

Trademark Law Treaty (TLT) in Guatemala

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On September 12th of 2016, Guatemala deposited the instrument of accession to the Trademark Law Treaty, commonly known as TLT to the World Intellectual Property (WIPO). The instrument went into force on December 12th of 2016.

Currently the treaty is in force; however Intellectual Property Registry is working on changes to the Industrial Property Law, decree 57-2000 in order to apply the treaty, which the Registry considers necessary in order to fully apply the treaty.

The TLT treaty brings important changes in the registration and maintenance of trademarks. One of the great advantages that will bring is that a legalized Power of attorney will no longer be needed. Until a couple of months ago, Guatemala still required a Power of Attorney legalized by the Guatemalan consulate, Luckily The Hague treaty of the apostille entered in force in Guatemala on September of 2017 and consulate legalization is no longer obligatory, which is very helpful. However with the TLT, the legalization should be waived and no legalization will be needed, which will be very helpful considering that legalizations have cost and they take time to make, so hopefully this will attract more foreign applicants to file their trademarks in Guatemala.

Another important change, that the TLT will bring once it is implemented, is the multi-class applications, which gives the opportunity to applicants to abroad more classes in a more economical way which will be very helpful to those industries that manufacture products that correspond to different classes.

Finally, another benefit of the TLT Treaty implementation will be that it facilitates all procedures for the maintenance of trademark registrations. It waives formalities that in Guatemala are needed considering that the Industrial Property Law establishes many formal requirements.

Guatemala is evolving and the accession to international treaties like the TLT is important. It will definitely attract foreign applicants to protect their trademarks in Guatemala. The Industrial Property Registry is working hard on the changes that the law requires, however these changes to the law must be approved by congress and this may take a while. For now, application filings are taking into consideration the rights and advantages that the TLT treaty gives, for which applications can be filed. However, the Intellectual Property Registry has announced that applications will not be examined or they won't advance until the TLT is fully implemented and the changes to Industrial Property laws are approved and in force. Hopefully, this will be made soon, so all the applicants and practitioners can take advantage of the TLT.

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