

INTELLECTUAL PROPERTY

Intellectual property: industrial property and copyrights.

Bogotá has a consolidated innovation ecosystem: It has more than 1,600 research groups, 38% of the national total.

As of 2015, the number of invention patent applications in Bogotá increased to 141, that is, 44% of total patents requested in the country.

Bogotá is a cultural reference for Latin America with six free park music festivals, one of the best theater festivals in the world, the International Book Fair, a stage for the most recognized international artists, and more than 600 venues for live concerts¹².

The intellectual property system is divided in two branches:

- Industrial property
- Copyrights

While applicable regulations on intellectual property correspond to Decisions by the Andean Community of Nations (CAN as per its acronym in Spanish), it is necessary to consider that there is a local authority and an autonomous registration procedure independent from CAN regulations.

Industrial Property Distinctive signs

Trademarks

A trademark is a sign that differentiates products and services from others of the same class in the market. Colombia is part of the Nice Agreement of 1957 and, therefore, it is governed by the International Nice Classification to classify products and/or services susceptible to trademark registration.

Trademark registration grants its holder an exclusive right of use from registration and for a period of ten years, indefinitely renewable for equal periods.

From August 29, 2012, the Madrid Protocol is in force in Colombia, which allows to submit a single international application for registration to the Superintendence of Industry and Commerce (SIC as per its acronym in Spanish) in order to request registration of a trademark in the countries that have signed the Madrid Agreement of 1989.

It is possible to cancel registration of a trademark that (i) has not been used continuously by the holder for more than 3 years, (ii) is the same as or similar to a notorious trademark previously registered, (iii) is popularized to generically identify in the market the products and/or services it intends to identify.

Advertising slogans

An advertising slogan is the work, sentence, or legend used to complement a mark.

In order to register an advertising slogan, it will be necessary to state in the application the requested trademark with which it will be used. For transferring an advertising slogan, it should be carried out jointly with the associated mark. In addition, its term of registration will be subject to trade registration.

Trade names and logos

The trade name and logo are industrial property items that identify the entrepreneur and its

business establishment, respectively, in the conduct of their business.

The exclusive right of use of the trade name or logo is only acquired upon their deposit with the SIC. Registration of these industrial property items with a chamber of commerce does not entail the right to use them exclusively.

Geographical indications

Geographical indications include designations of origin and indications of source.

A designation of origin is the name or indication of a geographical place, which may be a given, country, region, or place, to identify a product as native to such place, and whose quality and/or reputation derived solely from the geographical environment where it is produced.

Furthermore, an indication of source refers to a name, expression, image or sign that designates or evokes a given country, region, location or place.

Application for registration of designation of origin or indication of source may be filed by anyone who shows a legitimate interest, that is, associations of producers or individuals who are directly engaged in the extraction, production, and preparation of products they intend to cover.

The term of the protective declaration of designation of origin will be determined by the permanence of the conditions that cause the product to have recognized qualities. In addition, it grants exclusive right of use of geographical indications to producers from the region and confers the power to prevent unauthorized third parties from using them.

It is possible to request an authorization of use of an already registered geographical indication for a period of ten (10) years, renewable for the same term. Moreover, holders of designations of origin may object registration of a trademark or slogan that reproduces, contains, or imitates their protected geographical indication.

New creations

Invention patents

The invention patent is an exclusive exploitation privilege granted by the state to the inventor of a product or procedure, insofar as it meets novelty, level of invention, and industrial applicability requirements. In addition, the owner of a patent will be entitled to prevent third parties from manufacturing, selling, or using the product, or from employing the procedure subject to such patent. The invention patent is conferred for 20 years, as of the date of

application for registration.

The Patent Cooperation Treaty (PCT) is applicable, and facilitates obtaining patents in several countries at the same time by filing a single application for registration with the SIC.

Utility models

A utility model refers to a new form, configuration or arrangement of elements in a device, tool, instrument, mechanism or other object or any part thereof which allows for better or different operation, use or manufacturing of the object concerned, or provides some technical utility, advantage, or effect that it did not have before.

Protection of utility models is granted by a utility model patent, which is conferred for a term of 10 years, from the date of submission of the application for registration.

Registration of utility models shall also be processed with the SIC.

Industrial designs

An industrial design refers to a new particular form of a product as a result of any gathering of lines or combination of colors, or any external two-dimensional or three-dimensional shape, line, outline, configuration, texture or material, without involving a change in the intended use or purpose of such product.

Registration of an industrial design grants the right of exclusive exploitation on the form of a product that gives it a particular appearance, whether two-dimensional or three-dimensional.

Registration of an industrial design will be granted for a period of 10 years, as of the date of application submission to the SIC.

Layout designs of integrated circuits

A layout design of integrated circuits means the three-dimensional arrangement of elements, at least one of them being active, and interconnections of an integrated circuit, as well as the three-dimensional arrangement prepared for an integrated circuit to be manufactured.

A layout design is subject to protection insofar as it is original.

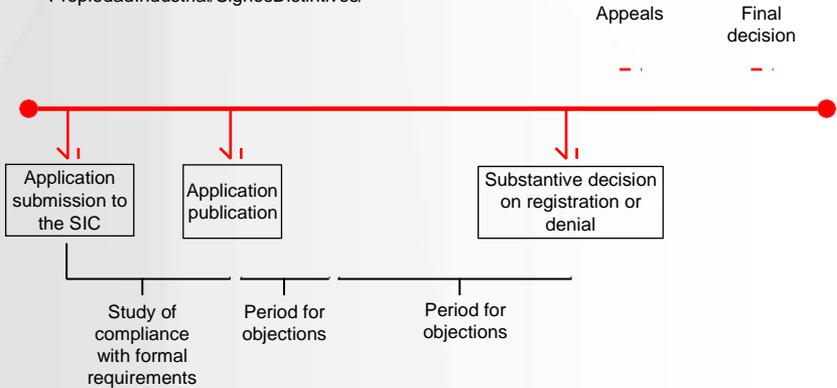
The application for registration shall be submitted within a term of two years from the date of initial commercial exploitation, with the competent authority in the country where it has been commercially exploited for the first time. If application is filed out of term, registry will be denied.

Registration procedure

Registration is conducted with the SIC by means of an administrative procedure. The registration procedure consists of the following stages:

References:

- Decision 486 of 2000 with respect to industrial property, available at: <http://www.sice.oas.org/trade/junac/decisiones/dec486si.asp>
- Industrial property, go to: <http://www.sic.gov.co/drupal/propiedad-Industrial>
- International Nice Classification, go to: <http://serviciospub.sic.gov.co/Sic/PropiedadIndustrial/SignosDistintivos/>



- [Reportes/ConsultaClases.php](#)
- Madrid Protocol, available at: http://www.wipo.int/treaties/es/registration/madrid_protocol/
- The Patent Cooperation Treaty, go to: <http://www.wipo.int/treaties/es/registration/pct/>

Under this right, he or she may decide whether to disseminate the work or not, claim authorship thereon, and object any deformation, mutilation, or modification.

Moral rights do not have a term of protection, that is, they are perpetual.

Moral rights over a work are inalienable.

Copyrights

The protection granted covers any literary, artistic, and scientific works that may be reproduced or disseminated in any form or by any means known or to be known. The competent authority in Colombia on copyrights is the National Copyrights Office (DNDA as per its acronym in Spanish).

The legislation assigns two types of rights:

- Moral rights
- Economic rights

Moral rights

The author is granted an inalienable, indefeasible, imprescriptible, and non-waiverable right.

Economic rights

Economic rights over a work subject to copyrights grant the holder the power to carry out, authorize, or forbid reproduction, communication, public distribution of the work, etc.

Under this right, the holder of economic rights may receive a remuneration per the exploitation or use of the work.

Economic rights apply once the work has been disseminated by any means.

References

- Law 23 of 1982 (Copyrights Act)
- Law 44 of 1993 (Disposal of Copyrights)
- Law 599 of 1993 (Criminal Code)

