

Leaflet Trademarks in Bolivia

Duration

Duration is 10 years from the date of grant of the registration, indefinitely renewable for 10-year periods each. Renewal has to be applied for during the six months of a 10-year period, grace 6 months with fine. Decision 486 of the Andean Community determines that the Trademarks Office may determine a fine for the late filing of renewal applications, but the Bolivian Trademarks Office never establishes any amount for the fine. Consequently, no surcharge has to be paid when filing within the grace period

Compulsory use

Marks have to be used "sufficiently". A mark is considered to be in use if the goods or services distinguished by it have been brought into trade or are available under the mark in quantities and form as are normally required with regard to the respective markets. If not used without legitimate reasons, any interested party may request cancellation of the mark. The burden of proof is upon the owner of the registration in that case.

Trademark registrations become vulnerable to a cancellation action after 3 years of the registration date. Any country party to the Andean Community is reputed valid for the defence. The evidence to be supported must be legalized by the Bolivian Consulate. The experience of previous cases shows that the Bolivian Trademarks Office lays great importance in the submission of invoices to prove the actual sale of the goods marked with the challenged brand. It is hence recommended to include the name of the trademark in invoices or bills.

Marking

Marking is not compulsory. A possible marking would be „Marca Registrada“ or „M.R.“ within a circle. The internationally known marking ® with a letter R in a circle is also recommended.