




















## INDUSTRIAL DESIGNS IN LATIN AMERICA AN ADMINISTRATIVE SHORTLIST PER COUNTRY

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



**INDUSTRIAL DESIGNS IN LATIN AMERICA**  
**AN ADMINISTRATIVE SHORTLIST PER COUNTRY**

	Argentina	Bolivia	Brazil	Chile	Colombia
<b>Applicable Law</b>	<u>Decree-Law N°6673if 1963 on Industrial Designs 8as amended up to Decree N°27/2018 of 2018)</u>	<u>Decision 486 of the Andean Community</u>	<u>LawN°9279 of 1996 on Industrial Property</u>	<u>Law No. 19.039 on Industrial Property (Consolidated) (not Law N°17.336 on Intellectual property</u>	<u>Decision 486 of the Andean Community</u>
<b>Where to register?</b>	INPI	SENAPI	INPI	INAPI	SIC
<b>What can be protected?</b>	External appearance of a product: shape or ornamental aspects of industrial products (2 and 3 dimensional features)				
<b>Requirements</b>	Novelty Originality Of a purely aesthetic nature Applied to an Industrial product Not contrary to public morals	Novelty	Novelty Originality Industrial application	Novelty	Novelty
<b>Substantive examination</b>	No	Yes	No - but may be requested regarding novelty and originality by title holder	Yes (draft IP law in 2019 proposing fast track option though, so this may change)	Yes
<b>Grace period</b>	6 months	6 months	6 months	6 months	6 months
<b>Duration</b>	5 years from the date of filing, renewable twice for periods of 5 years	10 years from the date of filing, not renewable	10 years from the date of filing, renewable thrice for a period of 5 years each	10 years from the date of filing, not renewable	10 years from the date of filing, not renewable
<b>Registration cost*</b>	274€ application with no more than 5 designs + 80€ publication	237€ application + 20€ issuance of certificate	52€ application (+ 104€ examination fee)	88€ application + 415€ examination fee + 62€ final registration	186€
<b>Protection of unregistered designs</b>	No	No	No	No	No

\*Costs do not include attorney's fees, translation costs nor maintenance fees unless otherwise expressed. The costs expressed in Euro are subject to change due to variations in the exchange rate with the local currency. Costs updated in October 2019.

Some companies prefer to hire a European law firm to manage its entire IP portfolio. In those cases, a European attorney is the responsible to choose and supervise a representative in each country where the design is registered, this option is advisable in cases of very large patent 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
<b>Applicable Law</b>	<u>Law Nº6867 of 1983 on Patents, Industrial Designs and Utility Models</u>	<u>Decree-Law 290 of 2011</u>	<u>Law Nº20-00 of 2000 on Industrial Property as amended by Law nº424-06 of 2006</u>	<u>Decision 486 of the Andean Community</u>	<u>Law on Intellectual Property of 1993</u>
<b>Where to register?</b>	RPI	OCPI	ONAPI	SENADI	CNR
<b>What can be protected?</b>	External appearance of a product: shape or ornamental aspects of industrial products (2 and 3 dimensional features)				
<b>Requirements</b>	Novelty	Novelty	Novelty Individual character	Novelty	Novelty
<b>Substantive examination</b>	No	Yes	Yes	No, unless an opposition is filed by a third party	No
<b>Grace period</b>	6 months	6 months	1 year	6 months	2 years
<b>Duration</b>	10 years from the date of filing, not renewable	10 years from the date of filing, not renewable	5 years from the date of filing, renewable twice	10 years from the date of filing, not renewable	10 years from the date of filing, not renewable
<b>Registration cost*</b>	69€ per class of product	183€ application for one design + 183€ final registration	274€ application with no more than 5 designs + 80€ publication fee	472€ application + 150€ final registration and issuance of certificate	52€
<b>Protection of unregistered designs</b>	No	No	No	No	No

\*Costs do not include attorney's fees, translation costs nor maintenance fees unless otherwise expressed. The costs expressed in Euro are subject to change due to variations in the exchange rate with the local currency. Costs updated in October 2019.

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

	<b>Guatemala</b>	<b>Honduras</b>	<b>Mexico</b>	<b>Nicaragua</b>	<b>Panama</b>
<b>Applicable Law</b>	<a href="#">Law 57-2000 on Industrial Property (link to page giving access to law and amendments)</a>	<a href="#">Law/Decree N° 12-99-E on Industrial Property Law</a>	<a href="#">Law on Industrial Property of 1991 (reformed in 2018)</a>	<a href="#">Law N°354 of 2000 on Patents, Utility Models and Industrial Designs</a>	<a href="#">Law N°35 of 1996 on Industrial Property as amended by Law N°61 of 2012</a>
<b>Where to register?</b>	RPI	DIGEPIH	IMPI	RPI	CNR
<b>What can be protected?</b>	External appearance of a product: shape or ornamental aspects of industrial products (2 and 3 dimensional features)				
<b>Requirements</b>	Novelty	Originality Industrial application	Novelty Industrial Application	Novelty	Novelty Industrial application
<b>Substantive examination</b>	Yes	Yes	Yes	Yes	Yes
<b>Grace period</b>	6 months	1 year	1 year	1 year	6 months
<b>Duration</b>	10 years from the date of filing, renewable once for 5 years	5 years from the date of filing, renewable twice for periods of 5 years	5 years from the date of filing, renewable 4 times for periods of 5 years	5 years from the date of filing, renewable twice for periods of 5 years	10 years from the date of filing, renewable once for 5 years
<b>Registration cost*</b>	125€ application + 355€ examination fee + 59€ final registration and issuance of certificate	56€ + 19€ final registration	93€ application + 269€ final registration	46€ and 44€ per additional product and per additional class + 137€ examination fee	18€ application + 110€ examination fee + 141€ final registration
<b>Protection of unregistered designs</b>	Yes: protection lasts 3 years from the first disclosure of the design	No	No	Yes: protection lasts 3 years from the first disclosure of the design	Yes: protection lasts 2 years from first disclosure of the design

\*Costs do not include attorney's fees, translation costs nor maintenance fees unless otherwise expressed. The costs expressed in Euro are subject to change due to variations in the exchange rate with the local currency. Costs updated in October 2019.

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

	Paraguay	Peru	Uruguay	Venezuela
<b>Applicable Law</b>	<u>Law Nº868/1981 on Industrial Models and Designs as regulated by Decree Nº30.007/1982</u>	<u>Decision 486 of the Andean Community</u>	<u>Law Nº17164 of 1999 on Patents, Utility Models and Industrial Designs as implemented by Decree Nº11/1000 of 2000</u>	<u>Law of 1956 on Industrial Property</u>
<b>Where to register?</b>	DINAPI	INDECOPI	MIEM	SAPI
<b>What can be protected?</b>	External appearance of a product: shape or ornamental aspects of industrial products (2 and 3 dimensional features)			
<b>Requirements</b>	Novelty	Novelty	Novelty	Novelty Originality Industrial Application Production in Venezuela within two years from registration
<b>Substantive examination</b>	Yes	Yes	Yes	Yes
<b>Grace period</b>	6 months	1 year	1 year	No (6 months as per Paris no?) - but prior use by holder does not harm novelty
<b>Duration</b>	5 years from the date of filing, renewable twice for 5 years	10 years from the date filing, not renewable	10 years from the date of filing, renewable once for a period of 5 years.	5 or 10 years from the date of grant (duration to be requested when filing application), not renewable
<b>Registration cost*</b>	73€	115€ application + 82€ examination fee	155€ application + 48€ examination fee + 142€ final registration fee	77422Bs application + 251644Bs examination and publication fees
<b>Protection of unregistered designs</b>	No	No	No	No

\*Costs do not include attorney's fees, translation costs nor maintenance fees unless otherwise expressed. The costs expressed in Euro are subject to change due to variations in the exchange rate with the local currency. Costs updated in October 2019.

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

## 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 assets Designs in Uruguay



Designs in Brazil



The **Latin America IPR SME Helpdesk** offers **multilingual services** (English, French, German, Spanish and Portuguese<sup>1</sup>), 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.

<sup>1</sup>The language offer will depend on the specific service and experts' availability.

If you have any queries on how to protect your Intellectual Property in Latinamerica contact our Helpdesk service:

helpline@latinamerica-ipr-helpdesk.eu  
+34 96 590 9684  
Working Hours: Monday - Friday 9:00 -16:30 (CEST)

If you want more information on additional free services offered by the Helpdesk contact the coordination team:

info@latinamerica-ipr-helpdesk.eu  
University of Alicante, Campus San Vicente del Raspeig,  
Edificio Torre de Control, 03690 Alicante, Spain  
+34 96 590 9684

Follow us on Social Media and stay tuned on new releases of factsheets and other IP content:



[www.latinamerica-ipr-helpdesk.eu](http://www.latinamerica-ipr-helpdesk.eu)

Supervisor: Rebeca Nieto Carracedo  
Author: Nicolás Gutierrez Douënel

©European Union, 2020

Reuse is authorised provided the source is acknowledged.

The reuse policy of European Commission documents is regulated by Decision 2011/833/EU (OJ L 330, 14.12.2011, p.39).

Disclaimer: The Latin America IPR SME Helpdesk –An initiative of the European Commission– is a free service for SMEs which provides practical, objective and factual information about Intellectual Property Rights in Latin America. The services are not of a legal or advisory nature and no responsibility is accepted for the results of any actions made on the basis of its services. The content and opinions expressed are those of the authors and do not necessarily represent the views of the European Commission and/or the Executive Agency for Small and Medium-sized Enterprises or any other body of the European Union. Before taking specific actions in relation to IPR protection or enforcement all customers are advised to seek independent advice. Neither the European Commission nor the Agency may be held responsible for the use which may be made of the information contained herein.

Luxembourg: Publications Office of the European Union, 2020

Print ISBN 978-92-9202-856-5 doi:10.2826/13565 EA-04-20-161-EN-C  
PDF ISBN 978-92-9202-857-2 doi:10.2826/539845 EA-04-20-161-EN-D

Last update November 2019



Publications Office  
of the European Union

Download Guide

