

TRADEMARKS IN COSTA RICA

In Costa Rica the Trademarks, Commercial Names and other Distinctive Signs Acts, Law N° 7978, establishes that a commercial sign, design or expression in order to be considered a trademark has to be a combination of signs that distinguishes the goods and services of one person or entity from another's. It will require being sufficiently distinct and capable of identifying the goods and services to which they are applied from those of their same species or kind.

Therefore, in order to obtain an exclusive right over said signs, registration before the Trademark's Registration Office at the Public Registry is highly recommended. The following are the requirements to register trademarks in Costa Rica:

1. Power of Attorney, (POA) duly signed and authenticated by Notary Public.
2. Full name and address of the applicant
3. If priority is solicited based on the Paris Convention, a certified copy of the application. The application must have been filed within the previous six months.
4. Designs of the trademark. (logo size 10x10 cm)
5. Goods or services to be protected according to Nice Classification or description of them in order to place them correctly.

Trademark's Procedure

After the application is duly filed it undergoes a substantive examination. Potential refusals can include:

- 1) failure to comply with filing formalities
- 2) inherent unregistrability of the mark or 3) conflict with prior trademark rights.

If no objections are raised, the application needs to be published in our Official Legal Newspaper "La Gaceta". CR Law grants a term of two months for third parties to oppose, if no oppositions are filed within the next two months of the first publication date, the registration would be granted and the Registration Certificate would be issued two months afterwards approximately.

GM Attorneys is a premium boutique Law Firm with offices in Flamingo Beach, Tamarindo and San Jose.

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