



EXCO MEETING, CAPE TOWN 13 & 18 APRIL 2015

COUNTRY REPORT	
TITLE:	Country report for PERU
DRAWN UP BY:	FRANCISCO ESPINOSA BELLIDO / FERNANDO BARREDA ZEGARRA
TABLED TO:	FICPI delegates
PURPOSE:	For information and consideration
SNIPPET:	News from and activities of the FICPI national group in PERU since the Barcelona ExCo in November 2014.

SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

B1. LEGISLATION

1. Please provide details of any changes to IP legislation (patent, trade mark, design and other) in your country implemented or due to be implemented since you reported last in October 2014. [Additional limitations to Copyright have been approved by Law Nº 30276 published in the official gazette in 3 December 2014 related to the educational purposes. No preliminary authorization shall be needed from the author nor payment shall be needed to perform communication to the public of works by digital means if it is restricted to educational purposes without obtaining profits and the public is composed exclusively by students, teachers, parents and tutors of the students. Likewise, it has been allowed without needing preliminary authorization from the author nor payment to it, the public lending of copyrighted works by digital means performed by libraries and archives that seek no profit other than educational and cultural purposes.](#)

B2. MAJOR CASES

2. Please provide brief details of any new case law in the field of patents, trademarks, design or other IP of general interest.
[Trademark Authority has recently issued a precedent of mandatory compliance dealing with coexistence agreements \(Resolution Nº 4665-2014/TPI-INDECOPI\), which states minimum conditions that the coexistence agreements must meet in order for their acceptance to be considered. Said minimum conditions are the following:](#)
 - [Information about the marks involved in the agreement, including their denominative and figurative elements and the products and services they distinguish \(as registered and/or applied for\).](#)
 - [Delimitation of the territorial scope within which the agreement will be applied.](#)
 - [Delimitation of the products and/or services to which the marks involved in the coexistence agreement will be restricted in the market. For this purpose, it will be necessary that the](#)



parties apply for the effective limitation of the products and/or services in the respective registrations and applications.

- Delimitation of the way of use and/or presentation of the marks.
- Indication of the consequences of breaching the agreement.
- Establishing dispute resolution procedures in case a contentious matter between the parties would arise.

However, meeting said minimum conditions, does not entail that the agreements will be automatically accepted; rather, the Trademark Authority will analyze if the minimum conditions, in the terms established in the agreements, are enough to assure that consumers will not be induced to confusion in the marketplace.

B3. OFFICIAL PRACTICE

3. Please provide details of any changes in official patent and trade mark office practice which would be of general interest to other members.

The Patent Office has announced that it will begin to deliver the Letters Patent to the Applicant's attorney, instead of the prior system by which the agent was required to collect the same.

B4. PROPOSALS FOR CHANGES

4. Please provide details of any proposed changes in IP laws or practice and indicate if your National Association/Section is involved in providing comments to such changes.

Would it be of assistance to have input from the CET on any proposed changes?

There have been no proposed changes in IP law/practice.

SECTION C: OTHER INFORMATION

Please provide details of any other information pertaining to your country or region that would be of general interest to FICPI members and other IP practitioners browsing FICPI's website.

None.

C1. QUALIFICATION AND THE RIGHT TO REPRESENT CLIENTS BEFORE A COURT

- 1.1 Please describe the qualification process for becoming a patent attorney in your country/region.

There are no specific regulations to qualify as a patent attorney in Peru.

- 1.2 Has the patent attorney qualification process changed in any way in the past 5 years?

No.

- 1.3 Does qualification as a patent attorney permit you any right of representation before any Court in your country?

No.

- 1.4 If so are there any special requirements or restrictions?

You must be a lawyer to perform a representation before any court.

- 1.5 Are qualified lawyers in your country permitted to work in the patent field without any further qualification?

Yes.



If so are there any restrictions on what they may do?

No.

If so, please describe those restrictions.

- 1.6 Please describe what privilege attaches to patent attorney communications including any restrictions.

An attorney-client privilege protects communications between attorneys and their clients.

- 1.7 Please describe the qualification process for becoming a trade mark attorney in your country/region.

There are no specific regulations to qualify as a trade mark attorney in Peru.

- 1.8 Has the trade mark attorney qualification process changed in any way in the past 5 years?

No.

- 1.9 Does qualification as a trade mark attorney permit you any right of representation before any Court in your country?

No.

If so are there any special requirements or restrictions?

You must be a lawyer to perform a representation before any court.

- 1.10 Are qualified lawyers in your country permitted to work in the trade mark field without any further qualification?

Yes.

If so are there any restrictions on what they may do?

If so, please describe those restrictions.

- 1.11 Please describe what privilege attaches to trade mark attorney client communications including any restrictions.

An attorney-client privilege protects communications between attorneys and their clients.

C.2 CET AND PEC SPEAKERS

- 2.1 Would your National Section/Association be interested in obtaining assistance from FICPI, through either the CET Work and Study Group or the Professional Excellence Commission (PEC), in providing speakers for seminars organized by your national group in your country?

Yes.

- 2.2 If your group does, or in the future might, require such assistance, please identify topics that might be of interest to your members, with a view to raising FICPI's profile and providing added value from membership of FICPI in your country.

Genetic Resources and Biodiversity protection

Motion marks

3D printing and IP rights



C.3 TOPICS OF INTEREST

3.1 Please list three IP topics that are of particular interest to you and/or your national section members.

[Trademark Coexistence Agreements](#)

[License Agreements](#)

[Franchise Agreements](#)

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