

Leaflet Trademarks in Chile

Duration

Duration is 10 years from the date of registration. Renewal is possible for periods of 10 years each.

Marking

Owners of a trademark are obliged to provide a notice accompanying the trademark. Failure to do so will however prevent the owner of a trademark to file action against any infringement committed by a third party. Possible markings are the sign ®, the acronym "M.R." or the wording "Marca Registrada".

Miscellaneous

According to Chilean law, the registration of a trademark provides the proprietor with exclusive rights (attributif de prorité). However, foreign proprietors of known trademarks which are registered for the same goods or services may file an objection in Chile. These proprietors may also request cancellation of the younger trademark within 5 years of its registration. If the younger registration is rejected or cancelled, the foreign trademark proprietor has to apply for the previously contested trademark within 90 days. After being registered for 5 years in Chile, a trademark becomes incontestable, unless it has been registered in bad faith.