

**CHILE**

**Industrial Property Regulations**

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## **Title I Definitions**

### **Article 1**

The present Regulations rules the granting of industrial privileges and the protection of industrial property rights relating to trademarks, patents of invention, utility models and industrial designs, as well as the other matters contained in Law No. 19.039.

Any application for industrial privilege shall have to be filed before the Industrial Property Department depending from the Ministry of Economy, Reconstruction and Development.

### **Article 2**

For the purposes of the present Regulations, it is understood that the following terms will have the following meanings:

"Classification of Patents of Invention": grounded on the International Classification of Patents of Invention established by the Strasbourg Arrangement on March 24, 1971 and subsequent amendments thereof.

"Classification of Trademarks": grounded on the International Classification of Products and Services, established by the Nice Arrangement on June 15, 1957, and subsequent amendments thereof.

"Classification of Utility Models": grounded on the International Classification of Patents established by the Strasbourg Arrangement on March 24, 1971, and subsequent amendments thereof.

"Classification of Industrial Designs": grounded on the International Classification of Industrial Drawings and Models established by the Locarno Arrangement on October 8, 1968, and subsequent amendments thereof.

"Department": the Industrial Property Department depending from the Ministry of Economy, Development and Reconstruction.

"Technical Equivalent": an element or means which performs the same function as that which is being claimed in an invention, in the same manner and producing the same effect or results indicated in the claim.

"State of the art": it is all that knowledge made available to the public in any part of the world, even if it is completely unknown in Chile, by being published in tangible form, by sale or commercialization, by use or by any other means, before the filing date of an application or of a claim of priority for an industrial privilege in Chile.

"Non voluntary license": it is the authorization granted to a third party by the competent authority to use an invention against the will, or without the consent of its owner, due to the existence of a monopolistic abuse.

"Law": Law No. 19.039 which establishes the norms that are applicable

to industrial privileges and to the protection of industrial property rights.

"Specification": document by which the petitioner of an industrial privilege gives a clear and detailed disclosure of his invention, utility model or industrial design, further indicating the state of the art relative to the said privilege.

"Examiner": a specialist or expert professional who has been duly qualified by the Department as being competent to issue technical reports relative to inventions, utility models and industrial designs.

"Set of claims": a formally structured set of clear and precise descriptions meant to individualize the novel aspects on which protection is being sought.

"Priority": the better right that a petitioner may have to file an application for industrial privilege, on account of having applied for it before, either in Chile or abroad. The claim of priority is the right that guarantees to a party who has filed a privilege application abroad, the possibility of filing it also in Chile within the term established by the Law or by an international treaty.

"Industrial privileges": they are constituted by the trademarks, patents of invention, utility models and industrial designs that have already been granted by the Department.

"Royalty": periodical fee or payment that the licensee owes to the owner of an industrial privilege for the license granted to use an industrial property right.

"Claim or clause": it is the definition and delimitation of the matter that is definitively protected by a patent of invention or utility model, and its structure is comprised by:

- a clause number;
- a preamble;
- the expression CHARACTERIZED; and
- the characterization itself.

"Subordinate claim": it is the claim which contains the characteristics of another claim and determines the details or additional alternatives for which protection is being requested.

"Multiple subordinate claim": it is the claim which refers to more than one previous claim.

"Independent claim": it is the claim of the same category (product, process or apparatus) which is used when the object of the application or the inventive unit may not be adequately covered by one claim.

"Application": pre-printed form issued by the Department where the basic

information concerning the petition of industrial privilege and the petitioner are recorded.

"Title": document issued by the Department pursuant to the rules of the present Regulations that credits that an industrial property right has been granted.

"Scientific Theory": knowledge related to any science and considered as speculative, independent from any application.

"Court of Arbitration": the special Court established in Sec. 17 of the Law.

### **Article 3**

The faculty of applying for an industrial privilege shall belong to its true creator or inventor, to his heirs or assignees, without prejudice of the special rules applicable to service inventions.

The property right over an industrial privilege is only given as from the time of its respective registration in the Department, pursuant to the Law and to the present Regulations.

## **Title II Privilege Applications and Antecedents**

### **Article 4**

Industrial privileges may be granted to natural or legal persons, either Chilean or foreign.

The applications for those privileges may be personally filed by the interested parties or else by their attorneys or representatives specially empowered for those effects, in the manner prescribed by the present Regulations.

### **Article 5**

In the absence of a special rule, the following rules shall apply to the proceeding of the various industrial privileges.

### **Article 6**

All applications for industrial privilege shall be filed in triplicate at the Reception Office of the Department using forms specially designed and printed for those effects. Each application form shall clearly indicate the filing date of the respective application.

Applications for privilege shall be stamped strictly by order of arrival, and a correlative number shall be assigned in order to individualize the application throughout the remaining of the proceeding.

### **Article 7**

All applications for a privilege shall be accompanied by the other antecedents that the Law and the Regulations may establish in each case.

### **Article 8**

To allow the Department a better evaluation of the submitted antecedents, the applicant shall indicate the number, date and place of granting of the same privilege and the number and date of any other application he might have filed in connection with the same object of the protection or registration of which he is requesting in Chile. For the same purpose and as required by the Department, he shall submit the reports or decisions issued abroad in regard with the privilege the protection of which is being requested in Chile, duly translated into Spanish.

Said documents may be enclosed together with the additional antecedents or comments the applicant may deem convenient to add.

### **Article 9**

The applicant shall receive a copy of the application, duly stamped and

bearing the date and the correlative number thereof.

#### **Article 10**

The application form for the registration of trademarks shall contain the following indications:

- a) full name of the applicant, R.U.T. (Tributary Roll Number), if it proceeds, profession or line of business and address of the interested party and the same information with regard to his attorney or legal representative, if it proceeds;
- b) a clear specification of the trademark. Trademarks, made up by expressions in a not well-known foreign language, shall be submitted together with a translation into Spanish language;
- c) enumeration of the products or services that will bear the trademark and the class or classes in the international classification where protection is being requested. In the case of a commercial or industrial establishment, there must be a specification of the products and classes therefor, as well as the region or regions where the trademark registration is being applied for to distinguish a commercial establishment; and
- d) filing date of the application and signature of the applicant or his attorney.

#### **Article 11**

The trademark application shall be accompanied by:

- a) in the case of a label registration, six designs of the same on paper, of a size no larger than 20 cm x 20 cm, except for those cases that are particularly qualified by the Head of the Department;
- b) for registering a name of a person, documents crediting that said name belongs to the applicant, or to those recording the consent mentioned in subparagraph (c) in Sec. 20 of the Law. In the case of applying for registration of a fancy name that does not correspond to any natural or legal person, by a sworn statement to this effect;
- c) in the event of being filed by attorneys or representatives, a power of attorney granted pursuant to Sec. 15 of the Law;
- d) when the owner of the application is a juristic person, documents crediting the legal capacity of their representative if he is different from the ones mentioned in above mentioned subparagraph c);
- e) a receipt crediting payment of the fee established in the third paragraph of Sec. 18 of the Law.

## **Article 12**

The application form for a patent of invention or utility model shall contain the following data:

- a) name, R.U.T., if it proceeds, and full address of the applicant;
- b) name of the inventor;
- c) title of the invention;
- d) name, R.U.T. and address of the representative, attorney or agent, if it proceeds;
- e) number of the first patent granted abroad, or if it has not been granted, number of the corresponding application, if it proceeds;
- f) expiration date of the first foreign patent, if it proceeds;
- g) formal statement of the novelty, ownership and utility of the invention, pursuant to Sec. 44 of the Law on Industrial Property;
- h) signature of the applicant and/or his representative. In the case of representatives or attorneys, a power of attorney granted pursuant to Sec. 15 of the Law shall be enclosed;
- i) when the owner of the application is a juristic person, documents giving evidence of the legal capacity of his representative, if he is different from the one mentioned in the above paragraph;
- j) if the applicant is other than the inventor, a duly legalized assignment of rights shall be accompanied.

## **Article 13**

The application form for an industrial design shall contain the following data:

- a) full name, R.U.T., if it proceeds, and full address of the applicant;
- b) full name of the creator or designer;
- c) title of the design;
- d) full name, R.U.T. and address of the representative, attorney or agent;
- e) formal statement of novelty, ownership and utility of the industrial design, pursuant to Sec. 44 of the Law on Industrial Property;
- f) signature of the applicant and/or his representative. In the case of attorneys or representatives, a power of attorney shall be accompanied pursuant to Sec. 15 of the Law.
- g) when the owner of the application is a juristic person, it shall be accompanied by documents crediting the legal capacity of his representative, if he is other than the person stated in the preceding paragraph;
- h) if the applicant is other than the creator of the design, a duly legalized assignment of rights shall be accompanied.

**Article 14**

Upon acceptance for prosecution of an industrial privilege application, the interested party shall publish an abstract thereof in the Official Gazette only once. In the case of a trademark application, the abstract must be published within ten days as from the date of its respective acceptance for prosecution, together with an indication of the application number, the full name of the applicant, the trademark being requested and/or a description of the label, the class or classes being requested and a description of the products or services included in those classes. The interested party shall publish the abstract of a patent of invention, utility model or industrial design within a period of sixty days as from the date of acceptance for prosecution of the respective application, indicating the antecedents that may be determined on the preliminary examination.

In the event that the abstract of a trademark application is not published within the term indicated in this Article, it shall be considered as not filed and the applicant shall lose the fees he has paid. In the same circumstances, the applications for patents of invention, utility models or industrial designs shall be deemed to be abandoned, and will subsequently be deposited in an archive.

Pursuant to provisions established in the second paragraph, Sec. 45 of the Law, applications for patents of invention, utility models and industrial designs that have been deemed to be abandoned, may be reinstated only once within the term of 120 days.

### **Title III Common Procedure for Obtaining the Privilege**

#### **Article 15**

Upon request of a privilege, the Department shall open an administrative file which shall also include all the pleadings, documents, actions and antecedents relating to the proceeding for granting thereof, including appeals if any, and said file shall be closed with the final decision of the Department.

All administrative files shall be laid open to the public as from the date when an abstract of the application is published, and shall remain in the custody of the Registrar of Patents, in the case of patents of invention, utility models and industrial designs, and of the Registrar of Trademarks in the case of applications for this type of privilege, as long as if there is not an opposition trial, cancellation action or appeal is filed against it, and in such a case, custody thereof shall correspond to the Lawyer-Secretary of the Department or to the Lawyer-Secretary of the Court of Arbitration, according to each case.

#### **Article 16**

The Department may keep a special record of the mandates and power of attorneys granted for the prosecution of privilege.

#### **Article 17**

Applications may be filed in the name of one or more persons, but in that case, a common agent or attorney shall be appointed.

The eventual community of rights derived from the application shall be governed by the common Law. Notwithstanding, if there is an agreement of indivision or any other convention relating to said community, this may be filed at any time and shall be enclosed in the administrative file or shall be recorded on the margin of the registration, in the event that the privilege had already been granted.

#### **Article 18**

The preliminary examination mentioned in Sec. 43 of the Law shall be performed by the Industrial Property Department and will be conducted by staff expert professionals who must ascertain that; the summary of the invention, specification, sheet of claims and drawings in the case of patents of invention and utility models, and the specification and drawings for industrial designs, have been submitted. Said ascertainment shall also include an analysis to determine if the applicants have complied with the provisions of the Law and of the present Regulations.

The experts shall issue a report of the preliminary examination indicating the type of application being dealt with (patent of invention, utility model or industrial design), a preliminary technical classification and the remarks that are relevant to the presentation. The experts of the Department shall additionally prepare the abstract to be published that, in their opinion, best interprets the object of the privilege being requested.

If any antecedents have been omitted, the Department shall notify the applicant regarding the omissions or the required amendments, and he will have a 40-day term for completion or amendment thereof. In the event that he does not comply with this or if he fails to do this in an adequate or complete manner, the application shall be deemed to be abandoned.

#### **Article 19**

Precautionary patents shall be maintained in reserve until the publication of an abstract of the definitive patent or until the term referred to in Sec. 42 of the Law, has expired, whichever circumstance occurs first.

#### **Article 20**

At any stage in the privilege proceeding, the applicant or his representative, expressly empowered to do so, may abandon his application in whole or in part.

#### **Article 21**

Once an industrial privilege has been granted and after the payment of the fee established in Sec. 18 of the Law has been credited, the registration will be made and the respective title may be issued. This title must be signed by the Head of the Department and by the Registrar of Patents in the case of patents of invention, utility models and industrial designs, or by the Registrar of Trademarks in the case of trademarks.

#### **Article 22**

In the event that two or more applications for privilege interfere, the application first entered for registration in the Department shall have priority, without prejudice that by following a proceeding before the Head of the Department in the prescribed manner, it may be determined who is the true creator.

## **Title IV Trademarks**

### **Article 23**

A trademark is any visible, novel and characteristic sign that allows to distinguish products, services or commercial or industrial establishments from others that are similar, such as names, pseudonyms, words, arbitrary or fancy expressions, color combinations, vignettes, labels, or a combination of these elements, as well as propaganda or advertising phrases. The latter shall only be protected in the case when they are tied or attached to an already registered trademark for the product, service or commercial or industrial establishment in connection with which they will be used, having necessarily to include the registered trademark object of the advertising.

### **Article 24**

The right of priority to which the second clause of subparagraph (g) in Sec. 20 refers, shall be exercised within the term of 90 days from the expiration date of the foreign owner's right.

### **Article 25**

Figurative trademarks, made up by labels or combined therewith, shall be reproduced in a design on paper using exactly those colors desired to be registered.

### **Article 26**

Trademarks for products shall be issued only to those included in the respective classes indicated in the application or else only to those products the applicant may determine, if they are specific.

In the case of trademarks for services, besides indicating their class, it will be necessary to give a clear and accurate specification of the type, line or specialty of the service desired to be protected.

The registered trademark for a commercial or industrial establishment does not protect goods sold or manufactured therein, unless it is also registered to protect said products.

### **Article 27**

Registrations for products, services and industrial establishments shall be valid for all the territory of the Republic, but trademarks registered for commercial establishments, shall be valid only for the region or regions for which its registration was requested, each one of them being considered as a separate registration for the effects of paying the fee referred

to in Sec. 23 of the Law.

## **Title V Special Rules for Granting Trademarks**

### **Article 28**

Before the Registrar of Trademarks resolves to accept an application for proceeding as it has been established in Sec. 22 of the Law, the payment of the fee made upon filing the application, which has been stated in Sec. 18 of the same Law, must be credited.

The Trademark Registrar shall not accept for prosecution those applications where a formal requirement has been omitted or where there is any evidence of a legal impediment.

If the Registrar of Trademarks does not accept the application for prosecution, a claim against his resolution may be filed with the Head of the Department, claim that shall be filed within the term of twenty days from the publication of said rejection in the daily list.

If the Head of the Department accepts the claim, he will return the file to the Registrar of Trademarks in order to continue the corresponding proceeding. In the event of its rejection, an appeal may be filed to the Court of Arbitration.

### **Article 29**

The Head of the Department may request other organizations or departments of the state sector to issue reports before resolving to grant a privilege. In the case of products applied for in classes 3 and 5, he may ask the Public Health Institute to issue a report, and in those cases where protection is requested for seed and plant varieties of class 31, a previous report issued by the Agricultural and Cattle Service shall be mandatory.

### **Article 30**

If no opposition has been filed, the trademark application shall be resolved by the Head of the Department, who may accept it or reject in whole or in part. In the event it is rejected, the rejection may be appealed to the Court of Arbitration.

### **Article 31**

Registered trademarks must be used in the same form as they were accepted for registration, without prejudice of the other requirements contained in the present Regulations. Reductions or enlargements in the size of the figurative or combined trademark shall not incide in the protection, provided that the other legal and regulatory requirements have been complied with.

**Article 32**

If the owner of a registered trademark does not apply for renewal thereof within the legal term, it shall be deemed as abandoned and the rights shall be deemed to have expired.

**Article 33**

The trademark confers to its titular the exclusive right to use it in the form it has been granted and for the products, services, commercial or industrial establishments included in the privilege.

**Article 34**

The use made of a trademark shall not be a condition for its registration, duration or renewal.

## **Title VI Patents of Invention**

### **Article 35**

An invention is any solution to a technical problem that originates an industrial activity, this latter concept being understood in its widest meaning and independently from the feasibility or economic convenience of putting it into practice. This conception includes those inventions related to biotechnological processes and products consisting in or containing live matter, provided that they comply with the requirements for being patentable and that they are not included within the exclusions contained in Sec. 37 of the Law.

### **Article 36**

If the invention has been performed by a group of persons in common, the patent rights shall belong in an equal proportion to each one of them, unless an agreement is otherwise made.

In case of simultaneous inventions, that is to say, technical solutions generated at the same time but made by different inventors, each one independently from each other, the industrial property right shall belong to the first applicant in Chile.

### **Article 37**

In order to determine the inventive level of an application presented in the country, referred to in Sec. 35 of the Law, consideration shall be given to the level of knowledge existing in the state of the respective field of the art.

### **Article 38**

A patent application in the Department shall be accompanied by a summary of the invention, a specification, a set of claims and drawings, the latter when it proceeds.

### **Article 39**

Applications shall be presented in strong flexible white paper with a matte finish of the following dimensions: "A4" (29.7 cm x 21.0 cm) or else in office size (33.0 cm x 22.0 cm) taking care that once a format has been elected, it must be maintained throughout the proceeding. They shall be typed in indelible black ink, using only one side of the sheet, without amendments, erasures, writing between lines or indications of any nature foreign to the privilege petition.

Units must be expressed in the metric system, without prejudice of the

permanence of other systems of more frequent use.

The documents presented must contain the following margins: upper, 3.0 cm, left 3.0 cm, lower 3.0 cm and right 2.0 cm.

#### **Article 40**

When the summary of the invention, the description and the claims indicate weight units and measures different from the metric system or Celsius degrees, they shall include their equivalence in parentheses.

The symbols, terminology or units used in formulas included in any specification shall comprise only those that are conventionally accepted in the respective science or art and shall be consistently used throughout the presentation.

#### **Article 41**

Every invention shall bear a title initially contrived by the applicant, which must be clear and accurate to allow any person who is skilled in the art to get an idea of the technical problem being solved and of the way it is solved, and must not be fancy words or words not having a clearly established meaning in the art or in the special field the invention refers to.

All things considered, after examining the application and technical antecedents thereof, the expert or the examiner may propose to the Head of the Department a new title for the invention that meets with greater accuracy the requirements established in the first paragraph of this Article.

#### **Article 42**

The abstract shall contain a synthesis of the invention and an indication of the field or industrial sectors where it finds application. Its extension shall not be longer than one page and shall be presented in a filing card format (technical sheet) available to the public in the Department.

The abstract shall allow to obtain an essential understanding of the technical problem being solved, its solution and the application thereof, but it shall not have any effects for determining the scope of the invention.

#### **Article 43**

The specification of the invention shall be presented in a text constituting a different body, and shall include a description of what is already known in the art, a description of the drawings (if any) and a description of the invention.

The description of the background of the art shall begin with an introduction of the preferred field of application of the invention making reference to the technical problem being treated, and shall refer to the solutions given to said problem, making an effort to give those solutions that, from the technological point of view, are closer and more actual and highlighting their drawbacks or technical disadvantages.

The description of the invention is a detailed and clear account of the invention, with reference to the numbered pieces or parts in the drawings, if any, and it must be sufficiently complete to allow anyone who is specialized in the industrial field to which it is directed to "reproduce the invention".

When the invention includes live biological matter, including viruses or the procedure for their obtention, in such a way that the invention may not be thoroughly reproduced in the specification, the Department may request to make a deposit of said material at an internationally known organization for these effects and both the institution and the respective registration number thereof shall be indicated.

The specification shall further include an example of application of the invention consisting in a detailed disclosure of at least one way of carrying out the invention, which may be supported or illustrated with the help of the drawings, if it proceeds.

#### **Article 44**

An application may refer to only one invention or to a group of inventions related between them in such a way as to conform a single general inventive conception or inventive unit.

The fact that a patent is granted in contravention to the principle of inventive unit shall not be cause of cancellation of the privilege, but when this circumstance has been ascertained and at the request of the owner, the Head of the Department shall proceed to divide the invention for the time remaining until expiration thereof. The resolution will be taken by the Head of the Department to carry out such division if the patent shall be notified to the owner by means of a certified letter, and he will subsequently proceed to issue the new titles, recording the fact in the original registration.

In order to protect only one basic solution from a technical problem in the same application and to avoid multiple patents, each claim shall necessarily converge upon the principal claim or claims by means of appropriate links, provided that the principal claims are also linked.

**Article 45**

The claims shall define the matter that will be object of the protection and must be based fundamentally on the specification. They shall consist exclusively in a description of the exact means leading to a novel result. They shall be preceded by an Arabic number and will be as many as necessary to provide a correct definition and delimitation of the invention. The set of claims shall be sufficient by itself and, therefore, no reference may be made therein to parts of the specification unless it is absolutely necessary, a circumstance that shall be qualified in the respective expert examination conducted on the invention. However, the claims may refer to the drawings that are enclosed with the application.

**Article 46**

The sheet of claims shall be presented as a text conforming a separate body and shall contain a first independent clause specifying the object of the invention and the principal characteristics thereof which may be detailed or characterized in subsequent claims.

The claims shall be structured by an Arabic number, a preamble, the expression "characterized" and the pertinent characterization.

Expressions such as "in accordance with the enclosed drawings" or "according to what has been explained in the enclosed specifications" or the like, shall not be accepted within the clauses that make up the sheet of claims.

**Article 47**

The preamble to the claim defines the invention with regard to the subject to which it relates, indicating the technical problem it intends to solve; this part of the clause must include those elements that the invention may have in common with the state of the art; therefore, it must not contain any novel features.

The preamble shall be followed by the characterization of the claim linked by the expression "characterized". This term shall always be present in each clause, its purpose being to separate the preamble from the characterization in order to allow to make a distinction between them, and shall be highlighted in black characters or written in capital letters to facilitate its localization during the examination stage.

The characterization is the essential part of the clause as it defines the elements, combinations or groupings thereof that meet the requirements of industrial application, novelty and inventive level, and therefore the merits for the grant of letters patent. These elements must necessarily be included in each clause, leaving the first clause to reconstruct the

invention and the subordinate clauses to provide details of said elements or alternatives to them.

#### **Article 48**

The definition of the invention itself as well as what shall definitively be protected by the industrial privilege that may be granted is exclusively contained in the sheet of claims accepted by the Department.

Each application may contain one or more independent claims, provided that they correspond to the same inventive unit and that they are duly linked.

A set of claims may include an independent claim relative to a product, which may be linked to an independent claim relative to a process or procedure specially designed for its manufacture, and to one individualizing the apparatus or means specially created to carry it out.

Subordinated claims, that is to say, those including characteristics of one or several of the preceding claims of the same category, shall always make reference to the number or numbers of the claims on which they depend, followed by the additional characterization where the limitations to the clause on which they depend shall be understood to be incorporated. They shall be grouped after the claim on which they depend.

A multiple subordinate claim may serve as the basis for a new subordinated claim.

#### **Article 49**

The applicant or his representative specially empowered to this effect, may cancel one or more of the claims contained in his application or also amend them in the manner prescribed by the Department.

#### **Article 50**

It will be understood as drawings, the graphics as well as the schemes and flow sheets. The disclosure may contain some of these categories, and in this event, they shall be executed by means of a technical or conventional drawing, and exclusively in black. They must not be framed or limited by any line and shall not bear any type of label.

The drawings must be clearly executed in such a scale as to allow a good definition of their details when they are reduced, and they may contain one or more figures that must be correlatively numbered.

#### **Article 51**

Flow sheets may contain isolated words provided that they are of frequent use in technology such as inlet, outlet, to mix, to configurate, to oxidate,

etc.

Graphics must contain two types of indications for each reference axis: symbol, word or words of the physical or chemical parameter representing the coordinate axis, and unit symbol in the metric system, requiring the specification to provide a more detailed description of the parameters and units. When it is necessary to distinguish different curve lengths in the graphic, these shall be indicated by reference numerals, which will be described in the specification.

#### **Article 52**

The drawings shall be made on polyester paper, in office or A4 size sheets, drawing only on one side thereof and using black china ink or else, they may be printed by computer means using laser printers.

Without prejudice of the above, these drawings may be executed by any means that may be available in the future according to technological development.

Each sheet may contain one or more drawings and all of them shall be individualized by numbers.

The sheets shall not contain any explanatory texts, and these shall be incorporated in the specification.

The drawings may not be bound by any lines and a proper proportion and scale must be maintained among the various elements, parts and pieces thereof.

#### **Article 53**

The applicant may alter his application before the examiner has issued the respective expert report, provided that it does not imply enlarging the field of the invention or the disclosure contained in the specification. The priority of the amendment shall be that of the application.

Likewise, the applicant may divide his application before issuance of the expert report into two or more applications, provided that he does not enlarge the scope of the invention or the contents of the specification.

#### **Article 54**

At any time during the proceeding of the grant, the Department may determine to amend or divide the patent application when, according to its opinion, said application states two or more solutions to a definite technical problem, and these solutions may be grounded independently from one another. In these cases, the new applications shall preserve the local priority of the original application.

Likewise, it may merge those applications stating a technical solution

that separately have no consistence or are mutually dependent, leading to the same results.

In these cases, a new abstract of the application shall be published by the applicant.

#### **Article 55**

The expert examination shall comprise at least the following aspects:

- a) a search in the state of the art;
- b) an analysis of the industrial application;
- c) an analysis of the novelty;
- d) an analysis of the inventive level.

The expert or examiner shall issue a report assessing the above aspects and he will give his opinion in regard with the presentation of the abstract, the specification, the claims and the drawings, if it proceeds.

#### **Article 56**

The 15-year term of a patent of invention, established in Sec. 39 of the Law, shall start as from the date of the respective resolution that ordered issuance of the title and registration thereof in the appropriate register.

#### **Article 57**

The application for a precautionary patent shall contain the same elements as the application for an ordinary patent, and will be further accompanied by a brief explaining the type of assays in a laboratory or in a pilot plant scale that must be carried out or the prototypes that must be built.

#### **Article 58**

What is provided by subparagraph (b) of Sec. 37 of the Law must be understood without prejudice of the protection given to vegetable varieties and cultivars.

## **Title VII Utility Models**

### **Article 59**

All the provisions relative to patents of invention shall be applicable to utility models where appropriate.

### **Article 60**

Processes of any kind or inventions the object of which is living matter shall not be granted the protection of a utility model.

### **Article 61**

Utility models that are contrary to law, public order, state security, morals and good customs, as well as those presented by a party who is not the legitimate creator or assignee thereof are not registrable.

## **Title VIII Industrial Designs**

### **Article 62**

In the case of an industrial design, the petitioner must accompany together with the application form filed as prescribed, the specification, drawings of the design and a prototype or scale model, where appropriate.

### **Article 63**

The specification of the industrial design shall be constructed with an introduction, a description of the drawings and a description of the geometry of the design.

The introduction shall indicate the industrial object being dealt with and the preferred application thereof.

In the description of the drawings the number of each figure must be associated to its general meaning without going into the details of its geometry and including a statement with regard to the type of view it represents.

A detailed account of the geometric characteristics of the design shall be given in the description of the design, stating the relative proportions or dimensions of every element that configures the design without mentioning particular units, to allow a reconstruction of the object's image with a simple reading of this description.

### **Article 64**

The drawings of the design shall include at least a top plan view, an elevation view, a profile and perspective view, as well as other views that may be required according to the complexity of the design.

Photographs may be enclosed as a complementary addition, but they shall not be replace the drawings. All the figures in the drawings shall bear reference numerals and they will be presented with a photostatic duplicate.

The Department shall have the right to demand presentation of a prototype or model in those cases it deems convenient to do so.

### **Article 65**

All those provisions relative to patent of invention shall be applicable to industrial designs, where appropriate.

## **Title IX Priority of Applications**

### **Article 66**

The date of priority in Chile of any industrial privilege shall be the filing date of the respective application in the Department.

### **Article 67**

The privileges requested in Chile that claim priority for an application that was requested abroad shall also be subject to the rules of the Law and of the present Regulations.

### **Article 68**

The right of priority of an application filed abroad must be claimed at the time of filing the application in Chile and a special record shall be made thereof bearing an indication of the number, date and country of filing of said application the priority of which is being claimed. The respective certificate issued by the competent authority in the country which gave origin to the right of priority, shall also be enclosed. This certification shall be presented within the term of 90 days from the date of filing the respective application in Chile, duly translated into Spanish, as the case demands. The priority that has not been certified within said term shall not be taken into consideration in the administrative file.

### **Article 69**

The right of priority may only be claimed within the terms established by the Law or by the international treaty authorizing claim thereof.

### **Article 70**

Any industrial property right may be constituted pursuant to the Law or to said international treaties subscribed by Chile even if the term for claiming a right of priority is pending, without prejudice of the better right that a third party may assert pursuant to the Law or to said international treaties.

## **Title X Oppositions**

### **Article 71**

Any interested party may file in the Department an opposition to any privilege application, within the term of 30 or 60 days as from the date of publication of the abstract, in the case of trademarks or patents of invention, utility models and industrial designs, respectively, said opposition being grounded on the absence of any of the requirements for registration or claim of a right of priority.

The opposition brief shall contain at least the followings:

- a) a summary of the document individualizing the application to which opposition is being made and the name of its owner;
- b) full name, address and profession of the opponent;
- c) relevant facts and legal reasons invoked in his opposition;
- d) concrete petition to the Head of the Department;
- e) legal representation and Power of attorney.

Pursuant to what has been indicated in Article 1 of the Law No. 18.120, both the opposition brief and the reply thereto must be legally represented by a legal representative who is qualified to carry out his profession.

### **Article 72**

In the case of applications for patents of invention, utility models and industrial designs, upon expiration of the term for filing and in the presence or absence thereof, the Head of the Department shall order to conduct the examination referred to in Sec. 6 of the Law and for these effects he will proceed to appoint an expert who shall ascertain if the requirements established by Sec. 32, 56 or 62 of the Law have been complied with, according to the privilege being requested.

The expert shall be responsible of issuing a report in connection with the technical antecedents contained in every opposition filed against this type of application, report that shall be enclosed with the administrative file.

### **Article 73**

In the event that the parties are requested to give evidence relative to the case, the enclosed documents shall be presented in Spanish or otherwise duly translated into Spanish.

When the parties are summoned to hear sentence, no further briefs or evidences of any kind shall be admitted, excepting those referring to

application assignment, abandonment or limitation of the application.

## **Title XI Notifications**

### **Article 74**

All notifications relative to the proceeding of privilege granting, oppositions, cancellations and in general any matter being handled at the Department, shall be published in the daily list made up by said Department. It shall be assumed that the parties have been notified of any resolution appearing in those lists.

The notification of opposition to the privilege shall be mailed by certified letter sent to the address that the owner may have registered in the Department. In these cases, the notice shall be assumed to be given after three days from the date it was mailed and it shall consist of a full copy of the opposition and its provision.

The notice of a cancellation action to a privilege shall be given in the terms stated in Article 40 and the following of the Civil Procedure Code and to this end, foreign applicants must designate a domicile in Chile. All the instructions and resolutions dictated in lawsuits tried before the Head of the Department, shall be signed both by the Head and by the Secretary-Lawyer of the Department.

### **Article 75**

The petition to cancel a privilege granted to a party who is not domiciled or resident in Chile shall be notified to the attorney or representative referred to in Sec. 2 of the Law.

### **Article 76**

The notices given by the Court of Arbitration shall be communicated in the same way mentioned in the preceding Articles, but the daily list shall be written by the Secretary of the Court.

Both the date and the way of notification shall be recorded in the file.

## **Title XII Privilege Cancellations**

### **Article 77**

Any interested party may apply for cancellation of an industrial privilege, based on any of the grounds stated in Sec. 20 of the Law with regard to trademarks, and in Sec. 50 with regard to patents of invention, utility models and industrial designs, when it proceeds.

Trials for cancellation of a privilege shall be substantiated before the Head of the Department and shall begin with the respective cancellation action which must include at least the following antecedents:

- a) full name, domicile and profession of the complainant;
- b) full name, domicile and profession of the defendant. To that effect, the domicile last registered by the defendant in the file of the respective privilege shall be considered valid;
- c) full name and individualization of the privilege the cancellation of which is being requested, as well as date of registration thereof;
- d) relevant facts and legal reasons that provide the grounds for the action.

In accordance with Article 1 of Law No. 18.120, the cancellation brief and the reply thereto shall be sponsored by a lawyer who is qualified to exercise his profession.

### **Article 78**

The cancellation of a patent shall not automatically affect validity of patents granted to additions or improvements that might be based on the cancelled privilege.

In the case of a petition requesting simultaneous cancellation of an ordinary patent and of another granted to improvements related to the first, both patents belonging to different owners, the Head of the Department shall try those proceedings jointly but will resolve first on the cancellation of the principal patent.

### **Article 79**

In the case of patents of inventions and utility models, cancellation may be requested with respect to the whole privilege or to one or more claims thereof.

The cancelled privilege or claims shall be considered void as from the date when the privilege became effective.

**Article 80**

The action of trademark cancellation shall be extinguished by the Statute of Limitations within the term of five years as from the date when said privilege was granted. With regard to patents of invention, the action shall be extinguished by the Statute of Limitations within the term of ten years also from the date when said privilege was granted, and in the case of utility models and industrial designs, from the filing date of the application.

**Article 81**

The owner of the privilege or his representative shall have a term of sixty days to contest the complaint, in the case of a patent of invention, utility model or industrial design. In the case of trademarks, said term shall be of thirty days.

**Article 82**

With the reply to a cancellation action regarding a patent of invention, utility model or industrial design, or in nonappearance of the defendant, one or more experts shall be requested to issue a report relative to the factual grounds contained in the petition and in the reply thereto. The expert shall be designated with the common consent of the parties when summoned to appear, or else by the Head of the Department in the absence of an agreement or if by any cause the summons fails to take place. All things considered, the party who feels wronged by the report issued by the expert, may ask for a second report and in this case the same procedure prescribed in this Article shall be followed.

At any time, the Head of the Department may listen to the expert or experts who issued the report when the privilege was being applied for as an antecedent for the best decision.

**Article 83**

After the Head of the Department has appointed an expert, the parties thereto may object to his designation within five days from the resolution relative to his appointment, exclusively for one or more of the following grounds:

- a) by reason of having given a public opinion regarding the matter in question;
- b) by reason of relationship, friendship or overt enmity to one of the parties;
- c) on account of being unfit or incompetent in connection with the subject

being put to his consideration;

d) on account of having given professional services, in a dependent or independent capacity, to any of the parties in the last five years or of having maintained a commercial or business relationship with any of them during the same time period.

The brief rejecting an expert shall be transferred to the other party for a twenty-day term and on receiving its reply, or in its nonappearance, the Head of the Department shall resolve on the matter without further proceeding.

The expert's report will be made known to the parties and they will have to make the remarks they may find appropriate within the term of 120 days. If there are any substantial and relevant facts in dispute, the Head of the Department shall open a 60-day probatory term for producing evidence, term that may be extended only once for another 60 days, in duly qualified instances.

With the facts stated by both parties and the submitted expert report, the Head of the Department shall pronounce judgement on the requested cancellation action.

#### **Article 84**

In the case of trademarks, when the term allowed for notification of the petition has expired and in the event of the existence of substantial and relevant facts in dispute, the Head of the Department shall open a 30-day probatory term which may be extended for another 30 days in those cases duly qualified by the same Head of the Department.

When all the above stages have been carried out, the Head of the Department shall give his decision on the cancellation action, decision that shall be grounded and must adhere as closely as possible in its form to the provisions of Article 170 of the Civil Procedure Code.

#### **Article 85**

The pronouncement accepting the privilege cancellation in whole or in part shall be recorded on the margin of the respective registration.

## **Title XIII Duties and Obligations Derived from an Industrial Privilege**

### **Article 86**

The owner of an industrial privilege enjoys an exclusive right to use, commercialize, assign or transfer under any title the object of the protection and the right conferred upon him.

The protection shall be extended until the 24 hours of the same day of the expiration of said privilege, without prejudice of renewal in the case of trademarks.

### **Article 87**

The owner of a patent of invention, utility model and industrial design shall enjoy an exclusive right to make, sell or commercialize the protected product or object in any form, to use it in any form and to celebrate any type of acts relative to the right conferred upon him, with the following faculties:

- a) in the case of a patent for a product, utility model or industrial design, to make, offer for sale, import, commercialize or use said product, utility models or industrial design for commercial or industrial use;
- b) in the case of a patent for a process, to use said process in order to attain the claimed results, or else to offer said process for sale or commercialization.

### **Article 88**

The trademark grants to its owner the exclusive right to use it and apply it to distinguish the products, services, commercial or industrial establishments for which it has been granted, with faculty to:

- a) oppose to the use or application of the trademark that may be made by third parties, or of a trademark that may be similar and may lead the common public into error or misunderstanding regarding the products or services in the classes where it has been registered;
- b) prevent the use or application of the trademark and any other sign that may cause harm to the owner of the privilege or when this lessens the distinctive or commercial value of the trademark.

### **Article 89**

The owners of registered trademarks shall use, at the end thereof or on a separate line the expression "Registered Trademark", the initials "M.R." or else the symbol "R" enclosed in a circle.

Every patented object, utility model or industrial design shall likewise bear an indication of the nature and number of the privilege, individualized by its name or else by the initials referred to in Secs. 53, 59 and 66 of the Law, when it proceeds. This rule shall not apply to process patents. Pending applications for patents of invention, utility models or industrial designs shall employ the expression "pending privilege" followed by the number of the corresponding application.

## **Title XIV Privilege Assignments**

### **Article 90**

All assignments of an industrial property right, as well as any encumbrances constituted thereupon by licenses granted to a third party, shall be made in the corresponding document and shall be recorded on the margin of the registration, and shall take effect with regard to third parties only from the date of said recording, subject to the acceptance and payment of the corresponding fees.

The mortis transference of rights shall be credited by a recording on the margin of the registration, enclosing therefore the respective and officially recorded writ of actual possession and inventory, subject to the acceptance and payment of the corresponding fees, without which they shall not take any effect with regard to third parties.

### **Article 91**

A trademark that has been registered in more than one class may be assigned with respect to all or to some of these. In the latter case the original registration shall be divided and registered under the corresponding correlative numeration, but for all effects it will maintain the priority and seniority of the original registration.

Both the division and the new numbers assigned to the divided registration shall be recorded in the original recording.

### **Article 92**

Transfers of privilege applications referred to in Sec. 14 of the Law, shall not require any registration or recording.

## **Title XV Books and Registers Kept by the Department**

### **Article 93**

The Department shall keep a Special Record Book where all granted privileges shall be entered and at least the following entries shall be recorded therein:

- a) privilege number;
- b) name, domicile and R.U.T. of the owner, when it proceeds;
- c) name and subject of the privilege;
- d) date of granting;
- e) annotations.

There will be a register for each type of privilege established in the Law.

### **Article 94**

The Certification that the Department must issue with regard to the duration, registration, encumbrances, assignments and other acts connected with each privilege, shall be made on the grounds of what has been recorded in the respective registrations.

Registrations of patents of invention, utility models and industrial designs shall be in charge of the Registrar of Patents, while the registration of trademarks shall be in charge of the Registrar of Trademarks.

### **Article 95**

For all practical matters, the Department may keep one or more copies of those registers using duly updated computation files or other type of files, which shall be copies of the original register.

The registers shall be available to the public, and they may be consulted provided that they are treated with the proper care that must be observed in regard with documents of this nature.

## **Title XVI Non Voluntary Licenses**

### **Article 96**

Any party who is interested in obtaining a non-voluntary license shall apply to the Resolution Commission established by Law Decree No. 211 of 1973, that shall be the appropriate body to grant said privilege.

### **Article 97**

At any stage of the proceeding, the claimant and the patent owner may celebrate a contractual license.

### **Article 98**

The grant of a non-voluntary license does not preclude the use of said patent by the owner thereof or the grant of voluntary licenses to third parties.

## **Title XVII Experts and Expert Reports**

### **Article 99**

The expert's report referred to in Sec. 6 of the Law and Article 110 of the present Regulations shall be performed by persons who have previously been qualified as capable by the Head of the Department.

The experts mentioned in the above paragraph shall be duly registered in a special register kept to that effect by the Department, which shall be periodically updated according to the nature of the requirements of the various applications for privilege. The registration of the experts in the list kept by the Department and their elimination from said list, which shall be public, will be made by resolution of the Head of the Department except for what has been provided in the last paragraph of the present Article.

Every expert's report shall be signed by the professional.

According to the particularity of some applications, the Department may also request reports from natural or juristic persons, of itself or at the petition of the parties, and in the latter case these shall be undersigned both by the legal representative of the institution and by the professional or professionals who took part in the elaboration thereof.

### **Article 100**

Without prejudice of the special rules established in the Law or in this Regulations, all the expenses of the expert examinations shall be borne by the applicant. The official fees of said examinations shall be set periodically by a resolution of the Head of the Department.

The applicants shall have a 10-day term starting from the expiration date of the term referred to in Sec. 5 of the Law for depositing in the Department a voucher extended in the name of the applicant or his representative and duly endorsed or any other forms of payment the Head of the Department may determine, before proceeding to designate the expert or examiner who will analyze the application.

In the case of expert examinations for cancellation of these privileges, the expert fees shall be freely determined by the person or body in charge of the expert examination and payment thereof shall follow the same procedure previously stated in this Article. In these trials, the cost of the prescribed expert examination shall be borne by the complainant, without prejudice that the parties may request other expert examinations at their own expense.

In special cases duly qualified by the Department and paying attention to the technical complexity and to the nature of the subject matter of

an application, the Head of the Department may resolve to allow a simultaneous study thereof by two or more experts in different fields of knowledge, in order to establish in a convincing manner the substantive requirements stated in the Law. For this effect, the applicant shall pay the fees that the Department may have set for each expert or examiner appointed to study the application.

#### **Article 101**

Acceptance of the appointment by the expert shall be recorded in the respective file and his office shall be carried out within a period no longer than 20 days. If he fails to do this within said term, it shall be assumed that he has refused the office and the Head of the Department shall proceed to designate another person who will have the same period to accept or refuse said designation.

Nonacceptance of the designation must be well-founded.

#### **Article 102**

The work of the expert shall consist basically in the following:

- a) to give a pronouncement on the compliance of the substantial requirements, as it has been stated in Secs. 32, 56 and 62 of the Law;
- b) to qualify the technical adequacy of the matter contained in the documents furnished by the applicant;
- c) to verify the state of the art in the field to which the application is related;
- d) to submit to the Department his technical opinion in regard with the application for privilege.

#### **Article 103**

Expert reports shall contain at least:

- a) a qualification of the technical antecedents enclosed;
- b) a technical analysis of the solution contained in the specification;
- c) An indication to the effect that the descriptions are adequate to enable a repetition of the solution;
- d) an opinion on the compliance or noncompliance of the requirements to grant the privilege;
- e) an analysis of the state of the art;
- f) conclusion and technical opinion.

**Article 104**

In the case of industrial designs, the expert report shall contain at least a search through similar designs and an analysis of the novelty, apart from his remarks regarding the presentation of the specification and the drawings.

**Article 105**

To analyze the novelty with regard to industrial designs that are similar, the expert or examiner shall take the following into account, besides what is provided under Title V of the Law:

- a) the outer shape. In this case the new shape shall not be directly associated to the function to be fulfilled;
- b) the effective differences in connection with ornamental elements compared to other similar industrial designs or objects. To these effects, ornamental elements shall be interpreted as a plastic shape;
- c) the area where ornamental elements appear compared to similar industrial objects or designs;
- d) the distribution of the ornamental elements within the respective areas;
- e) the whole entirety of the outer aspects with similar designs, so as to determine if the appearance of the requested model has a new, original and different appearance.

**Article 106**

With the help of the Head of the Department, the expert or examiner shall request additional antecedents from the applicant when he deems that those antecedents that were submitted are inadequate to determine the existence of the necessary conditions required by the Law with regard to every privilege.

**Article 107**

Upon issuance of an expert report, it shall be notified to the applicant by publication in the daily list and he shall be given a copy, if he so desires.

In those cases where it is deemed convenient, the Department, acting by itself or by request of the interested party, may demand a second technical opinion. Said opinion shall be obtained from a second expert, from a commission integrated by experts in the respective technical area or from the examiner staff designated by the Head of the Department.

**Article 108**

The Department shall study the report submitted by the expert or examiner in order to verify and analyze the concepts examined in the expert examination and to confirm that the standard maintained agrees with that of the Department.

Expert reports shall be considered as an antecedent for the resolution that the Head of the Department must take.

**Article 109**

The expert or examiner shall conduct a search through the state of the art, and for these of facts he may make use of the national or international means that may be available.

To facilitate said task, the Department shall have a data bank made up by Chilean patents, gazettes and foreign patents or any other technological material that may allow to assess the state of the art and the anticipations. The national search shall also include all the visits made by experts or examiners to research centers, Universities or enterprises that may provide technical information in regard with the requested matter.

In special cases a search may be conducted using data furnished by other countries, and it shall be carried out through the agreements the Department may have celebrated with Foreign Offices or International Organizations, and the necessity for this search may be determined in the preliminary examination, examination, in the expert examination or at any other stage in the proceeding of a privilege.

If this type of search is required during the expert examination, the term to complete the report may be extended, pursuant to what is established in Sec. 9 of the Law.

**Article 110**

The Head of the Department shall make a public call, by means of a publication in the Official Gazette, in order to make up the first list of experts who shall be registered to conduct the technical examination of applications for patents of invention, utility models and industrial designs. Said list shall include all those persons who, in the opinion of the Head of the Department, are technically qualified to conduct said examinations, in the different fields they may be required.

The rules stated under this title shall not be applicable to expert examinations different from those referred to in Sec. 6 of the Law.

## **Title XVIII Service Inventions**

### **Article 111**

The industrial property rights originated from the work of persons who have been hired in a dependent or independent capacity, with the purpose of carrying out a creative or inventive work susceptible of being protected by any of the instruments indicated by the Law, shall belong to their employer or to whoever ordered the service. The worker or the person who performed the service shall only be entitled to the salary or compensation stated on the respective work contract or service rendering agreement.

The employer or whoever ordered the service shall have the right to keep the invention or ordered work in secret.

The above stated rules may be amended by express specification of the work contract or service rendering agreement.

### **Article 112**

In the case of persons who have been hired to perform a function other than a creative or inventive function, the industrial property rights shall belong to the creator or inventor thereof, with the exception that, in the case when performing said creative or inventive activity they have evidently benefited from knowledge acquired during their stay in the enterprise that employed them or they have used means provided by said enterprise, these rights shall belong to their employer, without prejudice of the additional compensation to the worker or the person who performed the service referred to in Sec. 69 of the Law.

Said compensation shall be established as a function of the commercial and industrial importance of the creation, and shall be established by common consent of the parties or by the special Court referred to in Sec. 17 of the Law in the event of disagreement.

### **Article 113**

Workers or persons who render services are obliged to make known to their employer or to whoever commanded the service, the creative or inventive activity they may have carried out under the protection of the respective work contract or service rendering agreement, whichever may be applicable.

### **Article 114**

The non-renounceability of the rights referred to in Sec. 71 of the Law shall proceed only in those cases where, according to his work contract, the principal activity of the worker is not that of performing an inventive

or creative activity.

## **Title XIX The Court of Arbitration**

### **Article 115**

The members of the Industrial Property Court of Arbitration referred to in Sec. 17 of the Law shall be nominated by Resolution of the Minister of Economy, Reconstruction and Development. The Resolution shall also include the nomination of three alternate members who will have the same qualifications stated in the Law, and shall be proposed by the entities mentioned in the 5th subparagraph of the cited rule, and they shall substitute the titulars in case of absence or if they are affected by any legal cause of involvement or challenge that might be declared, which disqualified them to try the case.

### **Article 116**

Upon expiration of the term of their appointment, the members of the Court may be nominated for another term, either as regular members or as alternate members and in this way the duration of their office may be indefinite if they are proposed by the appropriated authority.

### **Article 117**

The Court of Arbitration shall determine the days and the times when it shall meet, these meetings having to take place at least twice a week. This fact, notwithstanding, if there are less than five pending causes, hearing thereof may be postponed for the next meeting.

Every Minister of the Court shall receive a fee equivalent to one and a half Unidades Tributarias Mensuales (Special Monthly Chilean Monetary Unit, "U.T.M.") per session attended, amount that shall be increased in one tenth of a U.T.M. for each appeal he may try and shall not exceed two and a half U.T.M. per session.

### **Article 118**

The Court shall be presided by the member presented by the Court of Appeal or by the member who is acting as his substitute.

### **Article 119**

The Court shall meet with the Court reporters and the administrative staff that may be adequate to allow a proper performance.

The President, the Secretary and the Court reporters, shall have the same attributions that correspond to the same offices in the Courts of Appeals, pursuant to the rules established in the Code of Court Organization and in the Civil Procedure Code, where applicable.

**Article 120**

The Secretary-Lawyer of the Court shall have, at least, the following duties:

- a) to receive from the Reception Office of the Department the documents delivered to said office and addressed to the Court;
- b) to inform the Court in regard with the petitions submitted to its trial;
- c) to give notice of resolutions;
- d) to act as a Court reporter of the various causes to be tried by the Court, where appropriate;
- e) to organize and direct the administrative support required by the Court, according to the resources that may be available for those effects.

**Article 121**

The Court shall meet with three members in order to try the matters that have been referred to it, and to decide upon them, their resolutions having to be passed by a majority of votes.

When passing resolutions, the Court shall conform, where applicable, the rules contained in the 2nd paragraph of the Code of Court Organization. At the hearing, it may only be accepted the allegations of the attorneys who shall take a maximum time of thirty minutes in the case of appeals to final judgements. In the other cases, briefs may be accepted until three days before the respective hearing.

Appeals having their origin in various oppositions to the same application may be jointly tried and resolved even if they give origin to different resources.

**Article 122**

The appeal shall include the relevant facts and the legal reasons on which it is grounded as well as the definite petitions being filed, and the appellant shall enclose together with the same voucher giving evidence of having paid the fee referred to in Sec. 18, 5th paragraph of the Law. The Court may declare before the hearing that the appeal is inadmissible in the event that it is out of the legal term or does not comply with the above stated requirements. Otherwise, they shall assign to it a case number and shall order to bring the pertinent records.

**Article 123**

The hearing of the cause shall take place where appropriate pursuant to the rules in Articles 163 and the following of the Civil Procedure Code.

**Article 124**

Every decision taken by the Court shall indicate if a refund of the amount mentioned in the 5th paragraph of Sec. 18 of the Law is or is not in order, owing to the acceptance or non-acceptance of the petitioner's appeal. In the affirmative case, the Secretary-Lawyer of the Court, at a petition of the interested party, shall issue a certificate addressed to the General Treasurer of the Republic ordering him to refund the amount paid.

**Article 125**

The rules relative to involvements and challenges contained under Title VII, 11th paragraph of the Code of Court Organization and those rules contained in Book I under Title XII of the Civil Procedure Code shall apply to the member of the Court and to the Court Reporters, when it proceeds.

## **Title XX Final Provisions**

### **Article 126**

Payment orders corresponding to the fees indicated in Sec. 18 of the Law shall be issued by the Department crediting said payment.

### **Article 127**

The transference of appeals referred to in the 2nd paragraph, transitory Section 2 of the Law, shall be made within the term of 60 days, and in this period the President of the Commission of Arbitration, established in Article 17 of Law Decree No. 958 of 1931, shall deliver to the President of the Court of Arbitration, created in Sec. 17 of Law No. 19.039, all those pending files that may be in his possession. This term shall begin from the date of the legal establishment of the Court of Arbitration.