

REPUBLIC OF COSTA RICA
Regulations of the Trademark and Other Distinctive Signs

Law No.30233-J

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CHAPTER I General Provisions

Article 1. Purpose.

The purpose of these Regulations is to determine the registration procedure for all trademarks or distinctive signs referred to in Law No.7978 of January 6, 2000, which are of public order and of general observance, without prejudice to the provisions of the International Treaties that regulate intellectual property matters of which Costa Rica is a member, as well as the organizational aspects and competence of the officials of the Industrial Property Registry.

Article 2. Definitions.

The definitions contained in Article 2 of the Law and the following apply to these Regulations:

Fees: The fees applicable by the Industrial Property Registry.

Classification of Goods and Services: The International Classification of Goods and Services for the Registration of Trademarks and its amendments (Nice Agreement of June 15, 1957).

Classification of Figurative Elements: The International Classification of Figurative Elements of Trademarks (Vienna Agreement of June 8, 1973).

Paris Convention: The Paris Convention for the Protection of Industrial Property (ratified by Costa Rica since 1995).

Director of the Registry: The official responsible for the Industrial Property Registry or the official acting in his place.

Law: The Trademark and Other Distinctive Signs Law No.7978 in force as of February 1, 2000, and its amendments.

Regulation: These Regulations of Trademarks and Other Distinctive Signs.

Registry: The Industrial Property Registry, dependent on the National Registry and attached to the Ministry of Justice and Grace.

Article 3. Common requirements for all first applications.

Without prejudice to the special requirements established by law and these Regulations for each particular case, the first application for the registration of a trademark or other distinctive sign shall be submitted to the Registry and must contain the following requirements:

(a) Name and exact address of the applicant

(b) In the case of legal entities, the place of incorporation and domicile;

- (c) Name of the legal representative, their domicile, address, and capacity in which they appear
- (d) Exact address, postal address, fax number for receiving notifications, or any other electronic communication.
- (e) Place and date of the application when priority is claimed.
- (f) Signature of the applicant and/or the attorney assisting them, where applicable.

Article 4. Representation.

When the person appearing on behalf of another person, whether as an agent or legal representative of a legal entity, has already accredited his or her legal status previously, in addition to indicating the information referred to in the second paragraph of Article 9 of the Law, he or she may attach to his or her application a photocopy of the corresponding power of attorney or appointment to which he or she refers.

Article 5. Requirements for procedures for applications in process.

The following must be indicated in the documents submitted for procedures in process:

- (a) The file number to which the procedure refers;
- (b) The name of the applicant or their representative;
- (c) The distinctive symbol to which it refers.
- (d) The requirements contemplated in Article 3.

Article 6. Replacement of documents.

The Registry may provide copies of all issued documents that comprise a file.

Article 7. Forms.

The Registry may establish printed forms that are not mandatory for the submission of applications and related information, for notices published in the Official Gazette, and for other procedures and acts that the Director of the Registry may determine by administrative instruction.

The Registry shall, to the extent possible, apply international technical standards and information related to industrial property titles.

Article 8. Notifications.

The Registry shall notify, without any further action, all

resolutions ordering the performance of an act, those requiring the delivery of a document, and final resolutions issued in any of the following ways:

- (a) At the Registry headquarters, expressly in person;
- (b) At the address indicated by the applicant by certified mail;
- (c) Fax or any other electronic means.

The deadlines established by the Law or these Regulations shall be computed from the day following the corresponding notification, whether in person, by fax, or any other electronic means. The deadline for certified mail shall be computed after five business days following the posting of the corresponding resolution.

Article 9. Representative.

When the action of an unofficial representative is admitted in accordance with the provisions of Article 82 of the Law and Article 286 of the Civil Procedure Code, the interested party must ratify the proceedings within one month if the interested party is Costa Rican, or within three months if the interested party is a foreigner, in both cases, from the date of submission of the application. Otherwise, the application will be deemed not filed and, in the case of an initial registration application, the interested party will lose its right of priority.

The guarantee that the unofficial representative must provide to respond to the outcome of the matter, if the interested party does not approve what has been done on their behalf, must be constituted by a bond in favor of the State in the amount of 3,000.00 (three thousand colones). The representative must submit the respective bond with the application itself, otherwise, the application will be deemed not filed.

Article 10. Priority.

The certified copy of the priority application considered to be first, as provided for in the last paragraph of Article 5 of the Law, must certify that it constitutes a regular national deposit in accordance with the provisions of Article 4 of the Paris Convention. When the last day of the period established by Law for invoking a right of priority for an application is not a business day, the expiration of said period shall be set to the next business day.

Article 11. Multiple Priority.

When the application invokes multiple or partial priorities, the

information relating to all of them shall be indicated, and the corresponding documents shall be submitted as indicated in the Paris Convention.

For such purposes, the following definitions apply:

(a) multiple priority is that invoked when the list of goods or services in the submitted application combines the lists of goods or services from two or more priority applications;

(b) partial priority is invoked when the list of goods or services in the application filed only partially includes the goods or services included in the list of the priority application.

When temporary priority is invoked in the application for registration to assert protection pursuant to Article 11 of the Paris Convention, the certificate issued by the organizer of the international exhibition, with any necessary simple translation, certifying the exhibition of the goods or services bearing the trademark and indicating the date on which they were first exhibited at the exhibition, shall be attached.

Article 12. Application Submission Date.

A copy must be attached to every application submitted to the Registry, indicating the date and time of receipt.

Article 13. Proof of Fee Payment.

The original proof of payment of the registration fee must be attached to the application for submission in accordance with Article 9(j), 10(e), and 13 of the Law. If registration is unsuccessful, the applicant may apply the fee and the corresponding adjustment to subsequent applications, indicating the reference number of said information and attaching a copy of the original document issued to the interested party.

Article 14. Abandonment.

When an application is considered abandoned in accordance with the provisions of Article 85 of the Law, the Registrar shall record this in the records held in the databases and order its filing, signing the resolution issued in the respective file.

Article 15. Withdrawal.

The interested party may withdraw their application at any time during the procedure by submitting their request in accordance with Article 5 of these regulations. If the request complies with the

provisions of the Law and these Regulations, the Registry will order the case to be closed, after notifying the other parties to the proceedings, if applicable.

CHAPTER II Provisions Relating to the Trademark Registration Procedure

Article 16. Application Requirements.

In addition to meeting the requirements indicated in Article 9 of the Law and those provided for in Article 3 of these Regulations, the application for registration of a trademark or other distinctive sign must:

- (a) Indicate whether the trademark for which registration is requested is a factory, commercial, or service trademark;
- (b) State the exact address of the factory, commercial, or service establishment and indicate the country of origin of the requested distinctive sign;
- (c) Affixed to the application for the trademark or distinctive sign requested, when it is word-based with a special graphic, shape, or color, or figurative, mixed, or three-dimensional, which must be clear and sufficiently legible; which may measure a minimum of 8 centimeters by 8 centimeters and a maximum of 10 centimeters by 10 centimeters.
- (d) Be submitted with the applicant's signature, duly authenticated by an attorney, where appropriate.
- (e) Attach the documents required by law or these Regulations for the registration of the requested distinctive mark, unless such provisions permit their subsequent submission.

In the case of a three-dimensional trademark, the reproductions must represent the sign in two-dimensional graphic or photographic form. The reproductions may consist of a single view or several different views.

Article 17. List of products or services.

The list of products or services for which registration of the trademark is requested shall preferably be prepared using the names or denominations that appear in the alphabetical list of the Classification of Goods and Services, unless this does not include the common or usual name of the product or service as used in current language or in commercial practices of the country. For this purpose, the Registry shall keep copies of the current Classification available to users for consultation free of charge. When one or more of the products or services included in the application list have been designated in imprecise terms, are incomprehensible, or do not coincide with the class for which the

application was submitted, the Registry will notify the applicant so that he or she may correct the list, in accordance with the provisions of Article 13 of the Law.

Article 18. Forms of filing a registration.

The mere fact of filing the application for registration of a trademark or distinctive sign shall be deemed to indicate that the applicant seeks registration and protection of the trademark, as it appears in the application or, where applicable, in the reproductions that must accompany it.

If the applicant does not wish to make reservations regarding specific graphic representation or color, the trademark shall be filed in normal script using uppercase and/or lowercase letters, numbers, and/or typed punctuation marks.

Article 19. Division of the application.

For the purposes of compiling the file for fractional trademark applications, the applicant must submit lists of goods or services grouped as appropriate for each application.

If a formal requirement has been notified before filing the request for division or fractionation, the division shall not be honored until the error or omission has been corrected. The same procedure shall apply when objections have been notified that, in the opinion of the Registry, prevent the application from being processed.

The publication of the notice of the application filed before the division will take effect for each fractional application.

Article 20. Examination of the Application.

If, as a result of the examination referred to in Article 14 of the Law, the Registry finds that the applied-for sign falls under any of the prohibition cases, in addition to indicating them in the resolution, it must provide the reasons that, in the institution's opinion, support the objection(s).

If the objections found are admissible only for part of the products or services for which the trademark is applied for, they will be made only in relation to those products or services.

If the applied-for sign contains an element lacking distinctive character, the inclusion of which could raise doubts as to the scope of the trademark's protection, the Registry may also indicate this in its resolution so that the interested party may, by amending its application, declare that it does not reserve any exclusive right

over that element.

Article 21. Publication.

In addition to the information referred to in Article 15 of the Law, the notice to be published regarding the application for registration of a trademark must contain the following:

(a) The trademark as applied for, including its word and figurative elements, and the indication that the trademark has been applied for in color, if applicable.

(b) Where applicable, a statement that the application relates to a collective or certification mark.

Article 22. Opposition to Registration.

Without prejudice to the common requirements established in Article 3 of this Regulation, the notice of opposition may contain the following:

(a) Indication of the trademark and the file number of the application against which the opposition is filed;

(b) The factual and legal arguments and the evidence on which the opposition is based, providing a copy of them for the applicant;

(c) If the opposition is based on a right derived from a previously registered or applied-for trademark, a reproduction of the trademark and an indication of the goods or services for which it has been applied for or registered and the goods or services against which the opposition is filed;

(d) If the opposition is based on a right derived from a well-known trademark not registered or in the process of registration in the country, a reproduction of the trademark and evidence proving its status as a well-known trademark;

(e) If the opposition is based on a right derived from a trade name or emblem, a description of the activities that constitute the business or commercial activity of the company or establishment it identifies must be attached;

(f) If the opposition is based on a copyright or a right in an industrial design, a graphic representation of the protected element must be attached, where applicable; and

(g) Attach a copy of the initial application for registration of the trademark, if the opposition is based on prior use of that trademark; Such copy may also be submitted within fifteen days of the date of filing the opposition.

For the purposes of Article 8(c) and 75(e) of the Law, it shall be

understood that the prior use of a trademark, geographical indication, or appellation of origin by a third party grants that third party a greater right to obtain its registration, provided that the provisions of Article 17 of the Law are complied with.

Article 23. Evidence.

In opposition cases or in proceedings for the cancellation or nullity of trademark registrations, the Registry shall admit as evidence any evidence it deems relevant to the case in question, in accordance with the provisions of Article 318 of the Civil Procedure Code.

Article 24. Rules for assessing similarity.

For both the substantive examination and the resolution of oppositions, the following rules, among others, shall be taken into account:

(a) The signs in conflict must be examined based on the graphic, phonetic, and/or ideological impression they produce as a whole, as if the examiner or judge were in the situation of a normal consumer of the product or service in question.

(b) In the case of trademarks that have generic or commonly used radicals, the comparative examination must be carried out with emphasis on non-generic or distinctive elements;

(c) More importance must be given to similarities than to differences between the signs;

(d) The signs must be examined in the manner and form in which the products are normally sold, the services are provided, or are presented to the consumer, taking into account distribution channels, points of sale, and the type of consumer they are intended for;

(e) For there to be a likelihood of confusion, it is not sufficient that the signs be similar, but also that the products or services they identify are of the same nature or that there may be a possibility of association or relationship between them;

(f) It is not necessary that confusion or error have occurred on the part of the consumer; rather, the possibility of such confusion or error is sufficient, taking into account the characteristics, culture, and idiosyncrasies of the normal consumer of the products or services; or

(g) If one of the trademarks in conflict is well-known, the other must be clear and easily distinguishable from it, to avoid any

possibility of undue exploitation of its prestige or reputation.

Article 25. Registration.

The registration of a trademark may be carried out by any suitable procedure, whether mechanical, electronic, or computerized, and must contain:

- (a) The name, address, and nationality of the owner and, in the case of a legal entity, the country of its incorporation.
- (b) The name of the legal representative, where applicable;
- (c) The trademark, if it is a purely word sign, and, in the case of a word sign with a special graphic, shape, or color, or a figurative, mixed, or three-dimensional trademark, with or without color, a reproduction thereof shall be included.
- (d) The list of the goods or services distinguished by the sign, indicating the class number(s) of the International Classification of Goods and Services.
- (e) If priority has been claimed, the country or regional office where the priority application was filed, its filing date, and the number assigned to it.
- (f) The start and expiration dates of the term of validity; and
- (g) The registration number, date, and signature of the Director of the Registry or the authorized official, on the registration order recorded in the file.

Article 26. Registration Certificate.

The registration certificate of the sign that must be issued to the owner shall contain the information referred to in the previous Article.

Article 27. Use of a Registered Trademark.

Registered trademarks must bear, when applied to the products, merchandise, or services they distinguish, the legend: "Registered Trademark" or the equivalent sign "R" If the products, merchandise, or services do not qualify for this, the statements referred to in this Article must appear on the wrappers, boxes, containers, packaging, or containers in which they are contained when sold to the public. The omission of the above legends shall not affect the validity of the distinctive signs.

CHAPTER III Renewal and Modification of Registration

Article 28. Renewal.

Once the requirements set forth in Article 21 and 22 of the Law have been met, the Registry shall proceed, without further formalities, to record the renewal in the database containing its registration history and by means of a statement made in the file. The Registry shall issue the holder a certification stating the validity of their right.

CHAPTER IV Transfer, Change of Name, and License to Use a Trademark

Article 29. Transfer of Signs.

Once the transfer of ownership of a registered sign or of the right derived from an application in process has been requested, the Registry will proceed to examine whether it complies with the provisions of Article 31, 32, 33 and 34 of the Law and 3 of this Regulation, as well as whether the corresponding documentation is attached and, if applicable, the information will be ordered and entered into its registration history in the database and in the respective document, issuing the corresponding certification.

Article 30. Registration of Licenses.

For the purposes of registering a trademark use license, the documents that must be submitted with the application may consist of the contract itself, the section or part thereof that refers to the license, or a summary containing at least the following information

- (a) The names of the owner and the licensee;
- (b) The trademark or trademarks subject to the license, indicating their registration numbers and the products or services covered;
- (c) The term of the license, if any;
- (d) Whether the license is exclusive or non-exclusive and the conditions, covenants, or restrictions agreed upon regarding the limited or unlimited use of a registration; and their valuation (Article 1056 of the Tax Code).
- (e) A summary of the stipulations regarding quality control, if any.

CHAPTER V Well-Known Trademarks

Article 31. Relevant Sector.

Pursuant to the provisions of Article 45(a) of the Law, the following sectors shall be considered relevant for determining the reputation of a trademark, among others:

(a) Actual and/or potential consumers of the type of products or services to which the trademark applies.

(b) Individuals involved in the distribution or marketing channels of the type of products or services to which the trademark applies;
or

(c) Business or commercial circles operating in sectors related to the type of establishment, activity, products, or services to which the trademark applies.

CHAPTER VI Provisions relating to Collective Marks and Certification Marks

Article 32. Applicable Regime.

In addition to the special provisions contained in this chapter, the provisions on trademarks contained in these Regulations shall apply to applications for registration of collective and certification marks, where relevant.

Article 33. Holder of a collective trademark.

Any association of manufacturers, producers, artisans, farmers, industrialists, service providers, or merchants who, in accordance with the legislation applicable to them, have legal personality may apply for registration of a collective trademark.

Article 34. Regulations for the use of collective trademarks.

In addition to the information referred to in Article 47 of the Law, the regulations for the use of a collective trademark must contain:

- (a) The name or identification of the applicant entity, its registered office, and the address of its main office;
- (b) The purpose of the association;
- (c) The governing body authorized to represent the entity, pursuant to its own regulations;
- (d) The membership requirements;
- (e) The requirements that affiliated persons must meet to obtain authorization to use the trademark;
- (f) The common characteristics or qualities that the products or services must present, referring to geographical origin, manufacturing method, materials used, or any other aspect;
- (g) The rules and other conditions or modalities to which the use of the collective trademark by authorized persons must be subject;
- (h) The monitoring and verification mechanisms for controlling the use of the collective trademark in accordance with the rules and conditions referred to in the preceding paragraph;
- (i) The violations and corresponding sanctions for use of the trademark in a manner other than that regulated by the regulations, including the temporary or permanent suspension or cancellation of the authorization for use.
- (j) The procedures for applying sanctions; and
- (k) The means of challenging decisions relating to the granting of authorizations or their suspension or cancellation.

Article 35. Regulations for the Use of Certification Marks.

In addition to the information referred to in Article 56 of the Law, and without prejudice to other requirements required by the competent administrative authority for the approval of regulations for the use of certification marks, these must contain, as a minimum:

- (a) The name or identification of the applicant entity, its domicile, and the exact address of its main office.
- (b) The purpose of the entity.
- (c) The governing body that, pursuant to its own regulations, is authorized to represent the entity.
- (d) The requirements that companies must meet to apply for authorization to use the certification mark, including the characteristics or qualities that must be present in the products or services for which use of the mark is authorized.
- (e) The rules and other conditions or modalities to which the use of the certification mark by authorized persons must be subject.
- (f) The monitoring and verification mechanisms for controlling the use of the certification mark in accordance with the rules and conditions referred to in the preceding paragraph, before and after the authorization for use of the mark has been granted.
- (g) The grounds that will lead to the termination of the authorization for use of the mark.

Article 36. Copies of the regulations.

Three copies of the regulations for use must be submitted with the application for registration of a collective or certification mark: one in paper format and the remaining two in electronic form on a magnetic medium, duly identified and in a language or computer program compatible with that used in the Registry system.

Article 37. Examination of the application.

In the case of applications for registration of a collective mark, in which the sign refers to the geographical origin, method of manufacture, materials used, or any other common characteristic, the registration may not be objected to on the grounds that the sign is deemed descriptive, provided that it is not misleading. When the collective trademark refers to a geographical indication, registration will be denied if the mark has become a generic name for the goods or services the mark seeks to identify. Likewise,

registration will be denied if the product's characteristics are exclusively or essentially due to the geographical environment. If the Regulations for Use of a collective trademark describe the common characteristics that authorized users must share, the Registry will verify that the conditions of affiliation with the holder allow admission to any person capable of meeting those requirements.

Article 38. Updating Information.

The owner of a certification mark shall notify the Registry of any changes introduced and authorized in the regulations for use of the mark, as well as any changes related to the quality standards or norms applied as a parameter for evaluating the characteristics guaranteed in the products or services to which the mark may be incorporated.

CHAPTER VII Provisions Relating to Commercial Advertising Expressions or Signals

Article 39. Applicable Regime.

The provisions on trademarks contained in this Regulation shall apply to applications for registration of advertising expressions or signals, where relevant.

Article 40. Registration Application.

In addition to the requirements established in Article 9 of the Law and 3 of this Regulation, the application for registration of a commercial advertising expression or signal must indicate, where applicable, the trademark or trade name to which it refers and the information regarding its registration or pending application.

CHAPTER VIII Provisions relating to Trade Names and Emblems

Article 41. Applicable Regime.

Except for the special provisions contained in this chapter, the provisions on trademarks contained in these Regulations shall apply to applications for registration of trade names, where relevant.

Article 42. Application for registration of a trade name.

In addition to the requirements established in Article 9 of the Law and 3 of these Regulations, the application for registration of a trade name must contain:

- (a) The trade name, as used, and a reproduction thereof when it includes figurative elements.
- (b) The address or exact location of the company or commercial establishment it identifies.
- (c) The line of business or activity of the entity, company, or commercial establishment it identifies.
- (d) Any other information deemed appropriate to provide to prove the effective use of the trade name in commerce in relation to the indicated line of business.

Article 43. Publication.

In addition to the information referred to in Article 15 of the Law, the notice to be published regarding the application for registration of a trade name must contain:

- (a) The trade name, as applied for;
- (b) The address or exact location of the company or establishment it identifies.
- (c) The line of business or activity of the entity, company or commercial establishment that it identifies.

Article 44. Opposition.

Without prejudice to the requirements established by the Law and these Regulations, the written opposition to the application for registration of a trade name may contain:

- (a) If the opposition is based on a right derived from a previously registered or applied-for trademark, a reproduction thereof and an indication of the products or services for which it was applied for or registered and the products or services in respect of which the opposition is filed;
- (b) If the opposition is based on a right derived from a well-known

trademark not registered or in the process of registration in the country, a reproduction thereof.

(c) If the opposition is based on a right derived from a previously used trade name or emblem:

- a description of the activities constituting the objector's line of business or commercial activity.

- the date on which public use in commerce began;

- the address or exact location of the objector's entity, company, or commercial establishment.

- the territorial area of direct influence or effective clientele of the opposing entity, company, or commercial establishment;

(d) If the opposition is based on copyright, the graphic representation of the protected element, where applicable.

Article 45. Emblems.

The special provisions of this chapter relating to trade names also apply to emblems.

CHAPTER X Cancellations and Nullity of Registrations

Article 48. Request for cancellation or nullity.

Every request for cancellation or nullity of a registration or annotation of a license for use must be addressed to the Registry and, in addition to complying with the general requirements established in Article 3 of these Regulations, must contain the following:

- (a) Identification of the trademark, distinctive sign, or license agreement whose cancellation is requested, indicating its registration data and file number;
- (b) Name of the registration holder.
- (c) Express the applicant's interest in seeking cancellation or nullity.
- (d) The factual and legal grounds on which the request is based.
- (e) The evidence on which the request is based.
- (f) The petition in precise terms.

If the request does not meet the formal requirements, the Registry will proceed in accordance with the provisions of Article 13 of the Law.

Article 49. Procedure.

Whenever the request for cancellation or nullity complies with the provisions of the Law or these Regulations, the Registry will admit it for processing and will give the registration holder a hearing for a period of one month to assert their rights and, as appropriate, provide or offer their own evidence. For such purposes, the corresponding notification will be made in accordance with the provisions of Article 3(e) and 8 of these Regulations.

If it is necessary to receive or examine evidence offered by the applicant or the registration holder, the Registry sets a period of fifteen business days to receive the evidence offered.

Within one month following the expiration of the deadline for responding to the request for cancellation or nullity, or the expiration of the evidence period, as applicable, the Registry will make a final decision on the request based on reasons and evaluating the relevant evidence. If the resolution is favorable to the request, the corresponding entry will be ordered in the database containing the registration history. When the cancellation of a registration is requested by a third party, the latter must publish a notice in the Official Gazette, in accordance with the provisions

of Article 86 of the Law.

In any case, the resolution issued may be appealed through the remedies established in these Regulations.

Article 50. Ex officio Nullity.

In the case of a nullity in which the Registry proceeds ex officio, the procedure shall be in accordance with the provisions of the last paragraph of Article 37 of the Law.

Article 51. Voluntary Cancellation.

In addition to meeting the common requirements established in Article 3 of these Regulations, the request for voluntary cancellation of a registration must bear the signature of the applicant and/or the attorney assisting them, where applicable. This request shall not be published.

CHAPTER XI Organization and Operation of the Registry

Article 52. Registry.

The Registry is the administrative authority attached to the National Registry, responsible for the registration and recording of Industrial Property rights. It is responsible for:

(a) Organizing and administering the Registry of Industrial Property rights, particularly those related to the procedures for the acquisition and maintenance of rights relating to trademarks and other distinctive signs, inventions, utility models, and industrial designs.

(b) Planning and developing dissemination, training, and education programs on Industrial Property rights, directly or in collaboration with national, foreign, and international entities.

(c) Coordinating policies, strategies, and actions with public or private institutions, national, foreign, regional, and international, that are related to or have an interest in the promotion and development of Industrial Property rights, the transfer of technology, as well as the study and promotion of technological development and innovation.

(d) Provide information to the public and users regarding Industrial Property, as well as any information and technical cooperation requested by the competent authorities.

(e) Provide legal and technical advice to users and the general public regarding the submission of applications and compliance with the requirements and procedures established by the Law and these Regulations.

(f) Promote intellectual creativity, supporting its development and encouraging technology transfer by disseminating documentary collections on inventions published in the country or abroad, providing advice on their consultation and use, and, when the necessary resources are available, by organizing national, regional, or international exhibitions and competitions, including the granting of prizes and awards that stimulate inventive activity.

(g) Enter into cooperation or coordination agreements with public or private institutions, national, regional, or international, to better achieve their objectives, primarily for the exchange of administrative experiences and work methodology, the training of their staff, the organization of databases, the exchange of publications, and the updating of documentary collections on Industrial Property.

(h) Conduct studies on the status of Industrial Property at the national and international levels and participate in international meetings or forums related to this subject, when so ordered by higher authorities.

(i) Act as a consultative body on Industrial Property matters for the various departments and entities of the public administration.

(j) Participate, in coordination with the competent departments of the Ministry of Foreign Trade, in international negotiations on the subject.

(k) Prepare the annual work report, including statistical data on registration activities for that period.

(l) To inform the competent authorities of any violations of Industrial Property rights that affect the interests of the State, so that appropriate action can be taken.

(m) To apply the administrative sanctions provided for in the legislation on Industrial Property.

(n) To report any crimes against Industrial Property rights of which it becomes aware.

(o) To perform all other functions, powers, and activities assigned to it in accordance with the Law and these Regulations.

(p) To act in the legal proceedings ordered by the Law on Enforcement Procedures with the authority conferred by said Law.

Article 53. Organization of the Registry.

The Registry shall be headed by a Director, who shall be assisted in the performance of his or her substantive duties by a Deputy Director, acting on his or her behalf. To hold these positions, a person must be a Costa Rican by birth and have at least five years of professional qualifications.

To fulfill his or her duties, the Director of the Registry may establish the organization of the agency through administrative instructions, as well as employ the appropriate personnel, as determined by the movement and circumstances, to structure the sections and offices necessary for the execution of the various functions.

Article 54. Duties of the Director.

The Director of the Industrial Property Registry, or the official legally replacing him or her, shall be responsible for the following duties:

(a) Issue the appropriate resolutions on matters brought to his or

her attention and request from the interested parties the additional documents he or she deems necessary to resolve the matter.

(b) Issue reports or opinions on matters within its jurisdiction when requested by the competent higher administrative or judicial authorities.

(c) Organize and direct the work and activities of the Registry.

(d) Formulate and execute the institution's budget proposal.

(e) Authorize the Registry's publications on intellectual property.

(f) Issue internal agreements, circulars, and administrative instructions related to its activities.

(g) Order appropriate disciplinary measures for administrative officials and employees.

(h) Any other measures that are necessary or appropriate for sound and efficient administration.

CHAPTER XII Registry Activity

Article 55. Numbering of Files.

Files created in the Registry shall be numbered in separate annual series, beginning with the first application filed each year. The number of each file shall consist of the four digits of the year in which the application was filed, followed by the consecutive number corresponding to the application, based on the date and time of filing.

Article 56. Control of Documents and Registrations.

The Industrial Property Registry shall safeguard all documents submitted to its offices by appropriate means, which may be publicly consulted.

Article 57. Publicity.

Files, books, registries, documents, and archives, where appropriate, may be directly consulted by the interested party under the responsibility of a Registry official. The interested party may obtain, at their own expense, simple or certified copies and certificates or certifications of the documents and registrations held in the Registry. When the Registry is able to establish new service modalities, queries may be made electronically, in the manner determined by the Registry itself.

Article 58. Replacement of Files.

Without prejudice to any applicable liabilities and the imposition of disciplinary measures against the responsible personnel, the replacement Administrator of a file that has been lost or destroyed in whole or in part must be ordered by the Registry immediately, ex officio or at the request of the interested party.

CHAPTER XIII Registration

Article 59. Procedure for Registration.

Every registration application shall be automatically and consecutively assigned a registration number, and the signed authorization shall remain in the file and the respective certificate of ownership shall be issued.

Article 60. Correction of Errors.

The Registry, ex officio or at the request of the owner, may amend a registration to correct a material error.

A material error shall be deemed to have been committed when certain words have been replaced by others, when the expression of a requirement or circumstance whose absence does not cause invalidity has been omitted, or when any of the registration requirements have been stated erroneously, provided that this does not change the general meaning of the registration or any of its concepts.

Article 61. Annotations.

All annotations, cancellations, seizures, and court orders affecting registered rights shall be recorded in the database containing the registration records of said rights.

In all cases, the resolution, title, court order, or other document that motivated them must be mentioned and identified in the annotations.

CHAPTER XIV Classifications

Article 62. Trademark Classification.

The International Classification of Goods and Services for the Registration of Trademarks referred to in Article 89 of the Law is the classification established by the Nice Agreement of June 15, 1957, and its amendments.

Article 63. Figurative Elements of Distinctive Signs.

For the purposes of the substantive examination required for applications to register trademarks and other distinctive signs, the Registry must maintain a file of protected figurative elements and emblems organized in accordance with the International Classification of Figurative Elements, which may be consulted. When the trademark or other distinctive sign consists solely of a figurative or three-dimensional sign or element, the Registry will assign the corresponding classification.

CHAPTER XV Appeals

Article 64. Revocation.

Unless otherwise provided by law, the relevant appeals may be filed against the resolutions issued by the Registry, which must be filed within three business days of the date of notification. This is in strict compliance with the provisions of Article 92 of the Law.

Article 65. Appeal.

Final resolutions of the Registry may be appealed, which shall be heard by the Administrative Registry Court, in accordance with the provisions of Article 92 of Law No.7978 and the Law on Procedures for the Enforcement of Intellectual Property Rights, Law No.8039 of October 12, 2000.

CHAPTER XVI Final Provisions

Article 66. Unforeseen Situations.

Any situation not covered by these Regulations shall be resolved by the Director of the Industrial Property Registry, taking into account the spirit of the provisions of the Law and the nature of the matter in question.

Article 67. Headings.

The headings relating to the identification of the content of the rules contained in these Regulations and preceding each Article have no interpretative value.

Article 68. Validity.

These Regulations shall enter into force from the date of their publication.