

About the Industrial Property in Panama...

The General Directorate of Industrial Property inside The Ministry of Commerce and Industry, is the institution that regulates the subject. (patents, inventions, etc)

First, you need to know what you are going to registry. If it's an invention or a patent, what type. If it's a trademark, ¿what type? Word and logos or only words, etc.

The DIGERPI reserves the right to register trademarks that contain words that are for general use and other prohibitions (sea, blue, water, Panamá, etc.)

The DIGERPI, provides protection for 5 or 10 years, extendable by the same time.

The protection and registry that Panama provides to the holder of the trademark, is territorial and it's determinate by the use of the TM in the country; it means that if you want to register a TM in Panama's registry, you need to "use it" here (the use of a trademark shall be taken to mean the production, manufacture, development or assembly of articles, goods or merchandise and the rendering of services covered by the said trademark, followed by their introduction to the national market).

Panama in the latest years have become a hub of logistic and commercial trade, so, only the registers trademarks have the right to act and prohibit people that are using your TM without your consent, as the law say:

The owner of the registration of a trademark shall have the right to prohibit third parties from engaging in any of the following acts without his authorization:

1. manufacturing, printing or reproducing labels, headings, containers, wrappers and other similar means of identification, packaging or presentation that display the trademark or an identical distinctive sign when it is clear that the intention is to use those means in connection with the goods or services for which the trademark is registered, or related goods or services, and to sell them or offer them for sale;
2. applying, pasting or in any other way fixing the trademark or an identical distinctive sign or one that so resembles it as to mislead the public regarding the goods for which the trademark is registered to containers, wrappers, packaging or the presentation of such goods, to goods that have been made, transformed or processed by services for which the mark is registered, or to articles that are used for the making available of such services to the public;
3. using a distinctive sign identical or similar to the registered trademark to identify the same goods or services as those for which it is registered, or for goods related to them;
4. using a distinctive sign identical or similar to the registered trademark to identify goods or services different from those for which it is registered where the use of the said sign for such goods or services might cause confusion or a risk of association with the registered trademark;
5. using a distinctive sign identical or similar to the registered trademark in trade without just reason and in a manner liable to prejudice the owner thereof, especially where such use might dilute or destroy the distinctiveness or commercial value of the trademark;

The link below is the Law 35 of 1996 that was emended by the law 61 of 2012.

http://www.wipo.int/wipolex/en/text.jsp?file_id=129259

Trademark Registry:

For the purposes of the Panamanian Industrial Property Law, trademark means any sign or word or combination thereof or any other medium the characteristics of which are capable of distinguishing a product or service on the market.

http://www.wipo.int/wipolex/en/text.jsp?file_id=129259

Requirements:

1. Power of Attorney granted by the trademark owner, no certifications or legalizations are required.
2. Classification of products and services protected by the trademark, according to the International classification of Trademarks for Products and Services.
3. If the trademark was already registered in another country, Registration Certificate of the trademark in the country of origin.
4. 2 labels with the TM (digital or on paper).
5. Affidavit.
6. Vouchers of paid fiscal and fees rates.

Time frame:

6 to 8 months.

*** The trademark is protected retroactively since the day of its application. ***

Licensing:

The Licensing is the permission to a person/s, to use your trademark registration covered by a license of use or so contract. As said it before, you need to have the trademark registered in order to apply to licensing.

Requirements:

1. Power of attorney.
2. An authenticated copy of the contract or deed evidencing the license to use the trademark.

Time frame:

3-4 months.

SANITARY REGISTRATION FOR FOOD:

The procedure for the obtainment of a Health Registration of a food product is prosecuted before the Food Protection Department of the Ministry of Health.

Requirements:

- A Power of Attorney document (from the proprietor of the product), duly notarized and legalized by the Seal of the Apostille or by the Panamanian Consulate. Said Power of Attorney must mention the name of the product to be registered before the Food Protection Department.

- Good Manufacturing Practice Certificate of the manufacturing laboratory, issued by the competent authorities of the country of origin, and duly legalized by the Seal of the Apostille or the Panamanian Consulate. Please be advised that according to our Health Registration Law, said Certificate has a validity of two (2) years counted as of its expedition date, unless the document has another expiration date.
- Certificate of Free Sale of the product (original) duly issued by the competent authorities and legalized by the Seal of the Apostille or the Panamanian Consulate. Said document must include the name of the product that you desire to register. Please be advised that according to our Health Registration Law, said Certificate has a validity of six (6) months counted as of its expedition date.
- Quali-quantitative formula (original) of the product, duly signed by the responsible person of the manufacturing laboratory.
- Six (6) samples of the product (from the same batch number) as it will be commercialized in our country, in each of its variations, and must include, the name of the manufacturing laboratory, the country of origin, batch number, expiration date. The smallest sample size accepted is 200g. For your information, additional samples may be requested by the Specialized Institute of Analysis for the correspondent analysis, once the documentation is filed before said Institution.
- Four (4) labels (original) of the product.
- Documentation specifying the type and material of the recipient used.
- Information as to the interpretation of the batch number.
- Documentation certifying the shelf life of the product.
- Method of Analysis of the product.
- Name of the distributor of the product in Panama.

Once the health registration application is submitted before the Food Protection Department, said documentation is examined by correspondent examiners, and if they estimate that the technical documentation complies with all the requirements of our health authorities, they will order the issuance of the correspondent Health Registration Certificate. The analysis of the product will be effectuated after the expedition of said Certificate.

The timeframe of this procedure is approximately one (6) months.

Please be advised that the Health Registration Certificates for food products have a validity of five (5) years, counted as of the expedition date, and may be renewed for equal periods of time.

Expenses:

Analysis of each product by the Specialized Institute of Analysis (approximately)	US\$250.00 - 350.00
Fiscal stamps affixed to the application	US\$8.00 p/page
Legalizations and authentications before the Ministry of Foreign Relations	US\$10.00 p/doc.
Certificate of Registration	US\$14.00

Registry Right

US\$25.00