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LEGAL ALERT

INAPI issues new filing and payment instructions for renewal of trademarks

On March 17th, 2021, through the publication of General Ruling No. 96/2021 in the Official Gazette, the National Institute of Industrial Property (“INAPI”) provided new instructions in relation to the filing and payment of renewal applications of trademark registrations in Chile, applying the regulations set forth in the Trademark Law Treaty (“TLT”), which was ratified by Chile and is in force since 2012.

By virtue of General Ruling No. 96/2021, as from April 1st, 2021, it will be possible to file and pay the renewal of registrations of word marks, figurative trademarks and word and label trademarks within six months prior to the registration’s expiration date and until six months after this date. This considerably extends the grace period to request the renewal of a trademark registration, since the term to proceed with its renewal changes from 30 days to 6 months, counted as from the registration’s expiration date.

Sound, collective, certification and guarantee trademarks are excluded from this disposition, as the maximum term to proceed with their renewal will remain to be of 30 days counted as from the registration’s expiration date.

Regarding the payment of renewal fees, the General Ruling contemplates that, in those cases in which the payment of the renewal fees is made within 6 months following a registration’s expiration date, a surcharge of 20% over the amount of those fees will apply for each month or fraction of a month of delay in payment, counted as from the 30 days following the registration’s expiration date. This means that if payment is made within 30 days following a registration’s expiration date, no surcharge will be applied.

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