



CUESTA & ASOCIADOS
ABOGADOS / ATTORNEYS AT LAW



THE MADRID PROTOCOL IN COLOMBIA



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- Origins of the Madrid Protocol
- Adoption and of the Madrid Protocol in Colombia
- Prosecution
- Differences AC Law (Colombia) vs MP
- Statistics in Colombia



MADRID PROTOCOL

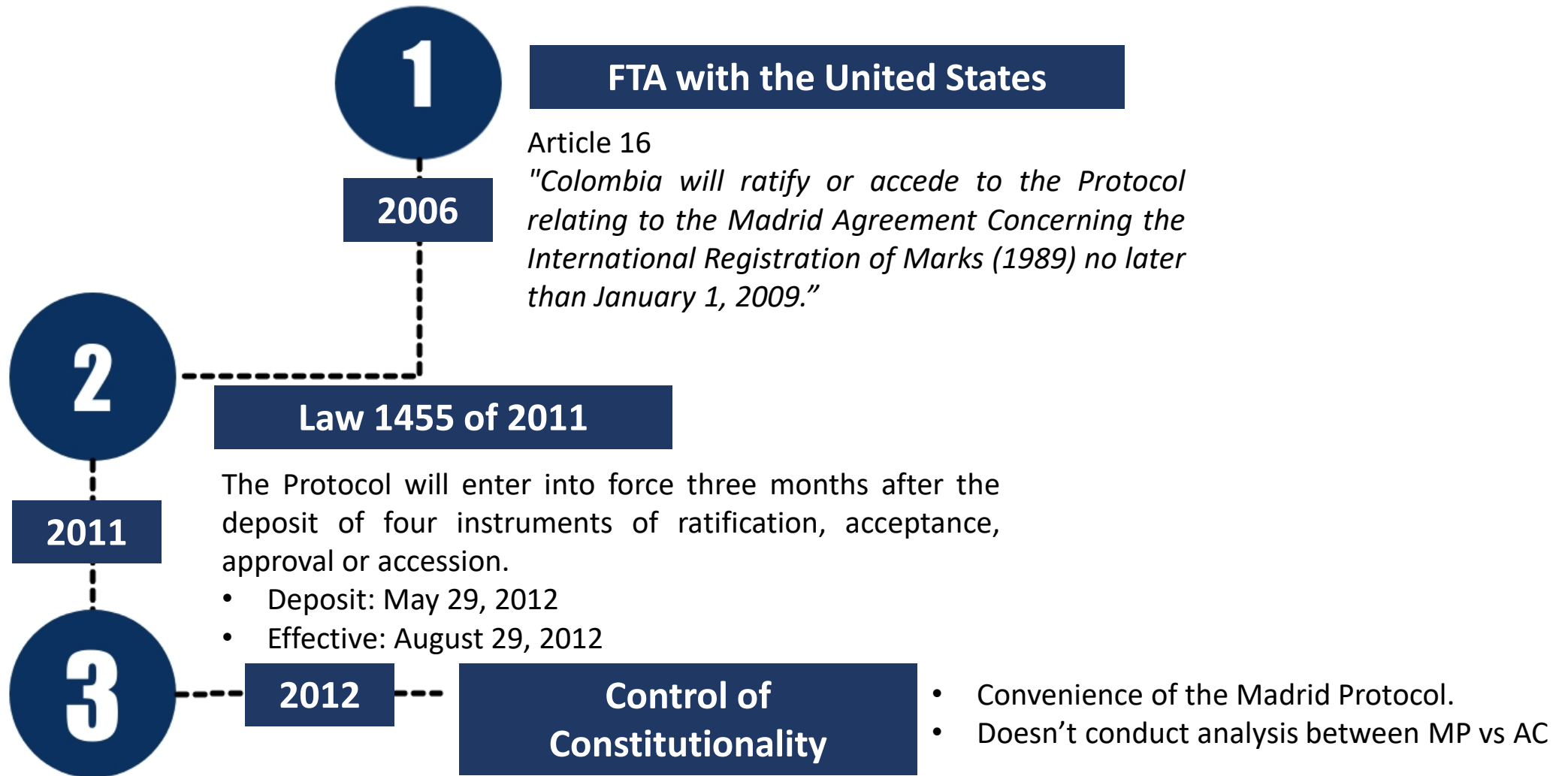


Origins



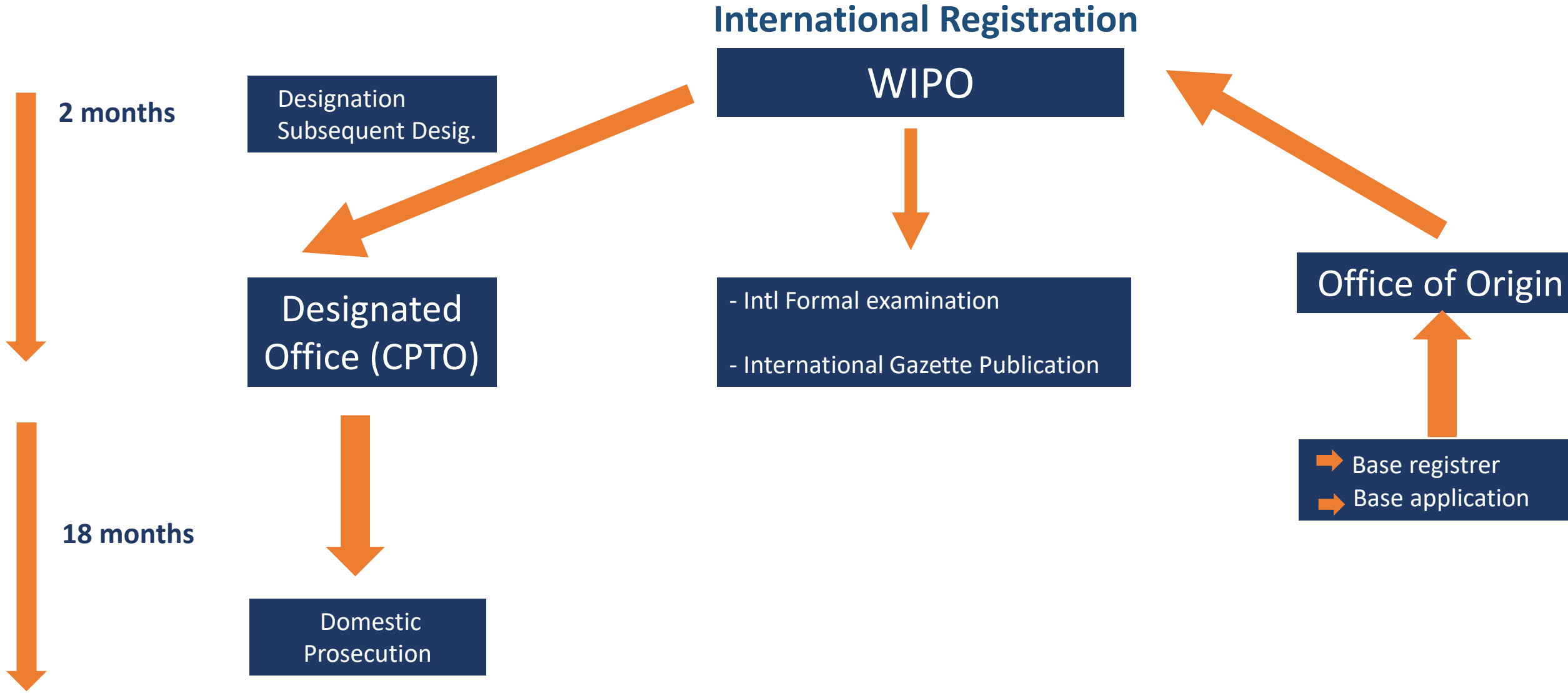


MADRID PROTOCOL Adoption in Colombia





MADRID PROTOCOL Prosecution

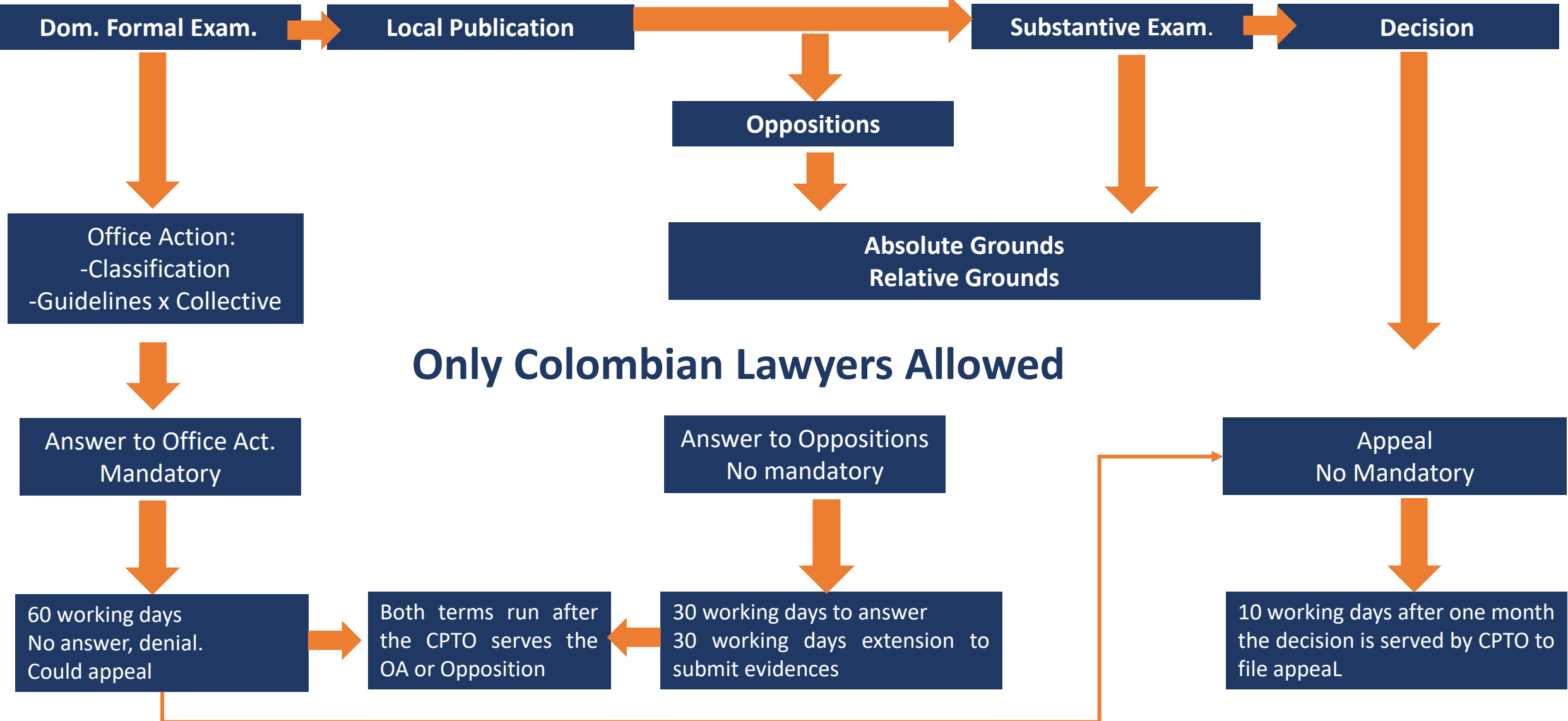




MADRID PROTOCOL



Domestic Prosecution (18 months)





MADRID PROTOCOL



Differences: AC Law (Colombia) vs MP

	TOPIC	ANDEAN COMMUNITY	MADRID PROTOCOL
GROUNDS OF REFUSAL	Notorious Trademark as a ground for Refusal	Only accepted in AC Countries	Accepted from any country
	Unfair Competition		
	Bad Faith Trademark Registration	Only for nullity	Opposition and nullity
	Term to Notify a Refusal		18 Month
	Granting	By a CPTO Decision	CPTO Decision Elapsing the term for refusal
	Validity Term	10 years from Registration	10 years from the IR
	Express Registration		
	Management Registration	Before CPTO	Via WIPO Takes 2-6 month



MADRID PROTOCOL Statistics in Colombia



Designations: Colombia Country of Origin

Base Mundial de Datos sobre Marcas

Permite buscar información sobre marcas en múltiples fuentes, nacionales e internacionales, entre otras cosas, sobre marcas, denominaciones de origen y emblemas oficiales. V: 2019-09-11 14:45

Data from Uruguay available Over 266000 records added 2019-08-01	Data from 9 ARIPO member states available Over 407000 records added 2019-04-08	A new AI-powered image search available Use the "Concept" Strategy 2019-04-01	Data from Registro Nacional Costa Rica available Over 326000 records added 2019-03-21	International Nonproprietary Names from WHO available Over 9800 records added 2019-02-08	Data from I available Over 33500 NEWS
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BUSCAR POR

- Marca
- Nombres
- Números
- Fechas
- Clas
- Pais

Origen = e.g. CH, Switzerland

Designación = e.g. FR, France

BÚSQUEDA ACTUAL

OO:CO ✕

búsqueda ↗

FILTRAR POR

- Situación
- Origen
- Año sol. *
- Fecha de caducidad *
- Designación *

US	86	CN	73	MX	64	EM	63	JP	28	RU	28
GB	26	CH	24	IN	23	TR	19	KR	19	NO	16
ES	15	IL	15	FR	14	MC	14	AU	14	IT	14
SG	13	NZ	11	DE	11	VN	10	MZ	10	CU	10
CA	10	MA	9	AG	9	PH	8	SE	8	RO	8
LU	7	NL	7	BE	7	UA	7	CW	7	BX	7
BG	7	BA	7	OA	6	MN	6	MG	6	ME	6

Visualizar: Lista

Ordenar: Total - desc

filtrar



MADRID PROTOCOL Statistics in Colombia



Designations: Colombia Country of Origin



86



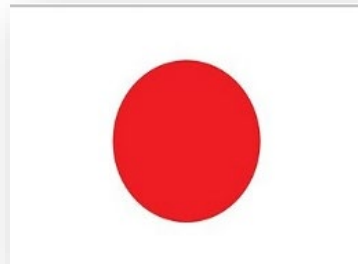
73



64



63



28



28



MADRID PROTOCOL Statistics in Colombia



Colombia as Designated country

Base Mundial de Datos sobre Marcas

Permite buscar información sobre marcas en múltiples fuentes, nacionales e internacionales, entre otras cosas, sobre marcas, denominaciones de origen y emblemas oficiales. V: 2019-09-11 14:45

búsquedas registros ayuda

- Data from Uruguay available 2019-08-01 Over 266000 records added
- Data from 9 ARIPO member states available 2019-04-06 Over 407000 records added
- A new AI-powered image search available 2019-04-01 Use the "Concept" Strategy**
- Data from Registro Nacional Costa Rica available 2019-03-21 Over 326000 records added
- International Nonproprietary Names from WHO available 2019-02-08 Over 9800 records added
- Data from I NEWS available 2019-02-08 Over 33500 records added

BUSCAR POR

Marca Nombres Números Fechas Clas País

Origen = e.g. CH, Switzerland

Designación = e.g. FR, France

búsqueda

BÚSQUEDA ACTUAL

DS:CO

FILTRAR POR

Fuente Imagen Situación Origen Año sol. * Fecha de caducidad *

US	6,343	EM	4,988	CN	3,268	FR	2,351	CH	2,324	DE	2,266
IT	1,310	ES	1,191	LU	1,035	NL	1,035	BE	1,035	BX	1,035
GB	1,026	JP	920	KR	474	TR	368	AU	338	RU	291
DK	210	PT	203	BG	185	IE	160	AT	159	SG	151
IL	149	IN	127	MX	113	NO	102	DT	102	NZ	93
SE	74	PL	73	LI	71	CZ	68	FI	60	HU	47
VN	44	UA	36	CY	26	GR	23	SI	23	IR	21

Visualizar: Lista

Ordenar: Total - desc

filtrar



MADRID PROTOCOL Statistics in Colombia



Colombia as Designated country



6.343



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE
Observatory

4.988



3.268



2.351



2.324



2.266

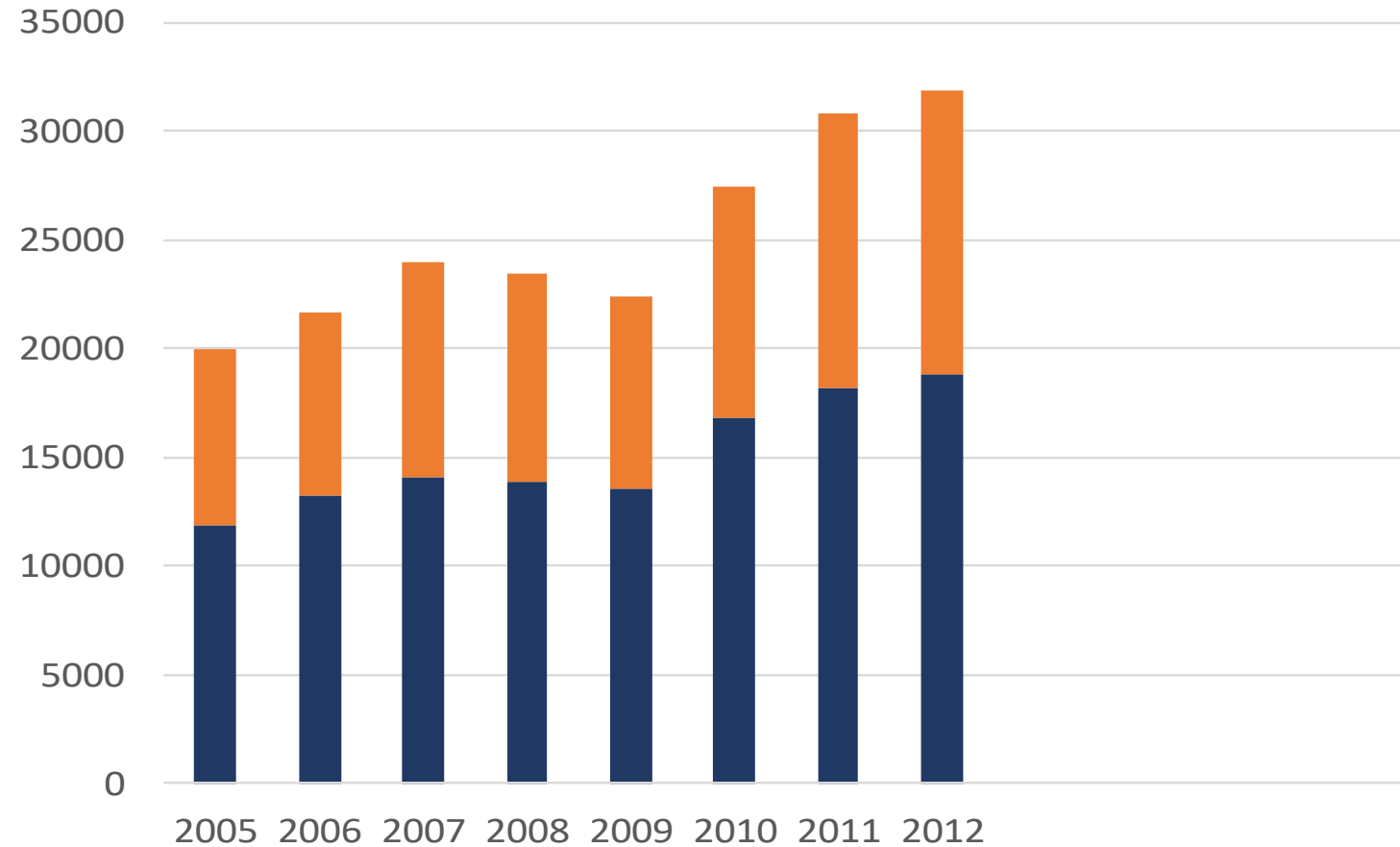


MADRID PROTOCOL Statistics in Colombia



Trademark Applications BEFORE the Madrid Protocol

- **Foreigners: 40.63%.**
- **Domestics: 59.37%.**



(I) Numbers taken from SIC Industrial Property Report for 2014.

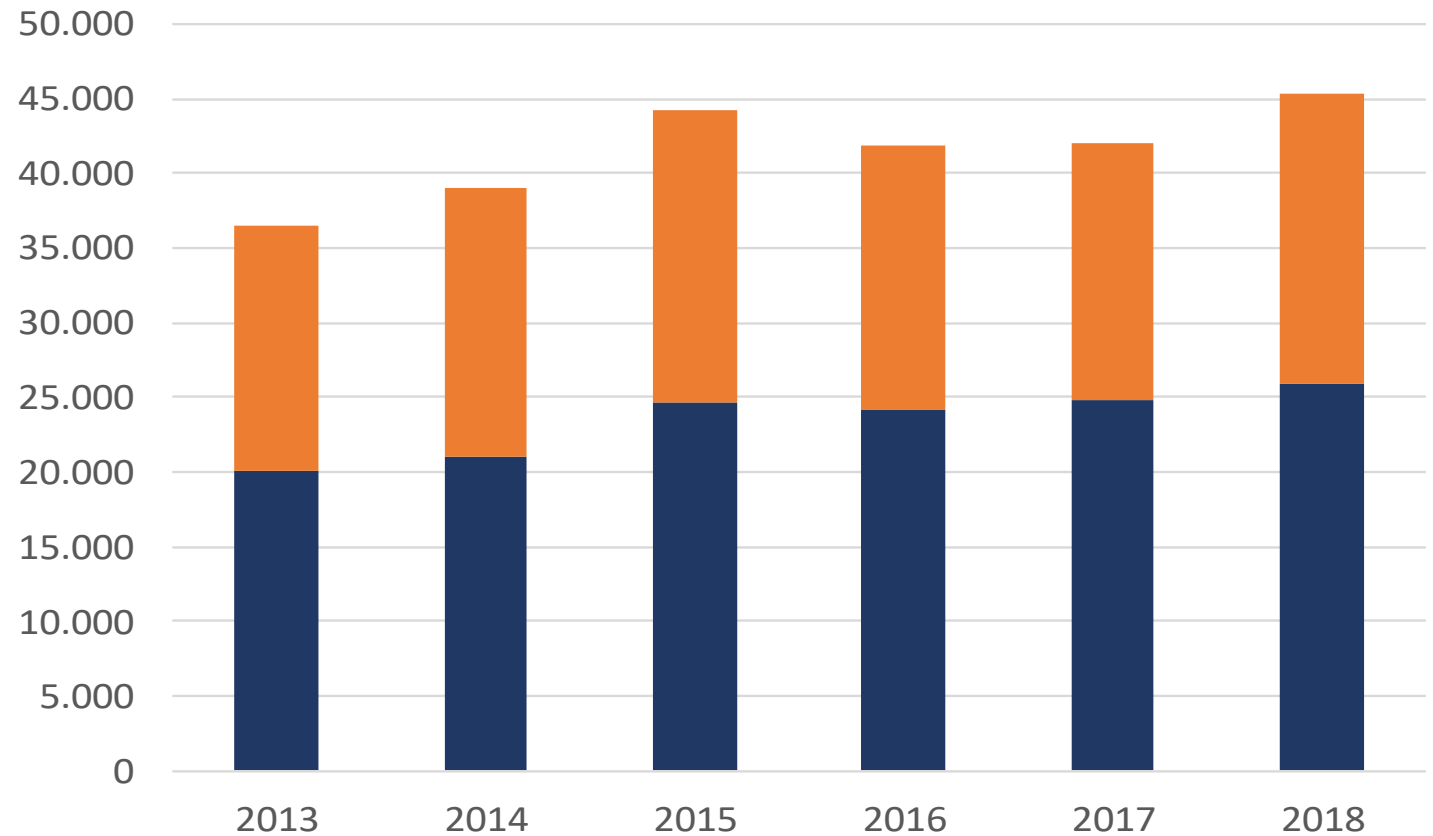


MADRID PROTOCOL Statistics in Colombia



Trademark Applications AFTER the Madrid Protocol

- **Foreigners: 43,5%.**
- **Domestics: 56,5%.**



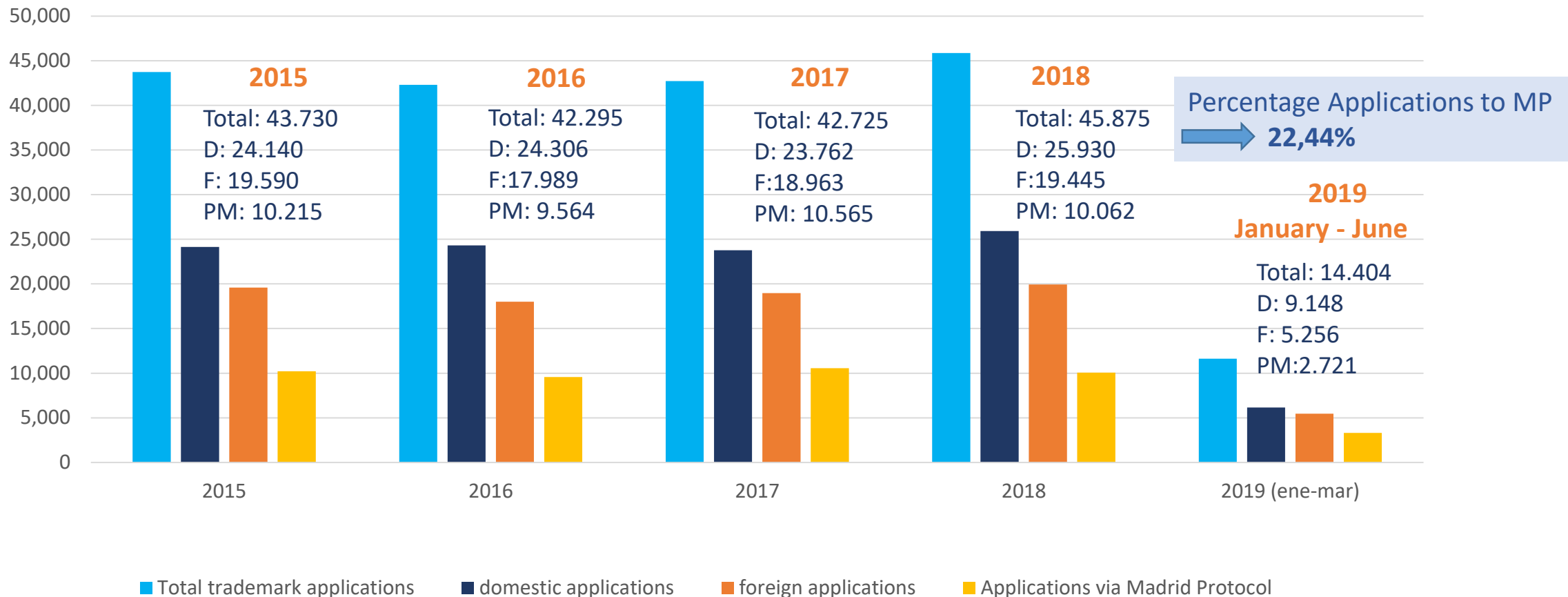
■ Domestic ■ Foreigners



MADRID PROTOCOL Statistics in Colombia



Trademark applications made by foreigners and domestics in Colombia 2015-2019

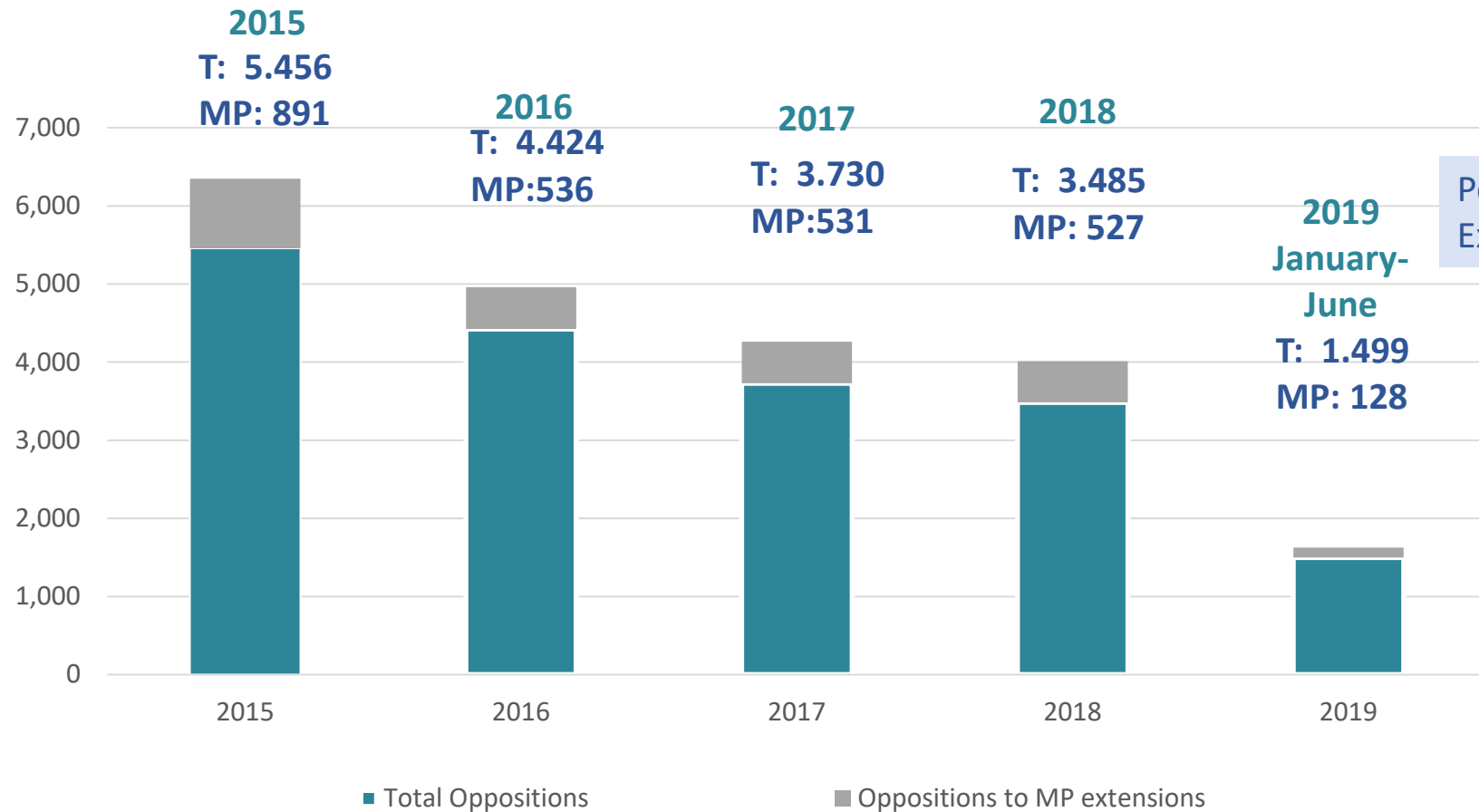




MADRID PROTOCOL Statistics in Colombia



Total Oppositions vs. Total Oppositions to MP Extensions.



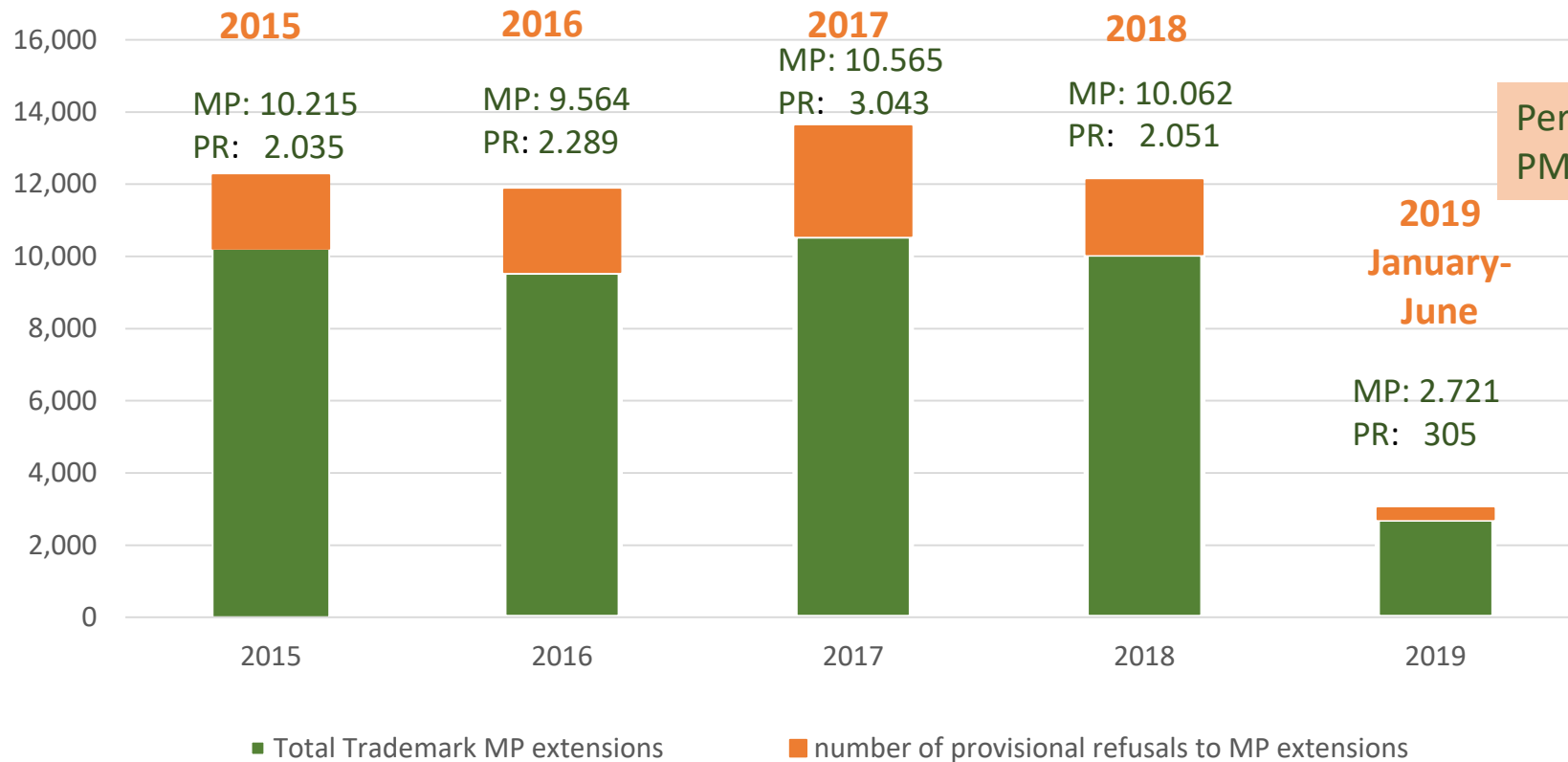
Percentage Oppositions to MP Extensions → 13,27%



MADRID PROTOCOL Statistics in Colombia



Total Trademark MP Extensions vs. Total Provisional Refusals to PM Extensions



Percentage Provisional Refusals to PM Extensions → **20,84%**



MADRID PROTOCOL Statistics in Colombia



Summary

		Conversion Rate	Effective Trademarks
Total Extension Designating in Colombia	31.035	2,3	73.381
Total IR from Colombia	168	(975 designations) 2,3	2.242

RATE OF USE PM:

EXIT FROM COLOMBIA vs ENTRY TO COLOMBIA:

3,05%



MADRID PROTOCOL Statistics in Colombia



Summary

TOPIC		PERCENTAGE
Total Trademark Applications MP/Total	➔	22,44%
Total provisional refusal / MP Extension	➔	20,84%
Refusals for study of form / MP Extension	➔	3,60%
Total oppositions / MP Extensions	➔	13,27%
Appeals against refusals	➔	6,57%



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¡THANKS!

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