

INAPI LAUNCHES “GREEN PATENTS FAST-TRACK” PROGRAM

The Chilean Institute of Industrial Property (INAPI) has recently announced the possibility to apply to a program for fast-tracking patent's and utility model's applications, provided that said applications relate to technical solutions capable of impacting the environment positively.

The applications suitable for being processed under such fast-track program can significantly shorten the examination time, so the patents could be granted in less than one year from the filing date in Chile.

The fast-track option is not subject to the payment of additional fees, and it does not modify the examination substantive criteria, but it simply allows getting an early opinion regarding the patentability of an application.

This program has been designed for patent applications considered within the “green technology” concept only, so this must be justified by the applicant with a special request that must be submitted to aim for the program. To that effect, the technologies considered to qualify for this program are those which “protect the environment, are less polluting, use all resources in a more sustainable manner, recycle more of their wastes and products, and handle residual waste in a more acceptable manner than the technologies for which they were substitutes” (as defined in <https://www3.wipo.int/wipogreen/en>). Some examples of technology areas that will be considered in the application process are alternatives to fossil fuels, such as biofuels; circular economy related to alternate uses of industrial waste; alternative pesticides and technologies for using seawater, wastewater, greywater and sewage.

From a procedure point of view, the applications that meet the following requirements will be able to apply for the fast-track program:

- Already published patent and utility model applications.

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- The term for filing an opposition has already lapsed and no oppositions have been filed.
- The Examination fees have already been paid; and
- The Examination has not started, i.e., an Examiner has not been appointed yet.

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