



Trade Marks Prosecution Fact Sheet

## Central America

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# 1 Belize

<b>Type of filings</b>	National
<b>Priority</b>	Paris Convention Priority can be claimed. Belize is a party to the Paris Convention.
<b>Single or multi-class</b>	Both single and multi-class applications are accepted; however, a maximum of five classes is allowed when filing a multi-class application
<b>Classification</b>	Nice Classification
<b>Protection of goods and services</b>	Both goods and services may be protected
<b>Term of initial registration</b>	10 years from the filing date, which is also deemed to be the effective date of registration
<b>Renewals</b>	<ul style="list-style-type: none"> <li>• Due every 10 years with a 6-month grace period</li> <li>• Restoration is by “re-registration” only – see below</li> </ul>
<b>Typical documentary requirements and formalities for key filings</b>	<ul style="list-style-type: none"> <li>• <b>Original notarised</b> Authorisation of Agent</li> <li>• <b>Original notarised</b> accompanying documents where relevant to the particular type of filing to be made, e.g.             <ul style="list-style-type: none"> <li>i) Assignment or licence agreements</li> <li>ii) Companies Registry certificates certifying changes of name / address / mergers</li> <li>iii) Statutory Declarations certifying changes of name / address / mergers</li> </ul> </li> <li>• <b>Priority-based applications (new filings only):</b> a certified hard copy priority document in English issued by the relevant IPO</li> <li>• <b>Use:</b> It is necessary to state on filing whether new applications are based on an intent to use the mark in Belize or actual use. No evidence is required on filing</li> </ul>

Office actions are almost always issued in respect of new filings and typically concern:

- specification queries (as of 27 September 2021, BELIPO accepts goods and services in the BELIPO database and the Harmonised database of the EUIPO’s TMClass. Classification guidance is also available on Caribbean TM Class: [Classification Assistance - TMclass \(europa.eu\)](https://europa.eu/ClassificationAssistance-TMclass).)

**Observations**

- requests for disclaimers in respect of any descriptive words / words lacking distinctiveness and/or requests to demonstrate acquired distinctiveness

After the expiry of the 6-month grace period for renewal, “restoration” is available within 1 year from expiry. However, this form of restoration is different to that applied in the UK and other Islands which allow for restoration. Rather, restoration in Belize is by “re-registration” only. A new application must be filed to restore the registration to the Register once it has been removed. Strangely, the original filing date is not retained, but the original trade mark number is.

## 2 Costa Rica

<b>Type of filings</b>	National
<b>Priority</b>	Paris Convention Priority can be claimed. Costa Rica is a party to the Paris Convention.
<b>Single or multi-class</b>	Both single and multi-class applications are accepted
<b>Classification</b>	Nice Classification
<b>Protection of goods and services</b>	Both goods and services may be protected
<b>Term of initial registration</b>	10 years from the filing date, which is also deemed to be the effective date of registration
<b>Renewals</b>	<ul style="list-style-type: none"> <li>• Due every 10 years with a 6-month grace period</li> <li>• Restoration is not possible</li> </ul>
<b>Typical documentary requirements and formalities for key filings</b>	<ul style="list-style-type: none"> <li>• <b>Original signed</b> Power of Attorney in Spanish</li> <li>• <b>Original notarised and legalised</b> accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g.             <ol style="list-style-type: none"> <li>i) Assignment or licence agreements</li> <li>ii) Companies Registry certificates certifying changes of name / address / merger</li> </ol> </li> <li>• <b>Priority-based applications (new filings only):</b> a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation</li> </ul>
<b>Observations</b>	<p>New applications are typically processed within 8 months in straight forward cases. However, office actions are often issued in respect of new filings and typically concern:</p> <ul style="list-style-type: none"> <li>• a request for disclaimers in respect of any descriptive words and/or words lacking distinctiveness</li> <li>• a likelihood of confusion with earlier applications/registrations</li> </ul> <p>Letters of consent and co-existence agreements are not binding on the Registry of Intellectual Property and are not usually accepted to overcome office actions based on a likelihood of confusion. However, decisions of overseas IPOs in respect of similar/identical marks may be persuasive to overcome such office actions.</p>

## 3 El Salvador

<b>Type of filings</b>	National
<b>Priority</b>	Paris Convention Priority can be claimed. El Salvador is a party to the Paris Convention.
<b>Single or multi-class</b>	Both single and multi-class applications are accepted
<b>Classification</b>	Nice Classification
<b>Protection of goods and services</b>	Both goods and services may be protected
<b>Term of initial registration</b>	10 years from the filing date, which is also deemed to be the effective date of registration
<b>Renewals</b>	<ul style="list-style-type: none"> <li>• Due every 10 years with a 6-month grace period</li> <li>• Restoration is not possible</li> </ul>
<b>Typical documentary requirements and formalities for key filings</b>	<ul style="list-style-type: none"> <li>• <b>Original notarised and legalised</b> Power of Attorney in Spanish</li> <li>• <b>Original notarised and legalised</b> accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ul style="list-style-type: none"> <li>i) Assignment or licence agreements</li> <li>ii) Companies Registry certificates certifying mergers</li> </ul> </li> <li>• <b>Priority-based applications (new filings only):</b> a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation</li> </ul>
<b>Observations</b>	<p>New applications are typically processed within 8 months and office actions are seldom issued. Where issued, they typically concern:</p> <ul style="list-style-type: none"> <li>• a request for disclaimers in respect of any descriptive words and/or words lacking distinctiveness</li> <li>• a likelihood of confusion with earlier applications/registrations</li> </ul> <p>Letters of consent and co-existence agreements (notarized and legalized) are usually accepted to overcome citations based on a likelihood of confusion with earlier registrations.</p>

## 4 Guatemala

<b>Type of filings</b>	National
<b>Priority</b>	Paris Convention Priority can be claimed. Guatemala is a party to the Paris Convention.
<b>Single or multi-class</b>	Single class only
<b>Classification</b>	Nice Classification
<b>Protection of goods and services</b>	Both goods and services may be protected
<b>Term of initial registration</b>	10 years from the registration date
<b>Renewals</b>	<ul style="list-style-type: none"> <li>• Due every 10 years with a 6-month grace period</li> <li>• Restoration is not possible</li> </ul>
<b>Typical documentary requirements and formalities for key filings</b>	<ul style="list-style-type: none"> <li>• <b>Original notarised and legalised</b> Power of Attorney in Spanish</li> <li>• <b>Original notarised and legalised</b> accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ul style="list-style-type: none"> <li>i) Assignment or licence agreements</li> <li>ii) Companies Registry certificates certifying changes of name / address / merger</li> </ul> </li> <li>• <b>Priority-based applications (new filings only):</b> a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation</li> </ul>
<b>Observations</b>	<p>New applications are typically processed within 8 to 12 months in straight forward cases. Office actions are seldom issued in respect of new filings. Letters of consent and co-existence agreements are usually accepted to overcome citations based on a likelihood of confusion with earlier applications/registrations.</p>

## 5 Honduras

<b>Type of filings</b>	National
<b>Priority</b>	Paris Convention Priority can be claimed. Honduras is a party to the Paris Convention.
<b>Single or multi-class</b>	Single class only
<b>Classification</b>	Nice Classification
<b>Protection of goods and services</b>	Both goods and services may be protected
<b>Term of initial registration</b>	10 years from the registration date
<b>Renewals</b>	<p><b>Renewals:</b> Due every 10 years with a 6-month grace period. Restoration is not possible.</p> <p><b>Annual Fees:</b> Separate and apart from renewals, annual fees are due each year following the date of registration. Registered rights remain in good standing so long as all annuities are paid by the renewal date. They can also be paid in advance up to the next renewal date if desired. Furthermore, it is not possible to renew registrations until all fees are paid up to date.</p>
<b>Typical documentary requirements and formalities for key filings</b>	<ul style="list-style-type: none"> <li>• <b>Original notarised and legalised</b> Power of Attorney in Spanish</li> <li>• <b>Original notarised and legalised</b> accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g.             <ol style="list-style-type: none"> <li>i) Assignment or licence agreements</li> <li>ii) Companies Registry certificates certifying changes of name / address / merger</li> </ol> </li> <li>• <b>Priority-based applications (new filings only):</b> a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation</li> </ul>
<b>Observations</b>	<p>New applications are typically processed within 12 months in straight forward cases. Office actions are seldom issued in respect of new filings. Letters of consent and co-existence agreements are usually accepted to overcome citations based on a likelihood of confusion with earlier applications/registrations.</p> <p>An optional rehabilitation tax (separate and distinct from annual fees) can be paid at the end of any three-year period of consecutive non-use. The payment of this tax cures the non-use of the registration. So long as the tax is paid, any application made by a third party to cancel a registration on grounds of non-use will be unsuccessful.</p>

## 6 Nicaragua

<b>Type of filings</b>	National
<b>Priority</b>	Paris Convention Priority can be claimed. Nicaragua is a party to the Paris Convention.
<b>Single or multi-class</b>	Both single and multi-class applications are accepted
<b>Classification</b>	Nice Classification
<b>Protection of goods and services</b>	Both goods and services may be protected
<b>Term of initial registration</b>	10 years from the registration date
<b>Renewals</b>	<ul style="list-style-type: none"> <li>• Due every 10 years with a 6-month grace period</li> <li>• Restoration is not possible</li> </ul>
<b>Typical documentary requirements and formalities for key filings</b>	<ul style="list-style-type: none"> <li>• <b>Original notarised and legalised</b> Power of Attorney in Spanish</li> <li>• <b>Original notarised and legalised</b> accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g. <ul style="list-style-type: none"> <li>i) Assignment or licence agreements</li> <li>ii) Companies Registry certificates certifying changes of name / address / merger</li> </ul> </li> <li>• <b>Priority-based applications (new filings only):</b> a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation</li> </ul>
<b>Observations</b>	<p>New applications are typically processed within 6 months in straight forward cases. Office actions are seldom issued in respect of new filings and typically concern a likelihood of confusion with earlier applications/registrations where issued. Letters of consent and co-existence agreements can be submitted in support of arguments to overcome a citation in respect of an earlier similar/identical mark, but this does not guarantee acceptance by the Registrar.</p>

## 7 Panama

<b>Type of filings</b>	National
<b>Priority</b>	Paris Convention Priority can be claimed. Panama is a party to the Paris Convention.
<b>Single or multi-class</b>	Both single and multi-class applications are accepted
<b>Classification</b>	Nice Classification
<b>Protection of goods and services</b>	Both goods and services may be protected
<b>Term of initial registration</b>	10 years from the filing date, which is also deemed to be the effective date of registration
<b>Renewals</b>	<ul style="list-style-type: none"> <li>• Due every 10 years with a 6-month grace period</li> <li>• Restoration is not possible</li> </ul>
<b>Typical documentary requirements and formalities for key filings</b>	<ul style="list-style-type: none"> <li>• <b>Original notarised and legalised</b> Power of Attorney in Spanish</li> <li>• <b>Original notarised and legalised</b> accompanying documents in Spanish where relevant to the particular type of filing to be made, e.g.             <ol style="list-style-type: none"> <li>i) Assignment or licence agreements</li> <li>ii) Companies Registry certificates certifying changes of name / address / merger</li> </ol> </li> <li>• <b>Priority-based applications (new filings only):</b> a certified hard copy priority document issued by the relevant IPO is required along with a Spanish translation</li> </ul>
<b>Observations</b>	New applications are typically processed within 8 to 12 months in straight forward cases. Office actions are seldom issued in respect of new filings. Letters of consent and co-existence agreements (notarized and legalized) are usually accepted to overcome citations based on a likelihood of confusion.