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REGULATION OF LEGISLATIVE DECREE No. 1075,
LEGISLATIVE DECREE APPROVING SUPPLEMENTARY PROVISIONS TO DECISION
486 OF THE ANDEAN COMMUNITY ESTABLISHING
THE COMMON REGIME ON INDUSTRIAL PROPERTY AND ITS MODIFICATIONS
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TITLE I GENERAL PROVISIONS OF THE PROCEDURE

Article 1. - Purpose

The purpose of this Regulation is to develop the procedures, requirements and provisions that facilitate the application of Legislative Decree No. 1075, Legislative Decree approving Supplementary Provisions to Decision 486 of the Andean Community that establishes the Common Regime on Industrial Property, hereinafter, the Law, modified by Law No. 29316, Legislative Decree No. 1212 and Legislative Decree No. 1309.

Article 2.- Powers of attorney and other documents that exist in other public entities

If one of the powers referred to in article 15 of the Law or another document that accredits the representation of a person acts before the National Superintendence of Public Registry - SUNARP, and the administrator wishes to assert it, he must expressly indicate in your request the number of the registry entry in which such power or document is registered.

TITLE II PROVISIONS RELATING TO TRADEMARK REGISTRATION

Article 3.- Date of filing of the application

3.1 If the trademark registration application does not contain the requirements listed in article 52 of the Law, the Document Processing Unit must immediately require the applicant to complete them within sixty (60) business days following the date of notification, without assigning a file number or filing date. The Document Processing Unit must maintain custody of the trademark registration application submitted until the taxpayer complies with such requirements.

3.2 If the period indicated in the preceding paragraph elapses without the applicant having complied with all the requirements listed in article 52 of the Law, the Document Processing Unit will return to the applicant the documents that he has submitted.

3.3. If the omission of any of the requirements listed in article 52 of the Law is not detected by the Document Processing Unit, the respective instance proceeds in accordance with the

provisions of the first paragraph of this article. If the period indicated in said paragraph elapses without the applicant having complied with all the requirements, the application is deemed not to have been submitted.

TITLE III PROVISIONS RELATING TO ACTIONS FOR INFRINGEMENT OF RIGHTS

Article 4.- Unfair competition

In the case of complaints for the assumptions of unfair competition contemplated in article 98 of the Law, the rules governing the procedures provided for in Title XI of the Law, or the rules that modify or replace it, are applicable, as appropriate.

Article 5.- For notification to temporary warehouses authorized by SUNAT

5.1. Precautionary measures issued in proceedings related to the alleged infringement of industrial property rights, linked to merchandise stored in temporary warehouses authorized by SUNAT, are communicated to the email addresses provided by said warehouses, specifying the type of precautionary measure to be complied with and the identification of the merchandise on which it falls.

5.2. If the email address of the temporary warehouse in which it has been validly notified of the issuance of one or more precautionary measures is available, the competent body may use the same email address to notify new precautionary measures, unless the temporary warehouse promptly communicates another email address for the purpose of receiving said notifications.

5.3. If the email address of the temporary deposit to which the issuance of one or more precautionary measures must be notified is not available, the competent body requires in writing that the temporary deposit indicate the email address to which it must be notified, within the term of five (05) business days, under penalty of imposing the sanctions established in the Law, for obstructing the exercise of the functions of the competent national authority.

Article 6.- Request for inspection proceedings

Requests for inspection proceedings must comply with the requirements set forth in article 118 of the Law. Likewise, said requests must comply with the provisions of article 99, numeral 99.1, literals: a), b), d), h) and j), of the Law. If such requirements are not met, the applicant is notified to correct the omissions incurred within two (02) business days, under penalty of the request being considered not submitted.

Article 7.- Destination of physical samples provided

If it is decided to return the physical samples provided by the parties to the procedure as evidence, in accordance with the provisions of article 122-A of the Law, the person concerned shall be summoned to collect them within 10 business days. If the person concerned fails to collect the physical samples within the stipulated period, the samples shall be disposed of, destroyed or awarded, alternatively.

Article 8.- Sanctioning procedure

8.1. The following are sanctioning procedures initiated by the competent national authority in matters of industrial property:

1. Procedures initiated for the reasons contemplated in article 116 of the Law.
2. Procedures initiated for the reasons contemplated in article 7 of Legislative Decree No. 807, Law on Powers, Standards and Organization of INDECOPI, and article 124 of the Law.
3. Procedures initiated for the reasons contemplated in article 55 of the Law.
4. Procedures initiated for the illegal use of the names "registered trademark", "M.R.", "designation of origin", "D.O." or other equivalent that falsely indicate the existence of an intellectual property right, assumptions contemplated in the Second Final Complementary Provision of the Law.
5. The procedures initiated for non-compliance with resolutions and precautionary measures, in accordance with the provisions of articles 120 in fine and 123 of the Law.
6. Complaints initiated ex officio, in accordance with the provisions of article 95, paragraph b) of the Law.

8.2. The actions for infringement referred to in Decision 486, Common Regime on Industrial Property, are governed by the rules established therein, as well as by its complementary norms and this Regulation.

TITLE IV COURT PROCEEDINGS

Article 9.- Submission of written documents

9.1. The minutes referred to in Article 136-A of the Law take effect on the sixth working day after notification. The documents submitted prior to that date must be evaluated by the Authority, except as provided in the second paragraph of said article.

9.2. Those documents containing withdrawals, conciliations or extrajudicial transactions are exempt from the provisions of Article 136-A of the Law.

Article 10.- Renunciation of representation

During any of the stages of the procedure, the representatives of the parties may renounce said representation, for which they must comply with the provisions of article 154 of the Civil Code. The change of representative does not affect the validity of the last procedural address established in the file, as long as it is not expressly changed.

Article 11.- Requests submitted to the Specialized Chamber for Intellectual Property

Any request for the exhibition of documents, for an inspection or for an oral report that the parties submit during the processing of the procedures followed before the Chamber, must expressly indicate the reasons that support it; otherwise, it is denied by law.

Article 12.- Minimum period for summoning the parties

12.1. The date of the oral report hearings, the presentation of documents or the conciliation hearings must be notified to the parties at least five (05) business days in advance.

12.2. The parties may request rescheduling, provided that they support their request and do so at least three (03) business days before the date of the hearing. The execution or denial of said

request is at the discretion of the Authority.

Article 13.- Withdrawal from the procedure or the claim

13.1. The person who initiated the procedure may withdraw from it or from the claim subject to it before the final resolution is notified in the second administrative instance.

13.2. The above determines that, in the case of withdrawal from the procedure, the decisions that have been issued during the procedure are rendered void. In the case of withdrawal from the request, the decision has the effects of a decision declaring the request to be denied or unfounded.

Article 14.- Content of the decision on the appeal

14.1. The decision must be pronounced on the controversial matters on which the appeal is based, and it is not possible to issue a ruling on non-contested matters.

14.2. The Chamber's power to declare the nullity of the contested decision due to it being subject to any cause for nullity is excepted from the above, even when this has not been invoked by the parties.

Article 15.- Signature of decisions

15.1. The decisions issued by the Specialized Chamber on Intellectual Property are signed by the President of the Chamber or by whoever acts in his place. The signature may be delegated to another Member of the Chamber, it being necessary, for this purpose, that the corresponding resolution be issued.

15.2. In those cases, in which the decision is adopted by the vote of the majority of the Members, and within this there is neither the President nor the Vice-President of the Chamber, the resolution must be signed by the Members who adopted the agreement.

Article 16.- Procedural address

16.1. The procedural address established by the parties shall be presumed to be valid, without admitting proof to the contrary, as long as its change is not communicated in writing. Any notification made at said address shall have all its effects.

16.2. If the person receiving the notification presents a written document returning the aforementioned notification, this shall be deemed not to have been presented.

Article 17.- Classification of the appeal

The reconsideration appeal that, in addition to the new evidence, is based on questions of pure law or a different interpretation of the evidence produced must be classified as an appeal.

Article 18.- Application of the law

The rules of jurisdiction established in article 4 of the Law are applicable to appeals filed after the entry into force of Legislative Decree No. 1309.

Article 19.- Application of procedural rules in the Directorates and Commissions

The provisions of this title are also applicable, as appropriate, to the procedures followed before the Directorates of Industrial Property and the Commissions that comprise them.