

CHILE
Industrial Property Regulations

Regulations under Law No. 19,039 on Industrial Property
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TITLE I GENERAL PROVISIONS

Article 1.

These Regulations shall regulate the grant and protection of industrial property rights relating to trademarks, patents, utility models, industrial drawings and designs, layout designs (topographies) of integrated circuits, geographical indications and designations of origin.

Article 2.

For the purposes of these Regulations, the following definitions shall apply:

- Patent invention classification: the International Patent Classification established under the Strasbourg Agreement of March 24, 1971 and its subsequent amendments.
- Trademark classification: the International Classification of Goods and Services established under the Nice Agreement of June 15, 1957 and its subsequent amendments.
- Utility model classification: the International Patent Classification established under the Strasbourg Agreement of March 24, 1971 and its subsequent amendments.
- Industrial design classification: the International Classification for Industrial Designs established under the Locarno Agreement of October 8, 1968 and its subsequent amendments.
- Technical equivalent: an element or means that performs the same function as the one claimed in an invention, in the same manner and producing the same effect or result as the one indicated in the claim.
- Prior art: all knowledge that has been made available to the public anywhere in the world, even though it may be totally unknown in Chile, by means of a publication in tangible form, sale or marketing, use or any other means, prior to the filing date of an application or claim of priority for an industrial property right in Chile.
- Institute: the National Institute of Industrial Property.
- Law: Law No. 19,039 or the "Law on Industrial Property" and its subsequent amendments.
- Non-voluntary license: the authorization granted by the competent authority to a third party to use an invention without or against the consent of its owner, based on one of the grounds set out in Article 51 of the Law.

- Description: a document whereby the applicant provides clear and detailed information on his invention, utility model, industrial design, layout design (topography) of integrated circuits, in addition to the prior art relating to said right.
- Expert: a professional, specialist or expert who is suited to drafting technical reports.
- Claims sheet: the document containing the body of clear and concise descriptions, formally structured and set out in the description, which is intended to individualize the new aspects for which protection is sought.
- Priority: the strongest right that an applicant can claim in filing an application, because he requested it previously in Chile or abroad. A priority claim is a right that guarantees the person who has filed an application abroad that he may also file it in Chile, within the period of time established by law or an international treaty ratified by Chile.
- Royalty: periodic compensation, remuneration or payment which the licensee must make to the holder of an industrial property right, for the corresponding license for use.
- Claim: the enunciation and delimitation of that which, in the final analysis, remains protected by a patent or utility model, and which is structured as follows:
 - Number
 - Preamble
 - The expression "characterized", and
 - The characterization.
- Independent claim: that which designates the subject matter of the invention and its main characteristics. The claim may contain more than one independent claim from the same or a different category, maintaining the unity of the invention, if the subject matter of the application cannot be adequately covered by a single independent claim.
- Dependent claim: that which contains the characteristics of another claim and specifies additional details or alternatives.
- Multiple dependent claim: that which refers to more than one claim bearing a lower number from the same sheet.
- Cooperative Patent Classification System: bilateral system developed jointly by the European Patent Office (EPO) and the United States Patent and Trademark Office (USPTO), which reflects the best classification practices of both offices.

- Application: form submitted in accordance with the technical requirements established for this purpose through the platforms available to the Institute, containing the basic information regarding the applicant and the procedure required. In those cases, in which the law, this regulation or other applicable rules require the submission of additional information, it will be understood that these form an integral part of the application.
- Title: document issued by the Institute in accordance with the rules contained in these Regulations, attesting the grant of an industrial property right.

TITLE II APPLICATIONS AND BACKGROUND

Article 3.

All applications must be submitted to the Institute using the platforms provided by it, except for legal exceptions. Once the application has been submitted, it will be assigned a date and time of submission, and a consecutive number that will serve to identify it during processing.

Article 4.

All applications must be accompanied by the other background information established by law and these regulations in each case, in addition to those required by other regulations applicable to the submission of applications to the State Administration bodies. All documentation must be submitted in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

Article 5.

Once the application has been submitted, the Institute will confirm this fact to the applicant by means of a receipt indicating the date, time and corresponding consecutive number.

Article 6.

Every application for the registration of trademarks shall contain the following information:

- a) Full name or company name; RUT, if applicable; email and address of the applicant; and information about his/her attorney or representative, if applicable. At the applicant's discretion, he/she may also indicate his/her national identity card number and that of his/her attorney or representative;
- b) Clear specification of the mark. The mark must be expressed in any form considered appropriate using generally available technology, provided that it can be represented or reproduced in the register in a clear, precise, complete in itself, easily accessible, intelligible, durable and objective manner, in such a way as to enable the Institute to determine clearly and accurately the precise object of the protection requested;
- c) Specification of the products and/or services that will bear the mark and the class(es) of the International classification for which protection is requested;

- d) Translation of the trademark. In cases where the requested sign incorporates one or more expressions in a language other than Spanish, these must be translated into Spanish at the time of describing the trademark, and
- e) Signature of the applicant, attorney or representative, if applicable.

Article 7.

Every trademark application must be accompanied by:

- a) In the case of applications for figurative or mixed trademarks, the trademark must be attached in one of the formats accepted by the Institute.
- b) For the registration of a given name, documents proving that the name belongs to the applicant, or those proving the consent referred to in letter c) of article 20 of the law, must be attached. In the case of requesting the registration of a given name that does not correspond to any natural or legal person, a sworn declaration to that effect must be attached.
- c) A power of attorney granted in accordance with article 15 of the law or indication of the custody number thereof before the Institute, when an attorney or representative has been appointed for the purposes of processing the registration of industrial property rights.
- d) When the holder of the application is a legal person, documents showing the legal status of its representative, if this is different from the one indicated in the previous letter.
- e) In the case of trademarks consisting of signs not traditionally susceptible to graphic representation, background information that allows the trademark requested to be clearly specified, in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.
- f) Proof of payment of fees.

Documents must be submitted in Spanish or duly translated.

Article 8.

In the case of applications for collective or certification trademarks, a regulation of use must also be included, which must contain the mentions provided for in article 23 bis C of the law and the following:

- a) Characteristics, qualities or methods of production common to the products or services in the case of collective marks, and the quality, components, origin or any other characteristic of the corresponding products or services that will be accredited, certified or guaranteed by the guarantee or certification mark;
- b) Membership requirements for users of the collective mark;
- c) Description of the brand control methods;
- d) Rights and duties of users authorized to use the trademark;
- e) Penalties for non-compliance with the regulations of use, and
- f) Form of modification of the regulations of use.

Article 9.

Every application for a patent for an invention or utility model shall contain the following details:

- a) Full name or company name; RUT, if applicable; email and address of the applicant; and information about his/her attorney or representative, if applicable. At the applicant's discretion, he/she may also indicate his/her national identity card number and that of his/her attorney or representative;
- b) Full name of the inventor, nationality and address;
- c) Title of the invention;
- d) Number, place and date of the first application filed abroad, if any;
- e) Formal declaration of novelty, ownership and utility of the invention, according to article 44 of the law;
- f) Signature of the applicant or his/her attorney or representative, if applicable;
- g) Declaration, if applicable, of the divisional nature, citing the number of the original application that is pending resolution by the Institute, and
- h) Declaration, where applicable, of the existence of disclosures referred to in Article 42 of the law.

In addition, the following documents must be submitted, in the manner determined by the Institute:

- a) If the applicant is a person other than the inventor, he/she must attach the document proving the transfer or transmission of rights;
- b) The documents referred to in articles 43 and 58 of the law, depending on whether it is a patent for an invention or a utility model, respectively, and

- c) A power of attorney granted in accordance with article 15 of the law or the custody number thereof before the Institute, when an attorney or representative has been appointed, for the purposes of processing the registration of industrial property rights.
- d) When the holder of the application is a legal person, documents showing the legal status of its representative, if this is different from the one indicated in the previous letter.
- e) Proof of payment of fees.

Documents must be submitted in Spanish or duly translated.

Article 10.

In the case of provisional patent applications, the provisions of Article 40 of the law shall apply and the submission of claims or declarations referred to in Article 44 of the law shall not be required.

Article 11.

Every application for industrial drawings and designs, layout designs or topographies of integrated circuits shall contain the following details:

- a) Full name or company name; RUT, if applicable; email and address of the applicant; and information about his/her attorney or representative, if applicable. At the applicant's discretion, he/she may also indicate his/her national identity card number and that of his/her attorney or representative;
- b) Full name, nationality and address of the creator;
- c) Title;
- d) Formal declaration of the conditions established in article 44 of the law, where applicable;
- e) Signature of the applicant or his/her attorney or representative, if applicable;
- f) Declaration, if applicable, of the divisional nature, citing the number of the original application that is pending resolution by the Institute, and
- g) Declaration, where applicable, of the existence of disclosures referred to in Article 42 of the law.

In addition, the following documents must be submitted, in the manner determined by the Institute:

- a) If the applicant is a person other than the creator, he/she must attach the document proving the transfer or transmission of rights;
- b) The documents referred to in Articles 64 and 80 of the law, depending on whether they are an industrial drawing or design, or layout diagrams or topography of integrated circuits, respectively, and
- c) A power of attorney granted in accordance with article 15 of the law or indication of the custody number thereof before the Institute, when an attorney or representative has been appointed, for the purposes of processing the registration of industrial property rights.
- d) When the holder of the application is a legal person, documents showing the legal status of its representative, if this is different from the one indicated in the previous letter.
- e) Proof of payment of fees.

Documents must be submitted in Spanish or duly translated.

Article 12.

Every application for a geographical indications or designations of origin shall contain the following details:

- a) Full name or company name; RUT, if applicable; email and address of the applicant; and information about his/her attorney or representative, if applicable. At the applicant's discretion, he/she may also indicate his/her national identity card number and that of his/her attorney or representative, if applicable;
- b) Declarations that the applicant is qualified to apply for the geographical indications or designations of origin, in accordance with article 94 of the law;
- c) The geographical indications or designations of origin;
- d) Indication of the country of origin of the geographical indications or designations of origin;
- e) The geographical area of production, extraction, λ n or processing of the product that will be distinguished with the indication or name, delimiting it to the geographical characteristics and the political-administrative division of the country;
- f) The detailed description of the product or products that will distinguish the requested indication or name, as well as its essential characteristics or qualities, and

g) Signature of the applicant or his/her attorney or representative, if applicable.

In addition, the following documents must be submitted, in the manner determined by the Institute:

- a) Technical study, prepared by a competent professional, which provides background information, in the sense that the characteristics or qualities attributed to the product are fundamentally or exclusively attributable to its geographical origin;
- b) A draft specific regulation for the use and control of the requested indication or name;
- c) A delimited plan of the specific geographical area corresponding to the geographical indications or designations of origin whose protection is requested, taking into account the geographical characteristics and the political-administrative divisions;
- d) Background information proving that the applicant is qualified to apply for the geographical indications or designations of origin, in accordance with article 94 of the law;
- e) In the case of a foreign geographical indication or designation of origin, documents justifying the existence and origin thereof, except when they have been previously recognized by international treaties ratified by Chile, and
- f) A power of attorney granted in accordance with article 15 of the law or an indication of the custody number thereof before the Institute must be attached, when an attorney or representative has been appointed, for the purposes of processing the registration of industrial property rights.
- g) When the holder of the application is a legal person, documents showing the legal status of its representative, if this is different from the one indicated in the previous letter.
- h) Proof of payment of fees.

Documents must be submitted in Spanish or duly translated.

Article 13.

The publication referred to in article 4 of the law must be requested from the Official Journal by the applicant under his/her responsibility, within 20 days following acceptance for processing in the case of trademarks and 60 days for invention patents, utility models, industrial drawings and designs, layout designs or

topographies of integrated circuits and geographical indications and designations of origin.

Publications must contain, at least, according to each case:

- a) In the case of trademarks, the application number, full name or company name of the applicant, an adequate representation of the trademark applied for and its label, if applicable, and an indication of the coverage requested.
- b) In the case of patents for invention, utility models, industrial drawings and designs, layout designs or topographies of integrated circuits, the application number, full name or company name of the applicant, explanatory extract of the content of the right whose protection is sought.
- c) In the case of geographical indications or designations of origin, the application number, full name or company name of the applicant, designation of the geographical indication or designations of origin, the description of the product or products it will distinguish and the geographical area in which it will apply.

The application for a trademark, geographical indication or designation of origin, the extract of which is not published within the period specified in this article, shall be deemed not to have been filed. In the same circumstances, in the case of patents for invention, utility models, industrial drawings and designs, layout designs or topographies of integrated circuits, the application will be considered abandoned and will be archived.

Errors in publication that are not substantial may be corrected by a resolution issued ex officio or at the request of a party.

In the case of publication errors that are substantial, a new publication must be made within 10 days from the date of the resolution ordering it.

Differences in color or minor distortions in form that may normally occur during the publication process will not affect the validity of the publication.

TITLE III COMMON PROCEDURE FOR OBTAINING THE RIGHT

Article 14.

Any application for an industrial property right shall be filed in the Spanish language.

The Institute shall form a file containing the submissions, documents, steps and background information relating to the grant procedure, including the stages of appeal, if any, and which shall be closed with the final decision of the Institute.

Article 15.

Applications may be filed on behalf of one or more persons. In the latter case, a joint agent or representative shall be appointed. Any community of rights arising from the application shall be regulated by common law. However, if there are indivision agreements or other instruments relating to the community, they may be attached at any time and shall be added to the file or entered in the margin of the registration, if the privilege has already been granted.

Article 16.

The preliminary examination shall be carried out by the Institute, which shall verify that the filing complies with the provisions of articles 14, 15, 40, 43, 58, 64 and 80 of the law and articles 9, 11 and 51 of these regulations, as the case may be.

A preliminary examination report shall be issued indicating the type of application in question (invention patent, utility model, industrial drawing or design and layout-design or topography of integrated circuits), a preliminary technical classification and the pertinent observations on the filing. Additionally, the experts of the Institute will prepare the extract for publication that, in their opinion, best interprets the requested subject matter.

In the preliminary examination, it shall be indicated which is the most representative drawing or drawings of the invention, utility model, industrial drawing and design, layout designs or topographies of integrated circuits, so that an image of these may be included in the publication referred to in article 13 of these regulations. For such effect, the respective resolution shall indicate in detail which drawing or drawings shall be published.

Article 17.

Once the resolution accepting the application for registration is final and the payment of the relevant fees has been confirmed, or the benefit established in article 18 bis A of the law has been granted, the Registry will be drawn up and the respective title may be issued. This title must be signed by the National Director of the Institute and by the respective Registrar, according to the type of right in question.

Article 18.

In the event that two or more applications for industrial property rights interfere with each other, the application that was filed first with the Institute shall have priority, without prejudice to the fact that, through due process before the National Director of the Institute, the true creator shall be determined.

Article 19.

When an applicant wishes to avail himself of the benefit of deferring the payment of fees pursuant to the provisions of Article 18 bis A of the law, he shall request it in writing together with the respective application, accompanying a sworn statement of lack of economic means and the other necessary background information to prove the existence of this circumstance at the time of filing the application, such as social report, social protection card or the instrument that replaces it and income certification.

The applicant may not request this benefit if he/she already has another application for this deferral without first completing the payment.

If the applicant is unable to prove his lack of financial means, the Institute will decide to demand the payment of the corresponding fees within 30 days.

The rights and fees that have been deferred in accordance with this article must be paid within two years following the date of acceptance of the application for registration. Before the expiration of this term, an extension of up to two years may be requested. The Institute shall declare the forfeiture of the right when payment is not made within the periods provided for above.

If the benefit established in article 18 bis A of the law is granted and the application is considered rejected, definitively abandoned or withdrawn, in the same resolution the Institute will order the payment within 30 days of all the deferred fees.

Article 20.

The procedure for the refund of the consigned amount provided for in Article 18 bis C of the Law shall be initiated by the issuance of a certificate by the Industrial Property Court, and shall be conducted in accordance with the technical standards of the technological systems provided for by the latter.

Article 21.

The resolution authorizing the registration of any Industrial Property right will be notified electronically, without prejudice to its inclusion in the daily status.

The Institute will prepare and publish the daily statement referred to in Article 13 of the law, which will be prepared daily and will include the resolutions that are notified, indicating at least the number of the request, and which will be published by the Institute, in accordance with the technical standards of the available technological systems and the requirements compatible with the channels provided by it.

Notifications that, according to law, must be made electronically will be directed to the electronic medium defined by the applicant in the corresponding file, in accordance with the technical standards of the available technological systems.

TITLE IV TRADEMARKS

Article 22.

The representation of the trademark shall define the object of the registration. In cases where the representation is accompanied by a written description, this must be consistent with the representation and not extend its scope of protection.

A trademark consisting of a letter, figure or number must necessarily be represented graphically, with a characteristic design that gives it distinctiveness.

In the case of advertising phrases, applications for these must be submitted only as names and not be included within a label.

Article 23.

Once a trademark application has been filed, the Trademark Registrar shall be responsible for analyzing whether the formal requirements for registration have been complied with and shall order the corresponding publication.

If in the examination by the Registrar of Trademarks any error or omission is detected, he shall warn the interested party to make the pertinent corrections or clarifications within a period of 30 days, without thereby losing its priority date. If no correction is made within the indicated term, the application shall be considered abandoned. The decision declaring the application abandoned may be appealed before the National Director of the Institute, in accordance with the general rules. If the claim is not accepted, the application will be considered abandoned.

Article 24.

Upon expiration of the term for filing objections, the National Director of the Institute will make a substantive analysis of the application, indicating whether he/she finds any grounds that justify an ex officio rejection.

The applicant will be notified of these observations together with the oppositions that may have been filed, for a period of 30 days, upon expiration of this term, whether or not the notification has been evacuated, the National Director of the Institute will pronounce the final resolution accepting or rejecting the trademark, receiving the case for evidence or summoning to hear the sentence,

depending on whether it corresponds to voluntary or contentious files, respectively. In the final decision, the application may not be rejected on grounds other than those contained in the oppositions or in the observations of the National Director of the Institute.

Article 25.

The National Director may commission reports from other bodies or entities, where legal or regulatory norms so stipulate. In addition, he may request such a report where he deems such information relevant for a better understanding of the matter, depending on the technical knowledge which those bodies possess.

Article 26.

Registered marks shall be used in the same form as their registration was accepted, without prejudice to the other formalities contained in these Regulations. Reducing or expanding the size of the figurative or mixed mark shall not affect protection, if the other legal and regulatory requirements are met.

Article 27.

The application for renewal of a trademark may be submitted during the six months prior to the expiration of its validity and up to six months from its expiration, complying with the provisions of article 18 bis B of the law, on payment of fees.

The renewed registration will be valid from the expiration date of the trademark that is the subject of the renewal application.

The Trademark Registrar may require any corrections or modifications he deems necessary with respect to those non-claimable elements that may appear in the registration whose renewal is requested.

TITLE V THE INVENTIONS

Article 28.

The Institute shall establish the format and technical characteristics applicable to the background information that accompanies patent applications.

Article 29.

Units shall be expressed in the metric decimal system and in degrees Celsius.

Notwithstanding, in cases where separate units are expressed, their equivalent shall be added in the metric decimal system and in degrees Celsius, keeping the original units in brackets.

The symbols, terminology or units used in the forms accompanying any description shall only include those that are generally accepted in the respective science or art and shall be used in a consistent fashion throughout the application.

Article 30.

All inventions shall have a title initially determined by the applicant, which shall be clear and precise, in such a way that a person skilled in the art may gain an idea of the technical problem that is resolved and the manner in which it is solved.

Under no circumstances shall made-up words be accepted or words that do not have a clearly established meaning in the art or specialization involved.

Nevertheless, once the application and technical background have been examined, the expert or examiner may suggest to the National Director of the Institute a new title for the invention that is more consistent with the requirements set out in the first subparagraph of this Article.

Article 31.

When the applicant alleges the existence of disclosures referred to in article 42 of the law, he must do so along with the submission of the application, attaching a written document in which he will indicate which publications they are and what they consisted of, attaching to the document the corresponding documentation, which is available at the time of submission. The aforementioned documentation may be attached until before the application is

accepted for processing; if this is not the case, the existence of the disclosure will not be considered to have been alleged.

Article 32.

The summary shall consist of a summary of the invention and an indication of the technical field or industrial sectors in which it is applicable. It shall be submitted in accordance with the technical requirements and standards compatible with the platforms provided by the Institute.

The summary must allow the essential understanding of the technical problem being solved, its solution and application, and must include a representative figure of the invention, when necessary to understand the invention.

When the invention contains or consists of a pharmaceutical substance that has an international common name, this must be included in the summary.

Article 33.

The descriptive report of the invention shall be presented in a separate text and shall include a description of what is known in the field, description of the drawings (if any), description of the invention and examples of application, when necessary to allow a person skilled or expert in the field to reproduce the invention.

The description of what is known in the field will begin by introducing the preferred field of application of the invention, citing the technical problem it addresses and will make a reference to the solutions given to said problem, making sure that these solutions are as close and current as possible -from the technological point of view- highlighting their drawbacks or technical disadvantages.

The description of the invention is a detailed and clear explanation of the invention in reference to the numbered parts or pieces of the drawings if they exist and must be sufficiently complete so that any person specialized in the industrial sector to which it refers can "reproduce the invention".

When the invention includes a living biological material, including virus, or its obtaining procedure, in such a way that the invention cannot be fully reproduced in the descriptive report, the Institute may request that said material be deposited in an internationally recognized organization for such effects, indicating the institution and respective registration number.

When the invention contains or consists of a pharmaceutical substance that has an international nonproprietary name, this must be included in the descriptive report.

The example or examples of application of the invention shall consist of a detailed exposition of at least one way of realization of the invention and may be supported or illustrated with the help of drawings, if any, in such a way as to make the invention reproducible.

Article 34.

An application may only refer to one invention. It may also refer to a group of inventions that maintain the unity of the invention, that is to say, related in such a way that among themselves they form a single general inventive concept.

The fact that a patent is granted in contravention of the principle of unity of invention shall not be a cause for nullity of the right, but once this circumstance is established, and at the request of the owner, the National Director of the Institute shall proceed to the division of the invention for the time remaining to expire. The resolution of the National Director of the Institute, which orders the division of the patent, will be notified to the holder by electronic means, proceeding subsequently to extend the new titles and leave a record of it in the original registration.

Only one basic solution to a problem of the technique can be protected in the same application, so it is necessary that each of the clauses converge to the independent claim or claims by means of appropriate links, provided that they have unity of invention.

Article 35.

The claims shall define the subject matter that shall be the subject of protection and shall be substantiated in the description. They

shall consist exclusively of a description of the specific means leading to a new result. They shall be preceded by an Arabic numeral and shall be as many as necessary to define and delimit the invention properly.

The content of the claims shall be self-sufficient. Accordingly, they may not refer to parts of the description unless this is absolutely necessary, in which case this shall be specified in the respective expert report on the invention. Nevertheless, the claims may also include the numerical references mentioned in the drawings accompanying the application.

Article 36.

The claims sheet shall be submitted as a separate text and shall contain a first independent clause designating the subject matter of the invention and its main characteristics which may be spelled out in the following claims.

The claims shall be ordered using an Arabic numeral, a preamble, the expression "characterized" and the characterization in question. Sentences such as "according to the accompanying drawings" or "in accordance with the explanation in the attached description" etc. shall not be accepted in the claims.

Article 37.

The preamble of the claim shall define the invention in the field referred to with an indication of the technical solution which is claimed to be solved. This part of the clause shall include those elements which the invention has in common with the prior art, and shall therefore not include new elements.

The preamble shall be followed by the characterization of the claim linked by the expression "characterized". That expression must always be present in each of the clauses, and is designed to separate the preamble from the characterization so as to allow them to be distinguished, and must be indicated in bold or upper-case letters, to facilitate its location upon arrival.

The characterization shall be the core of a clause defining the elements, combinations or groups of combinations, which are encompassed by the technical step that meets the conditions of

industrial applicability, novelty and inventive step, thereby qualifying for the grant of a patent. These elements shall be present in each of the claims, the first of which shall serve to reconstruct the invention, while the dependent claims shall serve to specify said elements.

Article 38.

The definition of the invention as such, as it will ultimately remain protected by the industrial property right that is granted, shall consist exclusively of the content of the claims sheet accepted by the Institute. However, the description and the drawings shall be used to interpret the claims.

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

A claims sheet shall include an independent product claim which may be related to an independent claim for a process or procedure specifically designed for its manufacture and with a claim individualizing the apparatus or means created especially for that purpose.

Dependent claims shall be defined as those which include characteristics of one or more previous claims in the same category. They shall always refer to the number(s) of the claims on which they depend, followed by the additional characterization incorporating the limits to the claim on which they depend. They shall preferably be grouped together followed by the claim on which they depend.

A multiple dependent claim may be used as a basis for a new dependent claim.

Article 39.

Once the application has been submitted to the Institute, the applicant may modify it before it is accepted for processing. If said modification includes material that was not originally submitted with the application, its priority date will be that of the modification.

Once the application has been accepted for processing, the applicant may modify the application, provided that said modification does not imply an expansion of the content of the application accepted for processing.

If the modification affects the substantive analysis carried out on the application, the Institute may order a new expert analysis at the applicant's expense.

Article 40.

Drawings shall be understood to mean diagrams, flow charts and graphs. The presentation must contain one or more of these categories when necessary to understand the invention.

Drawings must be presented in a separate volume, executed clearly, and on a scale that allows for reduction with definition of details. They may contain one or more figures, which must be numbered consecutively.

Article 41.

Flow charts may contain isolated words, provided that they are used frequently in the art, such as entry, exit, mixing, configuring, oxidizing or others.

Graphs shall contain two types of annotation for each reference axis; symbols, words or words with physical or chemical parameters, represented by the coordinate axis, and a symbol of the unit in the metric decimal system, with additional details of the parameters and units to be given in the description. Where it is necessary to distinguish different sections on the curves of the graph, this shall be indicated by means of numerical references, which shall be contained in the description.

Article 42.

Drawings and figures shall be presented in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

The drawings and figures will not contain explanatory texts, which will be incorporated into the descriptive report.

Figures should not be delimited and must maintain the proper proportion and scale between their different elements, parts and pieces.

Article 43.

The applicant may voluntarily divide his application into two or more applications, until before the appointment of the expert, as long as he does not broaden the field of the invention according to the content of the descriptive report accepted for processing by the Institute.

Article 44.

The Institute may at any stage in the procedure decide to amend or divide the patent application, where in its judgment it provides two or more solutions to a given technical problem and these solutions may be substantiated independently of each other.

Similarly, it may merge applications offering technical solutions that are not viable separately or depend mutually on each other and produce the same result.

In any case, the division of an application shall give rise to one or more new applications, as the case may be, which shall retain the local priority of the original application.

TITLE VI UTILITY MODELS

Article 45.

All provisions relating to patents for invention shall be applicable, where appropriate, to utility models. Every application for a utility model must be accompanied by the documents specified in article 58 of the law, in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

TITLE VII INDUSTRIAL DRAWINGS AND DESIGNS

Article 46.

Any application for an industrial drawing or design shall be accompanied by the documents indicated in article 64 of the law, in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

All provisions relating to patents for invention will be applicable, where appropriate, to industrial drawings and designs.

Article 47.

The descriptive report will be structured by presenting an introduction and a description of the drawings.

The introduction shall indicate the industrial object in question and the preferred application.

In the description, the number of each figure must be associated with its general meaning, without going into geometric details. It must indicate the type of view presented and the relative proportions or dimensions, without expression of particular units, for each of the elements that make up the design, so that it is possible to reconstruct the image of the object by simply reading this description.

Article 48.

The drawings for the design shall contain at least a view of the upper level, an elevation view, a profile view and a perspective view. Other views may be required, depending on the complexity of the design.

In the case of industrial designs, a representation in one plane of the reproduction of the drawing for which protection is sought shall suffice.

Photographs may be included as a complement, but may not replace the drawings. All of the figures in the drawings shall be numbered.

Article 49.

Industrial drawings and designs shall form independent registrations from each other.

Article 50.

For the purposes of determining the novelty of industrial designs, drawings, designs or figures constituting part of another intellectual property right such as marks, copyrights or utility models etc. shall also be considered prior art.

**TITLE VIII CERTIFICATES OF DEPOSIT OF INDUSTRIAL DRAWINGS AND
DESIGNS**

Article 51.

In the case of applications for a certificate of deposit of industrial drawings and designs, the applicant must indicate his intention to process the application in accordance with the abbreviated procedure for obtaining a certificate of deposit, established in Paragraph 2 of Title V of the law, in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

Article 52.

Once a certificate of deposit of industrial drawings and designs has been issued, the corresponding extract will be published, which must be requested from the Official Gazette by the applicant under his/her responsibility, within the following 20 days, under penalty of the respective application being considered not submitted.

This publication must contain, at least, the application number, the full name or company name of the applicant, the title of the drawing or industrial design that is the subject of the corresponding certificate of deposit, a representative figure of the drawing or industrial design that is the subject of the corresponding certificate of deposit, in addition to indicating that the drawing or industrial design was the subject of the abbreviated procedure in accordance with Paragraph 2 of Title V of the law and, therefore, has not passed a substantive examination that enables its owner to exercise the actions contemplated in Paragraph 1 of Title V of the law.

Errors in publication, which are not substantial, may be corrected with a resolution issued ex officio or at the request of a party. In the case of publication errors that are substantial, a new publication must be made within 10 days from the date of the resolution ordering it.

Article 53.

If an application for substantive examination is filed pursuant to article 67 bis F of the Law, the substantive examination stage of the industrial design that is the subject matter of the

corresponding certificate of deposit shall commence in order to verify whether it complies with the requirements of article 62 of the Law.

Once the observations to the expert report have been formulated or the term for doing so has expired, the application shall be placed in a state of resolution.

If the substantive examination is not approved, the Institute will proceed ex officio to cancel the certificate of deposit.

If the examination is favorable, the processing of the industrial design application that is the object of the corresponding certificate of deposit shall continue. The Institute shall notify this fact to the holder, by electronic means, so that he may proceed to request the publication of an extract in the Official Gazette within a period of 20 days, at his own expense, under penalty of having the application considered abandoned if he fails to do so.

The extract shall contain:

- Number of the certificate of deposit.
- Full name or company name of the holder of the certificate of deposit of the industrial design.
- Title of the industrial design object of the corresponding certificate of deposit.
- A representative figure of the industrial design object of the corresponding certificate of deposit.
- Indication that the application has obtained favorable examination of industrial design.

Article 54.

The opposition procedure will be carried out in accordance with the general rules. However, the Institute will issue a resolution requiring the corresponding expert to issue the expert response, in accordance with the background information provided at the opposition stage and the evidence submitted in the proceedings, if applicable.

The parties may make their observations on the expert response within 60 days from its notification.

Once the observations have been made on the expert's response or the deadline for doing so has expired, the application will be ready for resolution, in accordance with the rules applicable to the general registration procedure.

TITLE IX THE LAYOUT SCHEMES OR TOPOGRAPHIES OF INTEGRATED CIRCUITS

Article 55.

All provisions relating to patents for invention shall apply to layout designs or topographies of integrated circuits, where appropriate.

Article 56.

All applications for layout designs (topographies) of integrated circuits shall be accompanied by the documents indicated in Article 80 of the Law.

The prototype or model shall enable the topography to be identified and graphically represented, in such a way as to reveal the three-dimensional structure by means of drawings, photographs or both. Photographs shall be submitted in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

The structure to be disclosed shall correspond to:

- (a) the diagrams for manufacturing the product;
- (b) the masks or part of the masks for manufacturing the product;
- (c) the different layers of the product.

These may be accompanied by any complementary documents that the applicant deems necessary for representing and individualizing the product.

Article 57.

The term of protection of the layout designs (topographies) of integrated circuits shall begin from the date on which the application for registration is filed or the first commercial exploitation anywhere in the world. To this end, the expert report shall declare expressly whether it has identified any document which in good faith is from this date, or the date of the oldest application for registration abroad, which shall be taken as the date of commercial exploitation instead of the other date. If none of these dates applies, the period shall begin from the date declared by the applicant in accordance with Article 81 of the Law. Under no circumstances shall the term of protection begin from a date later than that of the filing of the application.

TITLE X GEOGRAPHICAL INDICATIONS AND DESIGNATIONS OF ORIGIN

Article 58.

The registration of geographical indications and designations of origin will be the responsibility of the Trademark Registrar, as these are considered, like commercial trademarks, distinctive signs.

Article 59.

The draft regulation of use and control referred to in article 97 letter f) of the law, must refer to the form and conditions of production and control of the goods that will use the geographical indication or designation of origin and will contain, at least, the following mentions:

- a) The description of the product, including its characteristics or qualities attributable to its geographical origin;
- b) The description of the extraction, cultivation, production and/or transformation process of the product as appropriate;
- c) The delimitation of the corresponding geographical area;
- d) The indication of the body responsible for the administration of the geographical indication or designation of origin, its operation and its powers;
- e) The description of the methods of control and supervision of the use of the geographical indication or designation of origin;
- f) The rights and duties of users of the geographical indication or designation of origin;
- g) The manner of modifying the regulations for use and control.

Article 60.

The registry of geographical indications and designations of origin must contain the mentions referred to in article 99 of the law, the number of the respective application, a reference to the existence of the regulations for use and control, which will not need to be part of the registry, in which case it must indicate the public place where it is accessible to interested parties.

Article 61.

In the case of foreign geographical indications or designations of origin, they may be registered in Chile regardless of the name or protection they have in the country of origin, on the condition that they are clearly adjusted to fit the definitions established in Article 92 and satisfy the other requirements established in the Law, as

applicable.

In this case, the regulations for use and supervision shall be the same as in the country of origin, duly translated. Where no equivalent document exists, a detailed Spanish-language account of the production method shall suffice.

TITLE XI THE PRIORITY OF APPLICATIONS

Article 62.

The priority date in Chile for any industrial right shall be that of the filing of the respective application with the Institute.

Article 63.

Rights applied for in Chile that claim the priority of an application filed abroad shall also remain subject to the rules set out in the Law and these Regulations.

Article 64.

The right of priority of an application filed abroad must be invoked at the time of filing the application in Chile, citing the number, date and country in which the application whose priority is invoked was filed.

The certificate of priority issued by the competent authority of the country of origin of the priority or the certificate obtained from international document exchange platforms available to the Institute shall also be included, in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

The certificate must be submitted within 90 days from the date of submission of the respective application in Chile, duly translated into Spanish, if necessary.

Any priority that is not certified within this period will not be considered in the file.

Article 65.

Any industrial property right may be constituted, even during the period for claiming a priority, according to the law or to international treaties signed by Chile, without prejudice to a stronger right that a third party might assert in conformity with the law or said international treaties.

TITLE XII THE NOTES

Article 66.

Any change in ownership of an industrial property right, as well as any encumbrance placed on it and, in general, any act or contract that has as its object a record of those kept by the Institute, shall be carried out by the corresponding instrument, which shall be noted in an extract in the margin of the record, producing its effects with respect to third parties only from said note, after acceptance and payment of the corresponding rights.

The transfer of rights due to death will be accredited by means of an extract in the margin of the register, and must include proof of the respective effective possession, prior acceptance and payment of the rights. corresponding, without which it will not produce effects with respect to third parties.

In any case, the extract of the annotation will contain:

- a) Assigned annotation number.
- b) Name in whose favor the act, contract or judicial resolution that originates the respective annotation is granted.
- c) Identification of the act, contract or judicial resolution that gives rise to the annotation.
- d) Date of the act, contract or judicial resolution that gives rise to the annotation.

Article 67.

A trademark that was registered in more than one class may be transferred in respect of all or some of said classes, provided that there is no relationship between the coverage for the divided registrations. The original registration shall be divided and registered using the corresponding numbering, but shall retain the priority and seniority of the original registration for all purposes.

In the original registration, a record shall be kept of the division and of the new numbers assigned to the divided registration.

TITLE XIII RECORDS TO BE KEPT BY THE INSTITUTE

Article 68.

The Institute shall keep a Special Registry for each of the industrial property rights recognized by law, in which, as a minimum, the following mentions shall be recorded:

- (a) Concurrent number for each protected right.
- (b) Full name or company name, address and RUT, if applicable, of the owner.
- (c) Name, title or subject matter of the protected right, as applicable.
- (d) Date of submission of the application and granting of the right.
- (e) Notes.

Article 69.

The Institute shall be responsible for the custody of the powers or legal entities for processing applications for granting and protecting industrial property rights. For this purpose, the powers or legal entities shall be submitted using the form provided by the Institute and shall be accompanied by the following documents, in accordance with the requirements and technical standards compatible with the platforms provided by the Institute:

- (1) Copy of the identity document of the representative(s);
- (2) Power or legal representation, in accordance with the applicable requirements.

Once these documents have been received, the Institute will assign a custody number to each power or legal entity for the sole purpose of its subsequent identification when processing applications by the interested party.

Article 70.

Certificates to be issued by the Institute in respect of the validity, registration, encumbrances, transfers or other acts relating to each right shall be produced on the basis of the contents of the respective registers, and may be extended by electronic means.

Registrations for patents, utility models, industrial designs and layout designs (topographies) of integrated circuits shall be the responsibility of the Patent Registrar, whereas registrations of marks and geographical indications and designations of origin shall be the responsibility of the Marks Registrar.

Article 71.

The records referred to in this Title must be kept duly updated according to the requirements and technical standards compatible with the corresponding platforms of the Institute.

The records will be available free of charge in accordance with the requirements and technical standards compatible with the platforms provided by the Institute.

TITLE XIV NON-VOLUNTARY LICENSES

Article 72.

Non-voluntary licenses may be revoked or modified in accordance with article 51 bis D of the law.

TITLE XV ABOUT THE EXPERTS AND THE EXPERT REPORTS

Article 73.

The expert reports required by the Law and the regulations shall be prepared by persons whose qualifications have already been vetted by the Director of the Institute.

The experts referred to in the previous subparagraph shall be duly included in a special roster that the Institute shall keep for this purpose and update regularly, in accordance with the nature of the requirements of the various applications for rights. The registration and removal of experts from the public list to be kept by the Institute shall be done by decision of the Director of the Institute, except as provided for in the final subparagraph of this Article.

All expert reports shall be signed by the professional who has issued them.

Given the specialized nature of certain applications, the Institute may also commission, ex officio or at the request of the parties, technical reports from natural persons or legal entities. In the latter case, such reports shall be signed by the legal representative of the legal entity and the professional or professionals involved in the preparation thereof.

Article 74.

Without prejudice to the special rules established in the Law or in these Regulations, the applicant shall bear the cost of all expert reports. The fee for such examinations shall be fixed periodically, by means of a decision by the Director of the Institute. Applicants shall have 60 days, according to Article 8 of the Law, to provide the Institute with proof that the respective fee has been paid, prior to the appointment of the expert who is to analyze the application.

In cases described as special by the Institute and where the nature of the subject matter contained in the application is highly complex, the Director of the Institute may decide that it shall be studied simultaneously by two or more experts from different fields of knowledge. For this purpose, the applicant shall pay the fees

fixed by the Institute for each expert who has been appointed to study the application.

The expert reports described in Article 18 bis A of the Law shall be assigned by the Director of the Institute, who shall ensure equitable and equivalent distribution among the experts, taking into consideration the specialization of each of them.

Article 75.

Acceptance of the position of expert must be recorded in the respective file and must be made within a period of no more than 20 days from the appointment. If the person does not do so within this period, it will be understood that the person rejects the position and the National Director of the Institute will proceed to appoint another person, who will have the same period for acceptance or rejection.

Non-acceptance of the position must be justified.

Article 76.

The expert's work shall consist of the following:

- a) deciding on compliance with requirements concerning the substance of the right, as indicated in Articles 32, 56, 62 and 75 of the Law;
- b) assessing the technical adequacy of the content of the documents submitted by the applicant;
- c) verifying prior art in the technical field to which the application relates;
- d) Carry out a review of the application and each of the background information that forms part of the file.
- e) preparing the expert report and submitting it to the Institute.

Article 77.

Depending on the nature of the right being examined, the expert report shall contain:

- a) a prior art search;
- b) an analysis of novelty;
- c) an analysis of inventive step;
- d) an analysis of industrial applicability;
- e) a technical analysis of compliance with the other requirements set out in the Law and the Regulations.

Article 78.

To analyze novelty in respect of similar industrial designs, the expert or examiner shall take the following into consideration, in addition to the provisions contained in Title V of the Law:

- a) the external form. In this case, the new form shall not be directly related to the function it is designed to perform;
- b) actual differences in respect of ornamental elements, compared with other similar designs or industrial objects. For such purposes, the ornamental elements shall be interpreted as three-dimensional form;
- c) the area where the ornamental elements appear, compared with similar industrial designs or objects;
- d) the distribution of the ornamental elements within the respective areas;
- e) the body of external aspects with similar designs, in order to determine whether the design applied for is different.

Article 79.

The expert or examiner, through the Institute, shall require the applicant to produce additional supporting material where he deems that the accompanying supporting material is insufficient to determine the existence of the requirements established by the Law in respect of each right.

Article 80.

Once the expert's report has been issued, the applicant shall be notified accordingly through the daily bulletin, and shall be given a copy thereof as need be.

In cases where it deems this appropriate, the Institute may, acting on its own initiative or at the request of the interested party, commission a second technical opinion. Said opinion shall be obtained from a second expert, a committee composed of experts in the respective technical field or from the internal examiners designated by the National Director of the Institute.

Article 81.

The Institute will study the expert's report to verify and to analyze the concepts evaluated in the expert examination and to confirm whether uniformity of criteria has been maintained with the Institute.

The expert reports will be considered as a precedent for the resolution of the National Director of the Institute.

Article 82.

The expert or examiner must conduct a search of the state of the art, for which national or international means may be used, in accordance with the instructions issued by the Institute.

Article 83.

The National Director of the Institute shall make a public call, through a publication in the Official Gazette, for the purposes of preparing the list of experts whose names shall be on the roster for conducting technical examinations of applications for patents, utility models, industrial drawings and designs, layout schemes or topographies of integrated circuits. Said list shall include the names of all of the persons who, in the opinion of the National Director of the Institute, are technically qualified to conduct said examinations, in the various areas where they are necessary.

The rules set out in this title shall not apply to expert reports other than those referred to in Article 8 of the law.

TITLE XVI FINAL PROVISIONS

Article 84.

Payments corresponding to the rights indicated in paragraph 4 of the law will be verified by the Institute, according to the requirements and standards compatible with the applicable systems, within the time limits established by law.

Transitory Article: The applications to be processed before the Institute in accordance with these regulations shall be made through electronic documents or by means of the electronic formats available in the corresponding platforms, in accordance with the provisions of Articles 18 and 30 of Law No. 19,880, as of the gradual dates established for the implementation of Law No. 21,180, on the Digital Transformation of the State.

Article 2: Supreme Decree No. 236 of 2005, of the then Ministry of Economy, Development and Reconstruction, now Ministry of Economy, Development and Tourism, is hereby repealed with effect from the publication of this decree in the Official Gazette.