

New Trademark Law in Puerto Rico

A new trademark Law was enacted on December 16, 2009, by the Commonwealth of Puerto Rico, revoking the former TM Law of 1991.

The new Law, among other stipulations,

- provides for the registration of Trademarks used or intended to be used in Puerto Rico
- changes the term after which a mark not in use is deemed abandoned from 5 years to 3 years
- requires the filing of a statement of continued use by and during the 5th and 10th year of registration. The Registrant can request an extension of 1 year for filing said statement which can be granted or not by the TM Office depending on the justifications given by the Registrant

Like pursuant to the former Law, trademarks will remain alive for 10 years and can be renewed for equal periods. Yet, the new Law provides a 6-month grace period for renewing purposes.

Existing Trademark registrations remain protected until their scheduled expiration dates and may be renewed pursuant to the terms of the new law.

The former alternative of obtaining a Puerto Rico Trademark based on an US registration is no longer available.

The new law gives protection to marks against infringement and provides actions for Trademark owners to attack infringement, such as seizure of infringing goods, cancellation or assignment of the infringing Trademark, etc

As before, an opposition to registration must still be filed within 30 days after its publication. The 2009 Act provides, however, for an extension of time of 20 days (with just cause) to file an opposition to the registration of a mark after the 30 opposition period has lapsed. The extension has to be requested prior to the expiration of the original 30 day term.

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