

URUGUAY
Trademarks
INTELLECTUAL PROPERTY RIGHTS NATIONAL LEGISLATION
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CHAPTER I - TRADEMARKS

ARTICLE 1

Trademark means any sign suitable to distinguish goods or services of a natural or legal person from those of others.

ARTICLE 2

The registration of non visible signs will remain conditional on the availability of the suitable technical means.

For the purpose, the Executive authority will establish the opportunity and regulate the form of its implementation.

ARTICLE 3

Advertising sentences complying with the conditions required herein may be used as trademarks.

CHAPTER II - NULLITY

SECTION I - Absolute nullity

ARTICLE 4

According to the provisions hereof, the following will not be considered as trademarks thus giving rise to absolute nullity:

- 1) The name of the State and the Municipal Governments; the national or municipal symbols; the coats of arms or distinctive elements identifying them, except regarding themselves, the non-official legal persons, the companies with participation of the State and in the cases of articles 73 et seq. of this law.
- 2) The signs reproducing or imitating coins, notes or any national or foreign official payment means as well as the official signs or hallmarks indicating control and warranty adopted by the State.
- 3) The emblems used by the Red Cross and the International Olympic Committee.
- 4) Appellations of origin and any geographical name not original or distinctive enough regarding the goods or services they apply to or whose use is likely to create confusion regarding the origin, qualities or characteristics of the goods or services distinguished by the trademark.
- 5) The shape of commodities or packaging when it meets the requirements to be an invention patent or utility model in accordance with the law.
- 6) The names of vegetable varieties that are registered with the National Seeds Institute, created by Law No. 16.811, dated February 21, 1997, in relation to these varieties in the corresponding class.
- 7) Individual letters or numbers without a particular form.
- 8) The color of commodities and packaging and monochrome labels. However, a combination of colors for the packaging and labels may be used as a trademark.
- 9) Technical commercial or common names used to express qualities or attributes of goods and services.
- 10) The designations generally used to indicate the nature of goods or services or the class, type or species to which they belong.
- 11) Words or phrases of general use at present and signs or

designs which are not fancy signs, that is to say, which do not present novelty, specialty or distinctness characteristics.

- 12) The words or combination of words on a foreign language whose translation into Spanish is comprised within the prohibitions stated in paragraph 9, 10 and 11 of this article.
- 13) The drawings or expressions contrary to public order, socially accepted morals or good manners.
- 14) Caricatures, portraits, drawings and expressions in connection with ideas, people or objects worthy of respect and consideration.

SECTION II - Relative nullity

ARTICLE 5

For the purposes of this law, the following may not be registered as trademarks, resulting in relative nullity:

- 1) The flags, shields, letters, words and other emblems that identify foreign States or international and intergovernmental entities, provided that their commercial use is not authorized by a certificate issued by the corresponding office of the State or interested body.
- 2) Literary and artistic works, reproductions and fiction or symbolic characters deserving the copyright protection unless the registration is applied for by the owner or a third party with their consent.
- 3) The names and portraits of living persons as long as said persons do not give their express consent therefor. The names and portraits of dead persons as long as their legal heirs do not give their express consent therefor. To the effects of this provision, by "name" it is meant the Christian name followed by the patronymic name as well as the sole surname and the pseudonyms or titles whenever the latter identifies the person as much as the former do.
- 4) The surname alone, whenever the opposition from those who filed by the interested party is deemed duly justified by the corresponding administrative authority.
- 5) Certification or collective marks provided for in the prohibition of article 54 of this law.
- 6) Signs or words that constitute totally or partially reproduction, imitation or translation of any well-known

trademark or commercial name.

7) The words, signs or distinctive elements supposed to imply the purpose of an unfair behavior.

8) Signs and indications that disguise or simulate the origin, quality, nature, characteristics, utility, aptitude or provenance of the goods or services.

CHAPTER III - CONDITIONS FOR THE REGISTRATION OF A TRADEMARK

ARTICLE 6

Trademarks sought to be registered should be clearly different from those already registered or whose registration is being prosecuted, so as to avoid confusion regarding the same goods or services or regarding concurrent goods or services.

ARTICLE 7

The signs under the prohibition of paragraphs 9, 10, 11 and 12 of Article 4 of this law may nevertheless be part of a combined trademark, but without exclusive rights over the same.

ARTICLE 8

When a word or group of words under the prohibition of paragraphs 9, 10, 11 and 12 of Article 4 hereof has acquired proved distinctive character regarding goods or services associated to a certain physical or legal person, said word or group of words would be allowed as trademark for said physical or legal person and regarding said goods and services.

Once the registration granted under the provisions of the previous paragraph expires, the same shall not be registered again by third parties.

The first paragraph of this article shall also apply to trademarks already registered before the entry into force of this law, provided said registered trademarks meet the requirements provided herein.

CHAPTER IV - RIGHTS GRANTED BY THE REGISTRATION OF A TRADEMARK

ARTICLE 9

The right to use a trademark is acquired through the corresponding registration made pursuant to the provisions hereof.

The registration of a trademark involves the presumption that the physical or legal person under whose name the registration was verified is the trademark legitimate owner.

ARTICLE 10

The registration of a trademark already registered in a foreign country shall be applied for only by the legitimate proprietors thereof or their duly authorized agents or anyone certifying to be duly authorized to register the trademark under the legitimate owner's name.

ARTICLE 11

Ownership of the trademark is only acquired in relation to the goods and services for which the application was filed. When application is filed for registration of a trademark which includes the name of goods or services included in the international classes whose protection is sought, this must be expressly specified and the trademark will only be registered for that goods or services.

ARTICLE 12

Free circulation of marked goods, legitimately introduced in the market by the owner thereof or by duly authorized agents shall not be obstructed or impeded on the grounds of the registration of said trademarks, provided said goods and their presentation as well as the containers or packing of the same in direct contact therewith are not significantly altered, modified or damaged.

ARTICLE 13

Once a trademark registration is duly granted, its owner acquires the protection granted by the registration and the owner shall not have the right to apply for a new total or partial registration of an equal trademark, regarding the same classes, if he does not previously or concomitantly waive his rights to

the previous total or partial registration, as the case may be.

ARTICLE 14

The right to file oppositions against the use or the registration of any trademark likely to create confusion between goods and services shall be vested on the natural or legal person who has complied with the requisites provided hereof.

ARTICLE 15

The change of name or domicile as well as the modification of the corporate type or any other modification affecting the title to the registration shall be registered in the Industrial Property Office and shall be published in the Industrial Property Gazette.

ARTICLE 16

The rights derived from a trademark registration or application may be transferred, in whole or in part, by an inter vivos transfer, testamentary dispositions, enforcement, or action for recovery and, in the event of the death of the owner or applicant, they will be transferred to their heirs.

Total or partial transfer of the ownership of trademarks must be recorded in writing.

For said transfers to be valid against third parties the actions included in the first subparagraph must be recorded in the corresponding Register.

Precedence for the registration of rights and encumbrances relating to industrial property registrations or applications, where applicable, will be issued in accordance with the date and time of submission of the respective document, and no other right or encumbrance may be recorded until a decision is made in relation thereto.

ARTICLE 17

Notwithstanding the provisions of article 14 hereof, in the event of transfer, the transferer is obliged to declare if he owns other trademarks equal or similar to the one being transferred. Silence or concealment thereof shall result in the loss of the protection granted through the registration of said trademarks. Said loss shall be decreed ex-officio or on demand from the interested party.

ARTICLE 18

The registration of a trademark shall grant a period of protection of ten years, always renewable for further ten years at the request of the owner thereof or said owner's representative.

The renewal shall be applied for within the term of six months prior to the expiration of the term of protection, although a grace period of six months will be granted, as from the day following the expiration date.

The renewal of a trademark registration will imply the waiver as regards the classes, goods and services comprised in the previous registration but not claimed in the application for renewal.

ARTICLE 19

The use of the registered trademark is compulsory.

A trademark registration may be cancelled when:

- A) It has not been used by the owner, a licensee or a person who is authorized to use it within the five consecutive years following the date of its grant or the date of authorization of any respective renewals.
- B) Such use had been interrupted for more than five consecutive years.

The registration may not be cancelled when the patentee proves that its lack of use is due to reasons of force majeure.

The holder of a direct, personal and legitimate interest may request cancellation of a registered trademark when the situation provided for in letters A) and B) applies. Such action shall be decided by the Industrial Property Office.

The use of the trademark for one or more goods or services exempts other categories of goods or services from revocation of the registration even when they are not similar.

The holder of the registration is responsible for proving use of the trademark.

The use of the trademark shall be accredited by any method of proof acceptable under the law that shows that the trademark has been actually used publicly for the stipulated period of time.

The submission of proof of use of the trademark will not be required for renewals. The regulations will establish the conditions and methods of use for the purposes of this article and the procedure for the action of cancellation.

CHAPTER V - OPPOSITIONS, CANCELLATIONS AND ACTION OF CLAIMS

ARTICLE 20

The owner of a right or a direct, personal and legitimate interest may file the opposition against an application or to apply for the cancellation of a registered trademark on the grounds provided for in articles 4 and 5 hereof.

ARTICLE 21

The Industrial Property Office shall be entitled to oppose to or reject applied registrations or cancel a trademark registration on the grounds provided for in article 4 and 5 hereof.

ARTICLE 22

The Industrial Property Office shall be entitled to oppose to or reject applied registrations violating the provisions of article 6 hereof, in defense of the consumers' rights.

ARTICLE 23

The owners of already registered trademarks or trademarks whose registrations is being prosecuted shall have the right to file an opposition against applied registrations of trademarks similar or equal to the ones they own or request the cancellation of said registrations when they have been already carried out.

The opposition to the registrations shall be filed within the term of thirty days running as from the day following the publication date in the Industrial Property Gazette, created by article 80 hereof.

ARTICLE 24

Notwithstanding the provisions of article 14 hereof, the owners of trademarks in use whose registration has not been prosecuted shall have the right to file an opposition to the applied registration of trademarks similar or equal to the ones they own within the term provided for in the previous article, provided the party who files the opposition on the grounds of previous use certifies that said use have been peaceful, public and continuous during a minimum term of one year.

When the opposition is filed by the owner of a trademark which had been registered but whose registration was not renewed in due

time, use thereof shall be considered as duly proved by the time during which such trademark has been duly registered.

The party who files the opposition mentioned in the previous article shall apply for the registration of the corresponding trademark within a term of ten days as from the date of the filing of said opposition. Failure in filing said application within the mentioned term shall be considered substantial grant to dismiss the opposition by operation of law.

The fact of the term to file the opposition being due and the resolution granting the registration of a trademark being ratified and confirmed excludes the possibility of a further claim on the same grounds against said trademark.

ARTICLE 25

In the event of the petition to cancel the registration of a trademark being filed on the grounds of the provisions of paragraphs 6 and 7 of article 5 hereof by the owner of a trademark whose registration was not prosecuted in the country, said registration is to be duly applied for within the term of ninety days as from the date when said action was brought. Failure in filing said application within the mentioned term shall be considered substantial grant to dismiss the petition to cancel the registration by operation of law.

ARTICLE 26

The filing of an opposition to the registration of a trademark excludes the possibility of a further petition to invalid said registration on the same grounds.

ARTICLE 27

The petition to cancel the registration of a trademark on the grounds of the provisions of article 4 hereof may be applied for at any time.

After the term of fifteen years as from the date when the registration of a trademark was duly granted, the right to file a petition to cancel said registration on the grounds of the provisions of article 5 hereof shall forfeit with the exception of the petitions filed on the grounds of "well-known usage" of the corresponding trademark when this trademark was registered

through dishonest behavior. In the mentioned event, the petition to cancel the registration may be applied for at any time.

ARTICLE 28

When the registration of a trademark has been applied for or obtained by the agent, representative, importer, dealer, licensee or franchisee of said trademark under his/her own name and without the authorization of the lawful owner, the latter shall be entitled to claim before the Industrial Property Office -in addition to the filing of the opposition or petition to cancel said registration- his/her right to be acknowledged as the legitimate applicant to or proprietor of said right and that the title to the application being prosecuted or the already granted registration be conveyed to him/her.

The right to file the above mentioned claim shall expire after the term of five years as from the date when the trademark registration was duly granted.

CHAPTER VI - THE TRADEMARK REGISTRATION PROCEDURE

ARTICLE 29

Application for registration of a trademark must be filed with the Industrial Property Office and accompanied by the documents required for this purpose.

ARTICLE 30

Priority in the registry shall be granted by the date and time of presentation of the respective request.

ARTICLE 31

Once the application for the registration is duly filed no modification to the trademark sign will be allowed. Any claim for the modification of a trademark shall imply a new application for registration.

ARTICLE 32

Once the application for the registration of a trademark is duly filed the number of goods and services sought to be protected shall not be increased, not even in the same class, although the object to be protected may be limited through the removal of classes, goods and services from said protection.

ARTICLE 33

The petition to cancel the registration of a trademark on the grounds of the provisions of paragraphs 6 and 7 or article 5 hereof shall be filed together with the corresponding evidences. Said evidence shall consist in a suitable means which proves the corresponding contentions in a reasonable manner, subject to common sense and to the regulations hereof.

The opponent, the appellant or the petitioner who proves that the applicant or the owner knew about it when they requested its registration may be exempt from proving the notoriety of the trademark.

ARTICLE 34

The Industrial Property Office shall issue the corresponding resolutions granting or rejecting the applications for the registration of trademarks totally or partially, as the case may

be, taking into account the classes said applications refer to.

ARTICLE 35

Once the registration of a trademark is duly granted the Industrial Property Office shall issue the corresponding certificate of trademark registration.

ARTICLE 36

Terms granted to the parties shall consist in strict time limits and shall not be extended except as otherwise provided in the corresponding regulations.

ARTICLE 37

At the request of the interested party, the Industrial Property Office shall be entitled to issue a second certificate of trademark registration in the manner provided for by the Decree regulating this law.

CHAPTER VII - COLLECTIVE MARKS

ARTICLE 38

Collective mark is one used to identify goods or services belonging to members of a specific group of individuals. Associations of producers, industrialists, merchants or service providers may request the registration of collective trademarks to differentiate in the market the goods or services of their members, from the goods or services of those who are not members of the said association.

ARTICLE 39

The application for the registration of a collective mark must include the corresponding usage regulations in which, in addition to the identification data of the applicant association, the persons authorized to use the mark, the requirements to become a member of the association, the conditions for the usage of the corresponding mark and the reasons why the usage of the mark may be prohibited to one of its members.

ARTICLE 40

The owner of a collective mark must communicate to the Industrial Property Office any and all modification to the corresponding usage regulations. Said modifications shall be published on the Industrial Property Gazette.

Any and all modifications to the usage regulations will be valid and in force as from the filing thereof before the Industrial Property Office.

ARTICLE 41

Collective marks may be cancelled ex-officio or at the request of the interested party in the following cases:

1. When the collective mark is used by the owner against the provisions of the usage regulations.
2. When the collective mark is used only by the owner thereof or only by one of the authorized persons.

ARTICLE 42

The title to a collective mark shall not be transferred to third parties and use thereof shall not be allowed to those who are not

officially authorized by the association.

ARTICLE 43

Collective marks are governed by all the provisions hereof unless otherwise provided in this Chapter.

CHAPTER VIII - CERTIFICATION OR GUARANTEE MARKS

ARTICLE 44

Certification or Guarantee marks are the signs certifying common characteristics, particularly regarding quality, components, nature, methodology employed and any other appropriate data, at the proprietor discretion, of the goods or services elaborated or provided by persons duly authorized and controlled by said owner. Ownership of certification or guarantee marks shall only be granted to official or semi-official entities, competent to carry out quality certifications in representation of the State and according to the State commitments, or to private institutions duly authorized by the mentioned competent official or semi-official entity.

ARTICLE 45

Appellations of origin regulated by this law may not be registered as warranty marks, which in any case will be governed by its specific provisions.

ARTICLE 46

The application for the registration of a certification or guarantee mark must include the corresponding usage regulations which shall indicate the quality, components, nature and methodology employed and any other appropriate data concerning the goods and services elaborated, distributed or provided, at the proprietor discretion.

The usage regulations shall likewise establish the control measures whose implementation is mandatory for the owner of the certification or guarantee mark as well as the corresponding penalties system.

ARTICLE 47

The usage regulations shall be elaborated by the official or semi-official entity or the private individual referred to in article 44 hereof within the scope of their competence and it shall be presented before the Industrial Property Office, in the manner provided for in article 46. The Industrial Property Office will verify if said usage regulations comply with the provisions of this law and its corresponding regulations.

ARTICLE 48

Default in the fulfillment of the usage regulation on the part of the users may be sanctioned by the proprietor with the cancellation of the authorization to use the mark or with other penalties established in the mentioned usage regulations.

ARTICLE 49

The proprietor of the certification or guarantee mark shall notify the Industrial Property Office any and all modifications to the usage regulations. Said modifications shall be published in the Industrial Property Gazette created by article 80 hereof. The modifications to the usage regulations shall be valid and in force as from the filing thereof with the Industrial Property Office.

ARTICLE 50

The registration of a certification or guarantee mark shall be indefinitely valid and in force, and it shall be extinguished by cancellation, and in the event of dissolution or death of the owner thereof the provisions of paragraph 2 of article 54 hereof shall be complied with.

The registration may be cancelled at any time at the request of the owner thereof.

ARTICLE 51

The usage of a certification or guarantee mark by any person whose goods or services complies with the conditions established in the mark usage regulations shall require the authorization of the owner of said certification or guarantee mark.

ARTICLE 52

The certification or guarantee mark shall not be used for goods or services produced, lent or traded by the mark proprietor.

ARTICLE 53

The certification or guarantee mark is inalienable. Likewise, it shall not be the object of assessments, liens or seizures or any other security measure or writ of execution.

ARTICLE 54

Once the owner of the certification or guarantee mark is dissolved or disappeared, it will pass to the state or parastatal body, or private person referred to in article 44 of this law, to which the competence of the dissolved or disappeared body is attributed. in accordance with law, prior communication to the National Directorate of Industrial Property.

In the event that the quality certification activity to be carried out by the State through the terminated entity or deceased individual is not attributed to another entity the registration of the certification or guarantee mark shall forfeit by operation of law.

ARTICLE 55

The certification or guarantee mark whose registration is cancelled or whose use is stopped because of the dissolution or death of the owner thereof shall not be adopted, used or registered as trademark or as another distinctive commercial sign until the term of ten years as from the corresponding cancellation, dissolution or death of the owner thereof is elapsed, with the exception provided for in paragraph one of article 54.

ARTICLE 56

Certification or guarantee marks are governed by all the provisions of this law unless otherwise provided in this Chapter.

**CHAPTER IX - RIGHTS AFFECTING TRADEMARKS; LICENSE, PLEDGE,
SEIZURES AND PROHIBITION TO INNOVATE**

SECTION I - Licenses

ARTICLE 57

Let the Register of Trademark Licenses be hereby created. The Industrial Property Office shall be in charge of said Register.

ARTICLE 58

To the effects of this law, a license is an agreement supplementary to the trademark registration granting the right to a total or partial use of already registered trademarks or trademarks whose registration is being prosecuted. Said right is granted for a strict time limit, and the corresponding use may be exclusive or non-exclusive.

If the agreement lacks the exclusive right clause, it shall be construed as not granting exclusive rights to the licensee.

ARTICLE 59

The license agreement shall be valid and in force against third parties upon registration thereof at the Industrial Property Office.

ARTICLE 60

An excerpt with the substantial parts of the license agreement shall be published in the Industrial Property Gazette.

ARTICLE 61

The licensee shall not be entitled to transfer his/her rights, neither totally nor partially, without express consent from the licensor.

ARTICLE 62

Any modification made to the license or sub-license agreement shall be duly notified to the Industrial Property Office and it shall be governed by the provisions of articles 58, 59, 60 and 61 hereof.

ARTICLE 63

Franchise agreements including a trademark license shall be

governed, as pertinent, by the provisions of this Section.

SECTION II - Industrial Pledge

ARTICLE 64

Let the competence regarding registration of pledges without displacement of trademark registers established in paragraph 2 of article 2 of law No 8.292 dated September 24, 1928 and concordant, supplementary and modifying provisions, be transferred to the Industrial Property Office as from the enactment of this law

SECTION III - Seizures and Prohibitions to Innovate

ARTICLE 65

The Industrial Property Office shall keep a register of the seizures and prohibitions to innovate notified to the Judicial Power and affecting already registered trademarks or trademarks whose registration is being prosecuted.

CHAPTER X - EXPIRATION OF TRADEMARK REGISTRATIONS

ARTICLE 66

The registration of a trademark expires:

- 1) Upon expiration of the term provided in article 18 hereof, unless renewed.
- 2) Upon written application thereof filed by the proprietor with the Industrial Property Office. In the event of a license agreement being registered, the proprietor of the licensed trademark shall prove delivery of clear notification to the licensee of his/her will to waive the registration before the corresponding waiver registration.
- 3) Upon declaration of nullity issued by the competent authority.
- 4) On the grounds provided for in article 17 hereof.
- 5) In the event of the State ceasing its participation in the corporations mentioned in paragraph 1 of article 4 hereof.
- 6) By cancellation due to lack of use provided in Article 19 of this law.

CHAPTER XI - TRADE NAMES

ARTICLE 67

Trade names are considered industrial property to the effects hereof.

ARTICLE 68

If a physical or legal person wants to develop, with commercial purposes, an activity already exploited by another person with the same name or with the same conventional appellation, said physical or legal person shall make a clear modification to the name or appellation for said name or appellation be notoriously different from the previously existing one.

ARTICLE 69

The legal action of the proprietor of the exclusive right to the use of a trade name shall forfeit after the term of five years as from the day when the other party started the use of said trade name.

ARTICLE 70

The assignment or selling of business involves the assignment or selling of the corresponding trademark unless otherwise provided, and the assignee is entitled to make use of the trademark, even if it is a trade name, as well as the grantor did, without any restriction apart from those expressly provided for in the corresponding Bill of Sale or Transfer Agreement.

ARTICLE 71

The exclusive right to the use of a trade name as industrial property shall expire upon termination of the activity with commercial purposes distinguished with said trade name.

ARTICLE 72

The registration of the trade name is not a requirement to exercise the rights granted hereof, unless said trade name is part of the trademark.

CHAPTER XII - GEOGRAPHICAL INDICATIONS

ARTICLE 73

Geographical indications, appellations of origin and indications of source can be protected.

ARTICLE 74

Geographical indication identifies a good or service as coming from a country, region or location, when a certain quality, reputation or other characteristic of the same is attributable to the geographic source.

The indication of source is the use of a geographical name for goods or services identifying the place where the commodities were extracted, produced or manufactured or the service was provided. Protection is granted to indications of source without any need of previous registration.

The use of an indication of source does not prevent its use by other suppliers based in the same place provided that it is used in good faith and does not cause any confusion.

ARTICLE 75

Appellation of origin is the geographical name of a country, city, region or location used to call goods or services whose qualities or characteristics are exclusively or essentially due to the geographical environment, including natural and human factors.

ARTICLE 76

Let the Register of Geographical Indications and Appellations of Origin be hereby created at the Industrial Property Office, without prejudice to the Registry under the responsibility of the National Institute of Viticulture, in relation to geographical indications and appellations of origin of national producers.

ARTICLE 77

The use of a geographic indication, appellation of origin or indication of source is limited to producers and service providers established in the corresponding place.

The granting of geographical indications or appellations of origin is the responsibility of the applicable competent

authority. For national viticulture this is the National Institute of Viticulture.

Geographical indications and appellations of origin are also required to fulfill quality requirements.

The registration of a geographical indication or appellation of origin does not give its holder exclusive rights over the generic or descriptive terms that form part of it, and will not prevent these generic or descriptive terms being used, in good faith, by third parties.

Without prejudice to the provisions of Article 79 of this law, all use of geographical indications that constitute an act of unfair competition or that can be confused with other geographical indications registered or in the process of being registered are prohibited.

ARTICLE 78

The geographical names constituting neither an indication of source nor an appellation of origin shall nevertheless be registered as trademarks, provided they do not lead into error regarding the true place of origin.

ARTICLE 79

The prohibition to use a geographical indication to identify wines or spirituous beverages does not apply to those who have using said geographical indication on a continuous basis during a minimum term of ten years as from April 15, 1994.

CHAPTER XIII - INDUSTRIAL PROPERTY GAZETTE

ARTICLE 80

Let the Industrial Property Gazette be hereby created. The following issues shall be published therein:

- 1) The application for the registration of trademarks and usage regulations, when applicable, in the manner provided for in the regulations hereof.
- 2) All resolutions issued regarding trademarks.
- 3) Excerpts from license and sub-license agreements and modifications thereof, according to the provisions of articles 58, 59, 60, 62 hereof.
- 4) The notifications that, being due to be made personally, could not be fulfilled for cause attributable to the applicant, except as provided for in Article 317 of the Constitution of the Republic.
- 5) The summons.
- 6) Registrations at the Register of Industrial Property Attorneys
- 7) All other actions established in the regulations or in the events thus provided by the Industrial Property Office.

CHAPTER XIV - CIVIL AND PENAL ACTIONS

ARTICLE 81

Anyone who, in order to to profit or cause damage, uses, manufactures, falsifies, adulterating or imitating someone else's registered trademark will be punished with six months in prison to three years under penitentiary arrest.

ARTICLE 82

Anyone who refill with spurious commodities containers with someone else's trademark will be punished with six months in prison to three years under penitentiary arrest.

ARTICLE 83

Anyone who knowingly manufacturing, storing, delivering or trading commodities distinguished with the trademarks mentioned in the previous articles will be punished with three months in prison to six years under penitentiary arrest.

ARTICLE 84

Anyone who trademarks mentioned in the previous articles as well as those tools used to the execution thereof shall be destroyed or made unusable.

The commodities infringing the law that have been confiscated shall be seized and destroyed unless, because of their nature, they can be assigned to state or private charity institutions. When the apocryphal quality of the merchandise is established through the appropriate expert techniques, they will be destroyed at the cost of the complainants or assigned to state or private charity institutions.

ARTICLE 85

The provisions of this Chapter shall apply to those who making use of the appellations of origin provided for in article 75 hereof, without being entitled to said use.

ARTICLE 86

The offences provided for herein shall be liable to prosecution, at the request of the interested party, in the manner regulated by articles 11 and following of the Code of Criminal Procedure.

ARTICLE 87

Any person who damaged by the infringement of the provisions of articles 81 to 85 hereof shall be entitled to file the corresponding action for damages against the offenders and co-offenders of the penalized activities.

ARTICLE 88

The proprietors of registered trademarks shall be entitled to request to the Judicial Power the prohibition to use a non-registered trademark similar or equal to the one they own.

ARTICLE 89

No civil or criminal action may be filed after four years have passed since the crime was committed or repeated, or after one year, counted from the day the proprietor of the trademark became aware of the fact for the first time.

The acts that interrupt the term for prescription are established by common law.

CHAPTER XV - STEPS TO BE TAKEN BEFORE THE INDUSTRIAL PROPERTY OFFICE

ARTICLE 90

The following persons are entitled to take the steps concerning the proceedings provided herein:

1. Interested parties by themselves, with or without having granted representation therefor.
2. The industrial property attorneys registered in the respective registration, with duly accredited legal status.
3. Agents authorized by the required power of attorney.

ARTICLE 91

Industrial property attorneys shall have the same obligations and responsibilities than agents according to the provisions of the Second Part of Book 4th of Title VIII of the Civil Code.

CHAPTER XVI - INDUSTRIAL PROPERTY ATTORNEYS

ARTICLE 92

The Industrial Property Office shall keep the Register of Industrial Property Attorneys created by Decree No 685/968 dated November 14, 1968.

ARTICLE 93

To be registered as industrial property attorneys, interested parties shall comply with the following requirements, in addition to procedures established in the regulations hereof:

- 1) Full legal age.
- 2) Duly constituted legal domicile.
- 3) Duly certified rightness and good behavior.
- 4) Duly approved higher secondary education.
- 5) Approval of the capability test, although lawyers are exempted from this requirement.

Interested parties shall be issued a certificate of registration on demand and at his/her own cost.

ARTICLE 94

The capability test required by paragraph 5 of the previous article shall be taken by the Examination Board made up by three members appointed by the Industrial Property Office Director.

ARTICLE 95

The registrations granted to the industrial property attorneys before the enactment of this law be hereby ratified.

ARTICLE 96

Advertising or offering of services by industrial property attorneys or their employees within the premises of the Industrial Property Office shall be deemed serious offences.

ARTICLE 97

Industrial Property Attorneys shall be responsible for their employees' acts, according to the provisions of paragraph 1 of article 1324 of the Civil Code.

ARTICLE 98

Industrial Property Attorneys shall be supervised by the Industrial Property Office Director who will be entitled to apply the following sanctions:

- 1) Bans
 - 2) Fines, which will vary from 10 to 100 UR(Adjustable Unit) according to the seriousness of the offence.
 - 3) Suspension for a maximum term of two years
 - 4) Removal from the Industrial Property Attorneys Register
- Sanctions shall be applied taking into account the corresponding regulations.

CHAPTER XVII - FEE

ARTICLE 99

The Industrial Property Office shall collect fees for the following proceedings:

		UI
1 Application for the Registration of Trademarks		
1.1 Verbal	1 class	1121,03558
1.2 Verbal	each additional class	672,62135
1.3 Figurative or complex	1 class	1569,44982
1.4 Figurative or complex	each additional class	896,828466
2 (Delete)		
3 Certification of Guarantee Marks		
3.1 Verbal	1 class	2690,4854
3.2 Verbal	each additional class	1345,2427
3.3 Figurative or complex	1 class	3363,10675
3.4 Figurative or complex	each additional class	1569,44982
4. Collective Marks		
4.1 Verbal	1 class	2690,4854
4.2 Verbal	each additional class	1345,2427
4.3 Figurative or complex	1 class	3363,10675
4.4 Figurative or complex	each additional class	1569,44982
4.5 Modifications to usage regulations		672,62135
5. Appellations of Origin	1 class	2690,4854
	each additional class	1569,44982
6. Opposition	1 class	1569,44982
	each additional class	672,62135
7 (Delete)		
8. Petitions to Cancel Registered Trademarks		1345,2427
9. Renewals		
9.1 Verbal	1 class	1121,03558
9.2 Verbal	each additional class	672,62135
9.3 Figurative or complex	1 class	1569,44982
9.4 Figurative or complex	each additional class	1569,44982
9.5 in grace period	1 class	3363,10675
	each additional class	672,62135
10 Claims	1 class	1121,03558
	each class additional	672,62135

11 Transfers	1 class	1121,03558
	each additional class	672,62135
12 Change of address		448,414233
13 Change of name		448,414233
14 Contracts		
14.1 Franchises (with license to use of trademark)		1569,44982
14.2 Licenses and sublicenses		1569,44982
14.3 Modifications		672,62135
14.4 Pledges		672,62135
14.5 Cancellation of pledge		672,62135
15 Liens and prohibitions		
15.1 Registration		672,62135
15.2 Release of liens and prohibitions to innovate		672,62135
16 Seizures and prohibitions to innovate arranged in procedures labor		
16.1 Registration		exemption
16.2 Surveys of embargoes and prohibitions of innovate willing in procedures labor		672,62135
17 Titles		448,414233
18 Seconds titles		2242,07117
19 Application of certificates		
19.1 By brand		560,517792
19.2 Per title holder Up to 10		560,517792
19.3 Per title requests or concessions More than 10		560,517792
20 Urgent certificate request (24 hours)		1121,03558
21 Extension of certificate		224,207117
22 Application of record		280,258896
23 Request of testimony sheets of files		
	Up to 10	112,10355
	each sheet subsequent	3,81152098
24 Termination of contracts		672,62135
25 Registration of agent		11210,3558
26 Trademark cancellation actions		
	a rate of	1.345,24

CHAPTER XVIII - PROVISIONAL CLAUSES

ARTICLE 100

The owners of trademarks in use but whose registration has not been prosecuted before the Industrial Property Office and the owners of registered trademark whose registration has not been renewed according to the provisions of paragraph 2 of article 11 of Law No 9.956 dated October 4, 1949 shall have a grace period of two years as from the enactment of this law to make use of the trademark proceedings provided herein, notwithstanding the provisions of article 24 hereof.

The party who files the mentioned action shall have to apply for the registration of the corresponding trademark within the term of ten days as from the filing of said action. Failure in filing said application shall be considered substantial grant to dismiss the opposition by operation of law.

ARTICLE 101

Publications provided for in Law No 10.089 dated December 12, 1941 and in Decree-Law No 14.549, dated July 29, 1976 and regulations thereof shall be made in the Industrial Property Gazette that is created by this law.

All publications provided for herein shall be made only once.

CHAPTER XIX - FINAL PROVISIONS

ARTICLE 102

The Industrial Property Office belonging to the Minister of Industry, Energy and Mining, is the competent authority in all matters provided for herein.

ARTICLE 103

All registers provided for herein are public.

ARTICLE 104

The proceedings established herein constitute a particular system because of their specialty characteristics and as such they are regulated by the provisions hereof and corresponding regulations; the general provisions regulating the administrative proceedings would be governed only on a supplementary basis.

ARTICLE 105

The Executive Power shall regulate this law within the term of one hundred and twenty days as from the day following the publication hereof in the Official Gazette.

ARTICLE 106

Let Law No 9.956 dated October 4, 1940, Law No 10.089 dated December 12, 1941 where relevant and article 226 of Law No 16.320 dated November 1st 1992 be derogated as from the entry into force of this Law.

ARTICLE 107

The Executive Power shall authorize the required resources for the implementation hereof.

ARTICLE 108

The incomes generated through the execution of this Law shall be applied to the improvement of the services.