



Abogados & Notarios

TRADEMARKS AND BRANDS

TRADEMARK REGISTRATION IN COSTA RICA.- COSTA RICA INTELLECTUAL PROPERTY.- COSTA RICA TRADEMARKS AND BRANDS.- By: **Rogelio Navas Rodríguez, Costa Rica Intellectual Property Attorney.**- Intellectual property has become a very important asset for businesses and companies around the world, as it protects all the creations from which they obtain their profits. Trademarks and brands are considered one of the most valuable intellectual properties since they are the distinctive sign that differentiates certain products or services from the rest. It is very well-known that once a brand or trademark becomes reputable and consumers start preferring one brand over the other, inappropriate use or registration of a trademark by a third-party may be very harmful. Under Costa Rica law, the first one to register a brand or trademark is the one entitled to use it and can oppose, and even obtain injunctive relief, against anyone else using it without authorization. That is why registering your brands and trademarks is very important to avoid unscrupulous individuals from obtaining benefits from the hard work and effort that of the real creators and promoters of the brand or trademark.

HOW TO REGISTER A BRAND OR TRADEMARK IN COSTA RICA? In Costa Rica, the government entity in charge of keeping track and records of all registered brands and trademarks, and their corresponding owners, is the Public Register (Registro Público), also known as *Registro Nacional* (National Register). It is before their Intellectual Property Division that all brand or trademark registration requests are filed.

Before registering a brand or trademark, it is very important to perform a due diligence to make sure that the brand has not been previously registered or that it is not similar enough to another brand or trademark as for it to be rejected.

Once the due diligence has been performed and it has been determined that it is possible to register the brand or trademark without considerable chances of opposition by third parties, the applicant must complete the corresponding form provided by the Public Register. In this form, the brand or trademark must be described and included. The goods, products or services that the brand or trademark will represent also need to be described and the commercial classification, according with the Nice Convention, must be indicated.

Once the Register has evaluated the application, the applicant will be granted, if necessary, a 30 day term to make any amendments or corrections ordered by the Register. Once the corrections have been made, the Register will order the publication of an ad in the official Gazette. In this ad, the Register notifies about the application and invites any interested parties to file their oppositions in case there should be objections against the registration of the brand or trademark. The term to oppose is of two months and once the term has expired, if there should be no oppositions, the brand or trademark gets registered.



Abogados & Notarios

If you should require more information or help for the registration of a brand or trademark in Costa Rica, do not hesitate to contact us at navas@costarica-law.com, and we will gladly assist you.