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LEGAL ALERT

New Provisions regarding Registration of Industrial Designs and Drawings

On April 24th, 2018, the National Institute of Industrial Property (INAPI) issued a new Announcement (hereinafter, the "Announcement") related to the registration process for Industrial Designs and Drawings, allowing the authority to issue a more expedited and simple final ruling in regard to applications concerning these rights.

The main modification to the process is that if any of the Office Actions issued by the authority after the date of the Announcement, namely the Examination Report or the Examiner's Response Report, recommends the acceptance of an Industrial Design or Drawing application, and provided that no opposition has been filed, such application shall be declared in Ruling Stage without further processing.

However, applications in which the term to file a response to an Office Action recommending acceptance remains pending at the time the Announcement became enforceable shall not immediately be declared in Ruling Stage. In this case, a writ filed by the applicant waiving the pending term to file a response will be required for the application to move forward to the Ruling Stage.

Industrial Design or Drawing applications with oppositions filed against them shall be declared in Ruling Stage only after the term for the applicant and opponent to answer the Examiner's Response Report has expired. Moreover, if none of the parties make observations to the Examination Report before the corresponding deadline, no Examiner's Response Report shall be ordered to be issued and the application shall be declared in Ruling Stage.

The processing times for Industrial Designs and Drawings has been significantly reduced and, in view of the modifications introduced by the Announcement, in our opinion, their registration should take 1.5 to 2 years of processing. If you wish to review the original provisions of the aforementioned Announcement, click here.

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