

CHILE: MAIN CHANGES IN PATENTS AND TRADE SECRETS TO THE INDUSTRIAL PROPERTY LAW.

1. Modification of fees and annuities. An additional fee of 1 UTM (US\$80) applicable when the application exceeds 80 pages and for each additional 20 pages over said limit. Also, a system of patent annuities is established for the payment of fees corresponding to the second decennial for patents, second quinquennial for utility models, and second and third quinquennial for industrial designs and drawings.

2. Provisional patent applications. Establishes a system of provisional patent applications that can be filed before the Chilean Patent Office (INAPI) for priority purposes.

3. Limitations on extension requests. Temporal limitations are established to the request for additional term to patent protection, due to unjustified administrative delays in its prosecution before INAPI. These are related to the deadline to file such request, 60 days from granting date, as well as its inapplicability to patent prosecutions that do not exceed five years from the filing date of the application or three years from the request for examination.

4. New exceptions to patent rights. Such as acts performed privately and without commercial reasons, acts performed for exclusively experimental purposes relating to the subject matter of the patent or the preparation of medicines under medical prescription for individual cases.

5. Modifications on industrial design and drawings' protection. These include an alternative to the general registration procedure of said rights, consisting of a deposit system that it does not require substantive examination on absolute novelty. Examination will be required when enforcing said rights and must be requested during their protection term. Additionally, the protection term is extended to 15 years from filing date before INAPI.

6. New definition and requirements for trade secret protection. It extends to commercial information and sets forth same requirements as the ones established in the TRIPS Agreement for the protection of undisclosed information.