

Latin America IPR SME Helpdesk IP Factsheet: Colombia



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1. IPR in Colombia for SMEs: Background

A. Intellectual property rights for SMEs: Why is this relevant for you?

Intellectual Property (IP) refers to any creation, invention or sign that can be used in commerce, is bound to its creator or inventor, and can generate profits for its creator, inventor or right holder. Hence, it must be considered as part of the main assets in a company or industry. IP is usually divided into two branches, namely Industrial Property, which relates to inventions, designs or signs used in commerce; and copyright (or 'author's right', according to non-English definitions), which relates to literary and artistic works.

Intellectual Property Rights (IPR) are exclusive rights granted by the law that allow the right holder to restrict any unauthorised use or exploitation of their creations, inventions or signs by unauthorised third parties. The exclusive right is territorial and temporary, and its length differs depending on the IPR.

There are many advantages to securing your IP rights. Once a right holder obtains protection, they can exclude third parties in order to obtain a significant advantage in the market that will allow them to recoup investment in research and development. Moreover, IP rights can generate revenue as they constitute intangible assets. In that sense, they can be commercialised or licensed. The creation and protection of most IPRs, namely copyrights, trade marks or industrial designs, does not involve a large investment of resources compared to the advantages that it can bring, whereas the development and protection of inventions (patents) tends to be more expensive.

INTELLECTUAL PROPERTY

However, it is always important to consult with your local expert, as many IP offices offer discounts and fee waivers. In both cases, SMEs could benefit from the right protection, management and exploitation of their IP rights, since they:

- Differentiate from competitors.
- Constitute a strong basis to build goodwill in the market.
- Allow the generation of income through other business models such as licensing or franchising.
- Could be even more important than tangible assets (e.g. Coca Cola, Apple, Google).
- Prevent third parties from using a company's names, inventions, and creative works.

Even though intellectual property legislation enjoys a certain degree of international harmonisation, Colombia has some differences with the EU legislation. This factsheet is aimed at explaining such differences concerning copyright, patents, industrial designs, trade marks, trade names and geographical indications.

TIPS and WATCH OUTS

It is useful to check the European Commission's TRADE website for information regarding trade barriers and market access:

- https://madb.europa.eu/madb/barriers_result.htm?sector-s=none&cou%20tries=CO&measures=none
- <https://ec.europa.eu/trade/policy/countries-and-regions/regions/andean-community/>

It is likewise advisable to check with your local Chamber of Commerce or other support services before making business decisions as regards exports or investments in Colombia.

B. How does Colombia's IP legal framework compare to international standards?

Colombia is signatory to the main international conventions and agreements; it is a Member of the Paris Convention and a Member of the World Trade Organization. In addition, the country is signatory to some of the most relevant treaties managed by the World Intellectual Property Organisation (WIPO), such as the Patent Cooperation Treaty (PCT), the Madrid Protocol and the Global Patent Prosecution Program, agreements that ease the international registration of IPRs (see sections on patents and trade marks for further details).

The country is also one of the latest members to the Organisation for Economic Co-operation and Development (OECD), and is also part of the Andean Community. The latter is a multilateral organisation composed of Bolivia, Colombia, Ecuador and Peru, which aims to harmonise the legal frameworks of the four countries and foster cooperation between them. Among others, the Andean Community regulates the intellectual property regime of the countries.

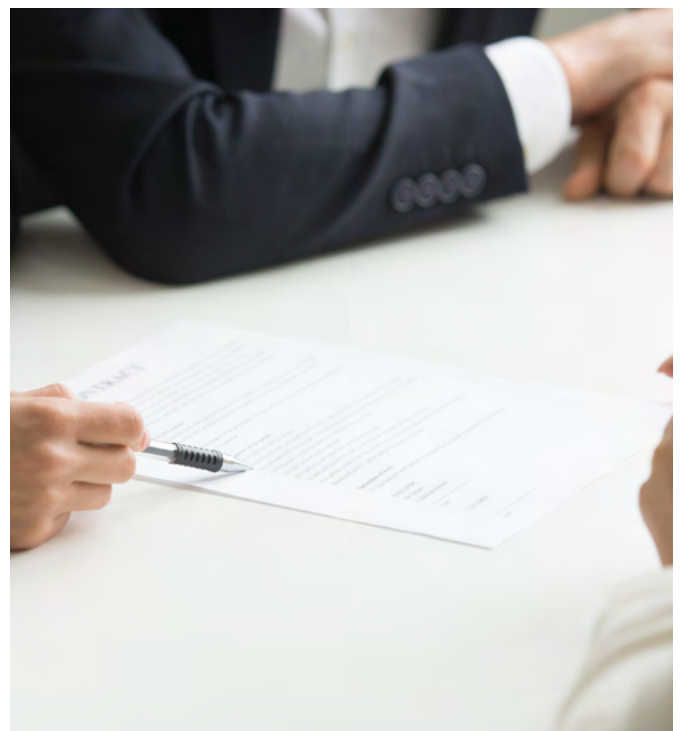
It is also worth mentioning that Colombia is a member of PROSUR (Cooperation System on Management Information and Industrial Property), an initiative for IP cooperation regarding the prosecution

and enforcement of IPRs among 12 Latin American IP offices including, but not limited to Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay. Besides, Colombia has signed approximately 12 free trade agreements (including those with the EU and the US) and is a member of the Pacific Alliance (together with Chile, Peru and Mexico), which have significantly helped improve the effectiveness of the procedures and institutions responsible for protecting IP rights (for instance, reducing the term for granting trade marks and patents).

As part of the implementation of several international agreements, the Colombian Superintendency of Industry and Commerce (SIC) has invested in a state-of-the-art platform for digital filing and monitoring of IP procedures in the country, digitalising all its services.

These efforts made by Colombia to modernise its IP ecosystem is also shown in online databases such as TMView and DesignView. These are specialised online databases set up by the EUIPO, which allow users to search for trade marks or designs that have already been registered in certain territories.

Although IP protection has improved during the last years, it should be reminded that Colombia remains listed in the watch list of the *Special 301 Report* of the United States Trade Representative, a report that aims to review IP policies of different countries and their performance in fields like IPR enforcement. The report lists countries in which intellectual property protection is not guaranteed or adequately administered in accordance to international treaties. Moreover, this report urges this country to strengthen copyright protection, and to guarantee that digital piracy will be prosecuted more expeditiously. It also argues in favour of the entrance of Colombia to the latest version of the UPOV convention (91) and promoting enforcement by giving more authority to custom agents in seizing counterfeited goods. (Source *US Special 301 Report*).



copyright

2. IP rights in Colombia: The basics

A. Copyrights and neighbouring rights

What do you need to know?

Copyright protects artistic, literary and scientific works that may be reproduced or disclosed by any current or future means such as books, lectures, musical compositions, sculptures, computer programs, etc. Said protection covers both original and derivative works (e.g. adaptations, compilations, transformations, translations or arrangements).

As in Europe, copyright in Colombia is split into two groups of rights:

- **Economic rights**, derived from the property of a protected work, grant the author (or owner) the right to prevent third parties from: communicating to the public, reproducing, distributing and transforming the work.
- **Moral rights** are personal rights of the author that cannot be transferred and include mainly the right to be recognised as an author, the right to decide to publish the work and the right to the integrity of the work.

Economic rights can be transferred or licensed in order to allow third parties to exploit the work. The transfer or licence can cover all economic rights recognised by the law or some of them only.

Neighbouring rights or related rights protect the contribution made by other actors that are involved in the creation or exhibition of a work (e.g. performers, producers of phonograms and broadcasters).

TIPS and WATCH OUTS

Although computer programs or software are traditionally protected via copyright, as they are considered the expression of a language, the Colombian Patent Office recognises the patentability of computer-implemented inventions.

If you have any questions related to software patentability in Colombia, we invite you to contact our Helpline. It is free, fast and confidential.

How do I register?

You do not have to register your work in Colombia to protect it, since it will be protected from the moment it is fixed in a tangible medium. However, registration is highly recommended as it may be used as proof of ownership and can be very useful in certain circumstances (e.g. in case authorship is not specified in the work published).

Registration in Colombia should be carried out before the Copyright National Directorate: Dirección Nacional de Derechos de Autor ([DNDA](#)).

It is possible to register your work in person at the DNDA facilities or you can do it online via the [DNDA website](#) (note that this method of registration is only available to Colombian nationals). The applicant should file an application form to initiate the registration process. The following information must be submitted:

1. application (submitted by the applicants themselves or someone on their behalf)
2. author(s) that created the work (identified by name, pseudonym, signature or a sign)
3. work (title, year of creation, description and type)
4. ownership status, i.e. if the economic rights belong to the author or a third party
5. a copy of the work (attached in case of an online request or preferably in CD or DVD, in case the application is submitted in person)

The applicant can obtain a physical copy of the registration document 15 days after the DNDA'S reception of the work by requesting it in person or by downloading it online.

Who can register works?

Authors or their representatives can register their work before the DNDA. Colombia's law also entitles companies to register works as long as they have a legal representative in Colombia.

TIPS and WATCH OUTS

Economic right holders may also register authors' works, if they prove that the author has licensed or otherwise authorised them to exploit the work.

If you have a registered unedited work in Colombia, take a look at the [Orange Network](#): this network allows authors to connect with cultural promoters and editors in order to create an investment hub for copyrights.

How much does it cost?

There is no fee needed for the registration of works before the DNDA.

TIPS and WATCH OUTS

Registering a book, software, song lyrics or a screenplay is especially advisable in Colombia, since it:

1. will prove when the work was created
2. confers a presumption of authorship
3. is free

How long does legal protection last?

Economic rights shall be protected for a period of 80 years from the author's death, which is longer than the legal term of protection granted in Europe (70 years). The Andean Decision 351 establishes a 50-year term of protection counting from the author's death. Nevertheless, there is an internal regulation that allows for that term to be extended. This is the reason why protection in Colombia is of 80 years *post mortem*, in accordance with Law 23 from 1982.

The term of protection of economic rights for anonymous or

pseudonymous works is of 80 years from their first publication. Economic rights to audio visual and photographic works are protected for a period of 80 years from their publication. Computer programs are protected for 80 years after the creation or publication.

When the owner is a legal person, protection lasts for 70 years counting from the creation, disclosure or publication of the work. This term was extended due to the implementation of Law 1915 in 2018.

B. Patents and utility models

Patent protection is granted to new and inventive products or processes of any field of technology that solve a technical problem by technical means.

Exclusivity is granted to an inventor in exchange for the full disclosure of the invention in order for it to be exploited by the public after the protection term elapses.

What do you need to know?

Colombia recognises two types of patents. The first one refers to invention patents and the second one refers to utility models:

- **Invention patents:** Protect new inventions concerning products or processes in any field of technology.
- **Utility models:** Protect minor inventions, such as a new improvement of an already known invention that provides an extra functionality. Utility patents are only available for products.

In order to obtain **patent** protection, the new invention must fulfil the following requirements:

- **Novelty:** An invention shall be considered new when it is not included in the state of the art. The state of the art comprises everything that has been made available to the public by written or oral description, by use, marketing or any other means prior to the filing date of the patent application or, where appropriate, the recognised priority date (see Glossary) (as stated in article 16 of Decision 486).
- **Inventive step:** An invention shall be regarded as involving an inventive step if an expert with average skills in the technical field concerned does not consider said invention as neither obvious nor obviously derived from the state of the art (as stated in article 18 of Decision 486).
- **Industrial applicability:** An invention shall be regarded as industrially applicable when its subject matter may be produced or used in any type of industry. Industry is understood here as involving any productive activity, including services (as stated in article 19 of Decision 486).

TIPS and WATCH OUTS

Colombia grants a grace period for any disclosure made within the previous 12 months after the initial filing, provided that said disclosure was made by:

- the inventor or its successor,
- a national office in accordance with the law, or
- a third party that had unlawfully obtained the information.

A **utility model**, on the other hand, and in accordance with article 81 of the Andean Decision 486/2000, is “any new shape, configuration, or arrangement of components of any device, tool, implement, mechanism or other object, or any part thereof, ...”

In order to obtain a utility model, the applicant should prove that the object is new, i.e. it has not been previously disclosed and that it has industrial applicability.

It is important to take into consideration that utility models do not cover the aesthetics of the object, as this is protected through industrial designs, and that processes and any other matters excluded from patentability shall also be excluded from utility model protection.

Note that almost all dispositions related to patents in Colombia are fully applicable to utility models, except for a few of them (scope, duration and proceedings), the differences of which will be explicitly detailed below.

TIP: The Colombian Patent Office follows the examination guidelines of the European Patent Office. Therefore, if a patent has been filed by an SME before the EPO, the Colombian examiners will find every report helpful when considering granting a patent.

What cannot be protected as a patent in Colombia?

The law provides two types of restrictions when it comes to patents in Colombia. The first one refers to subject matters that are not considered inventions (article 15 of the Decision), for example: discoveries or scientific theories, algorithms, living beings or biological material found in nature, software, literary and artistic work, games or business methods.

Concerning the second restriction, the following matters are not patentable:

- those the commercial exploitation of which must be necessarily prohibited in order to guarantee the law and order, as well as morality;
- inventions that may affect the environment or the health and life of individuals, animals or plants;
- plants and animals other than microorganisms, and essentially biological processes for the production of plants or animals other than non-biological or microbiological processes.
- therapeutic or surgical methods needed for human or animal treatment and diagnostic methods applied to human beings or animals.

TIPS and WATCH OUTS

Only products and processes are patentable under Andean Decision 486. This means that neither uses nor second-uses (see Glossary) are accepted.

Genetic resources and patents based on traditional knowledge

Patents concerning genetic resources, traditional knowledge from local and Afro-Colombian communities and genetic resources derived from traditional knowledge can also be protected as patents, subject to the fulfilment of certain requirements set by the Andean Community legislation on the access to genetic resources and benefit sharing (Decision 391 of 1996).

Those requirements are:

- prior informed consent from the State and/or local and Afro-Colombian communities, if there is any kind of traditional knowledge involved;
- agreement with the State and/or local communities, and
- obligation of sharing the benefits with the State and/or local communities.

How long does legal protection last?

Patent protection lasts for 20 years, counting from the filing date of the application. It takes from 1 to 2 and a half years to get a patent granted in Colombia (this may vary depending on the field). It is important to mention that patents cannot be renewed or extended.

It is possible to restore the terms if there is an unjustified delay in prosecution. However, this does not apply to pharmaceutical inventions.

Legal protection for **utility models** lasts for 10 years from the filing date of the application and it normally takes around a year or less to obtain protection.

The Colombian Patent Office is one of the fastest in the world. This can be helpful for European SMEs because they can obtain favourable search and examination results in Colombia and use the examination report to request accelerated examination in neighbouring countries such as Brazil, Peru or Uruguay.

Finally, it is worth mentioning that the country is part of the Global Patent Prosecution Highway, which allows foreign applicants to request accelerated examination of the substantive aspects of their patents. For more detailed information on this matter, you can contact our helpdesk [here](#).

Who can register a patent or utility model?

The inventor or any person (natural or legal) to whom the right has been transferred is entitled to apply for patents and utility models. It can be done directly or through a legal representative. The power of attorney does not require formalities and it can be done by means of a private document (usually a contract or authorisation).

Applicants without residence in Colombia must appoint a legal representative.

How do I register a patent or a utility model?

Patent or utility model applications should be filed before the Superintendency of Industry and Commerce (SIC) and this proceeding can be carried out online or in person. However, online filing offers a discount, unlike in-person filing. Colombia has a specific online platform for IP filings <http://sipi.sic.gov.co/>

The basic required documents are:

- patent application form;
- proof of payment of the fee;
- power of attorney, if necessary;
- technical information of the patent, which should include a title, an abstract, a description, a set of claims and drawings:
 - + The abstract consists of a summary of the technical solution to the problem. However, the abstract only serves as a source of technical information.
 - + The description should disclose the invention in a sufficiently clear and complete way so that a person skilled in the art can be able to understand it and carry it out.
 - + The claims define the subject matter of patent protection.
 - + Drawings, examples (together with their description)
- When the applicant is not the inventor, the contract that serves as proof of the invention must be transferred to the applicant.

All documents must be presented in Spanish. There is no official translation required. A regular translation would suffice.

TIPS and WATCH OUTS

Colombia is a member of the Patent Cooperation Treaty. Therefore, there are alternative ways of filing a patent in the territory. One is via PCT, which requires that the application be filed within the following 31 months after the date of the first filing. Another one is through the Paris Convention, claiming priority rights (see Glossary) for a previous application within the subsequent 12 months or filing locally before the National Patent Office.

How much does it cost?

Initial fees for a patent application in Colombia may vary depending on the number of claims. The initial fee, which includes up to 10 claims, amounts to € 20. If there are more than 10 claims, the applicant would have to pay € 10 for each extra claim. Examination fees that must be paid within the subsequent 6 months after the publication amount to € 300.

The initial fee for utility models is € 18. If there are more than 10 claims, the applicant would have to pay € 5 for each extra claim. Examination fees that must be paid within the subsequent 3 months after the publication amount to € 170.

It is also important to take into account that once the patent is granted, a maintenance fee must be paid for every year that the patent is granted.

TIPS and WATCH OUTS

There is a 25 % discount on fees for SMEs that are legally incorporated in Colombia.

C. Industrial designs

What are industrial designs?

Industrial designs protect the appearance of products that results from any arrangement of lines, combination of colours or any two-dimensional (2D) or three-dimensional (3D) outward shapes, lines, outlines, configurations, textures or materials. Currently, Colombia also grants protection to user interface designs.

What do you need to know?

In order to register a design as an 'industrial design' in Colombia, it has to be considered **new** before the filing date. In other words, the design should not have been made available to the public in any place by any means such as description, use or marketing.

Moreover, the design shall not consist of mere secondary differences. A secondary difference is a minimum modification in the conformation of an already existing design, which can create confusion to an informed consumer.

TIPS and WATCH OUTS

Protection is only granted if the industrial design is requested before the patent office. There is no unregistered protection, unlike in Europe.

How long does legal protection last?

Legal protection for industrial designs lasts for 10 years from the filing date of the application. It is worth mentioning that protection cannot be renewed or extended.

Who can register an industrial design?

The inventor can apply for the transfer or licence of industrial designs. It can be done directly or through a legal representative. The power of attorney does not require formalities and it can be carried out by means of a private document (usually a contract or authorisation).

Applicants without a domicile in Colombia must appoint a legal representative.

How much does it cost?

The initial registration fees for industrial designs cost € 157. There is a 25 % fee discount for SMEs that are legally incorporated in Colombia.

How do I register a design?

Design applications should be filed before the Superintendency of Industry and Commerce (SIC) online or in person. However, filing online offers a discount, unlike filing in person. Colombia has a specific online platform for IP filings: <http://sipi.sic.gov.co/>.

The design application form should include:

- proof of payment of the fee;
- power of attorney, if necessary;
- graphic representation of the design, consisting of 7 views of the object with good quality and without broken lines.
- a contract that proves the invention was transferred to the applicant, if the applicant is not the inventor.

As in Europe, the SIC does not perform an exhaustive substantial examination of the design, it just checks if the design is new in comparison to products that are available to the public. Hence, the process of obtaining design protection is relatively fast.

TIPS and WATCH OUTS

Attaching a sample of your 2D products is the best way of fulfilling the graphic representation requirement in Colombia, while for 3D products you should attach different views of your design.



D. Trade marks

What are trade marks?

Any sign capable of distinguishing goods or services on the market. The sign can consist of words, images, figures, sounds, scents, letters, numbers, a colour or colour combinations (with certain limits), a tactile sign, the shape of goods or any combinations of the former.

Colombia is known for granting non-traditional trade marks such as colours, smells, motion signs and holograms, among others.

What do you need to know?

The Andean legislation on trade marks (Decision 486) requires the sign to be graphically represented. The law also grants similar protection to slogans, as long as they are linked to a particular trade mark.

This legislation also establishes that trade marks shall not protect signs that:

- “lack distinctiveness” in relation to the protected service or product (e.g. “chocolate” for sweets);
- consist of the usual shape of goods;
- consist of general statements used in the course of trade (e.g. the best, the most valuable, etc.), or
- may cause confusion or deception to the public or the concerned business sector.

TIPS and WATCH OUTS

Although the Andean Community does not provide for a unitary community trade mark like the European Union, trade mark owners from at least one CAN member state may benefit from the right to oppose the registration of any similar/ identical trade mark applications in any of the other member states, provided that the following requirements are met:

1. Proof that there is a legitimate interest in that country.
2. Application for the prior trade mark in the second CAN member state.

In addition, a trade mark cannot conflict with third parties' rights such as prior trade marks, copyright or industrial designs.

It is strongly recommended that you carry out a prior search on SIC's [data-base](#) in order to assess if there are trade marks that are similar to the sign you want to register. A prior search is the cornerstone of a trade mark protection strategy and it will prevent you from wasting your resources and time. For more information concerning IP strategies, please read our Factsheet on [identifying your IP assets](#).

The database is regularly updated and is easy to access through SIC's webpage. If you need help conducting your search, please contact our experts through the [Helpline](#).

It is important to take into consideration that Colombia is a

member of the Madrid Protocol, providing applicants with other filing option besides the national route. Registering a trade mark under this international system can help European SMEs centralise costs and obtain protection in several countries by means of a single procedure.



Who can register a trade mark?

The owner or any person with legitimate interest (e.g. business managers, mark creators, etc.) are entitled to apply for a trade mark in Colombia. It can be done directly or through a legal representative. The power of attorney does not require formalities and it can be done by means of a private document (usually a contract or authorisation).

Applicants without residence in Colombia must appoint a legal representative.

How do I register a trade mark?

Trade mark applications should be filed before the Superintendency of Industry and Commerce (SIC), online or in person. However, online filing offers a discount, unlike in-person filing. Colombia has a specific online platform for IP filings, available [here](#).

To apply for a trade mark, the following documents must be filed before the SIC:

- trade mark application form;
- proof of payment of the fee;
- power of attorney, if necessary, and
- a reproduction or graphic representation of the trade mark.

TIPS and WATCH OUTS

When filing a trade mark application, you can tick the FAST-TRACK option, which allows applicants to declare that all formalities are fulfilled and the application is ready for publication. This will make prosecution easier and the trade mark could be obtained in less than 4 months. Nevertheless, it is important to take into consideration that the application can be returned to a formal examination if the examiners consider so.

How much does it cost?

Multi-class trade mark applications and registrations are accepted in Colombia. Hence, one trade mark application can protect as many goods and services as the applicant wishes to protect.

The Nice Classification divides the different goods and services into 45 categories or classes. It simplifies the granting proceedings and allows to compare the scope of protection of different trade marks.

Initial fees of trade mark registration may vary depending on the number of classes. If you wish to register a trade mark for one class you have to pay € 224. Each extra class amounts to € 112. There is a 25 % fee discount for SMEs that are legally incorporated in Colombia.

A prior search for trade marks costs € 5 per sign in one single class.

How long does legal protection last?

Trade marks are initially granted for a 10-year period and can be renewed indefinitely in time. Usually, the prosecution of a registration takes around 6 to 8 months. However, there is also an alternative to request a conditional registration in order for the trade mark to be granted in less than 4 months.

TIPS and WATCH OUTS

Trade marks in Colombia require use. If the sign is not used in commerce, the trade mark can be cancelled after 3 years.



E. Geographical indications: Appellations of origin and indications of origin

What are geographical indications? What do they protect?

A **geographical indication (GI)** is a distinctive sign that consists of a geographic name used to identify the products coming from such origin when their quality is somehow linked to that origin.

- An **appellation of origin (AO)** is the name of a given country, region, place or a name, which is used to identify a product originating therein when its quality, reputation or other characteristics are exclusively due to the geographical environment in which it is produced, including both natural and human factors.

- **Indications of origin** consist of a name, expression, image, or sign that indicates or evokes a particular country, region, locality, or place. It is important that the indication of origin refers to the geographical origin of a product and not to other types of origin, for example, the company that manufactures the product.

This definition does not imply any special qualities or characteristics of the product for which the indication of origin is used.

How do I register?

The registration of an appellation of origin can be requested by a natural person or a legal entity such as an association of producers, states or regions directly engaged with the extraction, production or processing of the product for which protection is sought through the AO.

Said request should be made before the SIC and it shall include a description of the geographical location of the production, a description of the product as well as any relevant information regarding the quality and manufacturing processes.

Producers that comply with the guidelines for the product can use the appellation of origin. The most famous example in Colombia is Colombian coffee.

Indications of origin do not require registration. However, they should not cause confusion to consumers or competitors regarding the origin of the product or their process.

European SMEs can benefit from appellations of origin to protect their products in Colombia, especially in the wine and food industries. Although Colombia is not a member of the Lisbon Agreement, many AOs are recognised in the country via the International Agreements between the EU and Colombia (since 2012), and the EU and the Andean Community.

How much does it cost?

The fee to apply for the protection of appellations of origin in Colombia is € 150

F. Other IPRs

I. Trade secrets and undisclosed information

In addition to registered –or unregistered– IPRs, Colombia provides protection against unfair competition, which includes the protection of trade secrets and undisclosed information.

The legal requirements for a trade secret to be protected in Colombia are the following:

- a) it should be secret, i.e. the information is not generally known or readily accessible to the public.
- b) it must have commercial value due to its secrecy.
- c) the right holder should adopt reasonable measures to keep it secret, such as using passwords or restricting access to said information. The protection is granted for as long as the information remains secret, but the right holder is not protected against the independent development of an identical technology or against reverse engineering.

Conversely, undisclosed information used to obtain a market authorisation concerning pharmaceuticals and agricultural chemicals enjoys a specific type of protection called data exclusivity. The requirements thereof are:

- a) considerable efforts towards obtaining such information;
- b) the information must be related to new chemical compounds used in the production of pharmaceutical products or agricultural chemicals, and
- c) the information has been used to obtain market authorisation.

The term of protection for undisclosed information is 10 years for agricultural chemicals and 5 years for pharmaceutical products. This strategy prevents competitors (for a limited period of time) from using the information submitted by the originator to support the marketing authorisation of a generic version of the product.

II. Domain names

Domain names (DN) are human-friendly forms of Internet addresses, commonly used to find websites that contain information about the goods and services of a company.

Colombia's country code top-level domain (TLD) is '.co', which can be used individually or in combination with other domains such as '.org' or '.com'. The organisation in charge of the domain registration in Colombia is Co Internet SAS (available [here](#)).

Who can register?

Anyone can register a domain name with a '.co' TLD without any restrictions.

Applicants should take into account that a domain name might infringe a trade mark owned by another person. In that case, the owner of said trade mark can start legal actions, according to the rules for the Uniform Domain Name Dispute Resolution Policy of the Internet Corporation for Assigned Names and Number (ICANN).



TIPS and WATCH OUTS

In order to avoid infringing trade marks of third parties, we recommend that you conduct a prior trade mark search before registering your domain name.

How much does it cost?

Registration of domain names can cost from € 10 upwards, depending on the number of years that the domain will last. Domain names can be renewed indefinitely.

3. Using customs to block counterfeits

Since Colombia is a member of the WTO and has signed free trade agreements with the EU, it has implemented border measures through the national customs authority *Dirección de Impuestos y Aduanas Nacionales (DIAN)* to block counterfeits of copyrights and trade marks, as well as to prevent the importation of fake products protected by patents.

The DIAN can suspend the clearance of goods that are about to be imported, exported or in transit to another country until a judge decides whether an IPR infringement has taken place. The right holder should meet the following requirements:

- a) proof of ownership: usually by submitting a copy of the registration certificate, the licence or any other documents that constitute evidence that the applicant is the IPR owner or right holder;
- b) fulfilment of the application form: including a suspension request and facts that prove the alleged infringement, as well as any additional information to be taken into account (identification of the goods, place...);
- c) a bond is requested to ensure the measure is complied with.

The DIAN will decide on the suspension application within 3 days, during which the seizure of the products will also be analysed. In this case, the right holder must deposit a bank guarantee and file a claim against the infringer.

4. Enforcing your IPRs

Protecting an IPR would make no sense if it could not be enforced against infringements. In Colombia, there are different mechanisms that allow right holders to defend their rights.

A. Civil actions and injunctions

The right holder of patents, utility models, designs, trade marks or appellations of origin is entitled to request cessation of the infringement as well as compensation for the damages caused. These actions can be brought before the Department of Jurisdictional Issues of the SIC (*Delegatura para Asuntos Jurisdiccionales*).

Additionally, the DNDA is competent to handle copyright and related rights issues (including compensation for damages). Authorities can grant relief injunctions until the infringement completely ceases.

Moreover, bringing civil actions before civil courts is also an available option. However, the procedure before the SIC is the most effective one.

Preliminary injunctions can be requested in case of an imminent damage and they are often issued *ex parte* within approximately a week. It is important to mention that the party requesting the injunction has to submit a bond to ensure the measure is complied with in case the infringement is not proven.

B. Criminal actions

In Colombia, infringers of IPRs –copyright, in particular– could face up to 8 years of prison, as well as fines up to € 200,000. Criminal actions can only be initiated before a criminal court and prosecuted by the State Prosecutor's Office.

5. Useful links and additional information

Find out more about intellectual property rights in Latin America by visiting the Latin America IPR SME Helpdesk website:

https://intellectual-property-helpdesk.ec.europa.eu/regional-helpdesks/latin-america-ip-sme-helpdesk_en

DG Trade Reported Barriers in Colombia

http://madb.europa.eu/madb/barriers_result.htm?sectors=none&countries=CO&measures=none

EU Delegation in Colombia

http://www.eeas.europa.eu/delegations/colombia/index_es.htm

For further information regarding Colombia's IP legislation, see:

<http://www.wipo.int/wipolex/en/profile.jsp?code=co>

Web domain of the national authority for patents, utility models, industrial designs, layout-designs and trade marks:

www.sic.gov.co

National Copyright Authority:

www.derechodeautor.gov.co

National Customs Authority:

www.dian.gov.co

6. Glossary

Derivative works: derivative works modify prior copyrighted works and require the consent of the owner of the original work: a translation, the adaptation of a novel or a version of a song are some of the most common examples of derivative works.

Right of priority: whenever a person from any of the signatory countries of the Paris Convention files a national application for a patent or industrial design in any of the 176 members, the date on which the first application was filed is established as the date of priority for any future applications in any of the member states, provided that subsequent applications are applied for within 12 months of the first application.

Second use: it refers to the possibility of patenting a different use of an already known object/product (e.g. the use of a chemical composition as a medicine to treat heart diseases when the original patent claims its use as an antibiotic). In Europe, it is usually possible to patent said second use, subject to the fulfilment of the novelty and inventive step requirements.

Latin America IPR SME Helpdesk IP Factsheet: Colombia

Download Guide



The Latin America IP SME Helpdesk offers **multilingual services** (English, French, German, Spanish and Portuguese¹), with free information and first-line legal advice on IP related subjects, as well as training, webinars and publications, especially designed for EU SMEs.



HELPLINE First-line advisory service on IP protection and enforcement for EU SMEs working or planning to operate in Latin America.

TRAINING Targeted trainings and webinars on IPR protection and enforcement for EU SMEs (including sector- specific approaches).

IP CONTENT State-of-the-art publications (factsheets, learning modules, videos, IP glossary, info graphics, case studies and newsletters) on the protection and enforcement of IPR in Latin America – specifically addressing IP matters from the SME business needs point of view.

AWARENESS RAISING EVENTS Participation in events attended by EU SMEs to increase the awareness of IP and of the visibility of the services provided by the Helpdesk.

IP ANALYSIS Analysis of IP challenges faced by EU SMEs in the target markets.

IP DIAGNOSTIC TOOLKIT Toolkit for self-evaluation of the IP-status of the user in terms of IP knowledge and management.

IP COST TOOL Online tool that allows the user to pre evaluate the costs related to IP management in every Latin American country covered by the Helpdesk.

¹The language offer will depend on the specific service and experts' availability.

If you have any queries on how to protect your Intellectual Property in Latinamerica contact our Helpdesk service:

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If you want more information on additional free services offered by the Helpdesk contact the coordination team:

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