

Application proceeding for trademarks

1) Filing

The filing of a trademark application may be personally or by electronic means. If filed personally, it is necessary to submit the application form (on sale at INAPI office), which must be typed and signed. There are five types of application forms, for goods, services, commercial establishment/ industrial establishment, slogans, geographical indication/ appellation of origin. If acting through a representative, it must submit the corresponding authorization document. Also, in the case of a company, the individual must prove the representation. The application form is filed at INAPI, previous payment of the application fee. It is necessary first to pay the application fee in any commercial bank and then submit it before INAPI. In case of a figurative or word + design trademark, it is necessary to submit:

- # Six copies of the label in paper, with a minimum size of 5 x 5 centimeters and 20 x 20 centimeters maximum.

- # If used an electronic device, it is necessary to consider the following:

- The magnetic support may be a CD-ROM, diskette or other portable media that is compatible with the equipment available at INAPI.
- The minimum resolution needed is 300 DPI (dots per inch).
- The graphical format must be known in the market, ie: *. TIF, *. GIF, *. JPG, *. BMP or other format that the software used at INAPI can read.

The documents submitted to INAPI should state:

- The number of the application and trademark
- Identification of the applicant and his representative, if any.

2) Formal examination

Once the application is submitted, INAPI makes a formal examination.

- # If formal requirements are met (including power of attorney, a representation of the trade mark, goods and/or services classification check), the application may be published in the

IMPORTANT: If formal requirements are met, it is necessary to request and pay for the publication of the extract of the application, in the office of the Official Journal located at INAPI, within 20 working days counted as of the acceptance. Otherwise the application shall be considered abandoned.

- # If formal requirements are not met

If formal requirements are not met, INAPI will inform the applicant, giving a period of 30 working days to amend the application. If the amendment is not made within such period, the application shall be considered abandoned.

3) Publication

The applicant must request and pay for the publication of the trademark application in the Official Journal within a period of 20 working days counted as of the acceptance.

The Official Journal has an office located at INAPI. Once the application is published in the Official Gazette, there is a thirty days period for third parties to file oppositions. **IMPORTANT:** The applicant **MUST** request the publication within the corresponding period. It is advisable for the applicant the tracking of the application on our Web Site on a regular basis.

4) Examination for registration

INAPI shall examine whether there are absolute or relative grounds preventing registration.

5) Final decision

The final decision is made by the National Director of INAPI and may: · Accept the mark. In this case the applicant must pay the governmental fees and submit copy of the of payment fee within 60 days counted as of the notification of the acceptance. · Refuse the mark. In this case it is possible to file an appeal before the Appeal Court of Industrial Property, being necessary to hire the services of a lawyer and pay an appeal fee.

6) Trademark registration

The payment of the governmental fees must be made, submitting a copy of the payment, in the manner and places authorized to do so, within 60 working days counted as of the acceptance to registration of the application. In the case of trademark renewals, the payment must be made within 6 months counted as of the trademark expiration date or from the acceptance of the renewal, if it occurs after the expiration of the registration.

We recommend the payment be made in any of the following ways: 1. Commercial banks, collecting agencies (eg Sencillito or Servipag) or at the offices of the General Treasury of the Republic. 2. Internet: For electronic transaction over the Internet using the INAPI web page. Accreditation is done by submitting material proof of the payment (F-10 form) or a print proof of the online payment obtained through the Treasury website. From outside Santiago it is possible to send a certified mail with the material proof to Moneda 970 piso 11, Santiago, but it should be noted that the date of accreditation is the date of the reception of the mail at INAPI, so we suggest sending it well in advance. The only exception to this obligation is when the payment is made using INAPI web page. **APPLICATIONS NOT PROVING THE FINAL PAYMENT TO INAPI shall be considered abandoned and will be archived.**