



# HUB INFORMATION SHEET

DANIEL

# DANIEL LATAM HUB

## WHY SEEK TRADEMARK PROTECTION IN LATIN AMERICA?

Registering trademarks provides diverse benefits, **including national and local protection of your brand**, making it easier for your business to be present in the media / social media. It also provides you with **options in the case of infringement**.

To **register a trademark** in all countries of Latin America, you must apply for **registration** in each of the countries where you are seeking **trademark protection**.

## WHY DANIEL LATAM HUB?

- Single point of contact / single invoice for multi-jurisdictional work
- Pre-agreed professional fees (2 schedules: Continental Latin America and Caribbean)
- Simplified IP procedures and expertise across the whole region (19 jurisdictions)
- Proprietary case management system (new simplified process)
- Simplified process of legalization of powers of attorney (meeting national specificities)

“ *Greater budget predictability and more competitive rates for our customers* ”

“*Taking care of all the bureaucracy for our clients*”

“*A comprehensive regional perspective for your business*”

## IN HOW MANY COUNTRIES CAN I REGISTER MY TRADEMARK WITH DANIEL LATAM HUB?

With Daniel LATAM HUB you can register your trademark in 19 Latin American jurisdictions:

Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica,

Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Uruguay and Venezuela.

## WHAT ARE THE TRADEMARK REGISTRATION STAGES?

Throughout the region, we can outline 6 general registration stages (these may vary depending on national context):

1. Filing: information gathering / filing of supporting documents
2. First Examination: documents are examined for application requirements
3. Publication: application is published giving notice to interested third parties
4. Substantive examination: National Trademark Office verifies whether trademark meets the registration requirements
5. Final Decisions: If requirements met, Trademark Office proceeds with registration
6. Issuing of the certificate: Registration Certificate is issued by Trademark Office

## WHAT EVENTS MAY HAPPEN IN THE REGISTRATION PROCESS?

When a trademark application meets all the requirements, the Patent and Trademark Office (PTO) registers it. However, there are a number of other events that may occur during the process:

**Office action:** the trademark office may make a request for further information or the production of documents (a response is mandatory)

**Opposition:** Third parties who believe the new trademark violates their rights can file an opposition (A response is mandatory, proving that the opposition had no basis)

**Refusal:** the Trademark Office issues may issue a resolution setting out the legal reasons why the registration of the trademark registration was denied

**Reconsideration and appeal:** In all cases (registration or denial) the dissatisfied party can appeal the decision. There is no certainty of trademark registration during appeals



# DANIEL LAW TRADEMARK CLIENT GUIDE

## 1. ARGENTINA

### INFORMATION / DOCUMENTATION to get started:

1. Name of the trademark
2. Copy of the mark (unless mark is word only)
3. Classes and specification of goods
4. Applicant's name and address
5. Power of Attorney (notarized and legalized / apostilled)
6. Certified copy of priority document (if priority is claimed)

Usually between **15-18 months** to process application for registration

### OTHER FACTORS:

- The International Classification system is used (Paris Convention priority can be claimed)
- Multi-class applications are allowed
- For preliminary searches all that is required is the name of the trademark and a copy of the mark (results usually provided within 2 weeks)

### RENEWAL:

A trademark registration is valid for 10 years after which it can be renewed for same period (application for renewal must be filed before the expiration date)

We notify our clients of the 2 months before expiry date). For renewal, we require:

- Power of Attorney (duly notarized and legalized / apostilled)

It usually takes between **8-12 months** to process an application for renewal

### ABANDONMENT:

Please inform us as soon as possible if you wish to abandon your trademark

or allow it to lapse so that we can update our records and advise the Argentinian Trademark office accordingly.

### ASSIGNMENT:

Please inform us as soon as possible if the trademark has been assigned so that we can file an application to record

the assignment in Argentina. To do so, we require:

## RENEWAL:

- The Deed of Assignment
- Power of Attorney (notarized and legalized / apostilled)

It usually takes between **5-6 months** to process an application to record an assignment.

## CHANGE OF PARTICULARS:

Please inform us as soon as possible if there is any change to the registration so that we can file an application to record the change in Argentina. To record a change of name and/or address for a trademark registration we require:

- The document evidencing the change (notarized)
- Power of Attorney (notarized and legalized / apostilled)

It usually takes between **5-6 months** to process an application to record a Change of Particulars.



## DANIEL LAW TRADEMARK CLIENT GUIDE

### 2. MEXICO

#### INFORMATION / DOCUMENTATION to get started:

1. Name of the trademark
2. Copy of the mark (unless word only)
3. Classes and specification of goods and/or services
4. Applicant's name and address
5. Copy of priority document (if priority is claimed)

It usually takes about **6 months** to process an application for registration.

#### OTHER FACTORS:

- Paris Convention priority can be claimed following the third anniversary of the date of registration
- A Declaration of Use must be submitted within three months
- The International Classification system is used
- Multi-class applications are not allowed. A separate application is required for each class of goods and/or services

- For preliminary searches, all that is required is the name of the trademark and one copy of the mark (unless word only). The result can usually be provided within a week

### **RENEWAL:**

A trademark registration is valid for 10 years after which it can be renewed for same period (application for renewal must be filed before the expiration date)

We notify our clients of the 2 months before expiry date). For renewal, we require:

- Declaration of use

The application for renewal should be filed within 6 months prior to the expiration date of the registration (a 6 month grace-period applies from the expiration date)

It usually takes between **4 - 6 months** to process an application for renewal.

### **ABANDONMENT:**

Please inform us as soon as possible if you wish to abandon your trademark or allow it to lapse so that we can update our records and advise the Mexican Trademark Office accordingly.

### **ASSIGNMENT:**

Please inform us as soon as possible if the trademark has been assigned so that we can file an application to record the assignment in Mexico. To do so, we require:

- Deed of Assignment (notarized and legalized / apostilled by the Mexican Consulate)
- Power of Attorney.

It usually takes less than **6 months** to process an application to record an assignment.

### **CHANGE OF PARTICULARS:**

Please inform us as soon as possible if there is any change to the registration so that we can file an application to record the change in Mexico. To do so, we require:

- Document evidencing the change (notarized and legalized / apostilled by the Mexican Consulate)
- Power of Attorney.

It usually takes **about 6 months** to process an application to record a change of particulars.

**DANIEL**

[www.daniel-ip.com](http://www.daniel-ip.com)