

Clarke, Modet & C^o

ESTABLISHED IN 1879

Trademark Protection in Latin America

- Different types of trademarks

IP Leaders in Spanish and Portuguese speaking countries



Latin America



Central American Common Market



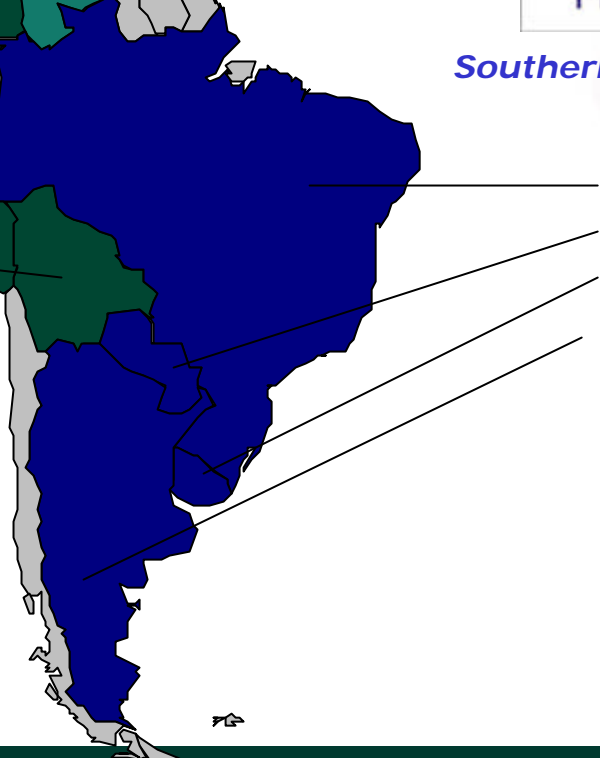
Southern Common Market

- Venezuela (Withdraw 2006)
- Colombia
- Ecuador
- Peru
- Bolivia

- Brazil
- Paraguay
- Uruguay
- Argentina



The Andean Community



Registration Procedure

Common Phases in Trademark Prosecution

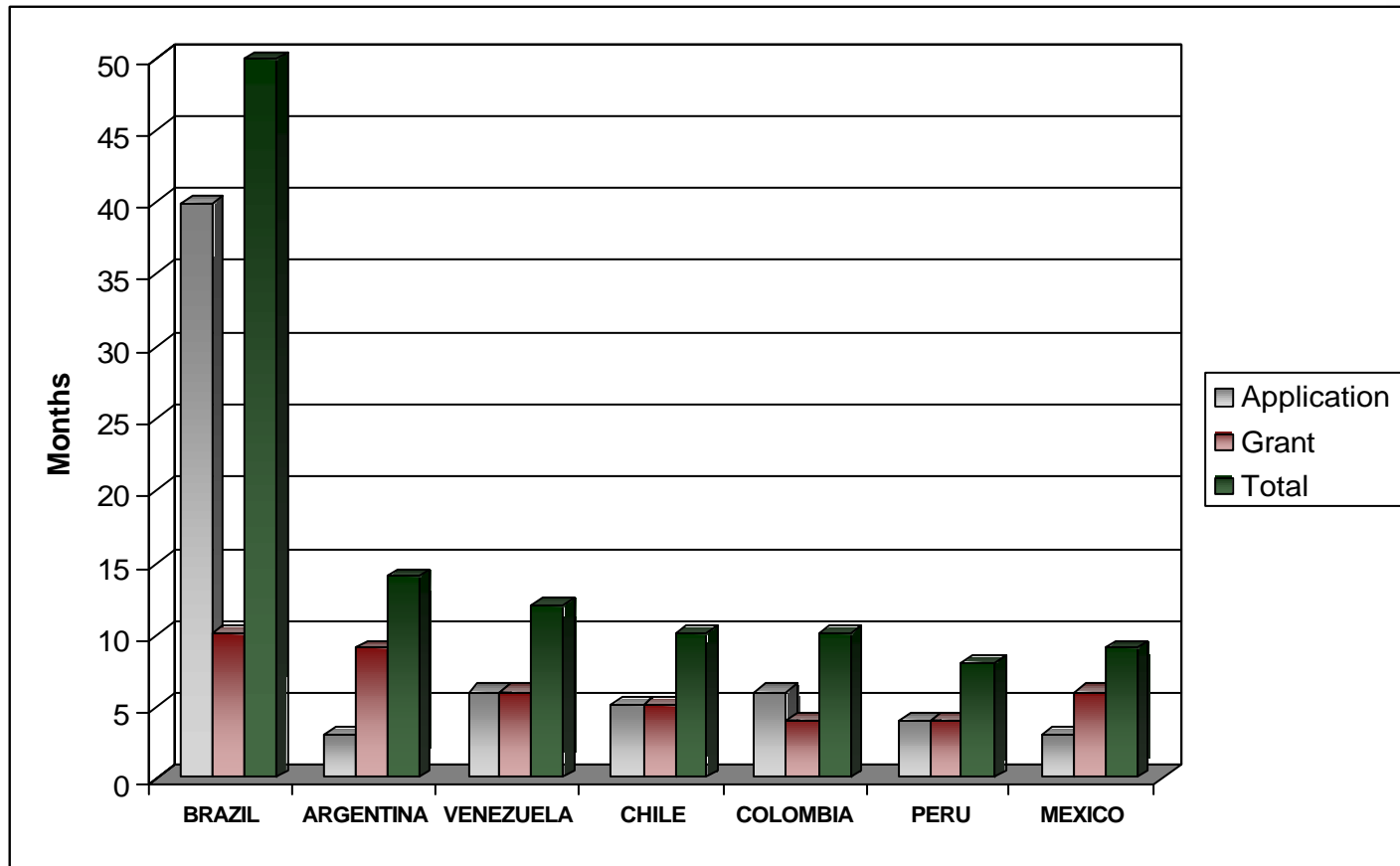
- a) Filing of an application before the local P & TO
- b) Examination of Formal requirements
- c) Publication (except Mexico)
- d) Opposition (except Mexico)
- e) Substantial Examination
- f) Registration



Important changes in Venezuela

- ➔ Withdrawal from the Andean Community
 - The provisions of Venezuela's 1955 Intellectual Property Law reapply instead of the Andean Community Decision 486
- ➔ Mandatory publication of applications in the newspaper (€1,500)
- ➔ Use of the local 1956 classification rather than the Nice classification
- ➔ 15 years registration term instead of 10 years
- ➔ No grace period for renewals
- ➔ Late filing of documents not allowed

Granting time: how long does it take to obtain a trademark?



Traditional Trademarks

SONY

Wordmarks



Logos



YAMAHA

Word & device marks



3D Marks

Non-Traditional Trademarks



Sound Marks



Smell Marks

What can be protected as a trademark?

Two different approaches:

1. Signs capable of being represented graphically

Argentina, Chile, Central America (El Salvador and Costa Rica), Paraguay, Spain

Traditional signs

Sounds

Smells

2. Signs visually perceptible

Brazil, Andean Community, Mexico, Uruguay, Venezuela

Traditional signs

Slogans as Trademarks

(Lema Comercial)

- 1. Specially regulated**
- 2. Always associated with a trademark registration**
- 3. Inseparable from the trademark**
- 4. Cannot be combined with figurative elements**



Word Marks

Be careful with symbols (+ - % ! ...):

New Harmony >> New Solutions = not a word mark in Mexico



Strategy – Word mark, device or both?

- **How are you going to use the trademark?**
- **What part of the trademark do you consider valuable?**
- **Defensive or Offensive strategy?**
- **What is your budget?**

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