HSM IP Patent Client Guide

PANAMA

Registration

A patent can be registered in Panama pursuant to the *Law on Industrial Property (no. 35) of May 1996* and the *Executive Decree No. 7 of 1998* which provides for local patent applications.

The following information and documentation is required:

1. title of the invention
2. a description of the invention
3. one or more claims and any drawings referred to in the description or any claim
4. an abstract
5. applicant(s) name, address and country of incorporation
6. Power of Attorney (notarised and legalised / apostilled)
7. certified copy of priority document (if priority is claimed)
8. PCT application if required
9. Spanish translation of all of the above documents

It usually takes between 18-24 months for the Director General of the Industrial Property Registry at the National Board of Commerce in the Ministry of Commerce and Industries to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete the Registry will issue a Registration Certificate.

Patent Cooperation Treaty

Panama is signatory to the Patent Cooperation Treaty (PCT) and accordingly national phase filing of a PCT patent is possible. This is encouraged if you are seeking coverage in another domicile. A PCT application can simplify the process of seeking a patent in countries that are party to the Patent Cooperation Treaty.

Searches

Whilst there is no requirement to conduct a search in Panama prior to the filing of an application for registration a search is recommended to ascertain that there will be no discrepancies concerning the innovativeness of the patent. The result can usually be provided within two weeks.

Annuity Payments

Once a patent has been registered in Panama there is an annuity payable to the Panamanian Government every five years. The first fee for the first five years of protection is due on filing and subsequent payments are due every five years on the fifth anniversary of the application date. Annuities for a PCT issued patent are due on the same date.

Failure to pay an annuity will result in the rights protected by the registration being placed in abeyance. This will effectively prevent any enforcement action being taken.

A grace period of six months, however, is allowed for the late payment of an annuity upon payment of a late fee. After that time the patent application shall be deemed to have been withdrawn or the patent will lapse.

Expiry

A patent registration is valid for 20 years. Once the registration has expired it cannot be renewed.

Abandonment

Please inform us as soon as possible if you wish to abandon your patent or allow it to lapse so that we can update our records and advise the Registry accordingly. This will avoid us sending out unnecessary Reminder Notices.

Assignment

Please inform us as soon as possible if the patent has been assigned so that we can file an application to record the assignment in Panama.

To record the assignment of a patent registration the documentation required is the Deed of Assignment (notarised and legalised / apostilled) and a Power of Attorney (notarised and legalised / apostilled).

It usually takes 12 months or less for the Registry to process an application to record an assignment. Once the recording is complete the Registry will issue a Certificate of Recording showing the assignment.

Change of Particulars

Please inform us as soon as possible if there is any change to the registration so that we can file an application to record the change in Panama.

To record a change of name and/or address for a patent registration the documentation required is the Deed evidencing the change (notarised and legalised / apostilled) and a Power of Attorney (notarised and legalised / apostilled).

It usually takes 12 months or less for the Registry to process an application to record a Change of Particulars. Once the recording is complete the Registry will issue a Certificate of Recording showing the change.

Our Firm

HSM IP Ltd. provides worldwide intellectual property services. Based in the Cayman Islands and independently owned and operated, our experienced team of attorneys and paralegals deliver first class service to a broad client base which includes major Fortune Global 500 brand owners, international law firms and other specialist IP practices. Our broad perspective, practical approach and international experience allow us to offer clients a unique insight into IP issues.

The success and growth of our firm is due to our keen understanding of our clients' needs for a comprehensive "one-stop shop" which encompasses a wide range of services from the initial consultation process to searches, registrations, annuity payments and monitoring and renewals. Our interactive database helps us to proactively manage each client's portfolio efficiently and cost-effectively in an environmentally friendly and substantially paperless workplace. It also allows us to fulfil our clients' specific reporting and invoicing requirements, including multi-currency invoicing and e-billing. We offer a competitive schedule of fixed fees, inclusive of both disbursements and official fees, which means we can provide clients with an accurate estimate of their project costs before embarking on a global filing programme for their portfolio.

As a leader in the field, HSM IP understands the value of long-term business relationships. We have a wealth of knowledge and specialise in the Caribbean, Central and Latin America and other offshore jurisdictions. Our staff regularly contribute to leading IP publications and we also publish a range of country-specific IP Client Guides which are available on our website.

Supported by HSM Chambers, an offshore law firm with experienced attorneys admitted in multiple jurisdictions, we have substantial experience in taking action to address the infringement of trade marks and patents and in the conduct of passing-off actions. We are also able to offer investigative services to identify the source of, and distributors of, infringing goods, working closely with police and customs officials as necessary.

Memberships: INTA, CITMA, MARQUES and IPCA.

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HSM IP Ltd. is a Law Firm recognised under the Legal Practitioners (Incorporated Practice) Regulations, 2006 (as amended).

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