

# Changes in Registration Procedures in Colombia

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Since the issuance by the Colombian Government of Decree 0019 of January 10, 2012 “By means of which official unnecessary formalities, regulations and official procedures are reformed or suppressed”, and the acceptance and adherence of the Colombian Government to the Trademark Law Treaty, several important changes have been implemented with regards to Industrial Property procedures in Colombia.

## **The main changes contained in such Decree, may be summarized as follows:**

1. Elimination of all formalities for documents which need to be filed along with any application. No authentication, legalization, apostille or any other formality may be requested. The only exception to this rule would be when waiving of rights are involved.
2. No evidence of existence and legal representation for corporations and companies will be requested, unless there are reasonable doubts over the authenticity of any provided information.
3. Multi-class applications are now acceptable.
4. Assignments of rights of registered trademarks or pending applications may be requested in one single filing, when assignor and assignee are the same for all filings.
5. Changes of corporate name, address or any other fact that affects the ownership of the trademark, with respect to several registrations or pending applications may be requested in one single petition.
6. Multi-class applications may be divided at any moment of the registration process, except when the application is within publication stage. The divisional applications will keep the first application date, as well as the priority right. In addition, a trademark registration may also be divided in several registrations as a consequence of the owner’s petition or following a cancellation, nullification or any other judiciary decision.

Another source of changes is Decree 4886 of December 23 2011 by means of which the structure of the Superintendency of Industry and Commerce, (the authority in charge of the Trademarks and Patents in Colombia) is modified. The main changes are:

1. Elimination of reconsideration petition against negative decisions issued by the Examiner so that the same officer would modify his decision. Now it will only be possible to file appeal before the superior authority.
2. The Head of the Trademarks Office now has the capacity to summon the parties in an opposition procedure in order to have them reach to an agreement, so that the application being opposed may be accepted for registration.

Finally, it is important to note the coming of a new Administrative Procedure Code, which will begin to be in force as from July 2, 2012. This new code provides that administrative procedures before the High Administrative Court will be conducted orally, which will shorten considerably the length of the nullification actions related to Industrial Property matters.

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