

**DECREE No. 868**

**THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF EL SALVADOR,**

WHEREAS:

- I. The Constitution of the Republic recognizes the right to intellectual and artistic property as a human right, in the time frame and form laid down by the law and the international treaties to which the Republic of El Salvador is a signatory;
- II. Our country, faithful to its commitments to the World Trade Organization, must guarantee that the regulations of its intellectual property legislation include the protection standards laid down by the Agreement on the Trade-Related Aspects of Intellectual Property, in conformity with Annex 1C of the Marrakech Agreement setting up the World Trade Organization;
- III. The Central American Agreement for the Protection of Industrial Property is no longer suitable in view of the changes stemming from industrial development, international trade and new technologies, which is why the Republics of El Salvador, Guatemala, Nicaragua and Costa Rica signed, in the city of San José, Republic of Costa Rica, on the seventeenth of September nineteen hundred and ninety-nine, a Protocol repealing the said Agreement, which must be ratified by means of a national legal system replacing the same, in order to ensure that industrial property rights are truly and effectively recognized and protected, in accordance with present needs, thereby stimulating intellectual creativity and investment in trade and industry, consistent with the commitments undertaken by virtue of the Agreement on the Trade-Related Aspects of Intellectual Property;

THEREFORE:

Exercising its constitutional powers and at the initiative of the President of the Republic, through the Minister of the Economy and Deputies **Ciro Cruz Zepeda Peña, Walter René Araujo Morales, Julio Antonio Gamero Quintanilla, René Napoleón Aguiluz Carranza, Carmen Elena Calderón de Escalón, José Rafael Machuca Zelaya, William Rizzieri Pichinte, Rosario del Carmen Acosta, Ernesto Iraheta, José Antonio Almendáriz Rivas, Rafael Edgardo Arévalo Pérez, José Orlando Arévalo Pineda, Rodrigo Avila Avilés, Juan Miguel Bolaños Torres, Carlos Antonio Borja Letona, Isidro Antonio Caballero Caballero, Louis Agustín Calderón Cáceres, Rafael Hernán Contreras Rodríguez, Roberto José d' Aubuisson Munguía, Agustín Díaz Saravia, Juan Duch Martínez, Juan Mauricio Estrada Linares, Hermes Alcides Flores Molina, José Amílcar Arévalo, Guillermo Antonio Gallegos Navarrete, Elizardo González Lovo, Noé Orlando González, Jesús Grande, Manuel Durán, Carlos Walter Guzmán Coto, Mauricio Hernández Pérez, Mariela Peña Pinto, Francisco Alberto Jovel Urquilla, Osmín López Escalante, Mauricio López Paker, Alejandro Dagoberto Marroquín, Juan Ramón Medrano Guzmán, William Eliú Martínez, José Francisco Merino López, Julio Eduardo Moreno Niños, Renato Antonio Pérez, Mario Antonio Ponce López, Norman Noel Quijano González, José Mauricio Quinteros Cubías, Carlos Armando Reyes Ramos, Horacio Humberto Ríos Orellana, Héctor Nazario Salaverría Mathies, Gerardo Antonio Suvillaga García,**

Hugo Antonio Fuentes, Enrique Valdés Soto, Alba Teresa de Dueñas, Vinicio Peñate, Manuel Vicente Menjivar, Fernando de Jesús Gutiérrez, Juana Isolina Alas de Marín, Héctor Guzmán and Juan José Francisco Guerrero Chacón.

DECREES as follows:

## LAW ON TRADEMARKS AND OTHER DISTINCTIVE SIGNS

### TITLE I

#### PRELIMINARY PROVISIONS

##### **Subject matter of the Law**

**Article 1.-** The purpose of the present Law shall be the acquisition, maintenance, protection, amendment or licensing of trademarks, expressions or signs of commercial advertising, trade names, emblems, geographical indications and appellations of origin, as well as the prohibition of unfair competition in such areas.

##### **Concepts used**

**Article 2.-** For the purposes of this Law, the following definitions shall be deemed to apply:

**Distinctive sign:** Any sign composed of a trademark, an expression or signal of commercial advertising, a trade name, an emblem or an appellation of origin;

**Well-known distinctive sign:** A distinctive sign known to the appropriate sector of the public, or in related business circles, as belonging to a third party, which has acquired the said quality through its use in the country or as a consequence of the promotion thereof;

**Famous distinctive sign:** Any distinctive sign that is known to the public in general, inside or outside the country;

**Trademark:** Any sign or combination of visually perceptible signs which, by means of their special characters, serve to distinguish clearly the goods or services of a natural person or legal entity, from goods or services in the same class or of the same nature but offered by a different owner;

**Collective trademark:** A trademark owned by a legal entity grouping together persons authorized by the owner to use the trademark on the basis of a set of regulations;

**Expression or sign of commercial advertising:** Any word, caption, advertisement, slogan, sentence, phrase, combination of words, design, engraving or other similar means, provided that it is original and characteristic, which is employed with a view to drawing the attention of consumers or users to one or more goods, services, firms or establishments;

**Business name:** A designating or mixed sign used by a firm or its establishments for purposes of identification;

**Emblem:** A figurative, symbolic or allegorical sign which identifies and distinguishes a firm or establishment;

**Geographical indication:** Any geographical name, designation, picture or sign which designates or evokes a particular country, group of countries, region, locality or place;

**Appellation of origin:** A geographical indication consisting of the denomination of a particular country, region or place, used to designate a product originating from there, whose qualities or characteristics are due exclusively or primarily to the geographical setting in which it is produced, including natural and human factors; the constituent elements of an appellation which, without being from a particular country, region or place, refers to a particular geographical area when used in conjunction with products originating from the said area, shall also be deemed to be an appellation of origin;

**Paris Convention:** The Paris Convention for the Protection of Industrial Property, signed on March 20, 1883, revised on July 14, 1967 and amended on September 28, 1979;

**Registry:** Department for the Registration of Intellectual Property of the Commercial Registry.

### **Persons who may avail themselves of the Law.**

**Article 3.-** Any natural person or legal entity, regardless of his nationality or domicile, may acquire or enjoy the rights granted under this Law.

There shall be no requirements relating to nationality, domicile or establishment in the Republic to enjoy the rights laid down by this Law.

## **TITLE II**

### **TRADEMARKS**

#### **CHAPTER I**

#### **TRADEMARKS IN GENERAL**

#### **Signs that may constitute a trademark**

**Article. 4.-** Trademarks may consist, inter alia, of words or series of words, including the names of persons, letters, numbers, monograms, figures, portraits, labels, coats of arms, patterns, emblems, borders, lines and margins, or color combinations and arrangements. Likewise, they may consist, inter alia, of the form, presentation or get-up of products, or of their packaging or wrapping, or of the means or premises used to market the corresponding goods or services.

Without prejudice to the provisions relating to the geographical indications contained in this Law, trademarks may consist of national or foreign geographical names, provided they are sufficiently arbitrary in respect of the goods or services to which they apply and their use is not likely to create confusion with regard to the origin, source, qualities or characteristics of the goods or services for which the trademarks are used.

The nature of the good or service to which the trademark is to apply shall in no way be hindered by the registration thereof.

#### **Acquisition of the right in the trademark**

**Article 5.-** Ownership of trademarks and the right to their exclusive use shall be acquired through their registration in conformity with this Law.

Questions which arise with regard to the order of priority in the filing of two or more applications for the

registration of a trademark shall be settled according to the date and time of filing of each application.

Ownership of a trademark and the right to its exclusive use shall be acquired only in relation to the goods or services which have been registered, without prejudice to the right of objection in the cases governed by this Law.

The owner of a trademark protected in a foreign country shall enjoy the rights and guarantees granted by this Law, provided that the trademark has been registered in El Salvador, without prejudice to the protection of well-known or famous signs.

The use of a trademark to market a good or service or registering the trademark used in business shall be optional.

### **Right of priority**

**Article 6.-** Any party who has filed in due form an application to register a trademark in a State signatory to the Paris Convention or in another country which grants reciprocity for this purpose to persons who hold Salvadorian nationality, who actually or effectively have their domicile or place of business in one of them, as well as to the assignee of such person, shall enjoy a right of priority to file, in El Salvador, one or more applications to register the same trademark, with regard to the same goods or services.

This right of priority may be exercised during a period of six months, starting the day after the priority application was filed. An application to register a trademark that has already been filed and which invokes the right of priority shall not be refused, revoked or cancelled as a result of acts performed by the applicant himself or a third party during the term of validity of the right of priority. Such acts shall not give rise to the acquisition of any third party right in relation to the trademark.

The right of priority shall be invoked by means of an express declaration, which must either accompany the application for registration or be made within three months of the date of filing.

In the three months following filing, it shall be necessary to attach a copy of the priority application certified by the industrial property office that has received the said application. This document shall not be subject to any authentication requirement and a simple translation may be attached, as necessary.

### **Joint ownership**

**Article 7.-** Joint ownership of the right in a trademark application or registration shall be governed by the following standards unless otherwise provided:

- (a) The amendment, limitation or withdrawal of an application being processed must be done jointly;
- (b) Each joint owner may personally use the distinctive sign that forms the subject matter of the application or registration, but must provide fair compensation to the joint owners who do not exploit or use the sign and have not licensed the use of the same; failing such agreement, the amount of compensation shall be set by the competent court;
- (c) The transfer of the application or registration shall be by mutual consent, but each

joint owner may assign his share separately, also enjoying a right of pre-emption during a period of three months from the date on which the joint owner notifies them of his intention to assign his share;

- (d) Each joint owner may grant to third parties a non-exclusive license to use the distinctive sign which forms the subject matter of the application or registration, but must provide fair compensation to the joint owners who do not use the sign and have not licensed the use of the same; failing such agreement, the amount of compensation shall be set by the competent court;
- (e) An exclusive license for exploitation or use may be granted only by mutual consent;
- (f) Total or partial voluntary limitation or cancellation of a registration shall be by mutual consent;
- (g) Any joint owner may notify the other joint owners that he waives for their benefit his share of the application or registration, remaining free from any obligation to the other joint owners once the waiver has been entered in the corresponding Registry or, in the case of an application, once notification of such waiver has been provided to the Registry; the waived share shall be divided up among the remaining joint owners proportionate to their respective rights in the application or registration; and
- (h) Any joint owner may take appropriate action in the event that this right has been infringed.

The provisions of common law relating to joint ownership shall apply to any points not covered by this Article.

#### **Trademarks that are inadmissible for intrinsic reasons**

**Article 8.-** A sign covered by any of the following cases may not be registered or used as a trademark or a part thereof:

- (a) It consists of the customary or common form of the good to which it applies or to its wrapping, or of a form that is necessary or imposed by the nature of the good or service in question;
- (b) It consists of a form which confers a functional or technical advantage on the good or service to which it applies;
- (c) It consists exclusively of a sign or indication which, in everyday, technical or scientific language, or in customary business practices in the country, is a common or customary designation of the good or service in question;
- (d) It consists exclusively of a sign or indication which can be used in business to qualify or describe a characteristic of the good or service in question;
- (e) It consists of a simple color considered in isolation;
- (f) It consists of a letter or digit considered in isolation, unless it is present in a special, distinctive form;

- (g) It is contrary to morality or public policy;
- (h) It contains an element which offends or ridicules persons, ideas, religions or national symbols of any country or international entity;
- (i) It can cause deliberate misrepresentation or confusion as to the geographical source, nature, mode of production, qualities, suitability for use or consumption, quantity or other characteristic of the good or service in question;
- (j) It consists of a geographical indication that contravenes the provisions of Article 4, subsection 2;
- (k) It reproduces or imitates, either completely or partially, the coat of arms, flag or other emblem, acronym, name or abbreviated name of any State or international organization, without express authorization from the competent authority of the State or international organization in question;
- (l) It reproduces or imitates, either completely or partially, an official sign of control or guarantee adopted by a State or public entity, without express authorization from the competent authority of that State;
- (m) It reproduces coins or banknotes which have legal tender in the country, securities or other commercial documents, stamps, postage stamps, fiscal stamps or fiscal instruments in general;
- (n) It includes or reproduces medals, prizes, diplomas or other elements which presuppose the obtainment of awards with regard to the corresponding good or service, unless such awards were actually granted to the registration applicant or his assignee and proof is provided when the application for registration is filed; and,
- (o) It consists of the name of a plant variety which is protected in the country or abroad, if the sign is to be used for goods or services relating to such a variety.

#### **Trademarks that are inadmissible owing to third party rights**

**Article 9.-** Any sign that affects a third party right may not be registered or used as a trademark or element thereof in the following cases:

- (a) It is identical to a trademark or other distinctive sign already registered or applied for by a third party at a prior date, which distinguishes goods or services included in the same class;
- (b) Owing to its graphic, phonetic or ideological similarity, it may mislead or cause confusion with other trademarks and other distinctive signs already registered or applied for by a third party, if it is to be used to distinguish goods or services included in the same class;
- (c) It is liable to cause confusion because it is identical or similar to a trade name or emblem used in the country by a third party from a prior date, provided that the trading practices or activities are similar;

- (d) It constitutes a total or partial reproduction, imitation, translation or transcription of a well-known distinctive sign belonging to a third party, when its use is liable to cause confusion or a risk of association with the third party, or unfair exploitation of the notoriety of the sign, in relation to goods included in the same class;
- (e) It constitutes a total or partial reproduction, imitation, translation or transcription of a well-known distinctive sign belonging to a third party, when its use is liable to cause confusion or a risk of association with the third party, regardless of the goods or services to which the sign applies;
- (f) It affects the right of personality of a third party, or consists partially or completely of the name, signature, title, pseudonym, picture or portrait of a person different from the one filing for registration, unless express authorization has been granted by the third party or his heirs;
- (g) It affects the right to the name, image or prestige of a local, regional or national community, unless express authorization has been granted by the competent authority of such community;
- (h) It is liable to cause confusion with a protected appellation of origin;
- (i) It is liable to infringe a copyright or industrial property right held by a third party, unless he grants his express authorization; and,
- (j) The application filed to register the sign was made to perpetrate or consolidate an act of unfair competition.

## CHAPTER II

### PROCEDURE FOR TRADEMARK REGISTRATION

#### Filing for registration

**Article 10.-** Applications for trademark registration shall be filed with the Registry and must contain the following:

- (a) The designation of the authority to which it is addressed;
- (b) The name, company name or trade name, nationality, domicile and other particulars concerning the applicant and the name, occupation and domicile of the legal representative or agent if the application is filed by the latter;
- (c) A model or example shall be attached for a trademark for which a registration application has been filed. If the trademark consists solely of a design, the applicant shall assign it a form of identification. If the trademark is constituted by any denominative element with a meaning in a language other than Spanish, a simple translation of the same shall be included;



- (d) A list containing the name of the goods or services that will be distinguished by the trademark, in conformity with the classification laid down in Article 85 of this Law, with an indication of the class to which they correspond;
- (e) Reservations expressed with regard to the type of font, color or combination of colors, designs or characteristics of the trademark, as they appear in the model, as the case may be. Reservations expressed with regard to elements which do not appear in the model shall be deemed invalid;
- (f) A specific statement of what is requested;
- (g) The exact address to which notifications should be sent; and
- (h) The place and date of the application and the signature of the applicant, agent or legal representative.

The application referred to in the previous subsection shall be accompanied by the following:

- (a) A certified photocopy of the lawfully granted power of attorney, if the application is filed by an agent, unless the latter is already accredited with the Registry, in which case the application shall indicate the date and number of registration. If the interested party presents the original of the power of attorney, he may ask that it be officially recorded and returned to him;
- (b) Fifteen models or examples of the trademark; and,
- (c) The documents or authorizations required in cases covered by Articles 8 and 9 of this Law, as appropriate.

Applicants may deal directly with the Registry, with the signature and seal of the chief attorney or through an agent who is a registered attorney and does not fall under any of the cases of disqualification referred to in Article 99 of the Code of Civil Procedure.

#### **Application filing date**

**Article. 11.-** Once the application has been filed, the Registry shall note the date and time of filing, assign a file number and send the applicant a receipt for the application and the documents submitted.

The filing date of the application shall be deemed to be the date of its receipt by the Registry, provided that at least the following requirements are met upon receipt:

- (a) Information making it possible to identify the applicant or his representative and the address for receiving notifications in the country;
- (b) The trademark for which an application for registration has been filed as stipulated in Article 10(c) of this Law; and
- (c) The names of the goods or services for which the trademark is or will be used.

#### **Amendments to an application**

**Article 12.-** The applicant may amend or correct his application at any point during processing. An

amendment or correction shall not be accepted if it implies a fundamental change in the trademark or a broadening of the list of goods or services submitted in the initial application, but the said list may be reduced or limited.

### **Examination of form**

**Article 13.-** The Registry shall verify whether the application complies with the provisions of Article 10 of this Law.

In the event of non-compliance with one of the requirements laid down in Article 10 of this Law, the Registry shall issue a decision and shall notify the applicant accordingly so that the latter may, within a period of four months, correct the error or omission, failing which the application shall be deemed to have been abandoned.

### **Examination of substance**

**Article 14.-** The Registry shall verify whether the trademark falls under any of the prohibitions laid down in Articles 8 and 9 of this Law, on the basis of the information and elements at its disposal.

If the trademark for which registration is sought falls under any of the prohibitions laid down in the articles mentioned in the previous subsection, the Registry shall issue a decision and inform the applicant accordingly, indicating the objections which prevent registration and setting a period of four months for answering. If this deadline passes without a response from the applicant or if the Registry nevertheless considers that the objections raised remain, the registration shall be refused by means of a reasoned decision.

If the trademark applied for is identical or similar to another which is being processed for registration, in conformity with the provisions of Article 9 (a) and (b) of this Law, the Registry shall issue a ruling, leaving the trademark applied for in abeyance until the application being processed has been resolved. If the application being processed is refused, causing it to lapse, the application declared in abeyance shall be processed in conformity with this Law and the priority referred to in the second subsection of Article 5 of this Law shall be recognized.

Similar trademarks may coexist if there is a written agreement between the interested parties, unless such coexistence would cause confusion in the minds of the public.

For purposes of examination of the trademark, the latter shall be analyzed as a whole without separating its constituent elements.

### **Publication of the application**

**Article 15.-** Once the examinations to verify compliance with Articles 13 and 14 of this Law have been carried out and if there are no obstacles to the application or any such obstacles have been overcome, the Registry shall order that notification of the application be provided through publication of an announcement in the Official Gazette and in one of the daily newspapers with the biggest nationwide circulation, three times, within 15 days, at the interested party's expense.

The announcement published shall contain the following:

- (a) the name, company name or trade name of the applicant and his nationality;
- (b) the name of the agent or legal representative, as appropriate;
- (c) the date of filing of the application;
- (d) the number of the application;
- (e) the trademark, as filed; and,
- (f) an indication of the corresponding class.

### **Opposition to registration**

**Article 16.-** In the two months following the date of first publication in the Official Gazette of the announcement referred to in the previous article, any party claiming a legitimate interest may object to the application and oppose its registration:

- (a) If he considers that the sign which is to be registered falls under the prohibitions laid down in Articles 8 and 9 of this Law;
- (b) If he considers that the sign for which registration is sought is equal or similar to another sign that is already registered or being processed, which protects goods or services that, even though they are in a different class from the goods or services protected by the sign that is already registered or being processed for registration, are of the same nature, as a result of which the public can be misled;
- (c) If he considers that he has a better claim than the applicant.

The opposing party may appear on his own, with the signature and seal of the chief attorney or by an agent who must also be a registered attorney who is not subject to any of the disqualifications referred to in Article 99 of the Code of Civil Procedure.

### **Requirements and procedures for opposition to registration**

**Article 17.-** The opposition shall be submitted in writing to the Registry and contain the following:

- (a) The exact designation of the authority to which it is addressed;
- (b) The name, company name or trade name, nationality, domicile and other particulars of the opposing party and the name, occupation and domicile of the agent or legal representative, as the case may be;
- (c) The name, company name or trade name of the person against which the opposition has been filed;
- (d) The de facto and de jure grounds on which the opposition is based;
- (e) A clear and concrete expression of what is sought; and,
- (f) The place and date of the text and the signature of the opposing party.

The opposing party shall provide and offer relevant evidence. If the evidence is not attached to the text of

opposition, it shall be submitted within two months after the opposition has been filed.

Once the opposition has been answered, the opposing party may only submit additional evidence if it relates to new facts.

The Registry may reject the text of opposition *ex officio* if it does not comply with the provisions of this Article and the previous one, and shall specify in the corresponding intermediate order the defect from which it suffers.

If the opposition is accepted, the Registry shall notify the trademark applicant accordingly, who shall have two months to reply as from the date of notification. Once this deadline has expired, the Registry shall decide on the application, even if the opposition has not been answered.

### **Final decision**

**Article 18.-** If one or more oppositions have been filed, they shall be decided together with the main thrust of the application in a single act, within 30 days following the date of expiry of the deadline to answer the opposition or the last of the oppositions, by means of a reasoned decision.

If the opposition is accepted and no appeal is lodged, the application shall be archived without further processing and the Registry shall refund the cash deposit for opposition.

If the decision rejecting the opposition is upheld, the registration of the trademark shall be granted and the cash deposit for opposition shall revert to the Registry.

If no opposition is filed within the deadline set, the Registry shall proceed to register the trademark. For this purpose, the interested party shall provide the Registry with a copy of the first publication of the announcement of application for registration in the Official Gazette.

In the event that registration is granted, the applicant shall be notified of the corresponding decision so that he may submit a receipt for payment of the prescribed fee. If, within three months following the date of notification of the decision, the applicant has not provided proof that he has paid the fee, the decision shall remain without effect, as a result of which the application shall be deemed to be abandoned and the file shall be archived without further processing.

### **Withdrawal of application or opposition**

**Article 19.-** Any person who has filed an application or opposition with the Registry may withdraw the same regardless of the stage reached in the proceedings. If this is the case, the application or opposition shall be deemed not to have been filed. Withdrawal of the application or opposition shall not warrant reimbursement of the fee paid or the cash deposit, and the latter shall revert to the Registry.

### **Certificate of registration**

**Article 20.-** If the Registry has proceeded with the registration of the trademark, it shall send the owner a certificate in no more than 30 days following the date of registration, which shall contain the following information:

- (a) the complete name of the Registry;
- (b) the name, company name or trade name, nationality and domicile of the owner of the trademark;
- (c) an indication of the trademark and the number, sheet and volume of the Registry Book in which it is entered;
- (d) a model of the trademark, which must bear the stamp of the Registry;
- (e) a complete list of the goods or services distinguished by the trademark, with an indication of the corresponding class;
- (f) any reservations that may have been expressed;
- (g) the date of registration and the corresponding date of expiration;
- (h) the place and date of preparation of the certificate; and,
- (i) the Registrar's seal and signature.

The certificate of registration referred to in the previous subsection shall be prepared using the form employed by the Registry for this purpose.

The respective file shall contain a copy of the certificate of registration.

### **CHAPTER III.**

#### **TERM, RENEWAL AND AMENDMENT OF REGISTRATION**

##### **Term of registration and renewal**

**Article 21.-** The registration of a trademark shall be valid for ten years starting from the date on which it was granted. It may be renewed indefinitely for successive terms of ten years, calculated from the last expiration date.

##### **Procedure for renewal of registration**

**Article 22.-** An application for the renewal of a trademark registration shall be filed with the Registry in the year leading up to the date of expiration of the registration to be renewed. It may also be filed during a grace period of six months after the date of expiration, subject to the payment of a surcharge over and above the prescribed fee for renewal. During the grace period, the registration shall remain fully in force.

Applications for renewal shall contain the following:

- (a) the designation of the authority to which it is addressed;
- (b) the name, company name or trade name, nationality and other particulars of the owner of the mark and the name, occupation and domicile of the legal representative or agent, if the application has been filed by the latter;
- (c) an indication of the number, volume, sheet and date of the entry;

- (d) if the owner wishes to reduce or limit the goods or services covered by the registration that is being renewed, a list of the goods or services corresponding to the desired reduction or limitation;
- (e) a specific statement of what is requested;
- (f) the exact address to which notifications are to be sent; and,
- (g) the place and date of the application and signature of the applicant, his agent or his legal representative.

The application referred to in the previous subsection should be accompanied by the following:

- (a) a certified photocopy of the legally granted power of attorney, if the application is filed by an agent, unless the latter is already accredited with the Registry, in which case the application shall indicate the date and number of registration. If the interested party submits the original of the power of attorney, he may ask that it be officially recorded and returned to him;
- (b) a receipt for payment of the prescribed fee.

The renewal of a trademark registration shall start to take effect from the date of expiration of the prior registration, even if an application for renewal is filed during the grace period.

Once the conditions laid down in this Article have been met, the Registry shall enter the renewal without further processing and order that the renewal be recorded in the margin of the entry corresponding to the trademark.

The above-mentioned annotation in the margin shall contain the following:

- (a) an express indication that the entry for the trademark has been renewed;
- (b) the date on which renewal was effected;
- (c) the number, volume and sheet of the entry concerning the decision in the corresponding book; and
- (d) the seal and signature of the Registrar.

The owner shall be given a certificate providing proof of renewal, which shall contain the following:

- (a) the full name of the Registry;
- (b) the name, company name or trade name, nationality and domicile of the owner of the trademark;
- (c) an indication of the distinctive sign and of the number, volume, sheet and date of the entry;
- (d) an express statement that the entry was renewed;
- (e) the date of renewal and the date of its expiration; and,
- (f) the place and date made out on the certificate, the seal and signature of the Registrar.

#### **Amendment of renewal**

**Article 23.-** At the time of renewal, no changes may be made to the trademark; nor may the list of goods and services covered by the registration be broadened.

The entry for the renewal shall mention any reduction or limitation made to the list of goods or services distinguished by the mark.

#### **Correction and limitation of registration**

**Article 24.-** The owner of a registration may ask at any time to amend the same in order to correct any errors and comply with the procedure established for its registration. The correction shall not be accepted if it entails an essential change in the trademark or a broadening of the list of goods or services covered by registration.

The owner of a registration may ask at any time to reduce or limit the list of goods or services covered by registration. If any third party right has been entered in relation to the trademark, the reduction or limitation may only be entered once a duly legalized sworn statement before a notary obtained from the third party has been presented, giving his consent to such a reduction or limitation.

Any requests for correction, reduction or limitation of the registration shall be subject to payment of the prescribed fee, except in cases where the correction is due to a mistake in the Registry, in conformity with the provisions of Article 108 of this Law.

#### **Division of trademark registration**

**Article 25.-** The owner of a registration may at any time request a division of the trademark registration in order to separate the goods or services contained in the list of the initial registration into two or more registrations. Each divided registration shall retain the date of initial registration.

Requests for division shall be subject to payment of the prescribed fee.

### **CHAPTER IV**

#### **RIGHTS, OBLIGATIONS AND LIMITATIONS RELATING TO REGISTRATION**

##### **Rights conferred by registration**

**Article 26.-** Registration of a trademark shall entitle its owner to bring suit against any third party who, without his consent, has done one of the following:

- (a) reproduced, applied, stuck or affixed in any way a distinctive sign that is identical or similar to the registered trademark to goods including those for which the trademark has been registered, or to the packing, wrapping, packaging or get-up of such goods, or to goods that have been produced, altered or processed by means of services including those for which the trademark has been registered;
- (b) eliminated or altered the trademark for commercial purposes after its owner or a person authorized by him has applied, stuck or affixed it to the goods referred to in the previous subsection;

- (c) produced labels, packing, wrapping, packaging or other similar materials which reproduce or contain the trademark, as well as marketed or held such materials;
- (d) refilled or reused for commercial purposes packing, wrapping or packaging bearing the trademark;
- (e) used in business a sign identical or similar to the trademark for any goods or services if such use is liable to cause confusion or a risk of association with the owner of the registration, it being understood that in the case of the use of an identical sign for identical goods or services, it can be assumed that there is a likelihood of confusion;
- (f) used publicly a sign identical or similar to the trademark, even for non-commercial purposes, if this is liable to lead to the dilution of the distinctive power or commercial or advertising value of the trademark, or misappropriation of its prestige;
- (g) in the case of licensed products, allowed the use by third parties of licensed products or signs of licensed trademarks for purposes of commercial, advertising or promotional association, linking them to the trademarks or establishments of others; and,
- (h) engaged in any act of a similar nature that affects the rights conferred on the owner of the trademark.

The following acts, inter alia, shall be deemed to constitute use of a sign in business:

- (a) placing on the market, selling, offering for sale or distributing goods or services bearing the sign or making reference thereto;
- (b) importing, exporting, storing or transporting goods bearing the sign or referring thereto; and
- (c) using the sign in advertising, publications, business literature or written or oral communications, regardless of the medium in which this is done, without prejudice to applicable advertising standards.

#### **Limitations on the right in a trademark**

**Article 27.-** Registration of a trademark shall not confer the right to prohibit a third party from using, in relation to goods or services on the market:

- (a) his name or address, or that of his trading establishments;
- (b) indications or information on the characteristics of the goods or services he produces or distributes, inter alia references to their quantity, quality, use, geographical origin or price; and,
- (c) indications or information on the availability, use, application or compatibility of the goods or services he produces or distributes, particularly in relation to spare parts or accessories.

The above limitations shall apply provided that use is made in good faith in the exercise of lawful industrial or commercial activities and is not liable to cause confusion as to the corporate origin of the goods or services.

#### **Lapse**



**Article 28.-** Registration of the trademark shall not permit the owner to prohibit the use of the trademark in relation to legitimately branded products which are placed on the market, in the country, by the said owner, by the licensee or by another person with the consent of the owner or economically related to the same, provided that such products and the wrapping and packaging which were in immediate contact therewith have not suffered any modification, alteration or deterioration.

For the purposes of the above paragraph, two persons shall be deemed to be economically related where one person can exercise a decisive influence on the other, either directly or indirectly, with respect to the use of the rights in the trademark, or where a third party may exercise such an influence on both persons.

#### **Non-protected elements in complex trademarks**

**Article 29.-** When the trademark consists of a label or other sign composed of a body of elements, protection shall not extend to the elements contained therein which are in everyday use or necessary in business.

#### **Indication of product origin**

**Article 30.-** All products marketed in the country must indicate clearly the place where the product was produced or manufactured, the name of the producer or manufacturer and the connection or relationship between the said producer or manufacturer and the owner of the trademark used in the product, if this is not the same person, without prejudice to applicable labeling and consumer information standards.

### **CHAPTER V**

#### **ASSIGNMENT, LICENSING OF USE, CHANGE IN THE NAME OR DOMICILE OF THE OWNER OF THE TRADEMARK**

##### **Assignment of the trademark**

**Article 31.-** The right in a trademark that is already registered or being processed may be assigned inter vivos or by succession. For the said assignment to be enforceable against third parties, it must be put in writing and entered in the Register. The said entry shall be subject to the payment of the prescribed fee.

##### **Procedure for assigning the trademark**

**Article 32.-** To enter the assignment of the right in a trademark that is already registered or being processed, an application containing the following shall be filed with the Registry:

- (a) a designation of the authority to which it is addressed;
- (b) the name of the owner of the trademark and the name of the acquirer, his nationality and domicile; and the name, occupation and domicile of the agent or legal representative, as the case may be;

- (c) the number, sheet and volume of the Registry Book or the number of the file being processed and an identification of the trademark being assigned;
- (d) the title by means of which the assignment is verified;
- (e) a specific statement of what is requested;
- (f) the exact address to which notifications should be sent; and
- (g) the place and date of the application and the signature of the applicant.

The following should be attached to the application:

- (a) a certified photocopy of the lawfully granted power of attorney, if the application is filed through an agent, unless this person is already accredited with the Registry, in which case the application shall indicate the registration number and date. If the interested party presents the original of the power of attorney, he may ask that it be officially recorded and returned to him;
- (b) the document attesting to the assignment of the mark;
- (c) a receipt for payment of the prescribed fee.

Once the above requirements have been met, the Registry shall enter the assignment without further processing, and order that an entry providing proof of the assignment be made in the margin of the entry corresponding to the trademark.

The assignment shall not give rise to publication.

The owner shall be given a certificate attesting to the assignment, identical to the one stipulated in Article 20 of this Law.

The application for assigning a trademark may be filed simultaneously by the assignor and the assignee, by only one of the parties.

### **Free assignment of the trademark**

**Article 33.-** Assignment of the right in a trademark may take place independently of the company or part of the company of the owner of the right with regard to one, some or all of the goods or services for which the trademark has been registered. If the assignment is limited to one or more of the goods or services, the registration shall be divided, with a new registration opened up on behalf of the acquirer.

### **Assignment of trademarks together with the company**

**Article 34.-** The assignment of a company shall include assignment of the right in any trademark that is an element of the company, unless specifically agreed otherwise.

### **License for use of the trademark**

**Article 35.-** The owner of the right in a registered trademark may grant a license for the use of the trademark. The licensing contract for use shall be entered in the Registry and shall only be enforceable against third parties starting from the date of the corresponding registration.

Unless otherwise stipulated in a licensing contract, the following requirements shall apply:

- (a) the licensee shall be entitled to use the trademark throughout the term of the registration, including all renewals thereof, on the territory of the country with regard to the goods or services for which the trademark was registered;
- (b) the licensee may not assign the license or grant sublicenses; and
- (c) the licensor may grant other licenses in the country for the same trademark and the same goods or services and may use for himself the trademark in the country with regard to these goods or services.

If so stipulated in a licensing contract for a foreign trademark, duly recorded in the Registry, the licensee may block imports of goods for which, under the protection of the trademark that forms the subject matter of the license, an attempt is made to introduce them into the country for commercial purposes.

Similarly, the owner of the trademark may block the sale of any goods which, owing to their condition of sale goods or irregular production qualities of exports ordered solely by firms outside the area, are sold on the Salvadorian market without the respective authorization of the owner of the trademark.

### **Procedure for registration of a license for use**

**Article 36.-** An application containing the following shall be filed with the Registry to record a license for use of a registered trademark:

- (a) the designation of the authority to which it is addressed;
- (b) the name, company name or trade name, nationality and domicile of the owner of the trademark and the licensee; and the name, occupation and domicile of the agent or legal representative, as the case may be;
- (c) the number, sheet and volume of the Registry Book and identification of the trademark to be made available for use;
- (d) the type of license, its term and the territory covered;
- (e) A specific statement of what is sought;

- (f) the exact address to which notifications should be sent; and
- (g) the place and date of the application, with the signature of the applicant.

The following should be attached to the application:

- (a) a certified photocopy of the lawfully granted power of attorney, if the application is filed through an agent, unless this person is already accredited with the Registry, in which case the application shall indicate the date and number of registration. If the interested party submits the original of the power of attorney, he may ask that it be officially recorded and returned to him;
- (b) the document in which the license is recorded; and,
- (c) a receipt for payment of the prescribed fee.

The application referred to in this Article may be filed jointly by the licensor and licensee, or by only one of the parties.

Once the above requirements have been met, the Registry shall enter the license for use without further processing, and order that an entry providing proof of the license for use be made in the margin of the file.

The license for use shall not give rise to publication.

The licensee shall be given a certificate attesting to the license for use, which should contain the following:

- (a) the full name of the Registry;
- (b) the name, company name or trade name, nationality and domicile of the owner of the trademark;
- (c) the name, company name or trade name, nationality and domicile of the licensee;
- (d) a specific indication of the trademark which contains the license and the number of registration, the sheet and the Registry Book;
- (e) a mention of whether or not the license is exclusive in relation to a particular territory or zone;
- (f) the term of the license; and,
- (g) the place and date the certificate was made out, along with the stamp and signature of the Registrar.

As appropriate, franchise contracts shall be governed by the provisions of licenses for use.

#### **Change in the name or domicile of the owner**

**Article 37.-** Natural persons or legal entities who have changed or modified their name, company name or trade name, in accordance with the law, or their domicile, shall have the Registry make a note of the change or amendment in the margin of each of the files corresponding to the trademarks in their possession.

#### **Procedure for a change in name or domicile**

**Article 38.-** To enter a change in the name or domicile of the owner of a registered trademark, an application containing the following shall be filed with the Registry:

- (a) The designation of the authority to which it is addressed;
- (b) The name, company name or trade name, nationality and domicile of the applicant and the name, occupation and domicile of the agent or legal representative, as the case may be;
- (c) A precise indication of the trademark owned by the interested party and the number of registration, sheet and volume of the Registry Book;
- (d) A specific statement of what is requested;
- (e) The exact address to which notifications should be sent; and
- (f) The place and date of the application, signed by the applicant or agent or legal representative, as the case may be.

The following should be attached to the application:

- (a) The lawfully granted power of attorney, if the application is filed through an agent, unless this person is already accredited with the Registry, in which case the application shall indicate the date and number of registration. If the interested party submits the original of the power of attorney, he may ask that it be officially recorded and returned to him;
- (b) In case of a change of domicile, the owner or agent may submit a sworn statement showing the change of domicile;
- (c) The document bearing the change in name or company or trade name; and,
- (d) The receipt for payment of the prescribed fee.

Once the above requirements have been met, the Registry shall proceed without further processing to make an entry in the margin of the file corresponding to the trademark concerning the change in name, company name or trade name or domicile, which shall not give rise to publication.

The owner of the trademark shall receive certification of the corresponding entry in the margin within 30 days calculated from the day after the application was filed.

## CHAPTER VI

### TERMINATION OF TRADEMARK REGISTRATION

#### Invalidation of registration

**Article 39.-** At the request of any interested party and subject to a hearing of the owner of the trademark registration, the competent legal authority shall declare invalid the registration of a trademark if it has been made in contravention of any of the prohibitions laid down in Articles 8 and 9 of this Law. In the case of non-compliance with Article 8, the Public Prosecutor's Office may also petition for invalidity.

A trademark registration may not be declared invalid for reasons that had ceased to apply by the time the petition for invalidation was lodged.

A petition for invalidity based on an infringement of Article 9 shall be lodged within five years of the date of registration. An action for invalidity shall not be barred if the impugned registration was made in bad faith.

A petition for invalidity may be lodged as a defense or as a cross-action in any proceedings for infringement of a registered trademark.

An action for invalidity based on the best right of a third party to secure registration of a trademark may only be lodged by the person claiming such a right.

#### Cancellation of registration at the owner's request

**Article 40.-** The owner of a trademark may ask the Registry at any time to cancel the registration. Requests for cancellation shall be subject to payment of the prescribed fee.

If an entry concerning a right in favor of a third party appears in relation to the trademark, cancellation may only proceed once a sworn statement, duly legalized before a notary and granted by the third party, whereby he gives his consent to such cancellation, has been presented.

#### Procedure for obtaining the cancellation of a registration

**Article 41.-** To secure the cancellation of a trademark registration, an application containing the following shall be filed with the Registry:

- (a) the designation of the authority to which it is addressed;
- (b) the name, company name or trade name, nationality and domicile of the applicant, and the name, occupation and domicile of the agent or legal representative, as the case may be;
- (c) the number, sheet and Registry Book and identification of the trademark that forms the subject matter of the application;
- (d) a specific statement of what is requested;
- (e) the exact address to which notifications should be sent; and

- (f) the place and date of the application, with the signature of the applicant.

The following should be attached to the application:

- (a) the lawfully granted power of attorney, if the application is filed through an agent, unless this person is already accredited with the Registry, in which case the application shall indicate the place and number of registration. If the interested party submits the original of the power of attorney, he may ask that it be officially recorded and returned to him;
- (b) A receipt for payment of the prescribed fee;
- (c) As the case may be, the documents referred to in the second subsection of the previous Article.

Once the requirements set out in the foregoing subsections have been met, the Registry shall order that the registration be cancelled, that the grounds be entered in the margin of the corresponding file and that a single announcement be published, at the applicant's expense, which must contain the following:

- (a) The name, company name or trade name, nationality and domicile of the person cancelling the registration;
- (b) A precise indication of the trademark for which the registration has been cancelled;
- (c) The cause of cancellation and the model of the cancelled trademark.

### **Lapse of a trademark registration**

**Article 42.-** The right of ownership to a trademark shall lapse if the period referred to in the first subsection of Article 22 of the present Law expires and no application for renewal of registration has been filed.

## **TITLE III**

### **COLLECTIVE TRADEMARKS**

#### **Applicable provisions**

**Article 43.-** The provisions of Title II shall apply to collective trademarks, subject to the special provisions contained in this Title.

#### **Application for registration of a collective trademark**

**Article 44.-** An application to register a collective trademark shall indicate that its subject matter is a collective trademark and include three copies of the regulations for the use of the same.

The rules for the use of the collective trademark shall specify the common characteristics or qualities that will be common to the goods or services for which the mark shall be used, the conditions and arrangements under which the trademark may be used and the persons who shall be entitled to use it. They shall also contain provisions aimed at ensuring and verifying that the trademark is used in

accordance with the rules for its use and provide for sanctions in case of non-compliance therewith.

#### **Examination of applications for a collective trademark**

**Article 45.-** Examination of applications for a collective trademark shall include verification of compliance with the conditions of Article 44 of this Law.

#### **Registration of a collective trademark**

**Article 46.-** Collective trademarks shall be recorded at the Registry and registration shall also include a copy of the rules of use for the trademark.

#### **Changes to rules of use for a collective trademark**

**Article 47.-** The owner of a collective trademark shall inform the Registry of any changes to the rules of use for a collective trademark.

Changes to the rules of use for a trademark shall be recorded at the Registry, subject to payment of the prescribed fee.

#### **Licensing of a collective trademark**

**Article 48.-** A collective trademark may not be licensed for use by persons other than those authorized to use the trademark in accordance with the rules for use of the same.

#### **Use of a collective trademark**

**Article 49.-** The owner of a collective trademark may use the trademark himself, provided that it is also used by the persons authorized to do so in accordance with the rules for use of the trademark.

Use of a collective trademark by the persons authorized to do so shall be considered as use by the owner.

#### **Invalidity of registration of a collective trademark**

**Article 50.-** At the request of any interested party and provided that the owner of the collective trademark registration is heard, the competent judicial authority shall declare the registration of a collective trademark invalid in any of the following cases:

- (a) The trademark was registered in contravention of Articles 8, 9 or 44 of this Law;
- (b) The rules for the use of the trademark are contrary to morality or public policy.

#### **Cancellation of registration of a collective trademark**

**Article 51.-** At the request of any interested party and provided that the owner of the trademark registration is heard, the competent judicial authority shall cancel a collective trademark registration in any of the following cases:

- (a) the collective trademark has been used for more than a year solely by its owner but not by the persons authorized in accordance with the rules of use for the trademark; and,



- (b) the owner of the collective trademark uses or allows use of the trademark in a way that violates the provisions of its rules of use, or in a way that is likely to deceive business circles or the public as to the origin or any other characteristic of the goods or services covered by the trademark.

## **TITLE IV**

### **EXPRESSIONS OR SIGNS OF COMMERCIAL ADVERTISING**

#### **Application of the provisions regarding trademarks**

**Article 52.-** Barring the provisions of this Title, the provisions regarding trademarks contained in this Law shall apply to expressions or signs of commercial advertising.

#### **Prohibitions on registration**

**Art. 53.-** The following may not be registered as an expression or sign of commercial advertising:

- (a) Elements that fall under any of the prohibitions laid down in Article 8 (c), (d), (g), (h), (i), (j), (k), (l), (m) or (n) of this Law;
- (b) Elements that are similar to or liable to cause confusion with trademarks that are already registered or being processed;
- (c) Elements that include a distinctive sign without proper authorization;
- (d) Elements whose use in business is liable to cause confusion with regard to the goods, services or establishment of a third party; and,
- (e) Elements that fall under any of the prohibitions laid down in Article 9 (d), (e), (f), (g), (h), (i) and (j) of this Law.

#### **Scope of protection**

**Article 54.-** The protection conferred by the registration of an expression or sign of commercial advertising shall extend to the expression or sign as a whole but not to its parts or components taken separately.

Trademarks or trade names may form part of an expression or sign of commercial advertising, provided that they have been or are being registered for the benefit of the same owner.

Once an expression or sign of commercial advertising has been registered, it shall enjoy protection for an indefinite period; however, its existence shall depend, as the case may be, on the trademark or trade name to which it refers.

#### **Procedure for registering expressions or signs of commercial advertising**

**Article 55.-** Registration of an expression or sign of commercial advertising, its amendment, assignment, licensing or cancellation shall be effected in accordance with the procedures established for trademark registration, subject to payment of the prescribed fee. The Registry shall determine whether the expression or sign of commercial advertising contravenes the provisions of Article 53 of

this Law.

**TITLE V**  
**TRADE NAMES AND EMBLEMS**  
**CHAPTER I**  
**TRADE NAMES**

**Application of the provisions regarding trademarks**

**Article 56.-** Apart from the contents of this Title, the trademark standards contained in this Law shall apply to trade names, as appropriate.

**Acquisition of the right in a trade name**

**Article 57.-** Exclusive rights in a trade name shall be acquired by its first public user in business, solely in relation to the trading practice or activity of the firm or establishment it identifies.

The exclusive right in a trade name shall end with the liquidation of the firm or establishment using such name.

If a firm has more than one establishment, it may identify them by means of its trade name.

**Irreceivable trade names**

**Article 58.-** A trade name may not consist, in full or in part, of a designation or other sign that is contrary to morality or public policy, or liable to cause confusion in business circles or the mind of the public with regard to the identity, nature, activities, trading activity or any other aspect relating to the firm or establishment identified by means of this trade name, or the corporate source, origin or other characteristics of the goods or services produced or marketed by the firm.

**Protection of a trade name**

**Article 59.-** The owner of a trade name shall be entitled to bring actions against any third parties who have used in business, without his consent, a distinctive sign that is identical to the protected trade name or a similar distinctive sign if it is liable to cause confusion or a risk of association with the owner's firm or with its goods or services.

The provisions of Articles 27 and 28 of this Law shall apply to the trade name, as appropriate.

**Registration of the trade name**

**Article 60.-** The owner of a trade name may request its recordal in the Registry. Registration shall be of a declaratory nature.

The term of registration of a trade name shall be indefinite and shall lapse with the firm or establishment that uses the trade name. Registration may be cancelled at any time at the owner's request.

Entry of a trade name in the Registry shall be effected without prejudice to the provisions relating to the registration of traders and companies in the Register of Commerce, without prejudice to the rights

stemming from such registration.

### **Procedure for registration of a trade name**

**Article 61.-** The registration, amendment or cancellation of a trade name shall be effected in accordance with the procedures laid down by the Registry of Trademarks, as appropriate, subject to payment of the prescribed fee. The Registry shall determine whether or not the trade name contravenes the provisions of Article 58 of this Law.

The classification of goods and services used for trademarks shall not apply to the registration of a trade name.

### **Assignment of a trade name**

**Article 62.-** A trade name may only be assigned together with the firm or establishment which uses the trade name, or with the part of the firm or establishment that uses it.

Assignment of a trade name that is already registered or being processed shall be recorded in the Registry, in accordance with the procedure applicable to the assignment of trademarks, as appropriate, and shall be subject to payment of the same fee.

## **CHAPTER II EMBLEMS**

### **Protection of the emblem**

**Article 63.-** The protection and registration of emblems shall be governed by the provisions relating to trade names.

## **TITLE VI**

### **GEOGRAPHICAL INDICATIONS**

#### **CHAPTER I. GEOGRAPHICAL INDICATIONS IN GENERAL**

### **Use of geographical indications**

**Article 64.-** A geographical indication may not be used in trade to designate a good or service if such indication is false or misleading with regard to the geographical origin of the good or service, or if its use is liable to create confusion among the public with respect to the origin, source, characteristics and qualities of the good or service.

### **Use in advertising**

**Article 65.-** A geographical indication liable to mislead or cause confusion as to the geographical origin of such goods or services may not be used in advertising or in business literature relating to the sale, display or offer for sale of goods or services.

### **Indications relating to the trader**

**Article 66.-** Any trader may indicate his name or domicile on the goods he sells, even if these come

from a different country, provided that the name or domicile is accompanied by a precise indication, in sufficiently prominent characters, of the country or place the goods were manufactured or produced, or another indication which is sufficient to avoid any error as to the true origin of the same.

## CHAPTER II

### APPELLATIONS OF ORIGIN

#### Registration of appellations of origin

**Article 67.-** The State of El Salvador shall be the owner of national appellations of origin, which shall be recorded in the Registry.

National appellations of origin shall be registered at the request of one or more producers, manufacturers or craftsmen who have their production or manufacturing facility in the region or locality corresponding to the appellation of origin, or at the request of any competent public authority.

Foreign producers, manufacturers or craftsmen, as well as the competent public authorities of foreign countries, may register the corresponding foreign appellations of origin, if this is provided for in any agreement or treaty to which El Salvador is a party, or if the corresponding foreign country grants a reciprocal agreement for appellations of origin from El Salvador.

#### Prohibitions on registration

**Article 68.-** A sign may not be registered as an appellation of origin:

- (a) if it does not fit the definition of appellation of origin contained in Article 2 of this Law;
- (b) if it is contrary to good customs, morality or public policy, or is liable to mislead the public with regard to the geographical origin, nature, method of manufacturing, characteristics or qualities, or the suitability for use or consumption of the respective goods; and,
- (c) if it is the common or generic denomination of any good, considering that an appellation should be deemed common or generic if it is viewed as such, by both those familiar with that type of good and by the general public.

It shall be possible to register an appellation of origin accompanied by the generic name of the respective good or an expression related to that good, but protection shall not extend to the generic name or expression used.

#### Registration of applications

**Article 69.-** Applications for the registration of an appellation of origin shall indicate the following:

- (a) the designation of the authority to which it is addressed;
- (b) the name, nationality and domicile of the applicant or applicants, with an indication of the

- place in which his/their production or manufacturing facilities are located;
- (c) the appellation of origin for which registration is sought;
  - (d) the geographical area of production to which the appellation of origin refers;
  - (e) the goods for which the appellation of origin is used;
  - (f) a brief description of the essential qualities or characteristics of the goods for which the appellation of origin is used;
  - (g) a specific statement of what is requested;
  - (h) the exact address to which notifications are to be sent; and,
  - (i) the place and date of the application signed by the applicant or applicants.

Applications for the registration of an appellation of origin shall be subject to payment of the prescribed fee, unless registration is sought by a public authority.

### **Procedure for registration**

**Article 70.-** Applications for the registration of an appellation of origin shall be examined with a view to determining that:

- (a) the conditions of Article 69 of this Law are met; and,
- (b) the appellation for which registration is sought does not fall under any of the prohibitions laid down in Article 68.1 of this Law.

The procedure for the examination and registration of the appellation of origin shall be governed by the provisions regarding the registration of trademarks, the only difference being that in this case no title shall be issued.

### **Granting of registration**

**Article 71.-** The decision granting the registration of an appellation of origin and the corresponding entry shall indicate the following:

- (a) the delimited geographical area of production whose producers, manufacturers or craftsmen shall be entitled to use the appellation;
- (b) the goods to which the appellation of origin shall apply; and,
- (c) the essential qualities or characteristics of the goods to which the appellation of origin shall apply, except in cases where, given the nature of the good or any other circumstance, it is not possible to specify such characteristics.

The decision referred to in the previous subsection shall be published once only in the Official Gazette, and the appellation of origin shall remain protected from the day after such publication.

Within a period of not more than six months from the date of publication referred to in the previous paragraph, the applicants shall draw up and submit to the Registry the corresponding rules for the use

and administration of the appellation of origin in question. The Ministry of Agriculture and Livestock and the Ministry of Education shall form part of the body for administering each appellation of origin. No authorization for the use of an appellation of origin may be granted until the said rules have been approved by the Registry and published once in the Official Gazette.

### **Term and amendment of registration**

**Article 72.-** The term of registration of an appellation of origin shall be indefinite, and shall be determined by the subsistence of the conditions giving rise thereto.

Registration of an appellation of origin may be amended at any time if there is a change in any of the points referred to in Article 71.1 and shall be subject to the procedure laid down for the registration of appellations of origin, as appropriate.

Amendment of registration shall be subject to payment of the prescribed fee.

### **Right to use the appellation**

**Article 73.-** Use of an appellation of origin shall be subject to the granting of the corresponding authorization by the administering body, in accordance with the rules approved by the same. Such authorization for use shall be granted if, after examination of the request and the reports or opinions it may be necessary to obtain, it has been established that there is compliance with the requirements stipulated by this Law, those determining its regulations, the conditions with regard to the use of the appellation of origin in question, and in particular the following:

- (a) the applicant deals directly with the production, manufacturing or craft activity concerning the goods protected by the appellation of origin;
- (b) the applicant carries out such activity within the territory covered by the appellation, in accordance with the corresponding decision of the Registry; and,
- (c) the applicant provides evidence that he has carried out the production or craft activity in question in the region or locality covered by the appellation of origin for at least two years prior to his application.

Only producers, manufacturers or craftsmen authorized to make commercial use of a registered appellation of origin may employ in such connection the expression "APPELLATION OF ORIGIN". The appellation of origin shall be independent of the trademark identifying the good in question.

Authorization to use an appellation of origin shall be valid for ten years from the date on which it was granted and may be renewed for equal terms. The user of an appellation of origin shall be obliged to use it as it appears protected, complying with all of the regulations applicable to the same and in such a way that there is no risk of tarnishing the appellation of origin in question; otherwise, the Registry, after a hearing with the interested party and the body administering the appellation of origin, in accordance with the respective regulations that must be followed as per the provisions of this Law, shall decide whether or not to revoke the authorization.

Actions relating to the right to use a registered appellation of origin shall be brought before the

competent courts.

The provisions of Articles 27 and 66 shall apply to registered appellations of origin, as appropriate.

**Cancellation of registration**

**Article 74.-** At the request of any interested party, the competent judicial authority shall declare the registration of an appellation of origin invalid, if it can be proven that it falls under any of the prohibitions laid down in Article 68 of this Law.

At the request of any interested party, the competent judicial authority shall cancel the registration of an appellation of origin if it can be proven that the appellation is used in trade in a way that does not correspond to that which is indicated in the respective registration, in accordance with Article 71.1 of this Law.

**TITLE VII**  
**COMMON STANDARDS**  
**CHAPTER I**  
**PROCEDURES**

**Representation**

**Article 75.-** If the applicant or owner of an industrial property right has his domicile outside the country, he must be represented by an agent who is a registered attorney and is not subject to any of the disqualifications referred to in Article 99 of the Code of Civil Procedure.

It shall not be necessary to present the power of attorney, designation or credential that was registered previously when proceedings are filed with the Registry, if the respective request mentions the Registry entry of the document accrediting the attorney.

In serious and urgent cases, so qualified by the Registrar, one option shall be the representation of an unofficial supervisor, who is an attorney in accordance with the provisions of the last subsection of Article 10 of this Law, provided that he gives sufficient guarantees, as certified by the said official, to respond with the case findings if the interested party does not endorse what has been done on his behalf.

**Grouping of requests**

**Article 76.-** A request may be made via a single petition for the recording of assignments of ownership for two or more applications being processed or two or more registrations if the assignor and the assignee are the same in all cases. This provision shall apply, as appropriate, to the recording of licenses for the use of the distinctive signs already registered or being processed, as with changes in the name, company name or trade name and domicile.

Requests for the amendment or correction of two or more registrations or registration applications being processed may be made in a single request, provided that the amendment or correction is the same in all cases.

For the purposes of the provisions contained in the previous paragraphs, the petitioner shall identify each of the applications or registrations to be amended, corrected or recorded.

The prescribed fees shall be paid depending on the number of applications or registrations involved.

**Notifications**

**Article 77.-** The interested parties shall be notified of all decisions and rulings issued by the Registry, albeit on a personal basis, by means of an announcement sent to the address indicated or by means of a notice which must be sent by registered mail with acknowledgement of receipt. The deadlines shall run from the working day following the day on which the interested party was notified.



### **Intervention of interested third parties**

**Article 78.-** Any licensee or beneficiary registered in relation to the industrial property right that forms the subject matter of the action may come forward in any proceedings relating to the renunciation, invalidation or revocation of a registered right.

### **Effects of a declaration of invalidity**

**Article 79.-** A declaration of invalidity for a registration shall be backdated to the respective registration, without prejudice to the conditions or exceptions laid down in the decision declaring the invalidity.

If a registration for which a license for use had been granted is declared invalid, the licensor shall not be obliged to reimburse the fees paid by the licensee, unless the latter has not benefited from the license.

### **Abandonment of management**

**Article 80.-** In the absence of other deadlines specifically stipulated by this Law, applications for registration and actions taken within the purview of this Law shall be deemed abandoned and shall lapse ipso jure if they do not follow their course within six months after the last notification made to the interested party/parties, unless fortuitous circumstances or *force majeure* can be proven.

### **Remedies**

**Article 81.-** The appeals specified by domestic legislation may be lodged against any decision issued by the Registry.

## **CHAPTER II**

### **REGISTRIES AND PUBLICITY**

#### **Recording and publishing of decisions**

**Article 82.-** The Registry shall record decisions relating to the invalidity, renunciation or revocation of any registration.

#### **Consultation of registries**

**Article 83.-** The registries of the distinctive signs referred to in this Law shall be public. Anyone may request certification from them, against payment of the prescribed fee.

#### **Consultation of files**

**Article 84.-** Anyone may consult the file of a registration application at the Registry Office.

Anyone may obtain certifications, records or copies of the documents contained in an application file subject to payment of the prescribed fee.

## **CHAPTER III**

### **CLASSIFICATIONS**

## **Classification of goods and services**

**Article 85.-** Classification of the goods and services for which the marks are registered shall be regulated by the International Classification of Goods and Services for the Purposes of the Registration of Marks, established by the Nice Agreement of 1957, with its revisions and updates in force, which shall be deemed to be incorporated in this Law.

A single application or a single registration may not contain goods or services belonging to different classes.

In the case of doubt as to the class in which a good or service should be placed, the matter shall be decided by the Registry.

## **CHAPTER IV**

### **PREVENTIVE ANNOTATIONS**

#### **Request for preventive annotation**

**Article 86.-** The following may request preventive annotation:

- (a) A party who files suit for the invalidity of a registration or the ownership or license for use of a trademark, or the ownership of a trade name, emblem or expression or sign of commercial advertising. The competent legal authority shall issue the corresponding communication, provided that the title whereby the petitioner claims to justify his right has been officially recorded; and,
- (b) Someone who has been assigned title or granted a license for use of a trademark, or assigned title to a trade name, emblem or expression or sign of commercial advertising, if the instrument by virtue of which the assignment is made or the license for use is granted lacks a rectifiable legal formality which prevents final registration of the right.

In both cases, the Registrar shall place in the margin of the corresponding entry an indication of the volume and sheet from the Book of Preventive Annotations in which the annotation is recorded.

The said entry shall be subject to payment of the prescribed fee.

#### **Effects of preventive annotation**

**Article 87.-** Preventive annotation of the request, as stipulated in subsection (a) of the previous Article, shall invalidate any transfer subsequent to annotation, and its effects shall last until revocation is ordered by means of a decision or enforceable judgment by the competent authority.

A preventive annotation made because of formalities lacking in the instrument shall be valid for two months.

A preventive annotation shall be equivalent in law to registration, during the period specified in the previous paragraph.

A preventive annotation shall become a registration if the party for whom it has been made definitely

acquires the annotated right. In this case, the registration shall be valid from the date on which the document was submitted.

Preventive annotation shall be invalid in the same cases as final registration.

## TITLE VIII

### ACTIONS AND SANCTIONS FOR INFRINGEMENT OF RIGHTS

#### Civil action for infringement

**Article 88.-** The owner of a right protected by virtue of this Law may bring civil proceedings in the competent court against any party who infringes such right. He may also take action against any party who engages in acts that point clearly to an imminent infringement.

In the case of joint ownership of a right, any of the joint owners may bring proceedings for infringement without securing the consent of the other joint owners, unless otherwise agreed.

#### Active legitimization of licensees

**Article 89.-** A licensee whose license has been registered may take action against any third party who commits an infringement of the right that forms the subject matter of the license. For this purpose, a licensee who is not authorized by the owner of the right to take action shall at the outset, in order for his action to be accredited, have asked the owner to take action and have waited for more than one month without the owner having taken such action.

Even before this time limit has expired, the licensee may ask that precautionary measures be taken in accordance with Articles 92 and 93 of this Law.

The owner of the right that forms the subject matter of the infringement may be officially summoned at any time.

Any parties whose rights appear registered in relation to the infringed right shall be notified of the request. Such parties may be officially summoned at any time.

#### Means of action for infringement

**Article 90.-** An action for infringement of the rights protected in accordance with this Law may take the form of one or more of the following measures:

- (a) Seizure of the infringing goods, including the wrapping, packaging, labels, printed or advertising matter or other materials resulting from the infringement, and the main means, instruments and materials used to commit the infringement;
- (b) Prohibition of the import of the goods, materials or means referred to in subparagraph (a);
- (c) The award of ownership of the goods, materials or means referred to in subparagraph (a), in which case the value of property shall be set against the amount of the compensation for damages and harm;

- (d) The adoption of the necessary measures to ensure that the infringement does not continue or recur, including destruction of the goods, instruments or materials referred to in subparagraph (a);
- (e) The cessation of the acts constituting the infringement;
- (f) Compensation for the damages and harm suffered; and,
- (g) Publication of the sentence handed down against the infringer and notification thereof, at the latter's expense, to all interested parties.

The competent court may order the infringer to provide information at his disposal on the persons who participated in the production or marketing of the goods or services which form the subject matter of the infringement and on the channels of distribution for those goods or services.

### **Calculation of compensation for damages**

**Article 91.-** Compensation for damages shall be assessed on the basis of the following criteria, *inter alia*:

- (a) the loss of earnings suffered by the owner of the right as a consequence of the infringement;
- (b) the profits that the infringer earned as a result of the infringement; and,
- (c) the price that the infringer would have had to pay for the contractual license, taking into consideration the commercial value of the infringed right and any contractual licenses that would have been granted.

### **Precautionary measures**

**Article 92.-** Any person who institutes or intends to institute proceedings for infringement of the rights flowing from registration may ask the competent authority to take immediate precautionary measures with a view to preventing the infringement from being committed, avoiding its consequences, securing or preserving evidence or ensuring the effectiveness of the action and the recovery of damages and harm.

The precautionary measures may be requested before the action for infringement is brought, in conjunction with it or after it has been brought. If the measures are executed before the action is brought, they shall automatically become invalid if the action is not brought within 15 working days starting from the execution of the measures.

The precautionary measures may only be ordered if it has been established that the infringement has been committed or is imminent by means of proof which the competent authority deems sufficient. The authority may ask the person requesting the precautionary measures to provide sufficient security.

The following precautionary measures, *inter alia*, may be ordered:

- (a) the immediate cessation of the acts constituting the alleged infringement;

- (b) the seizure with inventory, description or deposit of the goods, packaging, labels or other materials bearing the sign that is the subject matter of the infringement and of the main instruments or materials used to commit the infringement;
- (c) the suspension of the import or export of the goods, instruments or materials referred to in subparagraph (b);
- (d) the provision of a security or another guarantee of payment in the case of possible compensation of damages and harm by the alleged infringer; and,
- (e) the communication by the alleged infringer of the information in his possession on the persons who participated in the production or marketing of the goods or services which form the subject matter of the presumed infringement and on the distribution channels for those goods or services.

### **Confiscation of the goods and instruments of the infringement**

**Article 93.-** The precautionary measures that must be taken at the border shall be executed by the customs authorities when the goods, instruments or materials that form the subject matter of the infringement are imported or exported.

Goods bearing illicit distinctive signs, advertising material referring to such signs and the instruments or materials used to commit an infringement shall be detained or seized by the competent customs authorities or the police pending the outcome of the corresponding proceedings.

### **Actions against undue use of geographical indications**

**Article 94.-** Any competent authority or interested party and in particular producers, manufacturers, craftsmen and consumers may take action, individually or jointly, for any effect relating to compliance with the provisions of Articles 64 and 65 of this Law.

### **Prescription of an action**

**Article 95.-** Any civil action against an infringement of the rights conferred by this Law shall be barred two years after the owner was informed of the infringement, or five years after the last infringement, whichever comes first.

### **Suspension or imports or exports**

**Article 96.-** The owner of a right protected by this Law who has reasonable grounds for supposing that the import or export of goods infringing this right is imminent may ask the competent judge to order without delay the customs authorities to suspend such imports or exports at the time of their dispatching, where appropriate. The conditions and guarantees applicable to precautionary measures shall apply to this request and to any order issued.

Once the applicable conditions and guarantees have been met, the judge shall order or refuse the suspension and shall notify the petitioner accordingly.

Any person requesting border measures shall provide the customs authorities with the necessary information

and a description of the goods to which the alleged infringement relates that is sufficiently detailed and accurate for them to be easily identified and recognized.

Once suspension has been executed, the customs authority shall immediately notify the importer or exporter of the goods and the requesting party of the measure.

#### **Term of suspension**

**Article 97.-** If the action is not brought within 10 working days following the imposition of the measure contained in the previous paragraph, it shall automatically become invalid, leaving the party subject to the provisions of the last subparagraph of this Article. If due justification is provided, that period may be extended by ten additional working days.

When the suspension is ordered as a provisional measure, the deadline laid down for such measures shall apply.

Once the substantive stage of the legal proceedings has begun, the party affected by the suspension may petition the judge to review the suspension that has been ordered and shall be heard for this purpose. The competent judge may amend, revoke or confirm the suspension.

The party requesting border measures shall be liable for any damages and harm stemming from their execution if the measures are lifted or revoked owing to an action or omission by the applicant, or at a later date if it is established that no infringement of an industrial property right was committed or was imminent.

#### **Right of inspection and information**

**Article 98.-** Without prejudice to the protection granted to confidential information, the competent judge who orders the border measure may give the party requesting the measure free access to the merchandise or goods detained so that he may inspect them and obtain additional evidence to substantiate his allegations. The importer or exporter shall have the same right. This measure shall be taken in the presence of the respective competent judge, and the opposing party shall also be summoned.

If it can be established that an infringement has occurred, the plaintiff shall be given the name and address of the shipper, importer or exporter and the consignee of the merchandise and the quantity of goods covered by the suspension.

#### **Measures to combat counterfeit goods**

**Article 99.- Goods** bearing counterfeit trademarks which have been impounded by customs authorities may not, barring exceptional circumstances, be re-exported in the same state or subjected to a different customs procedure.

## **TITLE IX**

### **UNFAIR COMPETITION**

### **General clause**

**Article 100.-** Any act performed in the course of business activity or for that purpose, that is contrary to proper usage and practice, shall be considered unfair.

For the purposes of this Law, an act shall be considered to have effects on the market regardless of the means employed to realize it, including electronic communication and business media.

The application of the provisions of this Law shall not depend on the existence of a competitive relationship between the person committing the act deemed unfair and the person affected by that act.

### **Acts of unfair competition involving industrial property**

**Article 101.-** The acts or behavior defined by this Law shall not be deemed exhaustive, and any act or behavior which, even though it is not included in this Law, is deemed unfair in accordance with the previous Article shall be prohibited.

The following shall *inter alia* constitute acts of unfair competition:

- (a) acts capable of creating confusion or a risk of association as to the goods, services, firm or establishments of a competitor;
- (b) the use or spreading of false assertions or allegations capable of denigrating or discrediting the goods, services, firm or establishments of a competitor;
- (c) the use or spreading of indications or allegations, or the omission of true information, when this is liable to be misleading as to the origin, nature, method of manufacture, suitability for use or consumption, quantity or other characteristics of one's own goods or services or those of a competitor;
- (d) use of a good marketed by a third party to mould, trace, copy or slavishly reproduce this good in some other way with a view to exploiting for commercial purposes the results of the competitor's strength or prestige;
- (e) use as a trademark of a sign whose registration is prohibited under Article 8 (g), (h), (i), (j), (k), (l), (m), (n), or (o) of this Law;
- (f) use of a sign in business whose registration is prohibited under Article 9 of this Law;  
and,
- (g) use of the appearance, packages, containers, wrapping or decoration of goods and establishments when these are characteristic and liable to create confusion with those of a competitor.

### **Action against an act of unfair competition**

**Article 102.-** Without prejudice to the provisions of the following subsection, any interested party may ask the competent court to determine and declare the unlawful nature of an alleged act of unfair competition.

Any interested party may bring an action for an act of unfair competition. In addition to the person directly harmed by the act, any association or organization representing a professional or corporate sector or consumers may bring an action if the interests of their members are affected.

The provisions of Articles 88, 89, 90, 91, 92 y 94 shall apply, as appropriate, to commercial or criminal actions brought for acts of unfair competition. The relevant provisions of common law relating to the unlawful act shall also apply.

### **Prescription of action for unfair competition**

**Article 103.-** Actions for unfair competition shall be barred two years after the act of unfair competition was brought to the owner's attention, or five years from the last instance of unfair competition, whichever comes first.

## **TITLE X**

### **INDUSTRIAL PROPERTY REGISTRY**

#### **CHAPTER I**

#### **GENERAL PROVISIONS**

#### **Powers of the Registry**

**Article 104.-** The administration of industrial property for the purposes of this Law shall be the responsibility of the Intellectual Property Registry, which is a branch of the National Registry Centre. The Intellectual Property Registry shall be headed by a Director who is an attorney and notary, and shall also be staffed by auxiliary Registrars who are also attorneys and notaries.

#### **Conflicts of interest**

**Article 105.-** Neither the Director for Intellectual Property nor the staff under his orders may deal directly or indirectly with the Registry on their own behalf or on behalf of third parties.

Registry officials and employees shall observe strict impartiality in all of their dealings.

Any breach of the provisions of this Article shall be punishable in accordance with the law.

#### **CHAPTER II**

#### **REGISTRY MANAGEMENT**

#### **Books**

**Article 106.-** The Registry of distinctive signs shall be kept in the form of books or in any known or future electronic form.

#### **Access to Registry documents**

**Article 107.-** The books or other media in which entries are made may not for any reason be removed



from the Registry offices and any judicial or administrative enquiry shall take place there, in the presence of an official designated by the Registrar. The foregoing shall be without prejudice to the provisions of Article 48 of the Law on the Jurisdiction for Administrative Disputes.

At the request of an interested party, the Registrar may return to the same a document that the person submitted to the Registry if it is not necessary to retain the document for the proceedings in question. Before the document is returned, the corresponding photocopy shall be made at the interested party's expense, duly compared with the document to be returned, and placed on file.

### **CHAPTER III**

#### **CORRECTION OF REGISTRY ENTRIES**

##### **Corrections**

**Article 108.-** The Registrar may correct or cause to be corrected under his responsibility any omissions or material errors committed in the entries made in the Registry Books, if the documents on which the respective registration was based are still to be found in the office.

A material error shall be deemed to have been committed if certain words are written in the stead of others, or if mistakes have been made with regard to proper names, company names or trade names, or quantities.

If the Registrar notices the material error or omission after the documents or titles have been returned to the interested party, he may only make the correction if he summons the party to present the documents or titles at the Registry in order to determine that they have not been altered in any way. Such corrections may also be requested by the interested party.

The correction shall be made by means of a new entry or an annotation and shall not entail any costs for the interested party.

### **TITLE XI**

#### **FEE SCHEDULE**

##### **Industrial property fees**

##### **Article 109.-**

- |    |   |              |
|----|---|--------------|
| a. | Application for registering a trademark   | \$CA. 100.00 |
| b. | Application for registering a trade name, emblem, commercial advertising expression or sign, or appellation of origin | \$CA. 75.00  |
| c. | Renewal of a trademark registration, in each class:   | \$CA. 100.00 |
| d. | Surcharge for renewal during the grace period in the first month:   | 30 per cent  |
|    | - after the first month:  | 100 per cent |

e.	Application for recording a cancellation of registration or a reduction or voluntary limitation of the list of goods or services:	\$CA. 20.00
f.	Application for entering a correction or change in the rules of the trademark, transfer, license for use, change in name or domicile:	\$CA. 30.00
g.	Dispatching of a duplicate registration certificate:	\$CA. 15.00
h.	Replacement of a sign: - if the error or loss cannot be attributed to the Registry	\$CA. 15.00
i.	Entering of a preventive annotation:	\$CA. 5.00
j.	Literal certification of an entry:	\$CA. 10.00
k.	For every proof or certification of a document:	\$CA. 10.00
l.	Copy of a document:	\$CA. 5.00
m.	Request for division of registration:	\$CA 20.00
n.	Literal certification of a file:	\$CA. 30.00
o.	Search for owners of trademarks and other distinctive commercial signs already registered or being processed:	\$CA. 100.00
p.	Prior art search for trademarks and other distinctive commercial signs already registered or being processed:	\$CA. 20.00

All of the services provided by the Registry shall be subject to payment of the prescribed fee. The State and the municipalities shall be exempted from paying registration fees.

## TITLE XII

### COMMON AND TRANSITIONAL PROVISIONS AND TERMS

#### Applications and actions being processed relating to distinctive signs

**Article 110.-** -Any application or proceedings pending in the Registry and actions already brought by the date this Law went into force shall continue to be processed in accordance with the legal system in force prior to this Law.

#### Registrations in force

**Article 111.-** Well-known distinctive sign: any distinctive sign that is known to the general public, either inside or outside the country;

#### Objections to renewal of registration

**Article 112.-** Before granting the renewal of the registration of a trademark registered before this Law went into effect, the Registrar shall publish a notice in the Official Gazette, three times over a period of 30 days and at the applicant's expense, so that any interested party may, during the two months following the date of the first publication, object to the said renewal, based on the grounds set out in

Article 8 (g), (h) and (k), and Article 9 (d), (e) and (f). This shall also cover the case where the opponent filed an application before the request for registration of the said trademark, in any country, in which it has moreover become famous. If proof of the above can be provided, the application for renewing the registration shall be rejected.

Such actions shall take the form of summary proceedings before the competent courts.

For such purposes, the interested party shall provide proof of the presentation of the request by means of a stamped and dated copy of the same, which he shall submit to the Registry in the 15 days following the filing of the objection.

### **Competent courts**

**Article 113.-** Whereas no special courts with jurisdiction in intellectual property matters have been set up, the competent courts referred to in this Law are those that have jurisdiction in commercial matters, which shall be dealt with by means of summary proceedings.

### **Rules**

**Article 114.-** The General Rules of this Law shall be issued by the President of the Republic in the 90 days following its entry into force.

### **Purpose of the headings**

**Article 115.-** The headings introducing the articles of this Law shall be solely indicative in nature, and shall therefore have no effect with regard to the interpretation of the provisions of this Law.

### **Repeal**

**Article 116.-** This Law repeals:

- (a) sections "B" y "C" of Chapter II, Title I, Book Three of the Code of Commerce; and,
- (b) any provision which is contrary to this Law.

### **Entry into force**

**Article 117.-** This Law shall enter into force eight days after its publication in the Official Gazette.

DONE AT THE LEGISLATIVE PALACE, San Salvador, on the sixth day of the month of June of the year two thousand two.

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