

**SUPERINTENDENCE OF INDUSTRY  
AND COMMERCE (COLOMBIA)**  
AS  
DESIGNATED (OR ELECTED) OFFICE

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**List of abbreviations:**

- Office: Superintendence of Industry and Commerce (Colombia)
- CAC Decision 486: Decision 486 of the Commission of the Andean Community
- CCo: Code of Commerce
- CPC: Civil Procedure Code

**SUMMARY****Designated  
(or elected) Office****SUMMARY****CO****SUPERINTENDENCE OF INDUSTRY  
AND COMMERCE (COLOMBIA)****CO****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date Under PCT Article 39(1)(b): 31 months from the priority date
Translation of international application required into: <sup>1</sup>	Spanish
Required contents of the translation for entry into the national phase: <sup>1</sup>	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?	A copy is required only if the applicant expressly requests early commencement of the national phase at a time when the Office has not been sent a copy of the international application from the International Bureau under PCT Article 20.
National fee: <sup>1</sup>	Currency: Colombian peso (COP) For patent: Filing fee: COP 400,000 For utility model: Filing fee: COP 235,000
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i> ): <sup>2</sup>	Name and address of the inventor if they have not been furnished in the "Request" part of the international application <sup>3</sup> 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) Instrument of assignment of the international application if the applicant has changed after the international filing date Appointment of an agent if the applicant is not resident in Colombia
Who can act as agent?	Any attorney registered in Colombia
Does the Office accept requests for restoration of the right of priority (PCT Rule 49 <i>ter.2</i> )?	No

<sup>1</sup> Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1). The Office or the agent should be consulted for the latest applicable fee amount.

<sup>2</sup> 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.

<sup>3</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

**CO.01 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see paragraphs 57 and 58 of the General Part of this Volume).

**CO.02 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex CO.I.

CCo Art. 543  
CPC Art. 63  
67

**CO.03 REPRESENTATION.** If the applicant is not resident in Colombia, an agent must be appointed by filing a simple power of attorney. Any attorney registered in Colombia may act as agent.

CAC Decision 486  
Art. 26(h)

**CO.04 COPIES OF ACCESS CONTRACTS.** Where the products or processes for which a patent is sought are obtained or developed from genetic materials or from their derivatives, the origin of which is one of the Member States of the Andean Pact, a copy of the access contract must be furnished. If this requirement is not fulfilled, the Office will invite the applicant to comply with it within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

CAC Decision 486  
Art. 26(i)

**CO.05 COPIES OF LICENSES OR AUTHORIZATIONS TO USE TRADITIONAL KNOWLEDGE.** Where the products or procedures for which protection is sought are obtained or developed from traditional knowledge the origin of which is one of the Member States of the Andean Pact, a copy of the document licensing or authorizing use of traditional knowledge of indigenous, African American or local communities of the Member States of the Andean Pact must be furnished. If this requirement is not fulfilled, the Office will invite the applicant to comply with it within a period of two months following the date of notification; this period may be extended once, upon request, for an equal length of time.

CAC Decision 486  
Art. 26(j)  
29

**CO.06 CERTIFICATE OF DEPOSIT OF BIOLOGICAL MATERIAL.** Where the invention refers to a product or a process involving biological material and the invention cannot be understood and carried out, as described, by a person skilled in the art, a certificate of deposit of the biological material must be furnished.

CAC Decision 486  
Art. 44

**CO.07 EXAMINATION.** The Office examines patent applications as to substance, upon request made by the applicant within three months after publication of the application by the Office, and subject to the payment of a special fee. If that period elapses without the applicant having requested the examination, the application shall be considered to have been abandoned. The request must be accompanied by the receipt of the fee paid.

PCT Art. 28  
41  
CAC Decision 486  
Art. 34

**CO.08 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may, at any time during the processing, request the modification of the application, provided that the scope of the subject matter of the application is not broadened thereby.

CAC Decision 486  
Art. 80

**CO.09 ANNUAL FEES.** After a patent has been granted, annual fees shall be paid in advance in order to keep the patent in force. The deadline for the payment of each annual fee shall be the last day of the month having the same name as the month of the international filing date. Two or more annual fees may be paid in advance. Annual fees may be paid within a grace period of six months after the starting date of the corresponding annual period, together with the prescribed surcharge. The patent shall remain in force during the grace period. Failure to pay an annual fee shall result in the legal lapsing of the patent.

CAC Decision 486  
Art. 39

**CO.10 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 67 to 71 of the General Part of this Volume. 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; this period may be extended once, upon request, for an equal length of time.

PCT Art. 25  
PCT Rule 51

**CO.11 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 63 to 66 of the General Part of this Volume. If, upon review under PCT Article 25, the Office denied an error or omission on the part of the receiving Office, an appeal against this decision may be lodged with the Office within a period of two months following the date of notification.

PCT Art. 4(3)  
43  
PCT Rule 49bis.1  
(a), (b)  
76.5

**CO.12 UTILITY MODEL.** If the applicant wishes to obtain a utility model patent instead of a patent in Colombia on the basis of an international application, for international applications filed before 1 January 2004, this must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

**FEES****(Currency: Colombian peso)****Patents**

Filing fee . . . . .	400,000
Fee for requesting examination	
— where an international search report has been established . . . . .	335,000
— where an international preliminary examination report has been established . . . . .	168,000
Fee for extension of time limits or additional time limit . . . . .	60,000
Fee for amendment or correction of application . . . . .	82,000
Fee for filing an opposition . . . . .	212,000
Annual fees:	
— per year . . . . .	208,000
— surcharge for late payment during grace period . . . . .	260,000

**Utility models**

Filing fee . . . . .	235,000
Fee for requesting examination	
— where an international search report has been established . . . . .	224,000
— where an international preliminary examination report has been established . . . . .	112,000
Fee for extension of time limits or additional time limit . . . . .	60,000
Fee for amendment or correction of application . . . . .	82,000
Fee for filing an opposition . . . . .	212,000
Annual fees:	
— per year . . . . .	123,000
— surcharge for late payment during grace period . . . . .	154,000

The complete list of national fees for the Office is in *Resolución* 41687 of December 24, 2002. These fees will be re-calculated on an annual basis according to the rate of inflation applicable to the year they will be in force.

**How can payment of fees be effected?**

All payments must indicate the application number (national, if already known; international, if the national number is not yet known), the name of the applicant and the category of fee being paid.

The payment of fees must be effected in Colombian pesos in cash, by check, bank giro or bank transfer to bank account No. 050-00110-6, at Banco Popular, Sucursal Bogotá. Name of account: D.T.N. Recaudo Superintendencia de Industria y Comercio. Recaudo Nacional. Código Rentístico 01.