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REVISED, COORDINATED AND SYSTEMATIZED TEXT OF THE INDUSTRIAL PROPERTY LAW

Decree with Force of Law 3 – Santiago, March 9, 2006 – Given:
The provisions of Article 64, subparagraph 5, of the Political Constitution of the Republic.

Decree with force of law:

Sole Article – The following text shall be considered the revised, coordinated and systematized version of Law No. 19,039, the Industrial Property Law.

INDUSTRIAL PROPERTY LAW	Law 19,996 Sole Art., No. 1
TITLE I Preliminary provisions	Law 19,996 Sole Art., No.1
Paragraph 1 Scope of application	Law 19,996 Sole Art., No. 2
Article 1. – Regulations pertaining to the existence, scope and exercise of industrial property rights shall be governed by this Law. These rights shall cover marks, patents, utility models, industrial designs, layout designs or topographies of integrated circuits, geographical indications and appellations of origin and any other titles of protection that may be established by law. Similarly, this Law shall criminalize conduct deemed unfair in respect of the protection of undisclosed information.	Law 19,996 Sole Art., No. 3
Article 2. – Any person, whether natural person or legal entity, Chilean or foreign, may enjoy the industrial property rights guaranteed by the Political Constitution, having previously to obtain the relevant title of protection in accordance with the provisions of this Law. Natural persons or legal entities	Law 19,039 Art. No. 2

<p>resident abroad shall, for the purposes of this Law, appoint an agent or representative in Chile.</p> <p>Industrial property rights that have been registered in accordance with the law shall enter fully into force on the date of registration, without prejudice to any rights that may fall to the applicant or other rights established under this Law.</p>	<p>Law 19,996 Sole Art., No. 4</p>
<p>Article 3.– The processing of applications, the grant of titles and other services relating to industrial property shall be the responsibility of the Department of Industrial Property, hereinafter referred to as “the Department”, under the Ministry of Economy, Development and Reconstruction.</p> <p>Applications may be submitted in person or through an agent.</p> <p>This Law shall guarantee that the protection afforded by the industrial property rights regulated therein shall duly safeguard and ensure respect for both the biological and genetic heritage and national traditional knowledge. The grant of industrial property rights involving protectable elements, which have been developed from the material obtained from said heritage or such knowledge, shall be subject to the condition that such material was acquired according to the legal system in force.</p>	<p>Law 19,996 Sole Art., No. 5</p>
<p>Paragraph 2</p> <p>General procedures for opposition and registration</p> <p>Article 4.– Where a registration application has been filed and accepted for processing, publication of an extract therefrom in the Official Gazette [<i>Diario Oficial</i>], in the manner and within the periods established in the Regulations, shall be mandatory. Errors of publication which, in the opinion of the Head of the Department are not substantive, may be rectified by means of a decision ordering such correction in the respective file. In the event of substantive errors, the Head of the Department shall order a new publication, which must be made within 10 days, beginning from the date of the decision ordering the new publication.</p>	<p>Law 19,996 Sole Art., No. 6</p> <p>Law 19,996 Sole Art., No. 7</p>
<p>Article 5.– Any interested party may file an opposition with the Department to the application for a mark, patent, utility model, industrial design, layout designs or topographies of integrated circuits, geographical indications or appellations of origin. The opposition shall be filed within a period of 30 days beginning from the date of publication of the respective extract.</p> <p>The period indicated in the previous subparagraph shall be 45 days in the case of applications for patents, utility models, industrial designs, layout designs or topographies of integrated circuits, geographical indications and appellations of origin.</p> <p>In any dispute settlement procedures where the Department is acting as a court of first instance, parties shall appear represented by an authorized lawyer, according to the provisions of Law No. 18,120.</p>	<p>Law 19,996 Sole Art., No. 8</p> <p>Law 20,160 Sole Art., No. 1 D.O. January 26, 2007</p>
<p>Article 6.– Following the periods specified in the preceding Article, the Head of the Department shall commission an expert report on applications for patents, utility models, industrial designs or layout designs (topographies) of</p>	<p>Law 19,996 Sole Art., No. 9</p>

integrated circuits, in order to verify that it meets the conditions laid down in Articles 32, 56, 62, and 75 of this Law, as appropriate.	
<p>Article 7.– Once the expert report has been commissioned, it must be issued within 60 days as from the date the expert accepts the mission. This period may be extended by an additional 60 days where the Head of the Department deems it necessary.</p> <p>The report of the expert shall be notified to the parties, who shall have 60 days beginning from such notification, to make whatever comments they may consider appropriate. This period may be extended once only, during the proceedings, at the request of the party concerned, for up to 60 days. The parties' comments shall be forwarded to the expert, and he shall be given 60 days to respond thereto.</p>	Law 19,996 Sole Art. No. 10
<p>Article 8.– After the expert's report has been ordered, the applicant shall have 60 days to provide proof of payment of the corresponding fee. Should he fail to make payment within this period, the application shall be deemed to have been abandoned. In special cases, at the request of the expert, the Head of the Department shall set a specific amount to cover the cost of carrying out the examination, which the applicant shall pay within 30 days. Said cost shall be borne by the applicant for the patent, utility model, industrial design, layout design or topography of an integrated circuit or by the person requesting that the titles be invalidated.</p>	Law 19,996 Sole Art., No. 11
<p>Article 9.– In procedures where an opposition has been filed, the applicant shall have 30 days to respond in the case of trademarks, and 45 days in the case of patents, utility models, industrial designs, layout designs or topographies of integrated circuits, and geographical indications and appellations of origin.</p>	Law 19,996 Sole Art., No. 12
<p>Article 10.– In the event of any disputes over relevant substantive matters, evidence shall be heard within a period of 45 days, except for trademarks, in which case the period shall be 30 days.</p> <p>This period for receiving evidence may be extended by up to 30 days, in special cases.</p>	Law 19,996 Sole Art., No. 13
<p>Article 10bis.– Where evidence is received, the accompanying documents shall be submitted in Spanish or duly translated, should the Department so require.</p> <p>Once the parties have been summoned to hear the sentence, no briefs or evidence of any kind shall be accepted, except those referring to the assignment of applications, settlements, withdrawal or limitation of the petition.</p>	Law 20,160 Sole Art., No. 2 D.O. January 26, 2007
<p>Article 11.– The periods of days specified in this Law and the Regulations thereunder shall be irrevocable and shall refer to working days, with Saturday not being considered a working day for those purposes.</p>	Law 19,996 Sole Art., No. 14

<p>Article 12.– In these procedures, the parties may avail themselves of all the usual forms of evidence in such matters, and also those indicated in the Code of Civil Procedure, with the exception of testimony.</p> <p>The provisions of the second paragraph of Section 64 of the said Code shall also be applicable in these procedures.</p>	<p>Law 19,039 Art. 12</p>
<p>Article 13.– All notifications relating to the procedure for the grant of an industrial property right, oppositions, revocation and, in general, any matter being followed within the Department, shall be made by means of the official notification lists to be prepared by it. Said listings may consist of one or more lists. Any decision included in said listings shall be deemed to have been properly notified.</p> <p>Notification of opposition to an application for registration shall be made via registered letter sent to the domicile which the applicant indicated in the file.</p> <p>In such cases, notification shall be deemed to have been made three days after the letter has been mailed, and shall consist of the sending of a full copy of the opposition and the interlocutory judgment. In the event that, in addition to the opposition, substantive comments have been made in respect of the application for registration, said decision shall also be notified by registered letter, together with the notification of opposition.</p> <p>Notification of an action to cancel a registration shall be made under the terms indicated in Articles 40 ff. of the Code of Civil Procedure, for which purpose foreign applicants shall indicate an address in Chile. A petition for revocation of a registration granted to a person without an address or residence in Chile shall be notified to the agent or representative referred to in Article 2 of this Law.</p> <p>All rulings and decisions issued in litigation proceedings before the Head of the Department shall be signed by him and by the Department’s Legal Secretary.</p> <p>All notifications to be made by the Industrial Property Tribunal shall be made through the official notifications listings, with said listings to be prepared by the Secretary of that body.</p> <p>The date and manner in which notification was made shall be recorded in the file.</p>	<p>Law 20,160 Sole Art., No. 3 D.O. January 26, 2007</p>
<p>Article 14.– Industrial property rights shall be transferable on death and may be the subject of any type of legal act, which shall be evidenced by at least a private deed signed before the notary. An extract thereof shall be noted in the margin of the respective entry.</p> <p>With regard to transfers involving pending applications for the registration of industrial property rights, a private deed signed before the notary and recorded in the respective file shall be sufficient. In all cases, trademarks shall be indivisible, and none of the elements or characteristics of the distinctive sign protected by the title may be either partly or separately transferred. However, it shall be possible to transfer partly a trademark protected by a registration which includes one or more registered classes that are not related, whereas the rest of the registration shall remain the property of the rights holder.</p> <p>Geographical indications and appellations of origin shall be covered by the provisions of Article 92 of this Law.</p>	<p>Law 19,996 Sole Art., No. 15</p> <p>RECTIFICATION D.O. July 25, 2006</p>
<p>Article 15.– Powers relating to industrial property may be granted via</p>	<p>Law 19,039</p>

<p>public or private instrument signed before a notary or before the competent civil registration official in communes where there is no notary. Mandates from outside the country may be authorized or authenticated in the presence of the competent Chilean Consul without any subsequent formality, or in the manner established in Section 345 of the Code of Civil Procedure.</p> <p>Article 16.– In respect of the proceedings referred to in this paragraph, evidence shall be assessed in due conscience.</p>	<p>Art. 15</p> <p>Law 19,996 Sole Art., No. 16</p>
<p>Article 17.– Cases concerning opposition, the invalidation of registrations or transfers and any complaint concerning the validity or effects thereof or concerning industrial property rights in general shall be brought before the Head of the Department in accordance with the formalities laid down in this Law.</p> <p>The ruling shall be accompanied by a statement of reasons and shall conform to the provisions of Article 170 of the Code of Civil Procedure, as appropriate.</p>	<p>Law 19,996 Sole Art., No. 17</p>
<p>Article 17bis A.– Within 15 days beginning from the date of its notification, in both the first and second instances, the decisions handed down in proceedings involving an opposition that contains or is based on manifest errors of fact may be remedied <i>ex officio</i> or at the request of a party. In respect of decisions handed down in proceedings with no opposition, these may be corrected in the same way, up until the expiration of the period set for appealing the decision that puts an end to the registration procedure.</p>	<p>Law 19,996 Sole Art., No. 18</p>
<p>Article 17bis B.– An appeal may be made against decisions handed down in first instance by the Head of Department regardless of whether an opposition has been raised. Such appeal shall be lodged within a period of 15 days beginning from the time of notification thereof, and shall be heard by the Industrial Property Tribunal.</p> <p>The appeal shall be granted on either side and shall have effect against decisions of a final or interlocutory nature.</p> <p>An appeal in cassation on the merits may be lodged with the Supreme Court, against final rulings in second instance.</p> <p>Appeals shall be made and processed according to the relevant provisions of the Organic Court Code and the Code of Civil Procedure.</p> <p>Nevertheless, the appellant shall not be required to appear before the Industrial Property Tribunal to pursue such an appeal.</p>	<p>Law 19,996 Sole Art., No. 18</p> <p>Law 20,160 Sole Art., No. 4 D.O. January 26, 2007</p>
<p>Paragraph 3</p> <p>Industrial Property Tribunal</p>	<p>Law 19,996 Sole Art., No. 19</p>
<p>Article 17bis C.– The Industrial Property Tribunal, hereinafter referred to as “the Tribunal”, shall be a special, independent jurisdictional body, subject to the administrative, corrective and financial supervision of the Supreme Court, having its seat in the city of Santiago.</p> <p>The Court shall comprise six judges and four alternates. Each judge shall</p>	<p>Law 19,996 Sole Art., No. 20</p>

<p>be appointed by the President of the Republic, by means of a supreme decree issued by the Ministry of Economy, Development and Reconstruction, from among a list proposed by the Supreme Court, prepared on the basis of a public call for the provision of antecedents. Such call must meet conditions of objectivity, openness, transparency and non-discrimination, established pursuant to a ruling issued by the Supreme Court.</p> <p>Members of the Tribunal must prove that they have held a law degree for at least five years. Specialized knowledge of industrial property shall further be required in the selection of four of the judges and two of the alternates.</p>	
<p>Article 17bis D.– The Tribunal shall generally hold sessions in two chambers and exceptionally in three. Each chamber shall have at least two judges. To decide on cases brought before it, each chamber shall hold hearings at least three days a week.</p> <p>The quorum for holding hearings shall be three members.</p> <p>Decisions shall be taken by simple majority. In case of a tie, the presiding judge shall have the casting vote. In respect of all other procedural matters, the provisions of the Code of Organization of the Judiciary shall be followed.</p> <p>In complex cases, the Tribunal may also order an expert report and decide who shall bear the costs thereof, without prejudice to any final decision in respect of litigation costs. In cases heard by the Tribunal, other than those related to trademarks, and at the request of any of the parties, the Tribunal shall order the report of one or more experts. In such cases, these experts shall participate in the deliberations, with voting rights.</p> <p>The President of the Tribunal, as well as the President of each chamber, shall be elected by the respective titular members.</p>	<p>Law 19,996 Sole Art., No. 20</p> <p>RECTIFICATION D.O. July 25, 2006</p>
<p>Article 17bis E.– The monthly remuneration of the members of the Tribunal shall amount to 50 monthly accounting units for judges and 20 monthly accounting units for alternates.</p> <p>Each member of the Tribunal shall further receive the amount of 0.4 monthly accounting units for each case heard and decided. However, the total amount that each member may receive every month in this regard may not exceed 50 monthly accounting units.</p>	<p>Law 19,996 Sole Art. No. 20</p>
<p>Article 17bis F.– Members of the Tribunal shall be subject to the grounds for challenge for cause or recusal laid down in Articles 195 and 196 of the Code of Organization of the Judiciary.</p> <p>Such grounds for recusal shall also apply to each member of the Tribunal if in a case being heard by him, his spouse or any relative up to the third degree of consanguinity or second degree of affinity; or people who are linked to him by the entailment of adoption have interests involved, or companies where these same people are their legal agents, attorneys, directors, managers or perform other high-level administrative tasks, or own directly, or through natural persons or legal entities, a percentage of the company which will enable them to participate in its administration, or elect or have elected one or more of its administrators.</p> <p>The grounds invoked may be accepted by the affected member. If not, the case shall be heard by the Tribunal, with the exclusion of such member. A fine payable to the State shall be applied of up to 20 monthly tax units to the party that invoked the grounds for recusal or disqualification, if the motion was unanimously rejected.</p>	<p>Law 19,996 Sole Art., No. 20</p>

<p>If, for any reason whatsoever, the Tribunal lacks a quorum to function in at least one chamber, judges of the Santiago Appeals Court may stand in accordance with the provisions of the Code of Organization of the Judiciary.</p> <p>The rules set out in Articles 319 to 331 of the Code of Organization of the Judiciary shall apply to the members of the Tribunal, with the exception of the provisions of Article 322.</p> <p>Members and alternates of the Tribunal shall serve three-year terms, and may be reappointed for new consecutive terms.</p>	
<p>Article 17bis G.— Members of the Industrial Property Tribunal shall leave office for the following reasons:</p> <ul style="list-style-type: none"> (a) expiration of the legal term of appointment; (b) voluntary resignation; (c) reaching the age of 75; (d) dismissal from office for serious dereliction of duties; (e) sudden disability. This means anything that prevents the member from performing his duties for a total period of three consecutive months or six months in a year. <p>The measures described under (d) and (e) above shall be given effect by the Supreme Court, at the request of the President of the Tribunal or two of its members, without prejudice to the disciplinary prerogatives of the Supreme Court.</p> <p>The decision ordering a member’s removal shall indicate the factual grounds for dismissal and the supporting material.</p> <p>Once the dismissal has been carried out, if the remaining term exceeds 180 days, a replacement shall be appointed according to the rules laid down in Article 17bis C of this Law. In the cases described in (b), (d) and (e) above, the replacement shall serve out the remainder of the respective term in the post.</p>	<p>Law 19,996 Sole Art., No. 20</p>
<p>Article 17bis H.— The Tribunal shall have a guaranteed staff of one Attorney-Secretary, two Attorney-Court Reporters and four administrative employees, who shall belong to the Under-Secretariat of Economy, Development and Reconstruction and shall be permanently assigned to the Industrial Property Tribunal. They shall follow the rules applicable to the employees of that Under-Secretariat, except in matters where this is incompatible with the nature of their duties.</p> <p>Any of the Court Reporters may replace the Secretary, who may also in turn replace them.</p>	<p>Law 19,996 Sole Art., No. 20</p>
<p>Article 17bis I.— The Secretary, the Court Reporters and the administrative employees may, if necessary, be replaced or substituted by staff of the Under-Secretariat of Economy, Development and Reconstruction, provided that they comply with the requirements to perform the duties of the person they are replacing or substituting for, as the case may be. In addition, temporary staff may be hired should the Court so require, with prior authorization by the Budget Office.</p> <p>The furniture, equipment, materials and any service or material necessary for the normal functioning of the Tribunal shall be the administrative and financial responsibility of the Under-Secretariat of Economy, Development and Reconstruction.</p> <p>The Public Sector Budget Law shall earmark annually the necessary</p>	<p>Law 19,996 Sole Art., No. 20</p>

resources for the functioning of the Tribunal. To this end, the President of the Tribunal shall communicate the financial needs to the Minister of Economy,, Development and Reconstruction, who shall include them along with those of the Ministry, according to the rules established for the public sector.	
Article 17bis J. – The Attorney-Secretary shall directly oversee the staff assigned to the Tribunal for administrative purposes, notwithstanding other specific functions or duties assigned or delegated by the Tribunal.	Law 19,996 Sole Art., No. 20
Article 17bis K. – Before taking up their duties, the members of the Tribunal, Secretary and Reporters shall take an oath or promise to uphold the Constitution and the laws of the Republic, before the President of the Tribunal, with the Secretary acting as certifying officer. The President of the Tribunal shall then take the same oath before the most senior Minister.	Law 19,996 Sole Art., No. 20
Paragraph 4 Payment of fees	Law 19,996 Sole Art., No. 20
Article 18. – The grant of patents, utility models, industrial designs and layout designs or topographies of integrated circuits shall be subject to the payment of a fee equivalent to two monthly tax units in respect of every five-year period for which the right is granted. When an application is filed, the applicant must pay the equivalent of one monthly tax unit, failing which his application will not be processed. Once the application is accepted, the remainder of the fee for the first 10 years shall be due for patents, and for the first five years in the case of utility models, industrial designs and layout designs or topographies of integrated circuits. Should the application be rejected, the amount already paid shall inure to the benefit of the State. The payment of fees corresponding to the second 10-year or five-year period, depending on whether patents, utility models, industrial designs or layout designs or topographies of integrated circuits are involved, shall be made before the expiration date of the first 10-year or five-year period, or within the six months following the expiration of said period, subject to a surcharge of 20 per cent for each month or fraction of a month, beginning from the first month of the grace period. If payment is not made within the indicated period, the rights mentioned in this Article shall lapse.	Law 19,996 Sole Art., No. 22
Article 18bis A. – Applicants for the rights referred to in the previous Article who lack financial means may obtain registration without the need to pay fees of any kind. To enjoy such benefit, the applicant must attach to the corresponding application a sworn statement declaring a lack of financial means, together with the documents required by the Regulations under this Law. Once the benefit is granted, the rights holder shall not be obliged to make the payments referred to in the first subparagraph of Article 18, and may defer any remaining payment for the successive years, as stipulated in the Regulations. An entry shall be made in the Register concerning the deferral and the obligation to pay the deferred amount. This obligation shall apply to anyone	Law 19,996 Sole Art., No. 23

<p>who is the holder of the registration.</p> <p>Payment of the cost of the expert report referred to in Article 6 of this Law shall also be deferred, and the Head of the Department shall appoint an expert from a roster which the Department shall keep for this purpose, according to the rotation system established by the Regulations under this Law. The expert must accept the obligation under penalty of being removed from the roster, and perform it with due diligence and promptness. Similarly, an entry shall be made in the Register indicating the name of the examiner who has prepared the report and the fees charged, which must be paid on the date established in the Regulations by the person who appears as the owner of the registration.</p> <p>If the deferred expert fees are not paid on time, the Department shall declare the patent as having lapsed.</p>	
<p>Article 18bis B.– The registration of trademarks, geographical indications and appellations of origin shall be subject to the payment of a fee equivalent to three monthly tax units. When the application is filed, the applicant shall pay an application fee equivalent to one monthly tax unit, failing which his application shall not be processed. Once the application is accepted, the remainder of the fee shall be paid. If the application is rejected, the amount already paid shall inure to the benefit of the State.</p> <p>The renewal of trademark registrations shall be subject to payment of twice the fee amount indicated in the above subparagraph. Payment may be made within the six months following the expiration date of the registration, subject to a surcharge of 20 per cent of the rate for each month or fraction of a month, beginning from the first month of the expiration of the term established in Article 24 of this Law.</p> <p>Geographical indications and appellations of origin shall not be subject to payment of the renewal fee for trademarks indicated in the above subparagraph.</p>	Law 19,996 Sole Art., No. 23
<p>Article 18bis C.– The filing of appeals shall be subject to payment of a fee equivalent to two monthly tax units, and shall be accompanied by the respective proof of payment. If the appeal is accepted, the Industrial Property Tribunal shall order the reimbursement of the amount paid according to the procedure established in the Regulations.</p>	Law 19,996 Sole Art., No. 23
<p>Article 18bis D.– Transfers of ownership, licenses for use, pledges and changes of name or any other type of encumbrance affecting a patent, utility model, industrial design, trademark or layout design or topography of integrated circuits, shall be recorded following payment of a fee equivalent to one monthly tax unit. Such acts may not be invoked against third parties until they have been registered with the Department.</p>	Law 19,996 Sole Art., No. 23
<p>Article 18bis E.– All the fees provided for in the above Articles shall inure to the benefit of the State and shall be paid to the Department within a period of 60 days beginning from the date of the decision authorizing entry in the relevant register, failing which the application shall be considered abandoned and shall be shelved.</p> <p>Notification of said decision shall be made by registered letter, in the manner established in the Regulations.</p>	Law 19,996 Sole Art., No. 23

<p>Article 18bis F.– Registrations of trademarks that identify services and are restricted to one or more provinces shall be deemed to extend throughout the national territory.</p> <p>Trademark registrations to protect commercial establishments in a certain province or provinces shall be deemed to cover the whole of the region(s) in which the respective provinces are located..</p> <p>The holders of registrations mentioned in the two preceding subparagraphs who, for the purposes of this Section, extend the territorial protection of their marks, may not provide services or install commercial establishments protected by those marks in provinces in which the same or similar marks have been registered for services or establishments of the same type, on pain of liability for the offense referred to in Article 28(a) of this Law.</p>	<p>Law 19,996 Sole Art., No. 23</p>
<p>Paragraph 5</p> <p>Procedure for cancellation of a registration</p>	<p>Law 20,160 Sole Art., No. 5 D.O. January 26, 2007</p>
<p>Article 18bis G.– Any interested party may request the cancellation of a registration of an industrial property right.</p> <p>The cancellation claim shall contain at least the following information.</p> <p>(a) name, address and occupation of the claimant.</p> <p>(b) name, address and occupation of the plaintiff;</p> <p>(c) the number and date of the registration for which invalidation is sought, and individualization of the respective fee.</p> <p>(d) facts and legal reasons on which the claim is founded.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>
<p>Article 18bis H.– In the case of patents and utility models, cancellation may be requested for the whole of the registration or one or more of its claims.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>
<p>Article 18bis I.– Notice of the claim shall be served to the holder of the industrial property right or his representative. Said term shall be 60 days in the case of patents, utility models, industrial designs, layout designs or topographies of integrated circuits, geographical indications or appellations or origin. In the case of trademarks, said notice shall be 30 days.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>
<p>Article 18bis J.– Following the response to the cancellation claim for a patent, utility model, industrial design, layout design or topography of an integrated circuit, geographical indication or appellation of origin, or failing a response by the plaintiff, a report by one or more experts shall be ordered regarding the facts contained in the claim and the corresponding response. The expert shall be appointed in a hearing by mutual agreement of the parties or by the Head of the Department if there were no agreement or the hearing is not held for any reason.</p>	<p>Law 20,150 Sole Art., No. 6 D.O. January 26, 2007</p>

<p>Nevertheless, a party that deems itself aggrieved by the report issued by the expert may ask for a second report, in which case the procedure shall be that established in this Article.</p> <p>The Head of the Department may, at any time, hear the expert or experts who issued the report at the time registration was requested, as background for better resolving the matter.</p>	
<p>Article 18bis K.– If an expert is appointed by the Head of the Department, the parties may object, within five days following the decision appointing him, solely on one or more of the following grounds:</p> <p>(a) for having publicly expressed an opinion on the matter;</p> <p>(b) for relation of kinship, evident friendship or enmity with one of the parties;</p> <p>(c) for lack of aptitude or competence regarding the matter submitted for his consideration;</p> <p>(d) for having rendered professional services, dependently or independently, to any of the parties in the last five years or for having had economic or business relations with any of them during the same period.</p> <p>The other party shall be given 20 days to respond to a writ objecting to an expert, and with said response or in default thereof, the Head of the Department shall decide the issue with no further formality.</p> <p>The expert report shall be made known to the parties, who shall have 60 days to comment thereon.</p> <p>In the event of any disputes over relevant substantive matters, the Head of the Department shall set a period of 45 days for receiving evidence, which may be extended for a further 45 days in duly specified cases.</p> <p>On the basis of the views put forward by the parties and the expert report, the Head of the Department shall take a decision on the cancellation requested.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>
<p>Article 18bis L.– In trademark disputes, once the term for responding to the claim has expired and if there are disputes over relevant substantive matters, the Head of the Department shall set a period of 30 days for receiving evidence, which may be extended for a further 30 days in cases duly specified by him.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>
<p>Article 18bis M.– The rules contained in Articles 10bis, 12 and 16 of this Law shall apply to the procedure for cancellation.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>
<p>Article 18bis N.– A registration that has been cancelled shall be deemed null and void from its date of validity.</p> <p>The decision declaring the cancellation of the registration, in full or in part, shall be recorded in the margin of the respective registration.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>

<p>Article 18bis O.– The procedure set out in this paragraph shall apply to other processes within the competence of the Head of the Department, according to the provisions laid down in Article 17 of this Law.</p>	<p>Law 20,160 Sole Art., No. 6 D.O. January 26, 2007</p>
<p>TITLE II</p> <p>Trademarks</p> <p>Article 19.– The term “trademark” shall mean any sign able to be represented graphically that serves to distinguish products, services or industrial or commercial establishments on the market. Such signs may consist of names of persons, letters, numbers, figurative elements such as pictures, graphs, symbols, combinations of colors, sounds, as well as any combination of such signs. Where the signs are not intrinsically distinct, they may be registered if they have acquired distinctiveness through use on the national market.</p> <p>Promotional or advertising slogans may also be registered, on condition that they are combined or associated with a registered trademark for the product, service or commercial or industrial establishment for which they are to be used.</p> <p>The nature of the product or service to which the trademark refers shall never be an obstacle for trademark registration.</p>	<p>Law 19,039</p> <p>Law 19,996 Sole Art., No. 24</p>
<p>Article 19bis.– Where an application is filed for the registration of a mark for the benefit of two or more rights holders, they may, acting jointly, also require the registration of rules for the use and supervision thereof, which shall be mandatory for the rights holders and binding on third parties. In this case, the holders in common may waive the right to request the division of the community for a given period or indefinitely.</p> <p>The Department may object to the registration of the regulations if they contain provisions that are illegal or likely to mislead or confuse consumers.</p> <p>The regulations for use and supervision shall be filed with the trademark application and decided jointly with said application. The Department may make observations until it issues its final decision, which must be corrected within 60 days.</p> <p>Non-compliance by any of the holders in common with the rules set out in the regulations for use and supervision shall entitle the other holder or holders in common to initiate legal action for forced enforcement and/or claim damages, according to the rules set out in Title X of this Law.</p> <p>A mark may be registered, with the same procedure and effects, to be used collectively, for the purpose of guaranteeing the nature or quality of specific products or services. In this case, the mark may not be assigned to third parties.</p>	<p>Law 20,160 Sole Art., No. 8 D.O. January 26, 2007</p>
<p>Article 19bis A.– Cancellation or revocation for non-payment of the renewal fees shall produce the same effects in respect of the promotional sentences that form part of the registration. Consequently, once a mark has been cancelled or revoked, the Department shall cancel as of right registrations of promotional sentences that depend on the cancelled or revoked mark. A record shall be kept thereof by means of a subentry in the margin of the corresponding</p>	<p>Law 19,996 Sole Art., No. 25</p>

<p>registration.</p> <p>Article 19bis B.– Promotional sentences may not be assigned or transferred, other than with the main registration to which they are attached.</p>	
<p>Article 19bis C.– Registrations of marks that contain signs, figures, letters, colors, prefixes, suffixes, roots or segments in common use or likely to be of a generic, indicative or descriptive nature, shall be deemed to confer protection on the mark as a whole and shall be granted with the express indication that they are granted without protection for the said elements considered in isolation.</p>	<p>Law 19,996 Sole Art., No. 25</p>
<p>Article 19bis D.– The mark shall confer on its holder the exclusive and excluding right to use it in trade in the manner it has been granted and to distinguish products, services or business or industrial establishments covered by the registration.</p> <p>Accordingly, the holder of a registered trademark may prevent any third party from using in the market, without his consent, identical or similar marks for products or services or business or industrial establishments that are identical or similar to those for which the registration has been granted, where such use by a third party is likely to mislead or create confusion.</p> <p>Where the use made by a third party refers to an identical trademark for identical products or services or business or industrial establishments, confusion shall be deemed to have arisen.</p>	<p>Law 19,996 Sole Art., No. 25</p>
<p>Article 19bis E.– The right conferred by the registration of the trademark shall not authorize its holder to prevent third parties from using the same in respect of products legitimately marketed under that trademark in any country by said holder or with his express consent.</p>	<p>Law 19,996 Sole Art., No. 25</p>
<p>Article 20.– The following may not be registered as marks:</p> <p>(a) the coats of arms, flags or other emblems, names or symbols of any State, international organizations or public services of a State;</p> <p>(b) technical or scientific names for the object for which they are intended, names of plant varieties, common international names recommended by the World Health Organization, and names indicating therapeutic properties;</p> <p>(c) the name, pseudonym or likeness of any natural person, except with the consent of that person or of his heirs where he is deceased. The names of historical figures may, however, be registered if at least 50 years have elapsed since their death, and on condition that their honor is not thereby prejudiced;</p> <p>Names of persons may in any event not be registered when this would constitute an infringement of subparagraphs (e), (f), (g) and (h) below;</p> <p>(d) marks that reproduce or imitate official signs or hallmarks of control or warranty adopted by a State, without the authorization of the State; and those that reproduce or imitate medals, diplomas or distinctions awarded at national or foreign exhibitions, where the registration thereof is applied for by a person other than the person who won them;</p> <p>(e) expressions or signs used to indicate the type, nature, origin, nationality, source, destination, weight, value or quality of the products, services or establishments; expressions that may be in general use in trade to describe a certain class of products, services or establishments, and those that have no</p>	<p>Law 19,996 Sole Art., No. 26</p>

<p>novel character or merely describe the products, services or establishments to which they are to be applied;</p> <p>(f) expressions likely to mislead or deceive as to the source, quality or type of the products, services or establishments, including those that belong to different classes whose coverage is related to or indicates a connection with the respective products, services or establishments;</p> <p>(g) identical marks or marks that graphically or phonetically so resemble one another as to be confused with other marks registered abroad for the same products, services or business or industrial establishments, insofar as the latter marks enjoy fame and renown in the relevant segment of the public that usually consumes or seeks out those products or has access to those business or industrial establishments in the country of origin of the registration;</p> <p>Where registration has been refused or cancelled on such grounds, the owner of the well-known mark registered abroad shall request registration of the mark within a period of 90 days; if he fails to do so, the mark may be filed by any person, priority being given for the 90 days following the expiry of the right of the owner of the mark registered abroad to that person whose application was rejected or whose registration was cancelled.</p> <p>Similarly, marks registered in Chile that enjoy fame and renown may block the registration of other identical or similar signs applied for to distinguish separate and unrelated products or services or business or industrial establishments, provided, first, that such signs retain some kind of link with the products or services or business or industrial establishments that distinguish the well-known mark and, second, that it is likely that such protection would harm the interests of the holder of the well-known registered mark.</p> <p>In this case, the fame and renown shall be determined for the relevant sector of the public that normally consumes those products, requests such services or patronizes those business or industrial establishments in Chile;</p> <p>(h) identical marks or marks that graphically or phonetically so resemble one another as to be confused with other marks that have been previously registered or validly filed with priority for identical or similar products or services or business or industrial establishments that belong to the same class or related classes.</p> <p>These grounds shall also apply in respect of those unregistered marks that are really and effectively used prior to the application for registration on the national territory. If the registration is refused or cancelled on these grounds, the user of the mark shall apply for its registration within 90 days. If he fails to do so, the mark may be filed by anyone, priority being given for the 90 days following the expiry of the user's right to that person whose application was rejected or whose registration was cancelled.</p> <p>Notwithstanding the provisions of the first paragraph under letter (h), the Department may accept agreements for the coexistence of marks, provided that such agreements do not infringe rights acquired by third parties prior to that date or cause confusion among public consumers;</p> <p>(i) the form or color of the products or packaging, in addition to the color in itself;</p> <p>(j) marks likely to mislead or create confusion among public consumers, in respect of the source or attributes of the product that a geographical indication or appellation of origin is intended to distinguish in Chile;</p> <p>(k) marks contrary to public policy, morality and proper practice, including the principles of fair competition and trade ethics.</p>	<p>Law 20,160 Sole Art., No. 9 D.O. January 26, 2007</p>
<p>Article 20bis.— Where a request for trademark registration has been previously filed abroad, the applicant shall enjoy priority for a period of six</p>	<p>Law 19,996 Sole Art., No. 27</p>

<p>months beginning from the filing date in the country of origin, to file the application in Chile.</p> <p>Article 21.– The registration of trademarks shall take place at the Department, and applications for registration shall be filed in accordance with the provisions and in the manner established by the Regulations.</p>	<p>Law 19,039 Art. 21</p>
<p>Article 22.– After an application has been filed, the Registrar of Marks shall ensure that the formalities required for a valid filing have been fulfilled. If the Registrar finds any error or omission in this formal examination, the applicant shall be advised to make the relevant corrections or clarifications within a 30-day period, failing which he shall forfeit his priority date. If the correction is not made within the period indicated, the application shall be deemed abandoned. An appeal against a decision not to process an application may be filed with the Head of the Department, in accordance with general rules. If the correction is not made or the appeal is rejected, the application shall be deemed abandoned.</p> <p>If the Head of the Department accepts an application for processing, it may not be subsequently rejected <i>ex officio</i> on the same legal grounds and reasoning as those put forward by an official during the appeal process.</p> <p>If other actions are required to overcome the objection raised against an application, the applicant shall be entitled to request that the procedure be suspended until such formalities have been completed. If the formalities serving as the basis for the petition have not been initiated within 60 days beginning from the date where this is legally possible, the application shall be deemed abandoned.</p> <p>Once the period to file an opposition has expired, the Head of the Department shall analyze the merits of the application and indicate whether there are grounds to reject the petition <i>ex officio</i>.</p> <p>These observations shall be notified to the applicant, who shall respond thereto in the same term set to respond to and challenge any oppositions that may have been filed.</p> <p>Once the indicated period has expired and the other actions ordered in the proceedings have been completed, the Head of the Department shall hand down his final decision accepting or rejecting the application. In this case, the application may not be rejected on grounds different from the ones contained in the oppositions or in the observations of the Head of the Department.</p>	<p>Law 19,996 Sole Art., No. 28</p>
<p>Article 23.– A mark may only be applied for and registered for specific products or services, with an indication of the class or classes of the International Classification to which they belong.</p> <p>Similarly, marks may be applied for and registered for the purposes of distinguishing business or industrial establishments engaged in manufacturing or marketing activities associated with one or more classes of specific products, as they may for promotional slogans to be used in the advertising of marks already registered.</p> <p>Article 23bis A.– For the purposes of the payment of fees, an application or registration of a mark for products or services shall be treated as a separate application or registration for each class, regardless of the number of specific products or services included therein. The provisions of the above Article shall also apply to the various classes of products included in the coverage for the</p>	<p>Law 19,996 Sole Art., No. 29</p> <p>Law 19,996 Sole Art., No. 30</p>

<p>industrial and business establishments. Said principle shall cover both new registrations and renewals of registrations.</p>	
<p>Article 23bis B.– Registrations of marks to distinguish products or services or industrial establishments shall be valid throughout the Republic. Registrations of marks to protect business establishments shall serve only for the region in which the establishment is located. If the interested party wishes to extend ownership of the same mark to other regions, he shall mention this in his application for registration and shall pay the corresponding application or registration fee for each region.</p>	<p>Law 19,996 Sole Art., No. 30</p>
<p>Article 24.– The registration of a mark shall have a term of 10 years, beginning from the date of entry in the respective register. The holder shall be entitled to request renewal for equal periods during that term or within 30 days following the expiration thereof.</p> <p>Article 25.– Any registered mark used in trade shall visibly display the words “<i>Marca Registrada</i>” or the abbreviation “M.R.” or the letter “R” inside a circle. Failure to do so shall not affect the validity of the registered trademark, but a person who fails to comply with this requirement shall not be able to bring the criminal actions provided for in this Law.</p>	<p>Law 19,039 Art. 24</p> <p>Law 19,039 Art. 25</p>
<p>Article 26.– The registration of trademarks shall be invalidated where one of the prohibitions referred to in Article 20 of this Law has been violated.</p> <p>Article 27.– An action to invalidate the registration of a mark shall be barred after five years, beginning from the date of registration. The foregoing action for invalidation shall not be barred in respect of registrations obtained in bad faith.</p>	<p>Law 19,039 Art. 26</p> <p>Law 19,996 Sole Art., No. 31</p>
<p>Article 28.– The following persons shall be sentenced to a fine of 25 to 1,000 monthly accounting units payable to the State:</p> <p>(a) anyone who with ill intent and for commercial purposes, uses a mark identical or similar to another already registered for the same products or services or establishments, or in relation to products, services or establishments related to those covered by the registered mark, notwithstanding the provisions of Article 19bis E;</p> <p>(b) anyone who, for commercial purposes, uses an unregistered, lapsed or invalidated mark in a manner indicating that it is a registered mark or imitating a registered mark;</p> <p>(c) anyone who, for commercial purposes, uses containers or packaging bearing a registered mark, without the right to use that mark, without having first previously erased it, except where the packaging so marked is intended to contain products of a type different from that protected by the mark.</p> <p>Any person committing a second or subsequent offense within five years of the application of a fine shall receive another fine of no less than double the preceding fine, up to a maximum amount of 2,000 monthly accounting units.</p>	<p>Law 19,996 Sole Art., No. 32</p>

<p>Article 29.– Persons found guilty under the preceding Article shall be obliged to pay the costs, damages and harm caused to the owner of the mark. The tools and equipment used directly for the counterfeiting or imitation and the objects bearing counterfeit marks shall be confiscated. Objects bearing a counterfeit mark shall be destroyed. As for the tools and equipment used, the competent court may order their destruction or their distribution for charity.</p> <p>Article 30.– Where an unregistered mark has been used by two or more persons at the same time, the one who registers it may not prosecute any persons who continue to use it for at least 180 days from the date of registration.</p> <p>Similarly, once a mark has been invalidated, the holder of the registration that provided the basis for declaring the invalidation may not prosecute the holder of the invalidated mark for at least 180 days after the respective decision has gone into effect.</p>	<p>Law 19,996 Sole Art. No. 33</p> <p>Law 19,996 Sole Art. No. 34</p>
<p style="text-align: center;">TITLE III</p> <p>Inventions</p> <p style="text-align: center;">Paragraph I Inventions in general</p> <p>Article 31.– The word “invention” shall mean any solution to a technical problem arising in an industrial concern. An invention may be or relate to a product or process. The word “patent” shall mean the exclusive right granted by the State for the protection of an invention. The effects, obligations and limitations embodied in the patent shall be determined by this Law.</p>	<p>Law 19,996 Sole Art. No. 1</p> <p>Law 19,996 Sole Art., No. 1 Law 20160 Sole Art., No. 10 D.O. January 26, 2007 Law 19,996 Sole Art., No. 35</p>
<p>Article 31bis.– For the purposes of civil proceedings for infringement of process patents, the judge shall have the authority to order the defendant to prove that the process to obtain a product is different from the patented process, subject to the condition that the product obtained by the patented process is new. In such proceedings, unless proven otherwise, all identical products shall be deemed to have been obtained by the patented process. For the purposes of this Article, the product shall be considered “new” if it at least complies with the requirement of novelty in Article 33, on the date the application for the process patent was filed in Chile or on the date of priority validated in Chile, according to Article 34. For such qualification, the judge shall request a report from the Head of the Department, at the applicant’s cost. Notwithstanding, in respect of the submission of evidence to the contrary, the legitimate interests of defendants in protecting their industrial and trade secrets shall be taken into consideration.</p>	<p>Law 19,996 Sole Art., No. 36</p>

<p>Article 32.– Any invention, whether product or process, in any field of technology, shall be patentable where it is new, involves an inventive step and is industrially applicable.</p>	<p>Law 19,996 Sole Art., No. 37</p>
<p>Article 33.– An invention shall be considered new if it does not already form part of the state of the art. The state of the art shall be held to comprise everything disclosed or made available to the public anywhere in the world by publication in tangible form, sale or marketing or use, or in any other manner, before the date of filing of the patent application in Chile or the priority claimed according to Article 34.</p> <p>The subject matter of national applications for patents or utility models that have been filed with the Department prior to the date of the application being examined and have been published on that date or subsequently shall also be regarded as forming part of the state of the art.</p>	<p>Law 19,996 Sole Art., No. 38</p>
<p>Article 34.– Where a patent has been applied for previously abroad, the party concerned shall have priority for a period of one year, beginning from the date of filing in the country of origin, for the filing of an application in Chile.</p>	<p>Law 19,039 Art. 34</p>
<p>Article 35.– An invention shall be regarded as involving an inventive step if it is neither obvious to a person skilled in the art nor is obvious from the state of the art.</p>	<p>Law 19,039 Art. 35</p>
<p>Article 36.– An invention shall be considered industrially applicable if it can, in principle, be made or used in any kind of industry. For such purposes, the word “industry” shall be understood in its broadest sense, including activities such as manufacturing, mining, building, crafts, agriculture, forestry and fishing.</p>	<p>Law 19,039 Art. 36</p>
<p>Article 37.– The following shall not be regarded as inventions and shall be excluded from the patent protection afforded by this Law:</p> <ul style="list-style-type: none"> (a) discoveries, scientific theories and mathematical methods; (b) plant or animal varieties, except microorganisms that meet the general requirements for patentability. Plant varieties shall only enjoy protection in accordance with the provisions of Law 19,342, on Rights of Breeders of New Plant Varieties. Nor may essentially biological processes for the production of plants and animals, except microbiological processes, be patented. For these purposes, the words “an essentially biological process” shall mean one that consists entirely of natural phenomena, such as crossing and selection; (c) economic, financial, commercial, business or easily verifiable systems, methods, principles or plans; and the rules for performing purely mental or intellectual activities or playing games; (d) methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practiced on the human or animal body, except products for use in any of these methods; (e) new uses of articles, objects or elements known and already used for specific purposes, and changes of shape, dimensions, proportions or materials. Notwithstanding the foregoing, the new use of known articles, objects or elements may constitute an invention that qualifies for protection, if said new 	<p>Law 19,996 Sole Art., No. 39</p>

<p>use solves a technical problem that did not previously have an equivalent solution, complies with the requirements referred to in Article 32, and requires changes in dimensions, proportions or materials of the known article, object or known element for obtaining said solution to such a technical problem. The claimed new use shall have to be proven by means of experimental evidence in the patent application;</p> <p>(f) parts of living beings as they are found in nature, natural biological processes, biological material existing in nature or material that can be isolated, including genomes or germoplasm. Nevertheless, procedures that use one or more of the biological materials mentioned above and products directly obtained by such procedures shall be eligible for protection, provided that they comply with the requirements established in Article 32 of this Law, insofar as the biological material is adequately described and the industrial application thereof is explicitly outlined in the patent application.</p>	
<p>Article 38.— Patents may not be granted for inventions whose commercial exploitation must necessarily be prevented to protect public order, State security, morality or proper practice, the health or life of persons or animals, or to preserve plants or the environment, provided that such exclusion is not solely for the purposes of a legal or administration provision that prohibits or regulates such exploitation.</p> <p>Article 39.— Patents for inventions shall be granted for a non-renewable period of 20 years, beginning from the date of filing of the application.</p> <p>Article 40.— Repealed.</p> <p>Article 41.— Repealed.</p>	<p>Law 19,996 Sole Art., No. 40</p> <p>Law 19,996 Sole Art., No. 41</p> <p>Law 19,996 Sole Art., No. 42</p> <p>Law 19,996 Sole Art., No. 42</p>
<p>Article 42.— Disclosures made within 12 months prior to the filing of the application shall not be considered for purposes of determining the novelty of the invention or the inventive step, if the public disclosure:</p> <p>(a) was made, authorized by or comes from the applicant for the patent;</p> <p>(b) has been made or arises from abuse or unfair practices to which the applicant or the inventor has been subjected.</p> <p>Article 43.— The patent application shall be accompanied by the following documents:</p> <ul style="list-style-type: none"> - an abstract of the invention; - a description of the invention; - a claims sheet; - drawings of the invention where appropriate. <p>Article 43bis.— The abstract shall be for exclusively technical purposes and may not be considered for any other purpose, not even for the determination of the scope of protection sought.</p>	<p>Law 20,160 Sole Art., No. 11 D.O. January 26, 2007</p> <p>Law 19,996 Sole Art., No. 44</p> <p>Law 19,996 Sole Art., No. 45</p>

<p>The claims shall define the subject matter for which protection is sought. They must be clear and concise and be based on the description.</p> <p>The description shall be sufficiently clear and complete for an expert or a person skilled in the art to reproduce the invention without need of any other information.</p> <p>Article 44.– Declarations relating to the novelty, ownership and usefulness of the invention shall be incumbent on the interested party, who shall make them subject to his own responsibility.</p> <p>The grant of a patent shall not mean that the State guarantees the need for and accuracy of the information provided by the applicant in the application and the description.</p>	<p>Law 19,039 Art. 44</p>
<p>Article 45.– Once the application has been filed with the Department, a preliminary examination shall be conducted to verify that the documents listed in Article 43 have been attached. Should the preliminary examination reveal an error or omission, the applicant shall be asked to make the necessary corrections or clarifications or submit any other pertinent documents within 60 days, failing which he shall lose his priority date. If the errors or omissions are not corrected within the indicated term, the application shall be deemed not to have been filed.</p> <p>Applications that do not comply with other filing requirements, within the periods indicated in this Law or the Regulations thereunder, shall be deemed to have been abandoned and shall be shelved. Without prejudice to the above, the applicant may request reinstatement of the application, provided that the filing requirements are corrected within 120 days from the date of abandonment, failing which he shall lose his right of priority. If the period expires and errors or omissions have not been corrected, applications shall be deemed to have been abandoned for good.</p> <p>If it can be deduced from the examination of an application for an industrial property right that the right claimed belongs to another category, it shall be examined and treated as such, and the acquired priority date retained.</p>	<p>Law 19,996 Sole Art., No. 46</p>
<p>Article 46.– Applicants for patents already applied for in other countries shall submit the result of any search and examination already undertaken by the office in the other country, where this has been disclosed, whether or not the earlier application resulted in the grant of a patent.</p> <p>Article 47.– All the supporting material relating to a patent application shall be kept at the disposal of the public in the Department following the publication referred to in Article 4.</p> <p>Article 48.– Once the patent grant has been approved and payment of the corresponding fees made, the patent shall be granted to the interested party and a certificate issued according protection as from the date on which the application was filed.</p> <p>Article 49.– The owner of a patent for an invention shall have the exclusive right to manufacture, sell or market in any form the product or other subject matter of the invention and generally to exploit it commercially in any</p>	<p>Law 19,039 Art. 46</p> <p>Law 19,039 Art. 47</p> <p>Law 19,039 Art. 48</p> <p>Law 19,996 Sole Art., No. 47</p>

<p>other way.</p> <p>In the case of process patents, protection shall extend to the products directly obtained by such process.</p> <p>The scope of the protection granted by the patent or patent application shall be determined by the subject matter of the claims. Descriptions and drawings shall be used to interpret the claims.</p> <p>The patent rights shall extend throughout the Republic until the day on which the patent expires.</p> <p>The patent for an invention shall not confer the right to prevent third parties from marketing the product protected by the patent, which they may have legitimately acquired after said product has been legally introduced onto the market of any country, by the owner of the right or by a third party, with the owner's consent.</p> <p>Nor shall the patent for an invention confer the right to prevent third parties from importing, exporting, manufacturing or producing the subject matter protected by a patent with the purpose of obtaining the sanitary registration or authorization of a pharmaceutical product. The above shall not allow the marketing of said products without the authorization of the patent holder.</p>	<p>Law 20,160 Sole Art. No. 12 D.O. January 26, 2007 RECTIFICATION D.O. July 25, 2006</p> <p>Law 20,160 Sole Art., No. 12 D.O. January 26, 2007</p>
<p>Article 50.— A patent may be invalidated on any of the following grounds:</p> <p>(a) where the person who obtained the patent is neither the inventor nor his licensee;</p> <p>(b) where the patent has been granted on the basis of erroneous or manifestly deficient examiners' reports;</p> <p>(c) where the title has been granted in contravention of the rules of patentability and related requirements, as provided for in this Law.</p> <p>A patent for an invention may be the subject of an invalidation action during a period of five years, beginning from the date of registration.</p>	<p>Law 19,996 Sole Art., No. 48</p>
<p>Article 51.— Non-voluntary licenses may be granted in the following cases:</p> <p>(1) where the holder of a patent has engaged in conduct or practices declared contrary to free competition, directly related to the use or exploitation of the patent in question, according to a final decision by the Antitrust Tribunal;</p> <p>(2) where the granting of such licenses may be justified for reasons of public health, national security, non-commercial public use or on other extremely urgent grounds declared by the competent authority;</p> <p>(3) where the purpose of the non-voluntary license is the exploitation of a subsequent patent that could not be worked without infringing a previous patent. The granting of non-voluntary licenses for dependent patents shall be subject to the following rules:</p> <p>(a) the invention claimed in the subsequent patent must involve a technical advance of considerable economic significance in relation to the invention claimed in the first patent;</p> <p>(b) the non-voluntary license to work the earlier patent may only be transferred with the later patent;</p> <p>(c) the holder of the earlier patent could, in the same circumstances, obtain a non-voluntary license on reasonable terms to work the invention</p>	<p>Law 19,996 Sole Art., No. 49</p>

<p>claimed in the later patent.</p> <p>In the case of semiconductor technology, the license shall only be granted for non-commercial public purposes or to remedy a practice that has been declared anti-competitive.</p> <p>Article 51bis A.– Any person applying for a non-voluntary license must prove that he has made efforts to obtain a contractual license from the patent holder on reasonable commercial terms and conditions and that such efforts have not been successful within a reasonable period. This requirement shall not be necessary in relation to the grounds set out in Article 51.2 of this Law. Nor shall this requirement apply where the purpose of the non-voluntary license is to stop practices deemed anti-competitive.</p>	<p>Law 19,996 Sole Art., No. 50</p>
<p>Article 51bis B.– An application for the granting of a non-voluntary license shall be considered a claim and must therefore comply with all of the requirements set out in Article 254 of the Code of Civil Procedure. This action shall be heard by the following authorities:</p> <p>(a) in the case of Article 51.1, the Antitrust Tribunal, according to the procedure established in Law No. 19,911;</p> <p>(b) in the case of Article 51.2, the Head of the Department of Industrial Property, according to the procedure for cancellation of patents established in this Law. Moreover, the action may be temporarily granted through a reasoned decision to resolve a particular incident. Such decision shall remain in force as long as the grounds that motivated the decision obtain or until a final decision has been issued;</p> <p>(c) in the case of Article 51.3, a civil court judge, in conformity with the competition rules established in the Code of Civil Procedure and according to summary proceedings.</p>	<p>Law 19,996 Sole Art., No. 50</p>
<p>Article 51bis C.– The competent authority shall decide on an application for a non-voluntary license according to its specific merits.</p> <p>If said decision is positive, the Antitrust Tribunal, the Head of the Department or the civil court judge, depending on whether the case involves subparagraphs (a), (b) or (c) of Article 51, shall determine the term and scope of the license, limiting it to the purposes for which it was granted. They shall further decide the amount of remuneration to be periodically paid by the licensee to the patent owner. The license granted through this procedure shall be non-exclusive and may not be assigned, except with that part of the company holding the patent.</p> <p>Article 51bis D.– A non-voluntary license may be completely or partially revoked, provided that the legitimate interests of the licensee are protected, where the circumstances giving rise to the non-voluntary license have ceased to obtain and are not likely to recur. Following a well-founded request and after appropriate consultation with the competent authority, the Antitrust Tribunal, the Head of the Department or a civil court judge, as appropriate, may examine whether such circumstances still obtain.</p> <p>In cases where the circumstances giving rise to the grant of the non-voluntary license are likely to recur, the motion to revoke a non-voluntary</p>	<p>Law 19,996 Sole Art., No. 50</p> <p>Law 19,996 Sole Art., No. 50</p>

<p>license shall not be granted. Likewise, at the request of an interested party, the Antitrust Tribunal, the Head of the Department or a civil court judge, as appropriate, may amend the terms of a non-voluntary license where new facts or circumstances so warrant, especially where the patent owner has granted contractual licenses on more favorable terms than the ones agreed upon for the beneficiary of the non-voluntary license.</p> <p>In proceedings involving a request for a non-voluntary license, in the cases covered by subparagraphs (a) and (c) of Article 51, the Department must be heard before a decision is issued.</p>	
<p>Article 52.– The following persons shall be subject to a fine of 25 to 1,000 monthly accounting units payable to the State:</p> <p>(a) any person who with ill intent manufactures, uses, offers or introduces to the market, imports or is in possession of a patented invention, for commercial purposes, notwithstanding the provisions of the fifth subparagraph of Article 49;</p> <p>(b) any person who, for commercial purposes, uses an object which is not patented or whose patent has lapsed or has been invalidated, using on such object indications corresponding to a patent or simulating such indications;</p> <p>(c) any person who with ill intent uses a patented procedure for commercial purposes;</p> <p>(d) any person who with ill intent imitates or uses an invention, the patent application for which is pending, unless the patent is finally not granted.</p> <p>Persons found guilty under this Article shall be sentenced to pay the costs, damages and prejudice caused to the owner of the patent.</p> <p>The tools and equipment used directly in committing any of the offenses mentioned in this Article shall be confiscated. Unlawfully produced objects shall be destroyed. As for the tools and equipment used, the competent court may order their destruction or their distribution for charity.</p> <p>Any person committing a second or subsequent offense within five years from the date of a fine shall be sentenced to another fine of at least double the initial fine, up to a maximum amount of 2,000 monthly accounting units.</p> <p>Article 53.– Any patented subject matter shall display visibly the number of the patent either on the product itself or on the packaging, and the words “<i>Patente de Invención</i>” [invention patent] or the abbreviation “PI”, followed by the registration number.</p> <p>The only exceptions to the above obligation shall be processes whose nature is such that the requirement cannot be met.</p> <p>Failure to meet the requirement shall not affect the validity of the patent, but a person who does not comply with this provision may not bring the criminal actions referred to in this Law.</p> <p>Where applications are pending, this shall be indicated where the products concerned by the application are being manufactured or marketed for commercial purposes.</p>	<p>Law 19,996 Sole Art., No. 51</p> <p>Law 19,996 Sole Art., No. 52</p>
<p>Paragraph II. Additional protection</p> <p>Article 53bis 1.– Within six months after the granting of a patent, its holder shall be entitled to request a period of additional protection, provided that there has been an unjustified administrative delay in the grant of the patent and</p>	<p>Law 20,160 Sole Art., No. 13 D.O. January 26, 2007 Law 20,160 Sole Art., No. 13</p>

<p>the term for the grant was more than five years from the date of filing of the application or three years from the requirement for examination, whichever comes later. Additional protection shall only cover the period proved to be an unjustified administrative delay.</p> <p>Article 53bis 2.– Within six months after the grant of a sanitary registration for a pharmaceutical product protected by a patent, its holder shall be entitled to request a period of additional protection for that part of the patent containing the pharmaceutical product, provided that there has been an unjustified delay in the grant of said registration. Additional protection may be requested by those holders whose sanitary authorization or registration has been granted after a year from the date of filing of the application. Additional protection shall only cover the period proved to be an unjustified delay by the administrative organ responsible for deciding said registration.</p>	<p>D.O. January 26, 2007</p> <p>Law 20,160 Sole Art., No. 13 D.O. January 26, 2007</p>
<p>Article 53bis 3.– The following circumstances affecting patent or sanitary registration applications shall not be considered unjustified delays:</p> <ul style="list-style-type: none"> (a) opposition or any other judicial remedy or action; (b) the time needed to receive reports or procedures from national or international organs or agencies required for the patent registration procedure; and (c) actions or omissions by the applicant. <p>Article 53bis 4.– The request for additional protection shall be filed with the Industrial Property Tribunal, which shall decide on the existence of unjustified delays and their extension in a single instance, according to the procedure established for the remedy of appeal. Such decision shall have as its sole effect the extension of the period of protection and shall not give rise to responsibility of any kind.</p> <p>Before the hearings, the court shall order that a formal request be sent to the corresponding organ, so that it issues an opinion within 60 days.</p> <p>Article 53bis 5.– The period of additional protection shall give rise to a note in the margin of the corresponding registration, following payment of a fee of one monthly accounting unit for each year or fraction of a year of additional protection. Payment may only be made within the six months prior to the expiration of the original term of the patent, failing which the protection established in this Title shall not be granted.</p>	<p>Law 20,160 Sole Art., No. 13 D.O. January 26, 2007</p> <p>Law 20,160 Sole Art., No. 13 D.O. January 26, 2007</p>
<p style="text-align: center;">TITLE IV</p> <p>Utility models</p>	<p>Law 19,039</p>

<p>Article 54.– The following shall be considered utility models: instruments, apparatuses, tools, devices and objects or parts thereof in a form for which a claim may be made in respect of both their external appearance and their operation, on condition that said form lends them utility, in the sense that the function for which they are intended thereby gains a benefit, advantage or technical effect that it did not previously have.</p> <p>Article 55.– The provisions of Title III concerning patents for invention shall be applicable as appropriate to utility model patents, notwithstanding the special provisions contained in this Title.</p> <p>Article 56.– A utility model shall be patentable when it is new and industrially applicable. A patent shall not be granted when the utility model presents only minor or secondary differences that do not make for any discernible usefulness compared with previous inventions or utility models. An application for a utility model patent may only relate to an individual object, without prejudice to the fact that various elements or aspects of that object may be claimed in the same application.</p> <p>Article 57.– Utility model patents shall be granted for a non-renewable period of 10 years beginning from the application date.</p> <p>Article 58.– The following documents must be attached to the application for a utility model:</p> <ul style="list-style-type: none"> - an abstract of the utility model; - a description of the utility model; - a claims sheet; - drawings of the utility model. <p>Once the application has been filed with the Department, a preliminary examination shall be conducted to verify that the documents listed above have been attached.</p>	<p>Law 19,039 Art. 54</p> <p>Law 19,039 Art. 55</p> <p>Law 19,039 Art. 56</p> <p>Law 19,039 Art. 57</p> <p>Law 19,996 Sole Art., No. 53</p>
<p>Article 59.– A utility model shall visibly display the notice “<i>Modelo de Utilidad</i>” [utility model] or the abbreviation “MU” and the number of the title. This information may be placed on the packaging, provided it is presented to consumers sealed, so that it is necessary to destroy the packaging to gain access to the product. Failure to do so shall not affect the validity of the utility model but shall deprive the owner of the right to bring the criminal actions provided for in this Law.</p> <p>Article 60.– Utility model patents may be invalidated on the same grounds as those specified in Article 50.</p> <p>Article 61.– The following persons shall be liable to a fine of 25 to 1,000 monthly accounting units payable to the State:</p>	<p>Law 19,996 Sole Art., No. 54</p> <p>Law 19,039 Art. 60</p> <p>Law 19,996 Sole Art., No. 55</p>

<p>(a) any person who with ill intent manufactures, markets, imports or uses, for commercial purposes, a registered utility model, notwithstanding the exception established the fifth subparagraph of Article 49, which shall also apply to this category of rights.</p> <p>(b) any person who, for commercial purposes, uses the indications corresponding to a utility model whose registration has lapsed or has been invalidated, and any person who, for commercial purposes, simulates an indication where there is no registration.</p> <p>Persons found guilty in accordance with this Article shall be sentenced to pay the costs, damages and prejudice caused to the owner of the utility model.</p> <p>The tools and equipment used directly in committing any of the offenses mentioned in this Article shall be confiscated. Unlawfully produced objects shall be destroyed. As for the tools and equipment used, the competent court may order their destruction or their distribution for charity.</p> <p>A second or subsequent offense within five years of the application of a fine shall be punishable by another fine at least double the initial one, up to a maximum of 2,000 monthly accounting units.</p>	
<p style="text-align: center;">TITLE V</p> <p>Industrial designs</p> <p>Article 62.— The term “industrial design” shall include any three-dimensional form, colored or not, and any industrial or craft product that serves as a pattern for the manufacture of others like it and is distinguished from similar products either by its form, geometrical shape or decoration or a combination of these, insofar as those characteristics give it a special appearance perceptible to the eye in such a way that a new character results.</p> <p>The term “industrial design” shall include all arrangements, collections or combinations of figures, lines or colors developed on a plan or diagram for incorporation in an industrial product for the purpose of decoration and to give said product a new appearance.</p> <p>Industrial designs shall be considered new when they differ significantly from known industrial designs, or from combinations of characteristics of known industrial designs.</p> <p>Containers may also be protected as industrial designs, provided that they meet the condition of novelty mentioned above.</p> <p>Printed fabrics, cloths or any laminated materials may also be protected as industrial designs, provided that they meet the condition of novelty mentioned above.</p> <p>Article 62bis.— The protection granted to industrial designs established by this Law shall apply regardless of the protection granted by Law No. 17,336.</p> <p>Article 62ter.— Industrial designs whose appearance is entirely due to technical or functional considerations, without addition of an arbitrary contribution by the designer, may not be registered as industrial designs.</p> <p>Moreover, articles of clothing of any kind or those consisting of a form whose exact reproduction is necessary to allow the product incorporating the design to be assembled mechanically or connected to another product forming part of the whole may not be registered as industrial designs. This prohibition shall not apply to products whose design is of a form intended to allow for the</p>	<p>Law 19,996 Sole Art., No. 56</p> <p>Law 19,996 Sole Art., No. 57</p> <p>Law 19,996 Sole Art., No. 58</p> <p>Law 19,996 Sole Art., No. 58</p>

<p>assembly or the multiple connections of the products, or the product's connection within a modular system.</p>	
<p>Article 63.– The provisions of Title III concerning patents shall be applicable as appropriate to industrial designs, without prejudice to the special provisions under this Title. The right of priority shall be regulated by Article 20bis of this Law.</p> <p>Industrial designs may be invalidated on the same grounds as those specified in Article 50 of this Law.</p> <p>Article 64.– The grant of an industrial design title shall be requested by the filing of the following documents:</p> <ul style="list-style-type: none"> - an application; - a description; - a drawing; - a prototype or model where appropriate. <p>Once the application has been filed with the Department, a preliminary examination shall be conducted to ascertain that the documents listed above have been attached.</p> <p>Article 65.– An industrial design title shall be granted for a non-renewable term of 10 years beginning from the date of application.</p> <p>Article 66.– An industrial design shall visibly display the notice “<i>Dibujo Industrial</i>” or “<i>Diseño Industrial</i>” [industrial design] or the abbreviation “DI” and the number of the title. This information may be placed on the packaging, provided it is presented to consumers sealed, so that it is necessary to destroy the packaging to gain access to the product. Failure to do so shall not affect the validity of the industrial design but shall deprive its owner of the right to bring the criminal actions provided for in the following Article.</p> <p>Article 67.– The following persons shall be liable to a fine of 25 to 1,000 monthly accounting units, payable to the State:</p> <p>(a) any person who with ill intent manufactures, markets, imports or uses, for commercial purposes, a registered industrial design, without prejudice to the provisions of the fifth subparagraph of Article 49, which shall also apply to this category of rights.</p> <p>(b) any person who, for commercial purposes, uses indications corresponding to a registered industrial design or simulates such indications where said registration does not exist or has lapsed or been cancelled.</p> <p>Persons found guilty in accordance with this Article shall be sentenced to pay the costs, damages and prejudice caused to the owner of the industrial design</p> <p>The tools and equipment used directly in committing any of the offenses mentioned in this Article and the objects produced illegally shall be confiscated. Unlawfully produced objects shall be destroyed. As for the tools and equipment</p>	<p>Law 19,996 Sole Art., No. 59</p> <p>Law 19,996 Sole Art., No. 60</p> <p>Law 19,996 Sole Art., No. 61</p> <p>Law 19,996 Sole Art., No. 62</p> <p>Law 19,996 Sole Art., No. 63</p>

<p>used, the competent court may order their destruction or their distribution for charity.</p> <p>A second or subsequent offense within the five years following the application of a fine shall be punishable by another fine of at least double the initial fine, up to a maximum amount of 2,000 monthly accounting units.</p>	
<p style="text-align: center;">TITLE VI</p> <p>Service inventions</p> <p>Article 68.– For employment or service contracts, the subject of which is the performance of an inventive or creative activity, the power to apply for the title and any industrial property rights, shall belong exclusively to the employer or to the party requesting the service except where expressly provided to the contrary.</p> <p>Article 69.– The right to apply for the title and any industrial property rights deriving from inventions by a worker who, according to his employment contract, is under no obligation to do inventive or creative work, shall belong exclusively to him.</p> <p>If, however, to carry out the invention he has clearly availed himself of knowledge acquired within and used means provided by the undertaking, the aforesaid powers and rights shall belong to the employer, in which case the employer shall grant the worker additional remuneration to be agreed upon by the parties.</p> <p>The above shall apply to a person who makes an invention that goes beyond the framework of the tasks assigned to him.</p> <p>Article 70.– The right to apply for the corresponding title and any industrial property rights deriving from the inventive or creative activity of persons hired to engage in dependent or independent work by universities or research institutions as referred to in Decree-Law No. 1,263 of 1975 shall belong to the latter entities or to those whom it may specify, without prejudice to the regulation by its statutes of the manner in which the inventor or creator shall share in the benefits achieved through his work.</p> <p>Article 71.– The rights established in favor of the worker in the preceding articles shall be non-renounceable prior to the grant of a patent, utility model or layout design or topography of integrated circuits, as the case may be. Any provision to the contrary shall be deemed not to have been written.</p> <p>Article 72.– Any disputes related to the enforcement of these provisions shall be heard by the Industrial Property Tribunal referred to in Title I, Paragraph 3 of this Law.</p>	<p>Law 19,996 Sole Art., No. 1</p> <p>Law 19,996 Sole Art., No. 64</p> <p>Law 19,996 Sole Art., No. 65</p> <p>Law 19,996 Sole Art., No. 66</p> <p>Law 19,996 Sole Art., No. 67</p> <p>Law 19,996 Sole Art., No. 68</p>
<p style="text-align: center;">TITLE VII</p> <p>Layout designs (topographies) of integrated circuits</p>	<p>Law 19,996 Sole Art., No. 69</p>

<p>Article 73.– An integrated circuit is a product in its final or intermediate form, intended to perform an electronic function, in which at least one of the elements must be active, and some or all of the interconnections form an integral part of the body or surface of a part thereof.</p> <p>Article 74.– Three-dimensional arrangements of integrated circuits, expressed in any form and designed for manufacture, shall be considered layout designs or topographies of integrated circuits.</p> <p>Article 75.– Layout designs (topographies) of integrated circuits shall be protected by this Law, provided that they are original. Layout designs (topographies) that are the result of the intellectual effort of the creator and are not common knowledge among the creators and manufacturers of layout designs or topographies of integrated circuits, at the time of their creation, shall be considered original. A layout design (topography) of integrated circuits that consists of a combination of common elements or interconnections shall only be protected if the combination as a whole meets the conditions indicated in the previous paragraphs.</p> <p>Article 76.– The owner of a layout design (topography) of integrated circuits shall have the exclusive right to produce, sell or market in any way the protected object and the right granted to him. Consequently, the owner of a layout design (topography) of integrated circuits can prevent any third party, acting without his consent, from: (a) reproducing the protected layout design (topography) of integrated circuits in full or in part for incorporation in an integrated circuit or into any other form, with the exception of reproducing any part of it that does not comply with the originality requirement set out in Article 75 of this Law; (b) selling or distributing in any way, for commercial purposes, the protected layout design (topography) of integrated circuits, or a product that incorporates an integrated circuit that contains an illegally reproduced layout design (topography) of integrated circuits.</p>	<p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No. 71</p>
<p>Article 77.– The exclusive right of exploitation envisaged in the preceding Article shall not apply to: (a) the reproductions of layout designs (topographies) of integrated circuits in which a layout design (topography) of integrated circuits created by third parties for private purposes or with the sole objective of evaluation, analysis, and research or teaching has been incorporated; (b) commercial exploitation, as defined in said Article, of a layout design (topography) of integrated circuits, that otherwise meets the requirements of Article 75 of this Law, which has been created as a result of analysis and evaluation of a separate protected layout design (topography) of integrated circuits; (c) commercial exploitation, as defined by said Article, of an integrated circuit that incorporates an illegally reproduced layout design (topography) of integrated circuits or in relation to any object that incorporates such an integrated circuit, where the third party who orders or performs such acts did not know or have reasonable grounds to know, upon acquiring the integrated circuit or the object, that he was incorporating an illegally reproduced layout design</p>	<p>Law 19,996 Sole Art., No. 71</p>

<p>(topography) of integrated circuits.</p> <p>Notwithstanding the above, once the third party knows or has reason to believe that the layout design (topography) of integrated circuits was illegally reproduced, said third party shall be able to perform any action regarding current inventory or products ordered before that time. In such cases, the owner of the protected rights shall only be able to demand payment of a sum equal to a reasonable royalty for a freely negotiated license of the layout design (topography) of integrated circuits.</p> <p>The court that is competent to hear cases involving infringements of layout designs (topographies) of integrated circuits shall also decide any disputes that arise regarding the determination of the royalty referred to in the previous paragraph according to the rules established for incidents in the Code of Civil Procedure, without testimonial evidence and by means of a decision made in due conscience;</p> <p>(d) an identical and original layout design (topography) of integrated circuits independently created by a third party.</p>	
<p>Article 78.– Layout designs (topographies) of integrated circuits shall be protected for a non-renewable period of 10 years beginning from the date the registration application was filed or its first commercial exploitation in any part of the world.</p> <p>Article 79.– The register of layout designs (topographies) of integrated circuits shall be kept by the Industrial Property Department.</p> <p>Article 80.– The following documents must be attached to an application for a layout design (topography) of integrated circuits:</p> <ul style="list-style-type: none"> - application; - description; - prototype or model, where appropriate; - additional documents, as the case may be. <p>Once the application has been filed with the Department, a preliminary examination shall be conducted to verify that the above documents have been attached.</p> <p>Article 81.– The registration application may be filed before the commercial exploitation of the layout design (topography) of integrated circuits has begun or within two years of the date of said exploitation. In the latter case, the applicant must include with the application an affidavit identifying the date of the first commercial exploitation.</p> <p>The processing of the application, as well as its publication and the issuing of the relevant decision, shall be regulated by the provisions established in the Regulations Under this Law.</p>	<p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No.</p>
<p>Article 82.– Cancellation of a layout design (topography) of integrated circuits shall occur for any of the following reasons:</p> <p>(a) where the person obtaining the layout design (topography) of integrated circuits is neither the lawful creator nor the assignee;</p> <p>(b) where the grant has been based on examiner’s reports which are</p>	<p>Law 19,996 Sole Art., No. 71</p>

<p>erroneous or clearly deficient;</p> <p>(c) where the registration has been granted in violation of the protection requirements established in Article 75;</p> <p>(d) where the commercial exploitation of the layout design (topography) of integrated circuits commenced more than two years prior to the filing of the application.</p> <p>Article 83.– The provisions of Titles III and VI, relating to invention patents and service inventions respectively, shall apply to layout designs or topographies of integrated circuits where appropriate, notwithstanding the special provisions contained in the present Title.</p> <p>Article 84.– Layout designs (topographies) of integrated circuits shall display visibly an encircled capital letter “T”. This information may be placed on the container, provided that the container is sealed, in such a manner that it is necessary to destroy the container to utilize the product. Failure to meet this requirement shall not affect the validity of the layout design (topography) of integrated circuits, but the owner of said design (topography) may not bring the criminal actions referred to in this Law.</p> <p>Article 85.– The following persons shall be liable to a fine of 25 to 1,000 monthly accounting units payable to the State:</p> <p>(a) anyone who with ill intent manufactures, markets, imports or uses, for commercial purposes, a registered layout design (topography) of integrated circuits, without prejudice to the exception set out in the fifth sub-paragraph of Article 49, which shall also apply to layout designs;</p> <p>(b) anyone who, for commercial purposes, makes unauthorized use of information corresponding to a registered layout design (topography) of integrated circuits whose registration has expired or been cancelled, and anyone who, for the same purposes, simulates such information where there is no registration or the registration has lapsed or been cancelled. Those convicted in accordance with this Article shall be obliged to pay the costs and damages suffered by the owner of the layout design (topography) of integrated circuits.</p> <p>The tools and equipment used directly in committing any of the offenses mentioned in this Article shall be confiscated. Unlawfully produced objects shall be confiscated or destroyed. As for the tools and equipment used, the court may order their destruction or distribution for charity.</p> <p>A second or subsequent offense within five years of the application of a fine shall be punishable by at least double the initial fine, up to a maximum amount of 2,000 monthly accounting units.</p>	<p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No. 71</p> <p>Law 19,996 Sole Art., No. 71</p>
<p style="text-align: center;">TITLE VIII</p> <p style="text-align: center;">Trade secrets and information disclosed to the authority to obtain health registrations or authorizations</p> <p style="text-align: center;">Paragraph 1</p> <p style="text-align: center;">Trade secrets</p>	<p>Law 19,996 Sole Art., No. 72</p> <p>Sole Art., No. 72</p>

<p>Article 86.– Any knowledge of industrial products or procedures that, by being kept secret, gives the holder a competitive advantage, enhancement or advance, shall be considered a trade secret.</p> <p>Article 87.– The unlawful acquisition of a trade secret, its disclosure or exploitation without authorization from the holder, and the disclosure or exploitation of trade secrets to which there has been lawful access but under a confidentiality obligation, shall constitute a violation of the trade secret, provided that the violation of the secret has been with the intent to obtain advantage for self benefit or that of a third party or to injure the holder thereof.</p> <p>Article 88.– Without prejudice to the corresponding criminal liability, the rules in Title X relating to the observance of industrial property rights shall apply to the violation of a trade secret.</p>	<p>Law 19,996 Sole Art., No. 72</p> <p>Law 19,996 Sole Art., No. 72</p> <p>Law 19,996 Sole Art., No. 72</p>
<p>Paragraph 2 Information disclosed to the authority to obtain health registrations or authorizations</p> <p>Article 89.– Where the <i>Instituto de Salud Pública</i> (ISP – Public Health Agency) or <i>Servicio Agrícola y Ganadero</i> (SAG – Agricultural and Livestock Protection Agency) requires the submission of proof or other undisclosed information concerning the safety and effectiveness of a pharmaceutical product or agricultural chemical that utilizes a new chemical entity that has not been previously approved by the competent authority, such information shall be considered confidential pursuant to the regulations in force.</p> <p>The nature of non-disclosure shall be deemed satisfied if the data have been subject to reasonable measures to keep it undisclosed and they are not generally known to or easily accessed by persons within the circles in which the type of information in question is normally used.</p> <p>The competent authority may not disclose or utilize such data to grant a health registration or authorization to someone who does not have the permission of the holder thereof, for a period of five years for pharmaceutical products and 10 years for agricultural chemicals, beginning from the first health registration or authorization granted by ISP or SAG, as the case may be.</p> <p>In order to enjoy protection under this Article, the nature of non-disclosure of such data shall be expressly stipulated in the health registration or authorization application.</p>	<p>Law 19,996 Sole Art., No. 72</p>
<p>Article 90.– An active ingredient that has not been included previously in health registrations or authorizations granted by ISP or SAG, as the case may be, or that has not been marketed in the national territory prior to the health registration or authorization application, shall be considered a new chemical entity.</p> <p>For the purposes of this paragraph, a substance having one or more pharmacological effects or agricultural chemical uses, whatever its form,</p>	<p>Law 19,996 Sole Art., No. 72</p>

<p>expression or arrangement, including its salts and complexes, shall be considered an active ingredient. In no case shall the following be considered a new chemical substance:</p> <p>(a) therapeutic uses or indications other than those authorized in other prior health registrations or authorizations of the same chemical substance;</p> <p>(b) changes in the method of administration or forms of dosage from those authorized in other prior health registrations or authorizations of the same chemical substance;</p> <p>(c) changes in authorized or registered pharmaceutical forms, formulations or combinations of chemical substances;</p> <p>(d) salts, complexes, crystalline forms or such chemical structures based on a chemical substance that has a prior health registration or authorization.</p>	
<p>Article 91.— Protection under this paragraph shall not apply where:</p> <p>(a) the holder of the information providing proof indicated in Article 89 has engaged in conduct or practices declared anti-competitive, directly related to the use or exploitation of such information, according to a final or binding decision by the Antitrust Tribunal;</p> <p>(b) on justified grounds of public health, national security, non-commercial public use, national emergency or other extremely urgent circumstances declared so by the competent authority, the protection set out in Article 89 may be terminated;</p> <p>(c) the pharmaceutical product or agricultural chemical is the subject of a compulsory license pursuant to the stipulations in this Law;</p> <p>(d) the pharmaceutical product or agricultural chemical has not been marketed within the national territory by the end of a 12-month period beginning from the date of the health registration or authorization granted in Chile;</p> <p>(e) the application for registration or health authorization of the pharmaceutical product or agricultural chemical that is filed in Chile 12 months after the first registration or health authorization has been obtained abroad.</p>	<p>Law 19,996 Sole Art., No. 72</p> <p>Law 20,160 Sole Art., No. 14 D.O. January 26, 2007</p>
<p style="text-align: center;">TITLE IX</p> <p>Geographical indications and appellations of origin</p> <p>Article 92.— This Law recognizes and protects geographical indications and appellations of origin in accordance with the following provisions:</p> <p>(a) an indication identifying a product as originating from a country, region or locality in the national territory where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin, shall be considered a geographical indication;</p> <p>(b) a designation identifying a product as originating from the country, regional or locality in the national territory where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin, and also taking into consideration other natural or human factors that have an impact on the characteristics of the product, shall be considered an appellation of origin.</p> <p>Article 93.— Geographical indications and appellations of origin shall be governed by this Law and by the rules for specific use that have been approved.</p>	<p>Law 19,996 Sole Art., No. 73</p> <p>Law 19,996 Sole Art., No. 73</p> <p>Law 19,996 Sole Art., No. 73</p>

<p>The foregoing shall be understood to be without prejudice to the provisions regulating appellations of origin for Pisco, <i>Pajarete</i> and <i>Vino Asoleado</i> and those referring to zoning of wine-growing, where the specific rules contained in Law No. 18,455 shall prevail in respect thereof.</p> <p>Geographical indications and appellations of origin cannot be subject to appropriation or lien limiting or preventing the use thereof by applicants who meet the requirements established in this Law and in the regulations for use of the indication or appellation.</p> <p>Article 94.– The recognition of a geographical indication or appellation of origin shall be made by the Department via its inclusion in a Register of Geographical Indications and Appellations of Origin kept for that purpose.</p> <p>Any natural person or legal entity may request the registration of a geographical indication or appellation of origin, provided that he/it represents a significant group of producers, manufacturers or artisans, regardless of the legal form, whose lands, or establishments of extraction, production, processing and preparation are within the delimited zone established by the geographical indication or appellation of origin requested and who/which meet the other requirements laid down in this Law. National, regional, provincial or local authorities may also request the recognition of a geographical indication or appellation of origin where the geographical indications or appellations of origin are located inside the territories within their corresponding jurisdiction.</p>	<p>Law 19,996 Sole Art., No. 73</p>
<p>Article 95.– The following signs or expressions may not be recognized as geographical indications or appellations of origin:</p> <p>(a) those that do not conform to the definitions contained in Article 92 of this Law;</p> <p>(b) those that are contrary to morality or ordre public;</p> <p>(c) those that may mislead or create confusion among consumers public in respect of the source of the geographical indication or appellation of origin or of the attributes of the products that they seek to protect;</p> <p>(d) those that are common or generic indications to protect the product in question, being understood as those considered as such by those with knowledge of the matter or the general public, unless they have been recognized as geographical indications or appellations of origin under international treaties ratified by Chile.</p> <p>Article 96.– Foreign geographical indications and appellations of origin may be registered in Chile in accordance with the rules contained in this Law. They may not be protected, or their protection shall lapse, where they have such protection, when they are no longer protected or have fallen into disuse in their country of origin.</p> <p>In particular, foreign geographical indications and appellations of origin identifying wines and spirits in relation to products and services, and that have been used continuously, in good faith, by nationals or residents in the national territory, to identify those same products or services or the related ones in Chile prior to April 15, 1994, or for at least 10 years prior to that date, shall not benefit from the protection established in this Law unless stipulated to the contrary in an international treaty ratified by Chile.</p> <p>Article 96bis A.– If by application of the rules contained in this Law or in</p>	<p>Law 20,160 Sole Art., No. 15 D.O. January 26, 2007</p> <p>Law 19,996 Sole Art., No. 73</p> <p>Law 20,160 Sole Art., No. 16 D.O. January 26, 2007</p>

<p>international treaties ratified by Chile, the Department arrives at the belief that coexistence between trademarks and geographical indications or appellations of origin, or of said indications and appellations between themselves, is possible, the final decision shall determine the conditions in which the geographical indications and appellations of origin or trademarks shall be used, in order to prevent misleading or creating confusion among consumers. Where one or more of the products in question are agricultural and forestry products or agro-industrial products, in order to reach such belief, the Department will have to request a report from the Ministry of Agriculture.</p> <p>In any case, the conditions of use shall form part of the relevant registration.</p> <p>Failure to comply with the conditions of use shall deprive the holder of the right to bring the actions established in this Law.</p> <p>Article 97.— An application for recognition of a geographical indication or appellation of origin shall state the following:</p> <p>(a) the name, address, tax identification number, if applicable, and activity of the applicant related to the requested indication or appellation;</p> <p>(b) the geographical indication or appellation of origin;</p> <p>(c) the geographical area of production, extraction, processing or preparation of the product that will be distinguished by the requested indication or appellation, delimiting it to the geographical character and political-administrative division of the country;</p> <p>(d) a detailed description of the product or products that will be distinguished by the requested indication or appellation as well as the essential characteristics or qualities thereof;</p> <p>(e) a technical study prepared by a competent professional that provides information in the sense that the characteristics or qualities attributed to the product are fundamentally or exclusively attributable to its geographical origin;</p> <p>(f) a draft of the specific regulations of use and control of the requested indication or appellation.</p> <p>Article 98.— Applications for Chilean geographical indications or appellations of origin relating to forestry, agricultural and livestock, and agro-industrial goods shall also require an approbatory report by the Ministry of Agriculture for the registration thereof stating their compliance with the requirements of Article 97. A report issued by the Ministry of Agriculture shall be required for foreign geographical indications and appellations of origin related to such products.</p> <p>Such report shall be issued within 120 days from the date of request therefor by the Head of the Department.</p>	<p>Law 19,996 Sole Art., No. 73</p> <p>Law 19,996 Sole Art., No. 73</p>
<p>Article 99.— The decision granting the registration of a geographical indication or appellation of origin shall state:</p> <p>(a) the recognition of the geographical indication or appellation of origin;</p> <p>(b) the delimited geographical zone of production, extraction, processing or preparation in which the producers, manufacturers or artisans thereof have the right to use the indication or appellation;</p>	<p>Law 19,996 Sole Art., No. 73</p>

<p>(c) the products to which the geographical indication or appellation of origin shall apply and the essential qualities or characteristics that they must have;</p> <p>(d) the qualification, according to the merits of the information furnished, as a geographical indication or appellation of origin.</p> <p>Such decision shall also approve and order the registration of the specific regulations for use and control of the recognized geographical indication or appellation of origin.</p>	
<p>Article 100.– The registration of a geographical indication or appellation of origin shall be indefinite.</p> <p>The registration may be modified at any time where any of the circumstances established in Article 97 changes. The modification shall be subject to the registration procedure, as appropriate.</p>	<p>Law 19,996 Sole Art., No. 73</p>
<p>Article 101.– Any interested party may petition for the invalidation of the registration of a geographical indication or appellation of origin if any of the prohibitions set out in this Law have been infringed.</p>	<p>Law 19,996 Sole Art., No. 73</p>
<p>Article 102.– To the extent applicable, the rules in Titles I and II and the trademarks regulations shall apply to the examination, publication, registration and invalidation procedures for geographical indications and appellations of origin discussed in this Title.</p>	<p>Law 19,996 Sole Art., No. 73</p>
<p>Article 103.– All producers, manufacturers or artisans who conduct their activity within the delimited geographical zone, including those who are not among those who requested the initial recognition, shall be entitled to use the geographical indication or appellation of origin in relation to the products indicated in the registration, provided that they comply with the provisions regulating the use thereof. Only they may use the expression “<i>Indicación Geográfica</i>” (geographical indication) or “<i>Denominación de Origen</i>” (appellation of origin) or the initials “I.G.” or “D.O.” respectively, in the identification of the product. These indications may be placed on the container provided that the container is sealed, in such a manner that it is necessary to destroy the container to use the product.</p>	<p>Law 19,996 Sole Art., No. 73</p>
<p>Article 104. – Civil actions relating to the right to use a registered geographical indication or appellation of origin and those seeking to prevent the illegal use thereof shall be brought before the ordinary courts, pursuant to the rules established in Title X, on Enforcement.</p> <p>The civil actions established in the previous paragraph regarding registered geographical indications or appellations of origin that identify wines and spirits may be taken where a geographical indication or appellation of origin is used without the right to do so or is translated or where it is accompanied by words such as “class”, “type”, “style”, “imitation”, or other similar expressions, even when the true origin of the good is indicated.</p>	<p>Law 19,996 Sole Art., No. 73</p>
<p>Article 105.– The following persons shall be liable to a fine of 25 to 1,000 monthly accounting units payable to the State:</p>	

<p>(a) any person who with ill intent designates a product of the same type as those protected by a registered geographical indication or appellation of origin without the right to do so;</p> <p>(b) any person who uses, for commercial purposes, the indications corresponding to a geographical indication or appellation of origin that is not registered, has lapsed or has been invalidated or that simulates them;</p> <p>(c) any person who makes use, for commercial purposes, of containers or packages that bear a registered geographical indication or appellation of origin without the right to use it and without having it previously erased, unless the marked package is intended to contain different goods unrelated to those protected by the geographical indication or appellation of origin.</p> <p>Persons found guilty pursuant to this Article shall be liable to pay the costs, damages and prejudice caused to the lawful users of the geographical indication or appellation of origin.</p> <p>The tools and equipment used directly in committing any of the offenses mentioned in this Article shall be confiscated. Objects bearing counterfeit geographical indications or appellations of origin shall be confiscated and destroyed. As for the tools and equipment used, the competent court may order their destruction or distribution for charity.</p> <p>A second or subsequent offense within five years from the date of a fine shall be punishable by at least double the previous fine, up to a maximum of 2,000 monthly accounting units.</p>	<p>Law 19,996 Sole Art., No. 73</p>
<p style="text-align: center;">TITLE X</p> <p>Enforcement of industrial property rights</p> <p style="text-align: center;">Paragraph 1</p> <p>Civil actions</p> <p>Article 106.– Rights holders whose industrial property rights have been infringed may bring a civil action seeking the following:</p> <p>(a) the cessation of the acts infringing the protected right;</p> <p>(b) compensation for damages;</p> <p>(c) adoption of the measures necessary to avoid the continuation of the offense;</p> <p>(d) the publication of the decision, at the expense of the party found guilty, by means of inserts in a newspaper to be chosen by the plaintiff. This measure shall apply where the decision expressly so determines.</p> <p>Article 107.– The civil actions laid down in Article 106 shall give rise to a summary judgment and anyone who has an interest in filing a civil action may do so, without prejudice to any criminal action that may be brought.</p> <p>Article 108.– Damages may be determined, of the plaintiff’s choosing, according to the general rules or according to one of the following rules:</p> <p>(a) the profits that the rights holder would have ceased to earn as a consequence of the infringement;</p> <p>(b) the profits that the infringer would have earned as a consequence of the infringement;</p> <p>(c) the price that the infringer would have paid to the rights holder for</p>	<p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p>

<p>the granting of a license, taking into account the commercial value of the infringed right and contractual licenses that have already been granted.</p> <p>Article 109.– Without prejudice to the other actions established in this Title, persons who have marketed goods that infringe an industrial property right shall not be liable for damages unless those same persons have manufactured or produced them or have marketed them in the knowledge that they were committing an infringement of an industrial property right.</p> <p>Article 110.– The judge hearing the case shall be empowered to order the infringer in the decision to provide any information in his possession on the persons who have participated in the production or preparation of the goods or procedures involved in the infringement and regarding the distribution channels of said goods.</p> <p>Article 111.– The judge shall assess the evidence in these cases in due conscience.</p>	<p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p>
<p>Paragraph 2 Precautionary measures</p> <p>Article 112.– Precautionary measures shall apply in all matters relating to infringements of industrial property rights.</p> <p>Without prejudice to other precautionary measures, the court may order the following:</p> <p>(a) the immediate cessation of the acts constituting the alleged infringement;</p> <p>(b) seizure of the products involved in the alleged infringement and the materials and means used mainly to commit the infringement. Seizure of containers, packaging, labels, printed matter or advertising containing the sign involved in the alleged infringement may also be ordered in the case of distinctive signs;</p> <p>(c) the appointment of one or more receivers;</p> <p>(d) an ban on advertising or promoting the products involved in the alleged infringement in any way; and</p> <p>(e) the withholding in a credit institution or by a third party of the property, monies or valuables arising from the sale or marketing of such products in any way.</p>	<p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p>
<p>Paragraph 3 Preliminary remedies</p> <p>Article 113.– The provisional remedies indicated in paragraph 2 of Title X of this Law and the remedies contained in Titles IV and V of the Second Book of the Code of Civil Procedure may be requested as preliminary remedies.</p>	<p>Law 19,996 Sole Art., No. 74</p> <p>Law 19,996 Sole Art., No. 74</p>

<p style="text-align: center;">TITLE XI</p> <p>Final Article</p> <p>Article 114.– Decree-Law No. 958, of 1931, on Industrial Property; Articles 16 and 17 of Law No. 18,591; Article 38 of Law No. 18,681; and Law No. 18,935 are hereby repealed.</p>	<p>Law 19,996</p> <p>Sole Art., No. 75</p> <p>Law 19,039 Art. 73</p>
<p style="text-align: center;">TITLE XII</p> <p>Transitional Articles</p> <p>Article 1.– Without prejudice to the provisions of the second subparagraph of Article 39 of this Law, only invention patents may be applied for drugs of all kinds, medicinal pharmaceutical preparations and their preparations and chemical reactions, provided that the applicant has filed the patent application in his country of origin after the entry into force of this Law.</p> <p>To be noted, notified, and filed. – RICARDO LAGOS ESCOBAR, President of the Republic. – Jorge Rodríguez Grossi, Minister of Economy, Development and Reconstruction.</p> <p>Sent to you for your attention. – Yours sincerely, Carlos Alvarez Voullième, Deputy Secretary of Economy, Development and Reconstruction.</p>	<p>Law 19,996 Sole Art., No. 70</p> <p>Law 19,039 Transitional Article 1</p>