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Patent Prosecution Process in Chile	Trademark Prosecution Process in Chile
<p>To file a patent application in Chile an initial official fee must be paid in order to begin its prosecution process. The National Institute of Industrial Property (INAPI) will then issue a Preliminary Report indicating if the applicant has filed all the needed documentation. If that is not the case, the observations in the Preliminary Report will indicate which documents are needed and the applicant will have a period of 60 working days to comply and file the requested documentation.</p> <p>If the applicant does not comply with the filing of all the requested documentation, then the application will be considered by the INAPI as "not filed".</p> <p>When all the requested documentation has been filed and there is a favourable Preliminary Report, the patent application will be accepted for prosecution and there will be a period of 60 working days to publish an abstract of the application in the Official Gazette. The publication will generate a period of 45 working days for third parties to file oppositions. If an opposition is filed, the applicant will have period of 45 working days to reply to the opposition, having the opponent an additional period of 45 working days to file the necessary evidence.</p> <p>After the publication, the examiner's fees must be paid (examination fees) and the INAPI will then appoint an examiner to study the case. The examiner will have 60 working days to issue the substantive report. If the examiner's report is a favourable one and the application has novelty, inventive step and industrial applicability, it will be accepted, previous payment of the official fees corresponding to the first ten years period of the patent's life.</p> <p>Once the official fee for the first ten years period is paid, the INAPI will issue the Letters Patent certificate, granting the privilege for 20 years as from the application filing date. Before the end of the first ten years period, the official fees for the second ten years period should be paid. If this payment is not made, then the patent will lapse.</p> <p>On the other hand, if the examiner's report has observations then the Applicant will have 60 working days to reply to the examiner, thus, generating a new and final report.</p> <p>If the final examiner's report recommends the rejection of the application and the INAPI Head Officer confirms said rejection, there is a period of 15 working days for the applicant to appeal before the Industrial Property Tribunal (TPI). Against definitive sentences given by the TPI, the Applicant could file a cassation recourse before the Supreme Court.</p>	<p>When filing a trademark application in Chile and in order to begin the prosecution process, it is necessary to pay an initial official fee. The National Institute of Industrial Property (INAPI) will then issue a Formal Examination indicating if all the requested documentation and information has been filed. If there are observations and once notified, the applicant will have a period of 30 working days to comply with them. When the observations are complied with or in case that there is a favourable report, the application will be accepted for prosecution and it should be published in the Official Gazette, within the next 20 working days.</p> <p>In case that the reply to the observations of the Formal Examination is not accepted, the application will be considered as abandoned, although a complaint can be filed, otherwise, the application is definitively abandoned. It is possible to file an appeal before the Industrial Property Tribunal (TPI) against the rejection to the complaint.</p> <p>Once the application is published in the Official Gazette, there is a period of 30 working days for third parties to file an opposition. If no opposition is filed, the INAPI performs an examination of the application and indicates if there are causes for the rejection of the same. If the application is accepted, a registration official fee must be paid within 60 working days. Later on, the DPI will issue the Registration Certificate for a 10 years period of the privilege.</p> <p>If there is an opposition filed and/or a rejection from the INAPI, the applicant will be notified as having 30 working days to reply to the opposition and/or to the observations. Once this period ends, the INAPI will indicate a final resolution, giving its pronouncement about the acceptance or rejection of the application. If it is accepted, it is necessary to pay the registration official fees within 60 working days.</p> <p>If faced with the rejection by the INAPI of an application, the applicant can file an appeal before the Industrial Property Tribunal (TPI) and in case that the rejection persists, then there is only the possibility of filing a cassation recourse before the Supreme Court.</p>