

IMPORTANT NOTICE - NEW REGULATIONS ON THE USE OF TRADEMARKS IN URUGUAY

Dear clients and colleagues, we would like to inform that on October 24, 2013, our PARLIAMENT passed Law No. 19.149 on accountability, which will become effective on January 1.

Up to this law, the regulatory framework on distinctive signs did not require the use of trademarks by the holder, and consequently, no trademark cancellation actions could be brought on the grounds of lack of use.

However, Art. 187 of Law No. 19.149 amends Art. 19 of Law No. 17.011 (on distinctive signs), by stipulating that holders of a direct, personal and lawful interest may bring a cancellation action against a registered trademark when:

a) The trademark has not been used by its holder, a licensee, or any person authorized therefor, within 5 consecutive years following the date it was granted or the date authorizing its respective renewals.

B) Such use was interrupted for more than 5 consecutive years.

In case of a cancellation action, the burden of proof shall be borne by the holder of the trademark, who shall prove by any accepted means, any use of the trademark within a 5-year period.

The cancellation application will be processed by the National Bureau of Industrial Property.

It is important to inform that no proof of use will be required when applying for a trademark or renewing the trademark.

Regulations on this new law have not been issued yet, where details on this subject are probably going to be adjusted.

We will keep you informed.