



Trade Marks Prosecution Fact Sheet

South America

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1 Argentina

Type of filings	National
Priority	Paris Convention Priority can be claimed. Argentina is a party to the Paris Convention.
Single or multi-class	Single class only
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the date of registration
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Original notarised and legalised/apostilled Power of Attorney in Spanish • Original notarised and legalised/apostilled accompanying documents in Spanish or with Spanish translation by a local sworn translator where relevant to the particular type of filing to be made, eg <ul style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name/merger • Priority-based applications (new filings only): A certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation made by a local sworn translator • Use: A Mid-Term Declaration of Use must be filed between the fifth and sixth year from the registration date and on renewal itself. This applies to all registrations granted or renewed on or after 12 January 2013.
Observations	New applications are typically processed within 12 to 18 months in smooth cases. The opposition period is short in Argentina, at only 30 days. The same is true of the deadline for the filing of a reply to an official action, which is also only 30 days. Extensions of time are available on request (10 days for the first extension followed by a final extension of five days).

2 Bolivia

Type of filings	National
Priority	Paris Convention Priority can be claimed. Bolivia is a party to the Paris Convention.
Single or multi-class	Single class only
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the date of registration
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Original signed and legalised/apostilled Power of Attorney in Spanish • Original notarised and legalised accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ul style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name / address / merger • Priority-based applications (new filings only): A certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation by an authorised Bolivian translator
Observations	<p>New applications are typically processed within 12 months in smooth cases.</p> <p>Bolivia is a member of the Andean Pact along with the other members of the Andean Community, namely, Colombia, Ecuador and Peru. According to the Andean Pact, there are particular reciprocal rights available to trade mark owners within the Andean Community. For example, it is possible to oppose a Bolivian trade mark application on the basis of an earlier registration held by the opponent in any other Andean Community jurisdiction so long as an application to protect the trade mark in Bolivia is also filed at the time of filing the opposition.</p>

3 Brazil

Type of filings	National and Madrid
Priority	Paris Convention Priority can be claimed. Brazil is a party to the Paris Convention.
Single or multi-class	Single class only (national); single or multi-class (Madrid)
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the date of registration
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Simply signed scanned Power of Attorney in Portuguese • Original notarised and legalised/apostilled accompanying documents in Portuguese in respect of records of assignment or licence agreements or mergers • Original Companies Registry certificates certifying changes of name/ address with certified Portuguese translation • Priority-based applications (new filings only): A scanned copy of the certified priority document issued by the relevant IPO is required along with a Portuguese translation
Observations	<p>New national applications are typically processed within 18 months in smooth cases.</p> <p>In 2021, the Brazilian PTO started to accept the registration of position marks, i.e. protection for the specific way in which a mark is placed on or affixed to a product.</p>

4 Chile

Type of filings	National and Madrid
Priority	Paris Convention Priority can be claimed. Chile is a party to the Paris Convention.
Single or multi-class	Both single and multi-class applications are accepted
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the registration date
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Original signed Power of Attorney in Spanish • Original signed accompanying documents in Spanish where relevant to the particular type of filing to be made, eg <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name/address/merger (if originals are unavailable apostilled copies may be submitted instead) • Priority-based applications (new filings only): A certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation
Observations	<p>New applications are typically processed within nine months in smooth cases. In 2022, the Chilean IP trade marks law was updated to remove the “graphical representation” requirement from the definition of a trade mark to allow for the registration of non-traditional marks, such as scent marks, three-dimensional marks, and position marks among others.</p>

5 Colombia

Type of filings	National and Madrid
Priority	Paris Convention Priority can be claimed. Colombia is a party to the Paris Convention.
Single or multi-class	Both single and multi-class applications are accepted
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the registration date
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Simply signed scanned Power of Attorney in Spanish • Simply signed scanned accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name / address / merger • Priority-based applications (new filings only): a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation
Observations	<p>New applications are typically processed within 10 months in smooth cases.</p> <p>Colombia is a member of the Andean Pact along with the other members of the Andean Community, namely, Bolivia, Ecuador and Peru. According to the Andean Pact, there are particular reciprocal rights available to trade mark owners within the Andean Community. For example, it is possible to oppose a Colombian trade mark application on the basis of an earlier registration held by the opponent in any other Andean Community jurisdiction so long as an application to protect the trade mark in Colombia is also filed at the time of filing the opposition.</p>

6 Ecuador

Type of filings	National
Priority	Paris Convention Priority can be claimed. Ecuador is a party to the Paris Convention.
Single or multi-class	Single class only
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the date of the resolution granting the trade mark registration
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Original notarised and legalised/apostilled Power of Attorney in Spanish • Original notarised and legalised/apostilled accompanying documents in Spanish or with Spanish translation where relevant to the particular type of filing to be made, eg <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name/merger • Priority-based applications (new filings only): a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation
Observations	<p>New applications are typically processed within 10 months in smooth cases.</p> <p>Ecuador is a member of the Andean Pact along with the other members of the Andean Community, namely, Bolivia, Colombia and Peru. According to the Andean Pact, there are particular reciprocal rights available to trade mark owners within the Andean Community. For example, it is possible to oppose a Ecuadorian trade mark application on the basis of an earlier registration held by the opponent in any other Andean Community jurisdiction so long as an application to protect the trade mark in Ecuador is also filed at the time of filing the opposition.</p>

7 Paraguay

Type of filings	National
Priority	Paris Convention Priority can be claimed. Paraguay is a party to the Paris Convention.
Single or multi-class	Single class only
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the date of registration
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Scanned copy of a notarised Power of Attorney in Spanish • Original notarised and legalised/apostilled accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ul style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name / address / merger • Priority-based applications (new filings only): a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation
Observations	<p>New applications are typically processed within nine months in smooth cases. The applications are published immediately after filing and the opposition term is 60 working days. If no oppositions are filed, the Examiner conducts a formal and substantial examination. If the examinations are successfully passed, the registration is granted and a hard copy of the registration certificate is issued. Proof of use is not required to maintain nor to renew a trademark registration.</p>

8 Peru

Type of filings	National
Priority	Paris Convention Priority can be claimed. Peru is a party to the Paris Convention.
Single or multi-class	Both single and multi-class applications are accepted
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the date of registration
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Simply signed scanned Power of Attorney in Spanish • No additional accompanying documents are required to record a change of name or address • Original notarised and legalised/apostilled accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying eg mergers • Priority-based applications (new filings only): a scanned copy of the priority document issued by the relevant IPO is required along with a Spanish translation
Observations	<p>New applications are typically processed within four months in smooth cases.</p> <p>Peru is a member of the Andean Pact along with the other members of the Andean Community, namely, Bolivia, Colombia and Ecuador. According to the Andean Pact, there are particular reciprocal rights available to trade mark owners within the Andean Community. For example, it is possible to oppose a Peruvian trade mark application on the basis of an earlier registration held by the opponent in any other Andean Community jurisdiction so long as an application to protect the trade mark in Peru is also filed at the time of filing the opposition.</p>

9 Uruguay

Type of filings	National
Priority	Paris Convention Priority can be claimed. Uruguay is a party to the Paris Convention.
Single or multi-class	Both single and multi-class applications are accepted
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	10 years from the date of registration
Renewals	<ul style="list-style-type: none"> • Due every 10 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Simply signed scanned Power of Attorney in Spanish • No additional accompanying documents are required to record a change of name or address • Original notarised and legalised/apostilled accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying eg mergers • Priority-based applications (new filings only): a scanned copy of the priority document issued by the relevant IPO is required along with a Spanish translation
Observations	New applications are typically processed within 2 years in smooth cases. A variety of non-traditional trade marks can be protected in Uruguay, including olfactory, sound, three-dimensional trade marks, collective marks, certification or guarantee marks and advertising phrases, amongst others.

10 Venezuela

Type of filings	National
Priority	Paris Convention Priority can be claimed. Venezuela is a party to the Paris Convention.
Single or multi-class	Both single and multi-class applications are accepted
Classification	Nice Classification
Protection of goods and services	Both goods and services may be protected
Term of initial registration	15 years from the date of registration
Renewals	<ul style="list-style-type: none"> • Due every 15 years with a 6-month grace period • Restoration is not possible
Typical documentary requirements and formalities for key filings	<ul style="list-style-type: none"> • Original notarised and legalised/apostilled Power of Attorney in Spanish • Original notarised and legalised/apostilled accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ol style="list-style-type: none"> i) Assignment or licence agreements ii) Companies Registry certificates certifying changes of name / address / merger • Priority-based applications (new filings only): a scanned copy of the priority document issued by the relevant IPO is required along with a Spanish translation
Observations	<p>New applications are typically processed within 15 months in smooth cases. In 2022, the Venezuelan Intellectual Property Office (SAPI) accepted the application of the TRIPS Agreement and the Paris Convention as they relate to the criteria for the recognition of well-known trade marks in Venezuela.</p>