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## INTELLECTUAL PROPERTY BULLETIN

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**BULLETIN:**

**INTELLECTUAL  
PROPERTY**

**ONE STOP  
NOVEMBER/2018**



## **BOLIVIA, COLOMBIA, ECUADOR AND PERU**

### **CANCELLATION OF TRADEMARKS DUE TO VULGARIZATION**

It is possible to cancel a trademark registration that has become usual or generic, hence losing its distinctiveness, ex-officio or at the request of an interested third party in any of the Andean Community Countries.

Said action may also be used to protect minority rights. Most recently the Colombian Trademark Office (SIC) ordered the cancellation due to vulgarization of trademark VICHE DEL PACIFICO in class 33 (alcoholic beverages), arguing that it affected the rights and heritage of the Pacific ethnical minorities of African descent, since the beverage was developed due to their traditional knowledge passed from generation to generation and incorporates their cultural identity.





## ARGENTINA

### NEW ARGENTINEAN REGULATIONS FOR INDUSTRIAL DESIGNS

Decree No. 27/2018 provides a series of new regulations and simplification of procedures regarding industrial designs, among other patents and trademark procedures.

For instance, the regulation establishes a new grace period of six months to reinstate the expired design, counted as of its expiration date. It also provides that the renewal of the design has to be filed within the last six months of the lifetime of the design –and not within 6-9 months prior to its expiration date as the current law provides.

Moreover, the Decree aims for the simplification of the registration procedure, enabling both multiple applications and divisional applications.

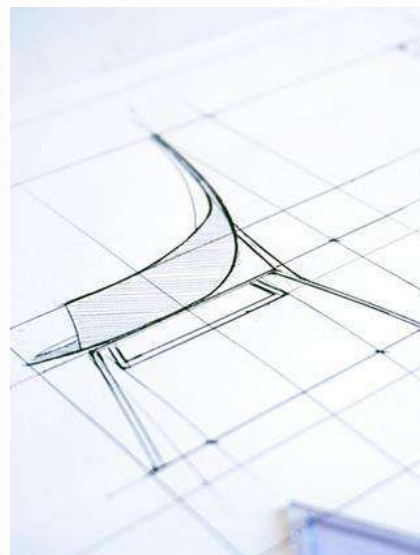
## BRAZIL

### PPH BETWEEN BRAZIL AND UNITED KINGDOM CAME INTO FORCE

The Patent prosecution Highway (PPH) between the Brazilian Patent and Trademark Office (BPTO) and the British Patent Office (UKIPO) came into effect on August 1 of this year, one month earlier than expected.

Both countries aim to increase the efficiency of patent application reviews with this agreement and look forward to continue to expand the possibility to have “expedited” analysis programs with other Patent and Trademark Offices around the world. As a result, the two-year program is expected to accept up to 100 applications per year.

Notwithstanding the various eligible IPC codes of the technical fields, the patent applications related to the pharmaceutical field are not eligible for this program.





## COLOMBIA

### REGISTRATION OF EXISTING CANNABIS SEEDS

Article 2 of Decree 631 of 2018 established a new time limit for those involved in the production of seeds for the planting of psychoactive and non-psychoactive cannabis plants.

December 21st 2018 will be the deadline to file the procedure of seed producer before the Colombian Agricultural Institute (ICA), filed along with the technical specifications of the cultivars to be used as seed source. One this term expires, no additional technical sheets of cultivars will be able to be filed.

Said article makes it clear that the aforementioned does not exempt the registration of cultivars before the National Register of Commercial Cultivars, as provided by the ICA.

## COLOMBIA

### TARIFF IMPORTANCE OF THE INVIMA CERTIFICATIONS

The Council of State, in Judgement from July 12th, emphasized on the direct relationship between the Invima Certifications and the corresponding tariff classifications of the products.

In this regard, it noted that the certifications and records issued by said health authority serve as relevant basis for the tariff classification of the products, due to the credibility of the medical and pharmacological criteria.

It also confirmed that the detailed nature or characterization of a product by the Invima constitutes significant evidence in order to classify tariff merchandise, since it relies on the precise identification of the product.



## ECUADOR

### CREATION OF CENTER FOR MEDIATION IN INTELLECTUAL PROPERTY MATTERS

The General Directors of the Ecuadorian Intellectual Property Office (SENADI) and the World Intellectual Property Organization (WIPO), have signed a memorandum of understanding during WIPO's 58th General Assembly, to implement a Center for Mediation in Intellectual Property Matters in Ecuador.

The Center's purpose will be to find immediate solutions to conflicts benefiting all parties involved, by holding between one to three hearings per case, avoiding long and costly legal procedures. For this purpose, SENADI undertook to train its facilitators.