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ENFORCEMENT OF PCT IN CHILE AS OF JUNE 2, 2009

An important advance on the subject of patent legislation has taken place recently in our country. On March 2, 2009, the Chilean Government deposited before the World Intellectual Property Organization (WIPO), in Geneva, Switzerland, the instrument of accession to the Patent Cooperation Treaty (PCT). With this deposit Chile became the 140th country accede to the above mentioned Treaty.

The PCT had previously been approved by the National Congress of our country in October, 2008 in fulfillment with the commitments adopted by the State of Chile when signing the Association Agreement with the European Union in 2002 and the Free-trade Agreement with the United States of America in 2003.

As a result of its deposit with WIPO, the PCT will enter into force, with respect to our country, on June 2, 2009, therefore from this date on, nationals and residents of Chile will be entitled to file international applications under the PCT and, at the same time, any international application filed on or after June 2, 2009 will automatically include the designation of Chile.

Since our country is also a member of the Paris Convention, the accession to the PCT does not prevent the filing of patents in Chile claiming priority contemplated in said Convention, in the cases in which this mechanism is more suitable for the applicants.

The Chilean Patent Office has adopted the necessary administrative measures to act as a "receiving Office" of international applications, as well as a "national Office" in the "national phase" when the time comes. It is also important to mention that the Chilean Patent Office has issued a series of instructions destined to improve the filing procedures of national patents, managing to reduce considerably the time frames of such proceedings, which will also benefit the PCT applicants during the national phase in Chile.

These important advances demonstrate the hierarchy that the Industrial Property has acquired in our country, evidencing both the efforts of Congress and the administrative measures adopted by the Chilean Government, positioning our country with the highest international standards of the patent system.

Updated list of Contracting Parties of the PCT, including Chile (CL) :

http://www.wipo.int/treaties/en/ShowResults.jsp?country_id=ALL&start_year=ANY&end_year=ANY&search_what=C&treaty_id=6

End of report