Effectiveness of the Patent and Design Enforcement Administrative System: the Peruvian Experience

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PERÚ Presidencia del Consejo de Ministros

Indecopi 32 años

What is the applicable legislation in Peru for patents and designs?

senapi

COMUNIDAD ANDINA

Industria y Comercio
SUPERINTENDENCIA

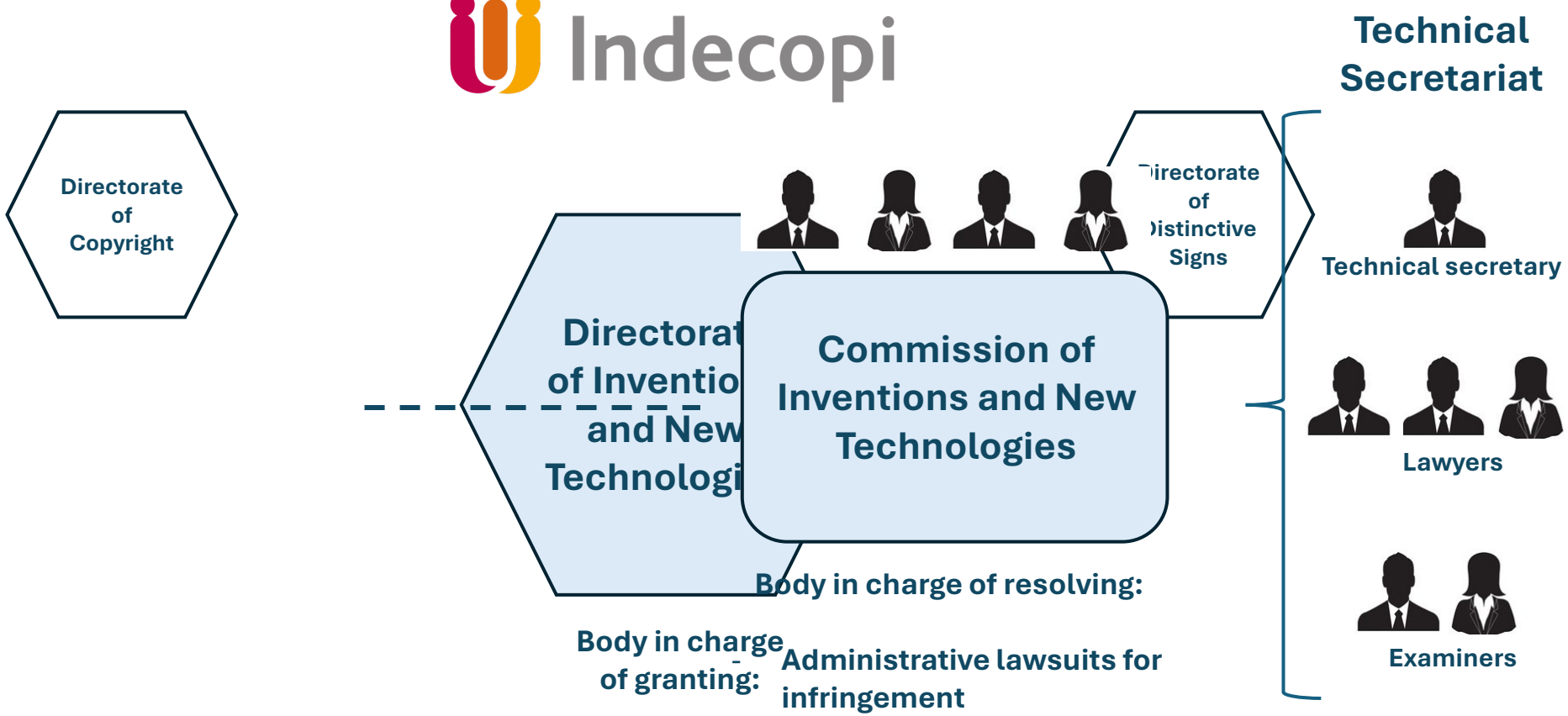
SERVICIO NACIONAL DE DERECHOS INTELECTUALES

A single legislation in the Andean Community
DECISION 486

Indecopi

How PBP is carried out?

Indecopi



Body in charge of granting:

- Patents (both for inventions and utility models)
- Design rights

Body in charge of resolving:

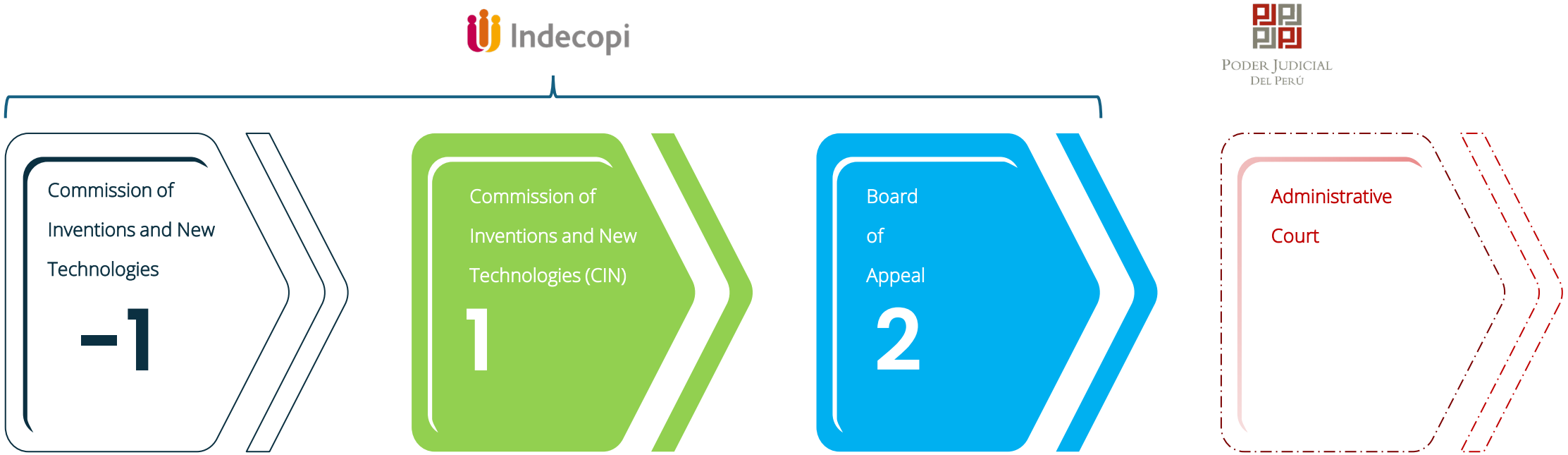
- Administrative lawsuits for infringement
- Request for revocation of rights
- Pre-grant oppositions

Technical and legal experience

GRANTING OF RIGHTS

ENFORCEMENT OF RIGHTS

What to do in case of IP infringements?



Evidence gathering

a) Preliminary injunctions

b) Inspections (collecting of samples and information)

Filing a lawsuit

a) Preliminary injunctions

b) Inspections (collecting of samples and information)

Second instance

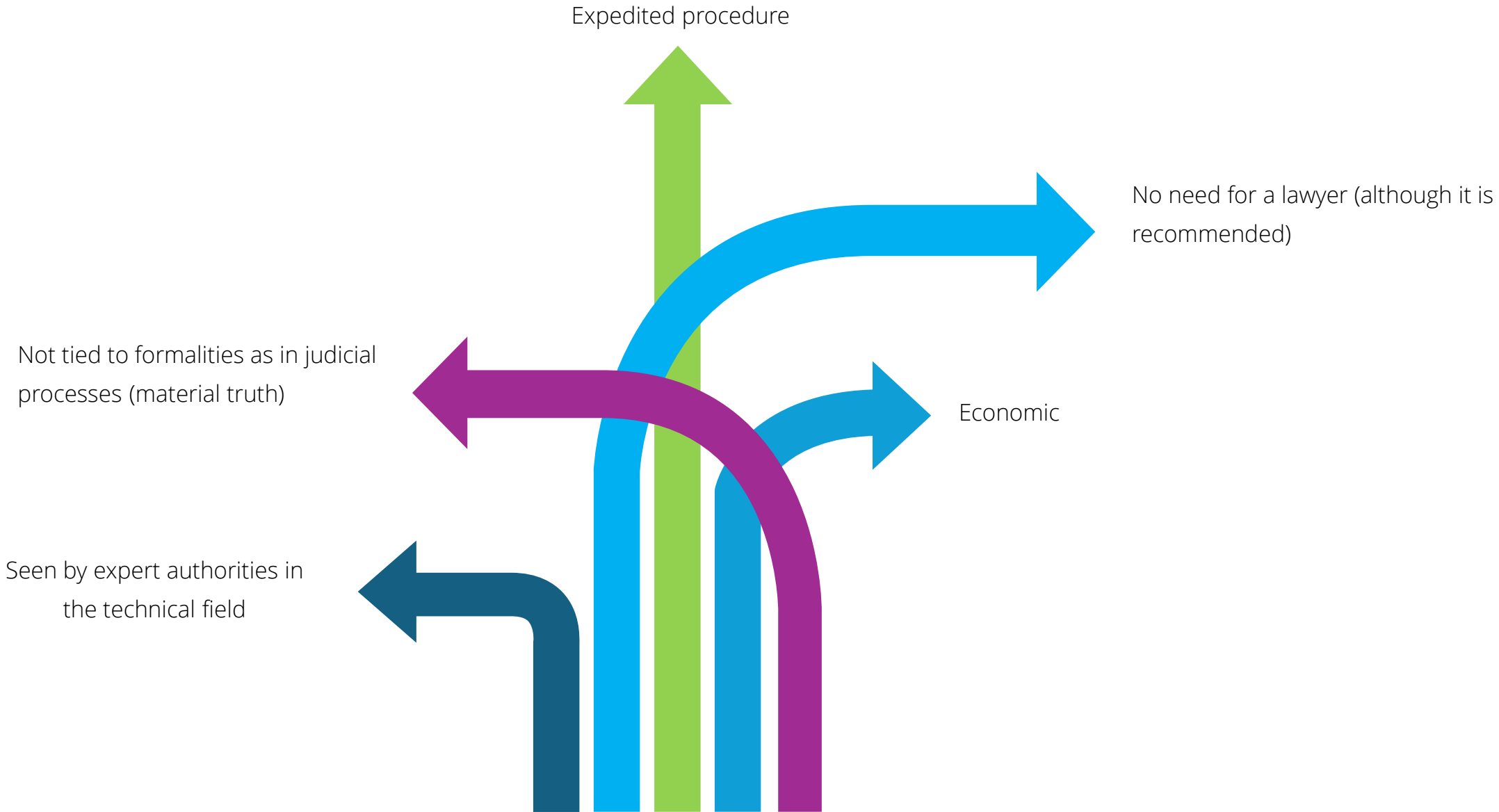
a) Preliminary injunctions

b) Inspections (collecting of samples and information)

Judicial review

It does not affect the execution of what was decided by Indecopi

Benefits of having an administrative enforcement system



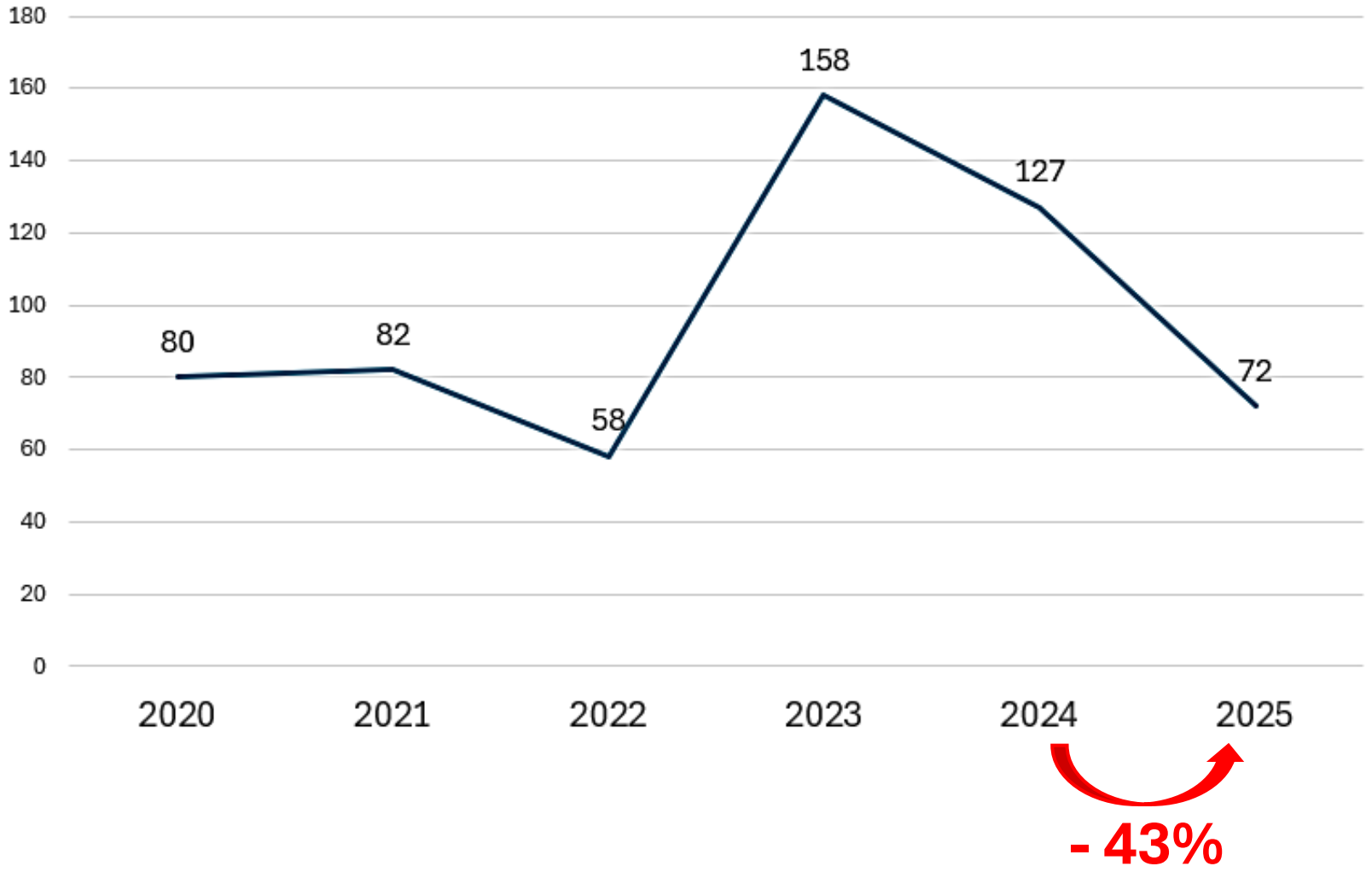
Maximum legal time to resolve an administrative lawsuit for infringement

180

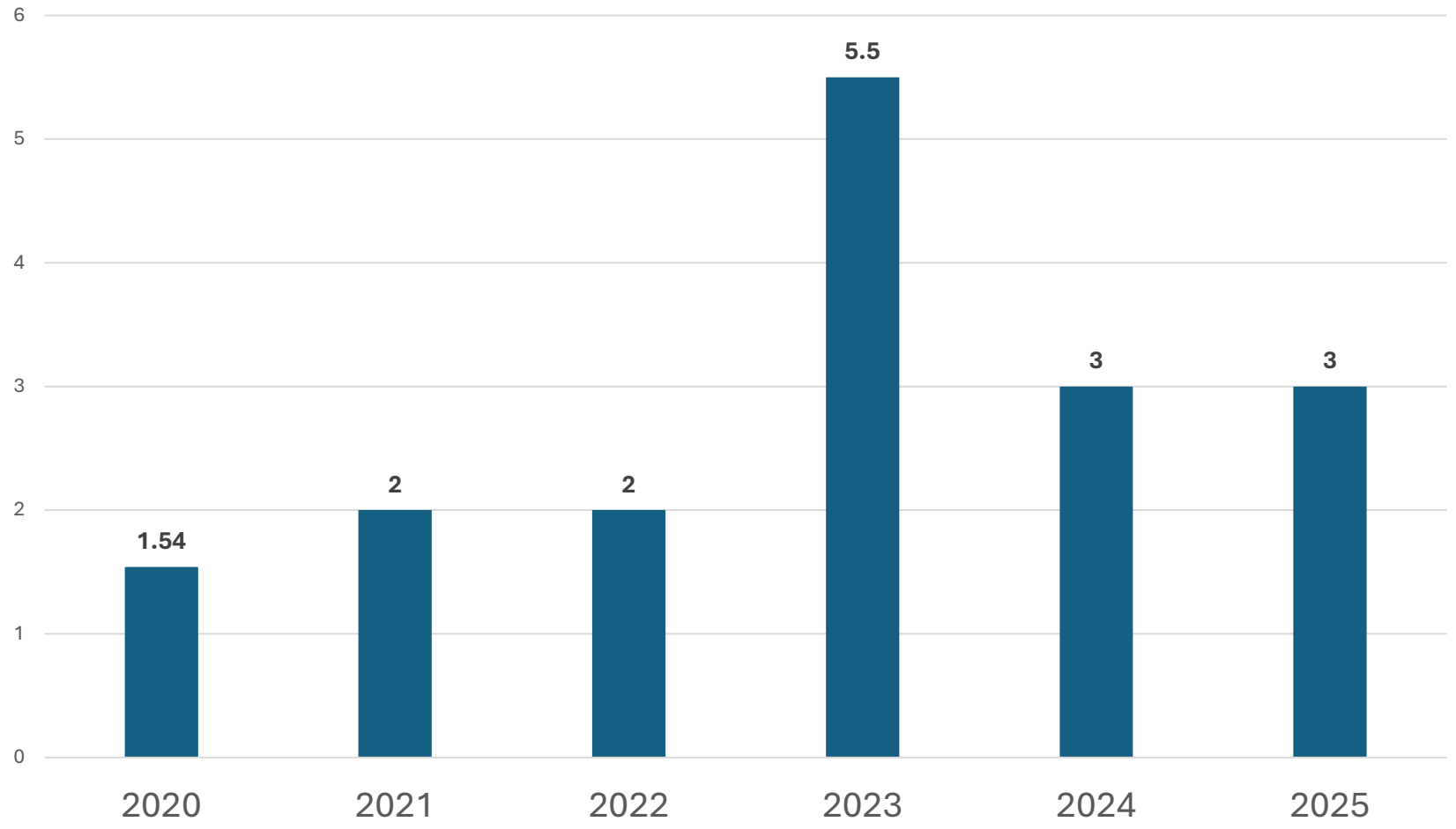
business days

equivalent to approximately 9 months

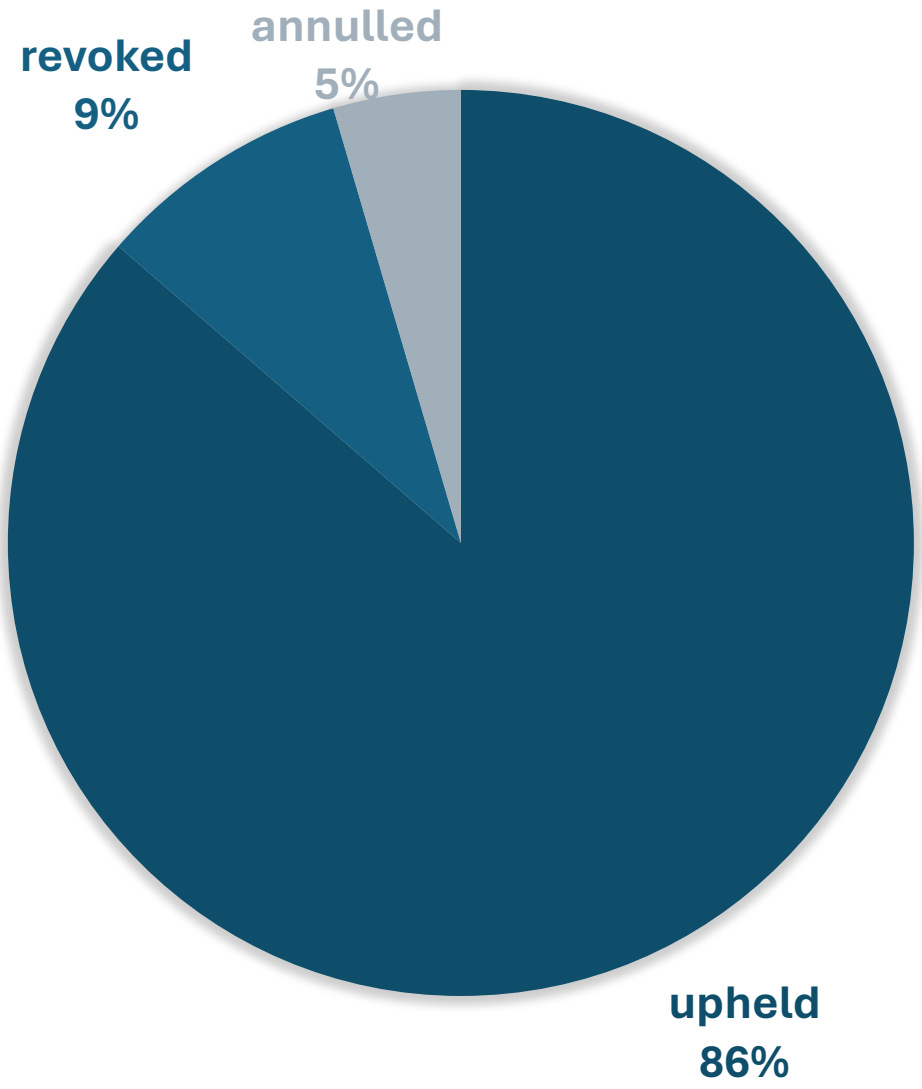
Average time used for the processing of patent and design infringement proceedings in Peru (business days)



Average time used for the issuance of preliminar injunctions in patent and design infringement proceedings in Peru (business days)



Predictability of decisions (2020-2024)



Between 2020 and 2024 the number of cases in which the Board of Appeal upheld the decisions adopted by the Commission amounted to **86%.**

GRACIAS

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