

NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (CHILE)

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: National Institute of Industrial Property (Chile)

PL: Industrial Property Law No. 19.039, as modified by Law No. 19.996, 2005 and Law No. 20.160, 2007

PR: Regulations under Industrial Property Law No. 19.039

SUMMARY**Designated
(or elected) Office****SUMMARY****CL****NATIONAL INSTITUTE OF INDUSTRIAL
PROPERTY (CHILE)****CL****Summary of requirements for entry into the national phase**

| | |
|--|--|
| Time limits applicable for entry into the national phase: | Under PCT Article 22(1): 30 months from the priority date Under PCT Article 39(1)(a): 30 months from the priority date |
| Translation of international application required into: ¹ | Spanish |
| Required contents of the translation for entry into the national phase: ¹ | Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report) |
| Is a copy of the international application required? | No |
| National fee: | Currency: Chilean peso (CLP) For patent: Filing fee: Equivalent in CLP of UTM ² 1 For utility model: Filing fee: Equivalent in CLP of UTM ² 1 |
| Exemptions, reductions or refunds of the national fee: | None |
| Special requirements of the Office (PCT Rule 51bis): | Name and address of the inventor if they have not been furnished in the "Request" part of the international application ^{3,4} Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306) Statement justifying the applicant's right to the invention ^{3,4} Statement justifying the applicant's priority right ^{3,4} Translation of the international application to be furnished in two copies ⁴ Power of attorney if an agent is appointed |

*[Continued on next page]*¹ Must be furnished within the time limit applicable under PCT Article 22 or 39(1).² UTM means "Unidad Tributaria Mensual". The rate of exchange between the CLP and the UTM is updated on a monthly basis and may be consulted at: www.sii.cl.³ This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.⁴ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit of two months from the date of receipt of the invitation.

SUMMARY**Designated
(or elected) Office****SUMMARY****CL****NATIONAL INSTITUTE OF INDUSTRIAL
PROPERTY (CHILE)****CL***[Continued]*

Who can act as agent?

Any natural or legal person resident in Chile

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49ter.2)?Yes, the Office applies both the “unintentional” and “due care”
criteria to such requests

THE PROCEDURE IN THE NATIONAL PHASE

CL.01 FORM FOR ENTERING THE NATIONAL PHASE. The Office has available a special form for entering the national phase (see Annex CL.II). This form should preferably (but need not) be used.

CL.02 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as originally filed (see National Phase, paragraphs 6.002 and 6.003).

CL.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CL.I.

CL.04 POWER OF ATTORNEY. An agent must be appointed by filing a power of attorney within 30 days from the date of entry into the national phase if the applicant resides in Chile and 60 days if the applicant is a non-resident. Any natural or legal person resident in Chile may act as agent.

PL Art. 18 **CL.05 MAINTENANCE FEES.** The maintenance fee covering the first decade is due upon acceptance of the application. The maintenance fee covering the second decade is due before the expiration of the first decade. It can still be paid within a grace period of six months from the expiration of that time limit subject to the payment of a surcharge. The surcharge is 20 per cent per month or fraction of month starting from the first month of the grace period. The amount of the maintenance fees is indicated in Annex CL.I.

PL Art. 6
8 **CL.06 REQUEST FOR EXAMINATION.** Requests for examination must be made within 60 days from the expiration of the time limit for opposition (PL. Art. 5). The request for examination is only effective if the fee for examination has been paid. The amount of this fee is indicated in Annex CL.I.

PCT Art. 28
41
PCT Rule 52
78
PR Rule 49 **CL.07 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend the description, claims or drawings, at any time during the national phase before the examination report has been established, provided that the scope of the subject matter disclosed in the application is not broadened thereby.

PCT Art. 25
PCT Rule 51 **CL.08 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase.

PCT Art. 48
PCT Rule 82**bis** **CL.09 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase. If the applicant fails to comply with the applicable requirements prescribed by the national law upon entry into national phase, the Office will invite the applicant to comply within a period of two months following the date of notification.

PCT Rule 49.6 **CL.10 REINSTATEMENT OF RIGHTS.** Reinstatement of rights may be requested where the applicant failed to observe a time limit set by the Office either unintentionally or in spite of due care, which is prejudicial to his rights. A request for reinstatement must be presented in writing within two months from the removal of the cause of the failure to observe the time limit or twelve months from the date of expiration of the applicable time limit, whichever time limit expires earlier. The omitted action must be completed within the applicable time limit, and the fee for reinstatement of rights (see Annex CL.I) must be paid.

PCT Art. 43
PCT Rule 49**bis.1(a)** **CL.11 UTILITY MODEL.** Subject to paragraph CL.12, if the applicant wishes to obtain a utility model instead of a patent in Chile, on the basis of an international application, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

PCT Rule 49bis.2(b) CL.12 **CONVERSION.** The applicant may convert an application for a patent into an application for a utility model by filing a request to that effect. The converted application shall have the filing date of the initial application.
PCT Art. 35

FEES

(Currency: Chilean peso (CLP))

Patents

| | | |
|--|---------------------------------------|---------|
| Filing fee | Equivalent in CLP of UTM ¹ | 1 |
| Publication fee (estimated cost) ² | | 40,000 |
| Examination fee | | 516,000 |
| Maintenance fees | | |
| For the 1 st to the 10 th years | Equivalent in CLP of UTM ¹ | 3 |
| For the 11 th to the 20 th years | Equivalent in CLP of UTM ¹ | 4 |
| Fee for reinstatement of rights | Equivalent in CLP of USD | 500 |
| Fee for restoration of the right of priority | Equivalent in CLP of USD | 500 |

Utility models

| | | |
|---|---------------------------------------|---------|
| Filing fee | Equivalent in CLP of UTM ¹ | 1 |
| Publication fee (estimated cost) ² | | 12,000 |
| Examination fee | | 394,000 |
| Maintenance fees | | |
| For the 1 st to the 5 th years | Equivalent in CLP of UTM ¹ | 1 |
| For the 6 th to the 10 th years | Equivalent in CLP of UTM ¹ | 2 |

How can payment of fees be effected?

The payment of the fees has to be effected in Chilean pesos. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid.

Filing and maintenance fees should be paid by cheque or cash using Form 10 “Ingresos Fiscales Pagos Directos”, which is available at: www.inapi.cl. The publication fee should be paid by cheque or cash to the “Diario Oficial”, at Diario Oficial, Dr. Torres 511, Providencia, Santiago, Chile. [The publication fee can also be paid online through the website of the Diario Oficial: www.diariooficial.interior.gob.cl](http://www.diariooficial.interior.gob.cl). The examination fee should be paid to “Instituto Nacional de Propiedad Industrial – Peritos”, bank account No. 000-0-0900122-1, BancoEstado, Alameda No. 1111, Santiago, Chile.

¹ UTM means “Unidad Tributaria Mensual”. The rate of exchange between the CLP and the UTM is updated on a monthly basis and may be consulted at: www.sii.cl.

² This amount depends on the contents of the publication and is fixed by the “Diario Oficial”.



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| | | | |
|-------------------------|----------------|----|-----------------------|
| 21 | N° Solicitud | 22 | N° Fecha de Solicitud |
| 43 Fecha de Publicación | | | |
| 11 | N° de Registro | 45 | Fecha de Registro |

SOLICITUD DE PATENTE

| | | | | | |
|--|-----------------------------------|---|-------------------------------------|--------------------------------------|---|
| 12 | TIPO DE SOLICITUD | PRIORIDAD | | DOCUMENTOS ACOMPAÑADOS | |
| | | 31 N° _____ | | RESUMEN | LISTADO DE SECUENCIAS |
| | | 32 FECHA _____ | | MEMORIA DESCRIPTIVA | CERTIFICADO DEPOSITO MATERIAL BIOLÓGICO |
| | | 33 PAIS _____ | | PLIEGO DE REVINDICACIONES | DIVULGACIÓN INOCUA |
| | | 31 N° _____ | | DIBUJOS | |
| | | 32 FECHA _____ | | PODER | TRADUCCIÓN SOLICITUD INTERNACIONAL PCT |
| | | 33 PAIS _____ | | CESION | INFORME DE BUSQUEDA PCT |
| | | 31 N° _____ | | DOCUMENTO(S) DE PRIORIDAD | EXAMEN PRELIMINAR INTERNACIONAL PCT |
| | | 32 FECHA _____ | | | |
| | | 33 PAIS _____ | | | |
| PCT ENTRADA EN FASE NACIONAL | | | | | |
| | | | CAPÍTULO I <input type="checkbox"/> | CAPÍTULO II <input type="checkbox"/> | |
| 86 | N° SOLICITUD INTERNACIONAL PCT: | | | FECHA: | |
| 87 | N° PUBLICACIÓN INTERNACIONAL PCT: | | | FECHA: | |
| 51 | CLASIFICACIÓN INTERNACIONAL (CIP) | | | | |
| 54 | TÍTULO O MATERIA DE LA SOLICITUD | | | | |
| 71 | SOLICITANTE | Apellido Paterno, Apellido Materno, Nombre o Razón Social | | | |
| RUT: | | DIRECCIÓN (Calle, Número) | | | SEXO |
| TIPO | | CIUDAD | REGIÓN | PAIS | 1: Masculino 2: Femenino |
| 1: Persona Natural 2: Inst. Investigación 3: Universidad 4: Otra persona Jurídica <input type="checkbox"/> | | CORREO ELECTRONICO | TELÉFONO | | <input type="checkbox"/> |
| 72 | INVENTOR O CREADOR | Apellido Paterno, Apellido Materno, Nombre o Razón Social | | | |
| RUT: | | DIRECCIÓN (Calle, Número) | | | SEXO |
| | | CIUDAD | REGIÓN | PAIS | 1: Masculino 2: Femenino |
| | | CORREO ELECTRONICO | TELÉFONO | | <input type="checkbox"/> |
| 74 | REPRESENTANTE | Apellido Paterno, Apellido Materno, Nombre o Razón Social | | | |
| RUT: | | DIRECCIÓN (Calle, Número) | | | SEXO |
| | | CIUDAD | REGIÓN | PAIS | 1: Masculino 2: Femenino |
| | | CORREO ELECTRONICO | TELÉFONO | | <input type="checkbox"/> |
| De conformidad con el Art. 44 de la Ley N° 19.039 sobre Propiedad Industrial, declaro/declaramos que los datos consignados en este formulario son verdaderos | | | USO EXCLUSIVO INAPI RECEPCIÓN | | |
| Nombre y Firma Representante | | | Nombre y Firma Solicitante | | |

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| | | | |
|-------------------------|----------------|----|--------------------|
| 21 | N° Solicitud | 22 | Fecha de Solicitud |
| 43 Fecha de Publicación | | | |
| 11 | N° de Registro | 45 | Fecha de Registro |

ANEXO SOLICITUD DE PATENTE
OTRO(S) SOLICITANTE(S), OTRO(S) INVENTOR(ES) Y OTRA(S) PRIORIDAD(ES)

| PRIORIDAD | | | |
|-----------|-------|-------|--|
| 31 | N° | _____ | |
| 32 | FECHA | _____ | |
| 33 | PAIS | _____ | |
| 31 | N° | _____ | |
| 32 | FECHA | _____ | |
| 33 | PAIS | _____ | |
| 31 | N° | _____ | |
| 32 | FECHA | _____ | |
| 33 | PAIS | _____ | |

| | | | | |
|---|---------------------------|---|--------|------|
| 71 | SOLICITANTE | Apellido Paterno, Apellido Materno, Nombre o Razón Social | | |
| RUT: | | DIRECCIÓN (Calle, Número) | | |
| TIPO | | CIUDAD | REGION | PAIS |
| 1: Persona Natural <input type="checkbox"/> | | CORREO ELECTRONICO | | |
| 2: Inst. Investigación | | TELÉFONO | | |
| 3: Universidad | | SEXO | | |
| 4: Otra persona Jurídica | | 1: Masculino | | |
| | | 2: Femenino | | |
| 71 | SOLICITANTE | Apellido Paterno, Apellido Materno, Nombre o Razón Social | | |
| RUT: | | DIRECCIÓN (Calle, Número) | | |
| TIPO | | CIUDAD | REGION | PAIS |
| 1: Persona Natural <input type="checkbox"/> | | CORREO ELECTRONICO | | |
| 2: Inst. Investigación | | TELÉFONO | | |
| 3: Universidad | | SEXO | | |
| 4: Otra persona Jurídica | | 1: Masculino | | |
| | | 2: Femenino | | |
| 71 | SOLICITANTE | Apellido Paterno, Apellido Materno, Nombre o Razón Social | | |
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| TIPO | | CIUDAD | REGION | PAIS |
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| 3: Universidad | | SEXO | | |
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| 72 | INVENTOR O CREADOR | Apellido Paterno, Apellido Materno, Nombre o Razón Social | | |
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| 1: Persona Natural <input type="checkbox"/> | | CORREO ELECTRONICO | | |
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