	1. Graphical representation 2. Distinctiveness 3. Non-deceptive 4. Not contrary to public order	1. Graphic representation 2. Distinctiveness 3. Non-deceptive 4. Not contrary to law, morality or public policy
Duration	10 years from date of grant	10 years from date of grant	10 years from date of grant	10 years from date of grant	10 years from date of grant
Revocation for non-use	Yes: Non-use for 5 consecutive years: TM subject to cancellation. Obligation to deliver a declaration of use on 5th year following registration.	Yes: Non-use for 3 consecutive years: TM subject to cancellation	Yes: Non-use for 5 consecutive years: TM subject to cancellation	No	10 years from date of grant
Trademark Costs*	Registration:36€ Submission of declaration of use: 21€ Renewal: 44€	Registration:190 € Renewal: 66€	Registration: 270 € Renewal: 234€	Registration: 187 € per class Renewal: 374€	Registration: 246 € + 123€ per additional class Renewal: 66€

* This is only an estimation of the minimum price of protection, serving as a guide, since additional costs may apply. The costs expressed in Euro are subject to change due to variations in the exchange rate with the local currency. Cost updated in October 2019.

Some companies prefer to hire a European law firm to manage its entire trade mark portfolio. In those cases, a European attorney is the responsible to choose and supervise a representative in each country where the trade mark is registered, this option is advisable in cases of very large trade mark portfolios and/or when the company prefers an external IP management rather than an in-house one.

	Costa Rica	Cuba	Dominican Republic	Ecuador	El Salvador
Applicable Law	<u>Law No.7978 of 2000 on Trademarks and other Distinctive Signs (with amendments)</u>	<u>Decree Law nº203</u>	<u>Law Nº20-00 of 2000 on Industrial Property</u>	<u>Decision 486 de la Comunidad Andina</u>	<u>Law on trademarks and other distinctive signs of 2002</u>
Type of class application system	Multi-class	Multi-class	Multi-class	Multi-Class	Multi-Class
What can be protected?	Signs that identify the commercial origin and distinguish a product/service from another: Any word, expression, name, pseudonym, letter, number, image, symbol, graph, figure, and any combination of such signs, as well as any advertising slogan linked to a trademark may be registered as a trademark.				
Non-traditional trademarks registrability	Three-dimensional (shape and packaging of product), sounds	Three-dimensional (shape and packaging of products)	Three-dimensional (packaging and shape of product), sounds, smells	Three-dimensional, sound, smell, tactile	Three-dimensional, sounds, smells
Where to register?	<u>RPI</u>	<u>OCPI</u>	<u>ONAPI</u>	<u>SENADI</u>	<u>CNR</u>
Registration Method	In person	In person	Online/In person (smell and sound trademarks: in person only)	Online/In person	In person
Requirements	<ol style="list-style-type: none"> 1. Graphical representation 2. Distinctiveness 3. Non-deceptive 4. Not contrary to public morals or order 	<ol style="list-style-type: none"> 1. Graphic representation 2. Distinctiveness 3. Non-deceptive 	<ol style="list-style-type: none"> 1. Graphic representation (sonogram or pentagram + recording for sounds, formula, description and extract for smells) 2. Distinctiveness 3. Not contrary to morality or public order 4. Non-deceptive 	<ol style="list-style-type: none"> 1. Graphic representation 2. Distinctiveness 3. Non-deceptive 4. Not contrary to law, morality or public policy 	<ol style="list-style-type: none"> 1. Graphic representation (including for sounds) 2. Distinctiveness 3. Not contrary to public morals or order 4. Non-deceptive
Duration	10 years from date of grant	10 years from the date of filing	10 years from date of grant	10 years from date of grant	10 years from date of grant
Revocation for non-use	Yes: Non-use for 5 consecutive years: TM subject to cancellation	Yes: Non-use for 3 consecutive years: TM cancelled	Yes: Non-use for 3 consecutive years: TM subject to cancellation	Yes: Non-use for 3 consecutive years: TM subject to cancellation	Yes: Non-use for 5 consecutive years: TM subject to cancellation
Trademark Costs*	Registration: 46€ per class Renewal: 46€ per class	Registration: 357€ + 92€ per additional class above 3 classes Renewal: 329€ + 73€ per additional class above 3 classes	Registration: 116 to 136€ + 93 to 100 € per additional class, depending on the type of mark Renewal: 44€ per class	Registration: 216€ (942€ for three-dimensional trade marks) Renewal: 190€	Registration: 91€ per class Renewal: 91€

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	Guatemala	Honduras	Mexico	Nicaragua	Panama
Applicable Law	<u>Law 57-2000 on Industrial Property</u>	<u>Law-Decree 12/99/E on Industrial Property of 2000</u>	<u>Law on Industrial Property of 1991 (reformed 2018)</u>	<u>Laws No.380 and 580 on Trademarks and Other Distinctive Signs (with amendments)</u>	<u>Law №35 of 1996 on Industrial Property, as amended by Law nº61 of 2012</u>
Type of class application system	Single-Class	Multi-class	Single-Class	Single-Class	Multi-Class
What can be protected?	Signs that identify the commercial origin and distinguish a product/service from another: Any word, expression, name, pseudonym, letter, number, image, symbol, graph, figure, and any combination of such signs, as well as any advertising slogan linked to a trademark may be registered as a trademark.				
Non-traditional trademarks registrability	Sound, smells, three-dimensional	Three-dimensional	Three-dimensional, sounds, smells.	Three-dimensional, sounds, smells.	Three-dimensional (shape and packaging of product), sounds, smells, taste
Where to register?	<u>RPI</u>	<u>DIGEPIH</u>	<u>IMPI</u>	<u>RPI</u>	<u>DIGERPI</u>
Registration Method	In person	In person	Online/In person	In person	In person
Requirements	1. Graphic representation (+ recording for sound marks) 2. Distinctiveness 3. Non-deceptive 4. Not contrary to public morals or order	1. Graphic representation 2. Distinctiveness 3. Not contrary to public morals or order	1. Perceptible to the senses 2. Distinctiveness 3. Non-deceptive	1. Perceptible 2. Distinctiveness 3. Non-deceptive 4. Not contrary to law, public order or morals	1. Graphical representation 2. Distinctiveness 3. Non-descriptive 4. Not contrary to public morals or order
Duration	10 years from the date of grant	10 years from the date of grant	10 years from the date of filing	10 years from the date of grant	10 years from the date of filing
Revocation for non-use	Yes: Non-use for 5 consecutive years: TM subject to cancellation	Yes: Non-use for 3 consecutive years: TM subject to cancellation	Yes: Non-use and/or failure to submit declaration of use within 3 years from registration: TM cancelled	Yes: Non-use for 3 consecutive years: TM subject to cancellation	Yes: Non-use for 5 consecutive years: TM subject to non-cancellation
Trademark Costs*	Registration: 37€ Renewal: 30€	Registration: 26€ per class Renewal: 4€ yearly maintenance fee + 13€ per class renewal fee	Registration: 126€ Renewal: 121€	Registration: 137€ + 46€ per additional class Renewal: 91€ per class	Registration: 64€ Renewal: 46€

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	Paraguay	Peru	Uruguay	Venezuela
Applicable Law	Law N°1294/98 on Trademarks	<u>Decision 486 de la Comunidad Andina</u>	<u>Law N°17011 of 1998 establishing Provisions on Trademarks</u>	Law on Industrial Property of 1956
Type of class application system	Single-class	Multi-class	Multi-class	Single-class
What can be protected?	Signs that identify the commercial origin and distinguish a product/service from another: Any word, expression, name, pseudonym, letter, number, image, symbol, graph, figure, and any combination of such signs, as well as any advertising slogan linked to a trademark may be registered as a trademark.			
Non-traditional trademarks registrability	Three-dimensional, sound	Three-dimensional (shape and packaging of products), sound, smells, tactile	Three-dimensional, sounds	Sounds
Where to register?	DINAPI	INDECOPI	MIEM	SAPI
Registration Method	In person, must go through a local IP agent	Online/In person	Online/In person	In person
Requirements	<ol style="list-style-type: none"> 1. Graphic representation 2. Distinctiveness 3. Not contrary to the law, public order, morals and good customs 4. Non-deceptive 	<ol style="list-style-type: none"> 1. Graphic representation 2. Distinctiveness 3. Non-deceptive 4. Not contrary to law, morality or public policy 	<ol style="list-style-type: none"> 1. Graphic representation (pentagram and on digital support for sound marks) 2. Distinctiveness 3. Non-deceptive 4. Not contrary to public order, morals and good customs 	<ol style="list-style-type: none"> 1. Graphic representation 2. Distinctiveness 3. Non-deceptive
Duration	10 years from the date of grant	10 years from the date of grant	10 years from the date of grant	15 years from the date of grant
Revocation for non-use	Yes: Non-use for 5 consecutive years: TM subject to cancellation	Yes: Non-use for 3 consecutive years: TM subject to cancellation	Yes: Non-use for 5 consecutive years: subject to cancellation	Yes: Non-use for 2 consecutive years: TM subject to cancellation
Trademark Costs*	Registration: 12€ Renewal: 61€ annuity + 12€ renewal fee	Registration: 146€ per class Renewal: 86€ per class	Registration: 118€ + 71€ per additional class (word marks); 166€ + 94€ per additional class (all other marks) Renewal: 118€ + 71€ per additional class (word marks); 166€ + 94€ per additional class (all other marks)	Registration: 332266Bs Renewal: 212622Bs

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Country IP Factsheets

Argentina IP Country Fact Sheet



Bolivia IP Country Factsheet



Brazil IP Country Factsheet



Chile IP Country Factsheet



Protecting your creation in the Andean Community



Cost Rica IP Country Factsheet



Cuba IP Country Factsheet



Dominican Republic IP Country Factsheet



Ecuador IP Country Factsheet



Central America IP Country Factsheet



Mexico IP Country Factsheet



Paraguay IP Country Factsheet



Peru IP Country Factsheet



Uruguay IP Country Factsheet



Further information

Identifying your Intellectual Property



Guide to trade mark registration in Argentina



Guide to trade mark registration in Brazil



Guide to trade mark registration in Chile



Guide to trade mark registration in Uruguay



How to conduct a trade mark search in Chile



The **Latin America IPR SME Helpdesk** offers **multilingual services** (English, French, German, Spanish and Portuguese¹), with free information and first-line legal advice on IP related subjects, as well as training, webinars and publications, especially designed for EU SMEs.



HELPLINE First-line advisory service on IP protection and enforcement for EU SMEs working or planning to operate in Latin America.



TRAINING Targeted trainings and webinars on IPR protection and enforcement for EU SMEs (including sector-specific approaches).



IP CONTENT State-of-the-art publications (factsheets, learning modules, videos, IP glossary, info graphics, case studies and newsletters) on the protection and enforcement of IPR in Latin America – specifically addressing IP matters from the SME business needs point of view.



AWARENESS RAISING EVENTS Participation in events attended by EU SMEs to increase the awareness of IP and of the visibility of the services provided by the Helpdesk.



IP ANALYSIS Analysis of IP challenges faced by EU SMEs in the target markets.



IP DIAGNOSTIC TOOLKIT Toolkit for self-evaluation of the IP-status of the user in terms of IP knowledge and management.



IP COST TOOL Online tool that allows the user to pre evaluate the costs related to IP management in every Latin American country covered by the Helpdesk.

¹The language offer will depend on the specific service and experts' availability.

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