

**DECREE No. 83-2001**

**THE PRESIDENT OF THE REPUBLIC OF NICARAGUA**

In the exercise of the powers bestowed upon him by the Political Constitution;

**HAS ISSUED**

The following:

**DECREE**

**RULES AND REGULATIONS OF THE LAW OF TRADEMARKS AND OTHER  
DISTINCTIVE SIGNS**

**CHAPTER I**

**GENERAL PROVISIONS**

**Art. 1 Purpose.**

The purpose of the present Decree is to establish the regulatory provisions to Law No. 380, Law of Trademarks and other Distinctive Signs, published in the Official Gazette No. 70 of April 16, 2001, hereinafter referred to as "the Law".

**CHAPTER II**

**MARKS**

**REGISTRATION OF A MARK**

**Art. 2 Filing and admission of the registration application.**

The registration application of a mark shall be filed before the Registry of Intellectual Property, complying with the requirements set forth in Articles 9 and 11 of the Law. If the application does not comply with these requirements, the Registry will notify the applicant ordering it/him/her to comply with them, within the term of two months from the

notice. If within the indicated term all the requirements set forth in said articles are complied with, the application would retain its original filing date; otherwise, the application would be considered as not filed and will be shelved.

### **Art. 3 Content of the application**

In addition to the requirements set forth in Article 11 of the Law, the application shall include:

1) The Applicant's address including the data related to postal code or zone, street, house or building number, if any, and it should be sufficiently complete to allow a quick communication; it could also include a special postal address to mail correspondence. If there is more than one applicant, only one address is to be given for the purposes of the application. The address shall include telephone numbers, fax numbers and electronic addresses, if any.

2) Indication, if appropriate, of the invocation of the right set forth on Article 6 of the Paris Convention for the Protection of Industrial Property, which indication shall be filed together with the application or within three months from the date of filing, as well as the registration certificate of the mark in the country of origin, with the required pertinent translation, as set forth in the final paragraph of Article 10 of the Law.

### **Art. 4 Lack of payment of the set fee**

In case receipt of payment of the basic set fee is not submitted, the application will follow its usual course, but the applicant must submit the receipt within a term no greater than two months. Otherwise, the application will be considered abandoned and will be shelved by administrative initiative. The basic fee covers the registration application of the mark and the supplementary fee covers each of the classes for which the mark is being applied for registration, which will be paid before the registration of the mark. If within the term of one month following the date in which the resolution ordering such registration is notified, the applicant has not made the payment of this fee, the resolution will be voided and the pertinent procedure will be shelved without further processing.

**Art. 5 Limitations and waivers**

All waivers and limitations related to the products or services for which the mark is to be used shall be indicated in the list attached to the application.

All waivers and limitations related to the form in which the mark will be used in the market, particularly its color or size, shall be stated in the application.

When the mark has one or more special colors on which a right is reserved, the application shall indicate the color or colors reserved with respect to each color and the main parts of the mark appearing in such color.

**Art. 6 Reproduction of the mark.**

Each reproduction of the mark shall be clean and free of handwritten modifications and be sufficiently clear so that the constitutive elements of the mark may be distinguished in order to be photocopied and printed without loss of quality. One such reproduction will be attached or printed in the registration application.

**Art. 7 Three-dimensional mark.**

When the mark is three-dimensional, the reproduction of the mark will be a bidimensional graphic or photographic reproduction. The reproduction may be made up by a single view or several different views.

**Art. 8 Extension of the reproduction of the mark.**

Each copy of the reproduction must fit in a square space no bigger than eight centimeters (3.12") at the side. When the mark is figurative, mixed or three-dimensional, its size in the reproduction will not be smaller than three centimeters (1.17") between its two farther apart ends.

**Art. 9 Reproduction of other signs.**

When the mark is a label or design or a combination of words, the protection will extend only to the words, legends or signs that characterize it, but not to the terms or signs of common or current use in commerce, industry or in service activities.

**Art. 10 List of products and services.**

Products or services grouped by classes will be included in the application following the numerical order of the respective classes.

In order to designate products or services in the application, precise terms shall be used, and whenever possible, the terms included in the alphabetical list of products and services of the Classification referred to in Article 93 of the Law, will be used.

**Art. 11 House marks.**

House marks may be applied for registration for all the products or services included in one class of the classification. The applicant must declare that the mark applied for registration is of this nature. A house mark is the mark that contains the name of its legal-owner and that is generally applied to the products or services offered by it/him/her.

**Art. 12 Ownership of a mark.**

The ownership of a mark and the right to its exclusive use is only acquired with respect to the products, merchandises or services for which it was applied for registration and that are included in one class, **without prejudice of what is established in Art. 8 of the Law.**

**Art. 13 Subsequent registration application of products and services.**

All subsequent requests for a registered mark to distinguish additional products, merchandises or services, regardless of the class or classes to which these belong, will be handled as if it refers to a totally new mark, without prejudice of what is established in the second paragraph of Art. 93 of the Law.

**Art. 14 Figurative, mixed or three-dimensional marks.**

When the mark is figurative, mixed or three-dimensional, the registration application may indicate the corresponding categories and divisions of the International Classification referred to in Article 94 of the Law.

**Art. 15 Classification of products or services**

Any indication contained in the application with respect to the classification of products and services or, in its case, to the figurative elements of the mark, will be tentative. The Registry of Intellectual Property will determine the class that corresponds to each product or service.

**Art. 16 Priority.**

For a single application multiple or partial priorities may be claimed, which can originate in two or more different offices; in such case, the term of the priority will be from the date of the oldest priority.

The priority right may also be based on a previous application filed before the Registry of Intellectual Property, provided that no previous priority right was claimed in such application. The granting of the right requested with the benefit of the priority right, implies the cessation of the defects of the previous application with respect to the elements that were common to both. The terms and conditions set forth in this article are applicable when pertinent.

**Art. 17 Multiple priority.**

It is the priority claimed when the list of products or services of the application combines the lists of products or services of two or more prioritary applications.

**Art. 18 Partial priority.**

It is the priority claimed when the list of products or services of the application includes only partially the products and services included in the list of the prioritary application.

**Art. 19 Claim of priorities.**

When multiple or partial priorities are claimed, the data concerning all of them will be stated and the pertinent documents will be filed.

When the applicant wishes to claim a priority in the registration application in order to enforce the temporary protection set forth in Article 11 of the Paris Convention for the Protection of Industrial Property, this shall be stated in the application and a document issued by the organizing authority of the international exhibit shall be enclosed, with the required translation, certifying the exhibition of the products or services bearing the mark, and the date on which they were shown for the first time in the exhibition.

**Art. 20 Amendments or corrections to the application.**

The request for amendment or correction of an application or registration of a mark shall comply with the provisions of Article 12 of the Law and shall include at least the following elements:

1. General data of the applicant or legal-owner, the representative or attorney, if any;
2. Indication of the application or applications to be amended;
3. Indication of the amendment(s) or change(s);
4. Listing of attached documents;
5. Place for notices;
6. Name and signature of the applicant.

When the same amendment or correction affects one or more applications or registrations, a single petition may be filed for all of them.

**Art. 21 Petition for amendment.**

The petition for amendment or correction must be filed together with the receipt of payment of the set fee.

Pursuant to Article 12 of the Law, it will be understood that an application is pending when not all of the administrative or judicial instances and appeals relating to the application set forth in the national legislation, have been completed. When the amendment of the application is due to a change in ownership because of a total or partial assignment, the provisions of Article 30, 31 and 32 of the Law will apply, when pertinent. If the assignment implies a division of the application, Article 13 of the Law will apply.

The provisions of Article 24 of the Law will apply to the amendment or correction of the application.

**Art. 22 Division of the application.**

The Division petition would be made in according to the provisions of Article 13 of the Law and shall include at least the following elements.

1. General data of the applicant(s), the representative or attorney
2. Data of the application to be divided
3. New lists of products and services
4. Listing of attached documents
5. Place for notices
6. Name and signature of the applicant

The division petition shall be filed together with the receipt of payment of the set fee, without which, the petition would not be admitted, except the provisions of Article 4 of these Rules and Regulations.

In order to form each fractional application, the applicant shall file the new lists of products and services, grouped as it may correspond to each one, and copies of the documents included in the initial application. The Registrar shall authenticate the required copies to constitute the file of each fractional application. The provisions of Article 24 of the Law will apply to the division of the application.

If before filing the division petition any omission or deficiency had been notified as per Article 14 of the Law, the division shall not be admitted until the error or omission that motivated the notice, had been amended.

**Art. 23 Procedure to follow after filing the fractional application.**

A new number will be assigned to each fractional application and it will include the identification of the number of the initial application.

Once the division has been completed, each fractional application will be handled separately as if all of them had been filed independently since the beginning.

The publication of the application made before the division will have effect on each fractional application.

**Art. 24 Abandonment.**

The abandonment of a trademark registration application shall be done according to the provisions of Article 17 of the Law and shall include at least the following elements:

1. General data of the applicant, legal-owner, the representative or attorney;
2. Indication of the application(s) being abandoned, classification; place for notices; name and signature of the applicant.

It will be possible to abandon two or more pending applications with a single act. For this purpose, the party abandoning the applications must identify each of the applications being abandoned. The Registry of Intellectual Property will accrue the files of each application with the purpose of rendering a decision on the abandonment. Once the abandonment application has been filed, the Registry will issue a resolution ordering that the pertinent application be shelved.

**Art. 25 Examination of form.**

If the grouping or the classification of products or services indicated in the registration application is correct, the Registry of Intellectual Property will notify the applicant



indicating, when the case may be, who will pay the set fee according to the provisions of Article 95 of the Law.

When one or more of the products or services included in the list of the application had been designated in general or vague terms or are incomprehensible or incorrect, the Registry of Intellectual Property will notify the applicant ordering the correction of the list, in compliance with the provisions of Article 12 of the Law.

In case the caution for the abandonment of the application mentioned in Article 14, second paragraph of the Law, becomes effective, the Registrar will dictate by administrative initiative the pertinent resolution, notifying the applicant. The application will be shelved.

**Art. 26 Publication of the application.**

The notice for publication of the application will be issued according to the provisions of Article 15 of the Law and shall include at least the following elements:

1. Reproduction of the mark
2. Indication of the type of mark
3. Indication of claims
4. Indication of reservations of one or more colors
5. Place and date where the notice is issued and name of the authorizing officer.

**Art. 27 Opposition.**

The opposition to the registration application of a mark will be done according to the provisions of Article 16 of the Law.

The provisions of Article 3, sections 1) and 2) of these Rules and Regulations will apply to the opposition.

The reply to the opposition must be filed indicating the legal and factual grounds, accompanying or offering to present the pertinent evidence. If the evidence is not filed with the reply, it shall be filed within the term of thirty calendar days following the filing of

the reply. Once the term for the filing of oppositions set forth in Article 16 of the Law has elapsed, without any opposition, the Registry will render a decision on the application.

When the opposition is based on the bona fide use of a mark according to the provisions of section I), Article 8 of the Law, the interested party, before filing the opposition, must file an application for the registration of the mark and must prove that it/he/she used it at least for six months. Likewise, when an opposition is filed against the registration application of the party that has used the mark, it/he/she must prove the use during the indicated term.

For the purpose of the last paragraph of Article 16 of the Law, the parties, once the opposition has been filed, may agree on the appointment of one or more arbiters or arbitrators for the resolution of the opposition, for which purpose, the pertinent provisions of the Third Book, Title XIII, of the Judgment by Arbitration, the provisions of Articles 958-990 of the Civil Procedure Code, will be applicable before the Registry.

**Art. 28 Resolution.**

When the application has been the subject of an opposition, the Registry of Intellectual Property will render a decision taking into consideration any agreement expressed by the parties on the limitation of the list of products or services or the form in which the mark(s) will be used in the market. The Registry of Intellectual Property will not accept an agreement that implies effecting two or more registrations of the same mark in the name of different persons to distinguish identical products or services.

In case the decision implies the granting of the registration, the Registry of Intellectual Property will notify the resolution to the applicant so it/he/she may pay the set complementary fee. Any resolution rejecting in whole or in part the granting of a registration application must be properly founded and will be notified to the applicant.

**Art. 29 Examination of the merits of the case.**

If the mark applied for registration is identical to another filed before by a third party and in the process of being registered, in order to distinguish products or services identical in whole or in part, the Registrar will interrupt the handling of the later application until the first application filed is resolved, notifying the applicant to that effect. If the first application filed is rejected or abandoned, the registrar will continue by administrative initiative the prosecution of the interrupted application.

If the objections mentioned in the last paragraph of Article 18 of the Law, affect only one or some of the products or services indicated in the application, the applicant may overcome the objection by eliminating from the list, the respective products or services or limiting the list. The limitation may be done, among other means, by the substitution of the products or services with other more specific, or by an express renunciation with respect to the application or use of the mark, with respect to certain products or services.

### **Art. 30 Registration of the mark.**

The registration of a mark must contain the following elements:

- 1) Number of the registration of the mark;
- 2) Date of the resolution granting the registration;
- 3) Date of expiration of the registration, which will be determined from the date of the resolution granting the registration;
- 4) Name and address of the legal-owner of the registration;
- 5) Place of incorporation and legal residence of the legal-owner of the registration, when it is a juridical person, as well as the name of the attorney in the country, if any;
- 6) Number and date of the application for the registration of the mark;
- 7) Date of publication of the notice of the application for the registration of the mark;
- 8) When pertinent, the data of the priority declaration indicated in the third paragraph of Article 10 of the Law;
- 9) Date of the registration of origin of the mark, when the right set forth in Article 3, section 2) of these Rules and Regulations, is claimed.

- 10) When pertinent, the date of the exhibition set forth in Article 19, paragraph 1 of these Rules and Regulations;
- 11) The registered mark, when it is denominative, without special graphics, form or colors;
- 12) A reproduction of the registered mark when it is denominative with special graphics, form or colors, figurative, mixed, three-dimensional, with or without color;
- 13) Indication that it is a collective mark or a certification mark, whatever the case may be;
- 14) Indication that it is a three-dimensional mark, if such is the case;
- 15) Indication of the categories and divisions of the International Classification set forth in Article 94 of the Law;
- 16) Indication of the reserved color or colors, if one or more colors or combination of colors have been reserved;
- 17) All renunciations or limitations related to the form in which the mark can be used in the market;
- 18) The list of the products and services for which the mark is or will be used, grouped by classes according to the International Classification of Products and Services, indicating the number of each Class;
- 19) All renunciations or limitations related to the products or services for which the mark will be used;
- 20) Date of the registration of the mark in the respective Registry and the autograph signature of the Registrar or the Deputy Registrar, whichever may be, the Secretary and the seal of the Registry.

### **Art. 31 Registration Certificate.**

The Registration Certificate of a mark will be done according to the provisions of Article 19 of the Law and will also contain the following elements:

- 1) Name of the Registry and the data and indications referred to in Article 30 of these Rules and Regulations.
- 2) The Certificate will be signed by the Registrar or the Deputy Registrar and the Secretary, according to the provisions of Article 135, section c), of the Law. It may

be provided that, instead of the autograph signatures, the Certificate be issued with printed, stamped or facsimile signatures, provided that the Registry has the appropriate security measures.

3) Seal of the Registry and the legal tax stamps.

### **CHAPTER III**

#### **RENEWAL OF THE REGISTRATION**

##### **Art. 32 Renewal of the Registration:**

The application for the renewal of the registration of a mark will be done according to the provisions of Article 22 of the Law and shall include at least the following elements:

1. Registration being renewed
2. General data of the legal-owner(s), the representative or attorney
3. Listing of products and services
4. Amendment of the registration (in case of renunciation or limitation)
5. Listing of attached documents
6. Place for notices
7. Name and signature of the applicant.

If the application for the renewal of the registration is filed prior to the beginning of the year before the expiration of the registration, the application will be returned to the applicant and will be considered as not filed.

If the fee for the renewal, or, in its case, the surcharge that had not been paid or was less than the amount owed, the Registry of Intellectual Property will notify the applicant ordering it/him/her to present the receipt of the missing fee or amount within the term of two months. If this defect is not remedied, the renewal application will be considered abandoned. This application may be filed again if it is within the terms and conditions set forth in Article 22, second paragraph of the Law.

##### **Art. 33 Amendment in the renewal.**

With the renewal application, the legal-owner of the registration may amend it presenting a renunciation or limitation with respect to the use of the mark in the market. The renunciation or limitation must be indicated in the renewal application, which must be accompanied with the receipt for payment of the set fee for amendments. Likewise, the legal-owner of the registration may reduce or limit the list of products and services. In this case, the applicant will file with the renewal application, the amended list, which will be recorded in the Registry, as well as the receipt for payment of the set fee for amendments.

#### **Art. 34 Entry and Certificate of renewal.**

Each renewal will be recorded in the entry of the registration being renewed. The inscription must contain the following elements:

- 1) Number of the registration being renewed;
- 2) Date of entry of the renewal;
- 3) Date of expiration of the registration, which will be computed from the date of expiration of the initial registration or of the preceding renewal, as the case may be, even if the renewal had been applied for within the grace period.
- 4) Name and address of the attorney in the country, if any, if it is different from the one indicated in the initial registration or in the preceding renewal, as the case may be;
- 5) All renunciations or limitations related to the form in which the mark can be used in the market, introduced with the renewal application;
- 6) All renunciations or limitations related to the products or services, introduced with the renewal application, and, in its case, the new list of products and services.

#### **Art. 35 Renewal Certificate.**

The Registry of Intellectual Property will issue in the name of the legal-owner a renewal certificate that must contain:

- 1) Name of the Registry;
- 2) Name and address of the legal-owner; and

- 3) The data mentioned in the previous Article, indicating as the number of the renewed registration the number of the initial registration preceded by the letter "R".

The provisions of Article 31, section 2) of these Rules and Regulations will apply to the renewal certificate.

## **CHAPTER IV**

### **AMENDMENT AND DIVISION OF THE REGISTRATION**

#### **Art. 36 Amendment of the registration.**

The amendment of the registration will be done according to the provisions of Article 24 of the Law and Article 20 of these Rules and Regulations, and shall include the following elements:

- 1) The petition shall be filed together with the receipt of payment of the set fee for amendments.
- 2) The petition will specify the change, rectification, correction, renunciation, reduction or limitation that must be carried out with regards to any of the data included in the registration, in compliance with the first paragraph of Article 24 of the Law.
- 3) The declaration of consent set forth in the second paragraph of Article 24 of the Law, will be required when a right of warranty, obligation, encumbrance or any other that limits the free disposition of the right on the mark, appears recorded with regards to the mark.

#### **Art. 37 Division of the registration.**

The petition for division of the registration will be done according to the provisions of Article 25 of the Law and shall include the following elements:

- 1) The receipt of the set fee for each fractional registration;

- 2) The legal-owner of the registration shall file with the petition the new lists of products and services for each of the fractional registrations, grouped according to the provisions of Article 9, paragraph 1), section 1.6) of the Law;
- 3) The fractional registrations will be set up duplicating the registration being divided and including for each one, the new list of products and services. The Registrar will authenticate the copies of the documents which duplication may be necessary for this purpose.
- 4) A new number will be assigned to each fractional registration and it shall include the identification of the number of the divided registration, adding the letter "D".

**Art. 38 Effects of the division.**

Upon completion of the division, each fractional registration will become an independent registration. The expiration of each fractional registration will be the same of the divided registration. The renewal of each fractional registration will be done separately, complying with each of the prescribed formalities.

**Art. 39 Compliance with formalities.**

If the petition for inscription of an amendment or of a division does not comply with the conditions provided by the Law or in these Rules and Regulations, the Registry of Intellectual Property will notify the legal-owner of the registration ordering it/him/her to remedy the defect within the term of two months.

If the defect is not remedied within the indicated term, the petition will be considered abandoned and will be shelved.

**Art. 40 New certificate.**

When a registration is amended or divided, the Registry of Intellectual Property will issue on behalf of its legal-owner a new registration certificate for the amended registration or for each of the fractional registrations, as the case may be.

The provisions of Article 31 of these Rules and Regulations will apply.



## CHAPTER V

### ASSIGNMENT AND LICENSE OF USE OF A MARK

#### **Art. 41 Entry of an assignment.**

The application for inscription of an assignment of one or more registrations or of one or more pending registration applications will be done according to the provisions of Article 30 of the Law and shall include at least the following elements:

1. General data of the applicant(s) or legal-owner(s) assigning the mark(s);
2. Registration application(s) being registered;
3. General data of the representative or attorney of the assignor(s);
4. List of products and services affected by the assignment;
5. Data of the assignee(s), and of the representative or attorney of the assignee(s);
6. Listing of attached documents;
7. Place for notices;
8. Name and signature of the applicant.

When an assignment is made only in connection with one or some of the products and services covered by the application or the registration affected, the petition will indicate the products and services that must be assigned to the application or registration of the assignee. If the assignment affects more than one application or registration, the products and services that are to be assigned must be indicated separately with regards to each application and each registration. The petition will be filed together with the receipt of payment of the set fee.

#### **Art. 42 Assignment.**

When the assignment is the result of one of the forms recognized by the Law, such as a contract, last will and testament, judgment, merger or corporate break-up, among others; the application for its inscription will indicate this fact, and will be filed together with the respective documents.

#### **Art. 43 Division of the registration by assignment.**

When the assignment is partial, so that the change of ownership will only affect one or some of the products or services covered by the registration, the registration will be divided, generating a separate registration for the products and services with regards to which ownership has changed.

The provisions of Articles 37, 38, 39 and 40 of these Rules and Regulation will apply, where appropriate, to the division of a registration by assignment.

**Art. 44 Translation of the assignment documents.**

The document, as the case may be, which shall accompany the petition for inscription of an assignment, as per Article 42 of these Rules and Regulations, written in a language other than Spanish, will be filed together with the respective translation.

**Art. 45 Entry of a license.**

The petition for inscription of a license of use of a mark will be done according to the provisions of Article 32 of the Law and shall include the following elements:

- 1) Receipt of payment of the set fee;
- 2) A copy of the License Agreement of use of a mark;
- 3) An abstract or summary of the agreement indicating the terms and conditions that modify the supplemental rules set forth in Article 32, third paragraph of the Law, when pertinent, at the option of the applicant.

The provisions of Article 39 of these Rules and Regulations will apply to the inscription of the license.

**Art. 46 Formalities and new certificate.**

The provisions of Articles 39 and 40 of these Rules and Regulations will apply to the inscription of an assignment and the issuance of a new registration certificate.

**CHAPTER VI**

**TERMINATION OF THE REGISTRATION OF A MARK**

**Art. 47 Cancellation of a registration due to the generalization of the mark.**

The generalization of a mark referred to in Art. 35 of the Law, corresponds to the generalization of the mark in Trademark Law.

The judicial authority is legally competent to hear the complaints for cancellation of marks due to generalization.

**Art. 48 Cancellation for lack of use of a distinctive sign and nullification of its registration.**

For the purpose of cancelling a registration for lack of use, it will be understood that a mark is in use when the products or services distinguished by it, have been placed in the market or are available under such mark, in the quantity and mode that normally correspond, taking into account the size of the market, the nature of the products or services in question and the modalities under which its marketing is carried out in any of the member countries of the World Commerce Organization (WCO).

**Art. 49 Grounds for nullity.**

Article 34 of the Law establishes the grounds for nullity of the registration of a distinctive sign.

If the registration was made in prejudice of a third party with a better right, the nullification of the registration will only be effective if the interested party did not file an opposition at the appropriate time; the nullity may be claimed by the prejudiced party.

If the registration was made infringing provisions of the Law and these Rules and Regulations, the nullity may be claimed by the aggrieved party or by the Public Ministry (Justice Department).

The judicial authority, once the judgment declaring the nullity of an entry is final, will send a communication or certification to the Registry of Intellectual Property.

The judicial authority is legally competent to hear the complaints for cancellation and nullity of distinctive signs.

The marks, whose dominion had expired due to lack of renewal or that were cancelled at the request of its legal-owner, may be registered again at any moment either by the previous legal-owner or by any other person, upon compliance with the requirements set forth by the Law and these Rules and Regulations for all registrations.

**Art. 50 Renunciation to a registration.**

The cancellation petition of one or more registrations filed by its legal-owner will be done according to the provisions of Article 40 of the Law and shall include at least the following elements:

- 1) General data of the petitioner(s), legal-owner(s), representative or attorney, if any;
- 2) Number of the registration(s) to be cancelled;
- 3) Classification;
- 4) Listing of attached documents;
- 5) Place for notices;
- 6) Name and signature of the petitioner.

In addition, the cancellation petition must be filed together with the receipt of payment of the set fee and the declaration of consent set forth in the second paragraph of Article 40 of the Law, which will be required when a right of warranty, obligation, encumbrance or any other that limits the free disposition of the right on the mark, appears recorded with respect to the mark.

The provisions of Article 39 of these Rules and Regulations will apply to the cancellation petition.

**CHAPTER VII**

**REGISTRATION OF COLLECTIVE AND CERTIFICATION MARKS**

**Art. 51 Applicable procedure.**

The provisions concerning common marks will apply to collective and certification marks.

Every application, petition, communication or notice concerning a collective or certification mark will indicate the type of mark involved.

The provisions of Article 56 of the Law will apply to cases in which the registration of a certification mark expired due to non-renewal or is cancelled at the request of its legal-owner.

**Art. 52 Amendment of the Rules and Regulations of use.**

The petition for inscription of an amendment of the Rules and Regulations of use of a collective mark or the rules and regulations of use of a certification mark will be done according to the provisions of Article 45 of the Law and shall include at least the following elements:

1. General data of the applicant(s), legal-owner(s), representative or attorney, if any;
2. Application(s) or registrations(s) concerned;
3. Indication of the amendment(s);
4. Listing of attached documents;
5. Place for notices;
6. Name and signature of the applicant.

The petition will be filed together with the receipt of payment of the set fee.

The amendment of the Rules and Regulations of use of a certification mark will be previously approved by the administrative authority indicated in Article 52 of the Law. The provisions of Article 39 of these Rules and Regulations will apply to the application for inscription of the amendment.

**COMMERCIAL ADVERTISEMENT EXPRESSIONS OR SIGNS**

## **COMMERCIAL NAMES, EMBLEMS AND SIGNS**

### **CHAPTER VIII**

#### **REGISTRATION OF COMMERCIAL ADVERTISEMENT EXPRESSIONS OR SIGNS**

##### **Art. 53 Application of provisions concerning marks.**

The provisions concerning marks will apply to commercial advertisement expressions or signs, except as set forth in this Chapter.

##### **Art. 54 Registration application.**

The registration application of a commercial advertisement expression or sign and the notice for publication will be done according to the provisions of Articles 57, 58 and 59 of the Law and shall include at least the following elements:

1. General data of the applicant(s); the representative or attorney, if any;
2. Reproduction of the commercial advertisement expression or sign;
3. Usage of the commercial advertisement expression or sign;
4. Renunciations or limitations;
5. Indication of the annexed documents;
6. Place for notices;
7. Name and signature of the applicant.

##### **Art. 55 Content of the registration application and the notice for publication.**

The registration application and the notice for publication will indicate the products, services, activities, enterprises, commercial establishments or business premises, as the case may be, with respect to which the commercial advertisement expression or sign will be used.

When a commercial advertisement expression or sign is the subject of an application or registration as a mark abroad, the corresponding priority right and, in its case, the right

referred to in Article 3, section 2) of these Rules and Regulations, may be claimed to apply for the registration of a mark.

The registration certificate of a commercial advertisement expression or sign must contain at least the following elements:

1. Number of the registration;
2. Date of granting of the registration;
3. Expiration date;
4. Data of the legal-owner, the representative or attorney, if any;
5. Number of the registration application;
6. Date of the registration application;
7. Date of publication of the registration application;
8. Reproduction of the commercial advertisement expression or sign;
9. Renunciations and limitations;
10. Statement of usage;
11. Date of issuance of the certificate;
12. Signature, seal and tax stamps.

## **CHAPTER IX**

### **REGISTRATION OF COMMERCIAL NAMES AND EMBLEMS**

#### **Art. 56 Application of provisions concerning marks.**

The provisions concerning marks, except as set forth in this Chapter, will apply to commercial names, signs and emblems.

#### **Art. 57 Registration application:**

The registration application of a commercial name or emblem and the notice for publication of the application will be done according to the provisions of Article 64 of the Law and shall include at least the following elements:

1. Number of the application;

2. Date of filing;
3. General data of the applicant, the representative or attorney, if any;
4. Reproduction of the commercial name or emblem;
5. Indication of reserves;
6. Place and date of issuance;
7. Name of the officer authorizing the publication.

The registration application and the notice for publication will indicate the date from which the commercial name, sign or emblem is used in the market. It will also indicate the line of business of the applicant and, in its case, the place in the country where the activities of the enterprise with the commercial name, sign or emblem are carried out or the place in which the commercial establishments or business premises that use them, are located.

Concerning the application to commercial names, of the procedures used for marks, the pertinent procedure will be followed. Thus, the procedure to claim the nullity or cancellation of a commercial name will be the one pertaining to claims for nullification or cancellation of a mark.

## **CHAPTER X**

### **Geographical indications**

#### **Art. 58 Registration of a denomination of origin.**

The pertinent provisions concerning marks, will apply to the registration and other procedures concerning denomination of origin, except as set forth in this Chapter.

At the request of an interested party, the registration of any trademark or commercial mark for wines containing or consisting of a geographical indication that identifies wines, or for spirits containing or consisting of a geographical indication that identifies spirits, will be denied or nullified for wines or spirits that do not have such origin.

#### **Art. 59 Formalities for the registration of the denomination.**



The registration application for denominations of origin will be done according to the provisions of Articles 71, 74 and 75 of the Law and shall include at least the following elements:

1. General data of the applicant, representative or attorney, if any;
2. Indication of the denomination of origin applied for registration;
3. Indication of the geographical area;
4. Products to which the denomination of origin is applied;
5. Brief description of the qualities or characteristics of the products;
6. Renunciations or limitations;
7. Place for notices;
8. Name and signature of the applicant.

**Art. 60 Requirements for the notice for publication.**

The notice for publication of the registration application of a denomination of origin shall include at least the following elements:

1. Number of the application;
2. Date of filing;
3. General data of the applicant, the representative or attorney, if any;
4. Denomination of origin;
5. Translation of the denomination of origin;
6. Geographical area of production;
7. Products to which the denomination of origin is applied;
8. Place and date of issuance of the notice;
9. Name and signature of the officer authorizing its publication.

**Art. 61 Requirements of the notice of the granting of the registration.**

The notice of the granting of the registration of a denomination of origin shall include at least the following elements:

1. Number of the registration;

2. General data of the legal-owner, the representative or attorney, if any;
3. Date of granting of the registration;
4. Denomination of origin;
5. Translation of the denomination of origin;
6. Geographical area of production;
7. Products to which the denomination of origin is applied;
8. Place and date of issuance of the notice;
9. Name and signature of the officer authorizing its publication.

**Art. 62 Requirements of the Registration Certificate.**

The registration certificate of a denomination of origin shall include at least the following elements:

1. Number of the registration;
2. Date of granting of the registration;
3. Number of the registration application;
4. Date of publication of the registration application;
5. Translation of the denomination of origin;
6. Country of origin;
7. Demarcated geographical area of production;
8. Products to which the denomination of origin is applied;
9. Brief description of the qualities or characteristics of the products;
10. Renunciation or limitation concerning the use of the denomination of origin;
11. Renunciations or limitations concerning the products;
12. General data of the legal-owner, the legal representative or attorney, if any;
13. Place and date of issuance;
14. Name and signature of the officer authorizing the issuance of the certificate.

When the application is for the registration of a foreign denomination of origin, it shall indicate the pertinent legal basis according to the provisions of Article 71, second paragraph of the Law.

**Art. 63 Amendment of the registration of a denomination of origin.**

The petition for the inscription of an amendment of a registration of a denomination of origin will be done according to the provisions of Article 76 of the Law.

The amendment of a registration of a denomination of origin will be announced through the publication of a notice in the Official Gazette. The notice shall include at least the following elements:

1. General data of the legal-owner, the representative or attorney, if any;
2. Number of the registration;
3. Denomination of origin;
4. Indication of the amendments made;
5. Place and date of issuance;
6. Name and signature of the officer authorizing the issuance.

## **COMMON RULES**

### **CHAPTER XI**

#### **PROCEDURES**

#### **Art. 64 Power of Attorney.**

The power of attorney will be filed according to the provisions of Article 9, section 3) of the Law.

#### **Art. 65 Communication with the Registry.**

Any application, petition, communication or document sent to the Registry of Intellectual Property could be sent by mail or through special courier services. In these cases, the date and the time of the filing will be the date and time of reception of the document by the Registry of Intellectual Property.

Likewise, the Registry of Intellectual Property may allow, informing the users through a communiqué, the filing of the application, petition, communication or document before the Registry of Intellectual Property through telefax, electronic mail or any other form of

modern communication. The date and time of the filing will be the date and time of reception of the transmission, provided that the original of the application, communication or document reaches the Registry of Intellectual Property, within the term of one month from the date of reception of the transmission.

If the original reaches the Registry after that date, it will be considered as filed on the date of reception.

#### **Art. 66 Receipt of filing.**

The party that files an application, petition, communication or document before the Registry of Intellectual Property will have the right to obtain a receipt of filing. The duplicate or the receipt, duly sealed by the Registry, will be the proof of filing of the application, petition, communication or document.

At the request of the applicant, the Registry of Intellectual Property will issue a certification or receipt of filing of any application, petition, communication or document filed before such Registry. The certification or receipt will indicate the date of filing and will be signed by the Secretary. In the case of an application, it will indicate its number, if one had already been assigned, and will have attached a copy of the application with the notice of filing signed by the Secretary.

In the case of communications or documents sent by fax or electronic mail, the Secretary will acknowledge receipt through the same medium, without prejudice of issuing the pertinent receipt of filing or the certification at the request of the interested party.

#### **Art. 67 Notices.**

The rulings and resolutions issued by the Registry of Intellectual Property will be notified to the interested parties in person or through a notice that may be sent by registered mail to the address indicated in the proceedings, or through any other medium set forth by the national legislation. Unless otherwise expressly provided, the terms will run from the business day following the date on which the interested party receives the notice.

**Art. 68 Signatures in communications.**

The application, petition or communication sent to the Registry of Intellectual Property will be filed signed by the interested party, its/his/her representative or the designated agent, with the name of the signatory written in print type next to the signature.

When the Registry of Intellectual Property allows the transmission of applications or communications to the Registry by electronic mail or another electronic medium, the document will be considered signed if the Registry of Intellectual Property identifies the sender.

The signature on an application, petition, communication, power of attorney or other document filed before the Registry of Industrial Property does not require to be notarized.

**Art. 69 Proof of veracity.**

The Registry of Intellectual Property, and any authority in charge of overseeing any procedure originated in the Registry of Intellectual Property, may at any time request the presentation of documents or evidences, even authenticated or legalized, when there were reasons to doubt the veracity of any document filed in such procedure or of any of the data or indications contained in same.

**Art. 70 Abandonment of the procedure.**

The applicable term for the abandonment to become effective will be eight months, according to Article 397 of the Code of Civil Procedure.

The other pertinent provisions of Title XV, Book I of the Code of Civil Procedure, concerning lapse of time, will apply.

**Art. 71 Voluntary withdrawal of action.**

Any person that has filed an application, petition, opposition or other recourse may withdraw it at any time during the procedure. The provisions of Article 17 of the Law will apply.

In the case of an opposition, its withdrawal will not prevent the Registry of Industrial Property to apply, by administrative initiative, the provisions of the Law, when pertinent. Nevertheless, the provisions of Article 18, first paragraph of the Law will apply to voluntary withdrawals.

## **CHAPTER XII**

### **LEGAL ACTIONS AND APPEALS**

#### **Art. 72 Appeals.**

According to the provisions of Article 89 of the Law, an appeal can be filed against the Resolutions issued by the Registry of Intellectual Property. The appeal shall be filed before the Registry of Intellectual Property within the term of three days from the date of notification of the resolutions issued by the Registry of Intellectual Property. The Registry of Intellectual Property will admit or deny the appeal. If the appeal is admitted, the Registry will summon the parties to appear within the term of three days before the Minister of Development, Industry and Commerce, to exercise their rights. Upon appearance of the parties before the superior authority, the respective pleadings will be forwarded from one party to the other in order for them to reply. Once this is done, the pertinent resolution or judgment will be issued without summoning the parties to hear judgment. The appeals set forth by the national legislation will apply against the resolutions or judgments issued by the Minister of Development, Industry and Commerce. Likewise, the pertinent provisions concerning appeals set forth in the Code of Civil Procedure will apply.

There will be no appeal against interlocutory orders, except the appeal of administrative responsibility.

Nicaraguan citizens or juridical persons could claim on their behalf the application of the provisions contained in international treaties on intellectual property to which Nicaragua is a party, in all cases in which such provisions are more favorable than the rules set forth in the Law or in these Rules and Regulations.

**Art. 73 Limitation (prescription) of the criminal action.**

The criminal action to which the second paragraph of Article 103 of the Law refers, will prescribe after four years from the time the criminal action was perpetrated for the last time or since the prejudiced party had knowledge of it, whichever comes first.

**Art. 74 Cancellation of the dominion name.**

When a distinctive sign has been unduly registered in the country, as part of a dominion name or of an electronic mail address of a third party not authorized to use it, Articles 84 and 85 of the Law will apply, provided that there is a risk of confusion among consumers.

**Art. 75 Responsibility of the Registrar, officers and employees of the Registry.**

If the Registrar does not decide the case within the terms set forth in the Law or in these Rules and Regulations, the interested party could complain verbally or in written form before the superior authority, so that the disciplinary measures determined by such authority be applied to the Registrar. Said measures will consist in private or public warnings or a fine not larger than two hundred cordobas. In any case, the Registrar may justify the delay explaining it, which explanation may be accepted or rejected by the superior authority.

The Registrar, the officers or the employees of the Registry of Intellectual Property will not be able to act before the Registry, neither directly nor through an intermediary.

## **CHAPTER XIII**

### **REGISTRIES AND PUBLICITY**

**Art. 76 Rectification of material errors.**

The Registry of Intellectual Property may rectify by itself, under its responsibility, or at the request of an interested party, the omissions and material errors in the Registry's entries, when the documents that served as basis for the respective entry still exist in the office of the Registry of Intellectual Property.

It would be understood that there is a material error, amongst other things, when a word is written instead of another or when a proper name, the name of a company or quantities are mistakenly written.

**Art. 77 Filing of corrected documents.**

If the Registrar notices a material error or an omission after the documents or titles have been returned to the interested party, the Registrar will only be able to do the rectification summoning the interested party, requiring it/him/her to present the documents or titles, after verifying that same have not been altered in any way.

When the rectification is done to correct an error made by the Registrar, it will be done through a new entry or annotation, at no cost for the interested party.

**Art. 78 Record of Powers of Attorney.**

The Registry of Intellectual Property will establish a record of powers of attorney which will have to be updated at least every five years, in which the original powers of attorney or certified photocopies of same, will be kept for the purposes of the procedures set forth in the Law or in these Rules and Regulations, including the filing of oppositions. The Registry of Intellectual Property will assign to each power of attorney a number, which shall be cited by the attorney, agent or representative in every action in which the pertinent power of attorney is invoked, without having to accompany the original or a copy of it.

**Art. 79 Devolution of documents.**



The petition for devolution of documents according to the provisions of Article 142, second paragraph of the Law, will be submitted in writing, with precise indication of the document to be returned, and the number of the file where the document can be found, as the case may be. It will also be possible to request the devolution of the document in the application, petition, opposition, etc., as long as a photocopy of it is accompanied, in order to incorporate it to the pertinent file.

The provisions of Article 92 of the Law will apply to the petition of devolution of documents.

**Art. 80 Publicity of applications and registrations.**

The publicity of registrations will be done through consultation, issuance of copies or simple or certified photocopies and certifications issued by the Registrar of Intellectual Property, as well as through computerized listings and access on line by electronic means, in the form determined by the Registry of Intellectual Property.

The files corresponding to applications and the registrations of intellectual property may be consulted during the ordinary working hours of the Registry of Intellectual Property, in the place and quantities determined by the Registrar to these effects, taking the necessary measures not to affect the daily activities.

The files already processed will be kept at the Registry of Intellectual Property for a period of ten years, after which the files will be destroyed, drawing up a summary of the respective action. The Registry of Intellectual Property will do everything necessary to maintain a truthfull and timely information of the files in their respective databases.

**CHAPTER XIV**

**CONCERNING THE BOOKS OF THE REGISTRY**

**Art. 81 Books to be kept at the Registry of Intellectual Property.**

Aside from using electronic means to store information, the Registry of Intellectual Property will keep books. The Registry will have, at least, the following books:

- 1) Book of filings;
- 2) Book of registration of marks;
- 3) Book of registration of Commercial Names; emblems and signs;
- 4) Book of registration of advertisement expressions or signs;
- 5) Book of denomination of origin;
- 6) Book of models;
- 7) Book of Resolutions;
- 8) Book of provisional notations;
- 9) Book of passes;
- 10) Book of registration of patents of invention and utility models;
- 11) Book of registration of Industrial Designs;
- 12) Book of registration of Vegetable varieties;
- 13) Book of registration of Integrated Circuits;
- 14) Book of registration of rights relating to Program Carrier Satellite Signals;
- 15) Book of registration of Copyrights (authorship rights) and related rights;
- 16) Registry Index.

The above mentioned books will be kept, aside from other books considered necessary according to other laws on the matter and the development of the automated system adopted by the Registry of Intellectual Property.

**Art. 82 Characteristics of the books.**

The books referred to in Article 81 of these Rules and Regulations, will be provided by the Ministry of Development, Industry and Commerce. On the cover they will have a label that shall express the name of the book, and will be opened, numbered on each leaf and closed by the Registrar, who will specify in the opening note on the first page

the number of pages of the book and the fact that they are all duly numbered, sealed and without any spot, and not having been written on nor used, and in the note of closing, the number of pages used during the pertinent period. Once the books have been totally used, they will be duly bound, if not already bound.

**Art. 83 Numbering of the books.**

The books of the Registry of Intellectual Property will be numbered in order of precedence, and various volumes of the same class may be handled simultaneously when the load of work requires it.

**Art. 84 Pages of the books.**

In the books of registration of marks, commercial names, emblems, signs, advertisement expressions or signs, the front of the page will be used to make the pertinent entry, and the back for all the necessary annotations. This page will have the blank spaces to inscribe on it the renewals, assignments, licenses of use, provisional notations and other acts related to the pertinent mark, commercial name, advertisement expression or sign.

When the margin used for annotations is full, a note pointing out the Volume and page of the Book of Passes in which the annotations continue, will be included, designating in this book a page to make the annotations corresponding to each mark, commercial name, emblem, sign, advertisement expression or sign that causes the pass.

**Art. 85 Number of the entry.**

Each entry will have at the beginning its pertinent number in the respective book, and lines will be drawn so as not to leave blank spaces in order to prevent any future insertions.

The amendments, the information written between lines and any other material errors in the books of the Registry of Intellectual Property, must be copied in its entirety at the bottom of the entry, before the signature of the Registrar. It is absolutely forbidden to make scratches or corrections (crossing-outs).

**Art. 86 Book of filings.**

In the Book of filings, all registration applications for marks, commercial names, advertisement expressions or signs will be inscribed, following the provisions of Article 11 of the Law.

**Art. 87 Content of the entry for the registration of a mark.**

The entry for the registration of a mark will be done in the respective book and will contain the data mentioned in Article 30 of these Rules and Regulations.

**Art. 88 Content of the entry for the registration of commercial names, emblems and signs.**

The entry for the registration of a commercial name, emblem and sign will be done in the respective book and will contain the following data:

- 1) Number that corresponds to the entry;
- 2) Place and date of the entry;
- 3) Name, corporate name or denomination of the legal-owner of the commercial name, its/his/her nationality and other data, as well as that of its/his/her agent, factor or representative, if any;
- 4) Precise description of the commercial name and its country of origin;
- 5) Line of business or industry of the enterprise or commercial establishment that will be identified by the commercial name;
- 6) Reserves made, if any;

- 7) Place and date of the resolution through which the registration was ordered as well as the date and number of the Official Gazette where the pertinent notice was published;
- 8) A statement of whether there was an opposition or not;
- 9) Number of the Volume and page of the Book of Models in which the one that corresponds to the commercial name is included, if any;
- 10) The seal and the autograph signature of the Registrar or of the Deputy Registrar and the Secretary.

In each entry, only one commercial name, emblem or sign will be recorded.

**Art. 89 Content of the entry for the registration of advertisement expressions or signs.**

The entry for the registration of an advertisement expression or sign will be made in the pertinent book and will contain the following data:

- 1) Number that corresponds to the entry;
- 2) Place and date of the entry;
- 3) Name, corporate name or denomination of the legal-owner of the advertisement expression or sign, its/his/her nationality and other data, as well as that of its/his/her agent, factor or representative, if any;
- 4) Precise description of the advertisement expression or sign and its country of origin;
- 5) Reserves made with respect to the size, color or combination of colors or other signs that characterize the advertisement expression or sign;
- 6) Place and date of the resolution through which the entry was ordered as well as the date and number of the Official Gazette where the pertinent notice was published;
- 7) A statement of whether there was an opposition or not;
- 8) Number of the Volume and page of the Book of Models in which the one that corresponds to the advertisement expression or sign is included, if any;

- 9) The seal and the autograph signature of the Registrar or of the Deputy Registrar and the Secretary.

In each entry, only one advertisement expression or sign will be recorded.

**Art. 90 Content of the entry for the registration of a denomination of origin.**

The entry for the registration of a denomination of origin will be made in the pertinent book and will contain the following data:

- 1) Number that corresponds to the entry;
- 2) Place and date of the entry;
- 3) Name, corporate name or denomination of the legal-owner of the denomination of origin, and the place where its production, making or manufacture establishments are located.
- 4) Precise description of the denomination of origin;
- 5) Geographical area of production, making or manufacture of the product designated by the denomination of origin;
- 6) The products designated by the denomination of origin;
- 7) A brief description of the essential qualities or characteristics of the products designated by the denomination of origin;
- 8) Place and date of the resolution through which the entry was ordered as well as the date and number of the Official Gazette where the pertinent notice was published;
- 9) A statement of whether there was an opposition or not;
- 10) Number of the Volume and page of the Book of Models in which the one that corresponds to the denomination of origin is included, if any;
- 11) The seal and the autograph signature of the Registrar or of the Deputy Registrar and the Secretary.

**Art. 91 Book of Models.**

The Book of Models will have the size and the characteristics necessary to adhere or stick in each of its pages a model of each mark, commercial name, emblem, sign, advertisement expression or sign, and denomination of origin, which will have to be duly classified according to the provisions of Articles 93 and 94 of the Law. Likewise, the model will be adhered or stuck in the same page in where the entry of the mark, commercial name, advertisement expression or sign is made.

**Art. 92 Correspondence of the model number and the entry number of the distinctive sign.**

Each model adhered or stuck either to the Book of Models or the Book of Registrations, must match the number of the entry for the registration of the mark, commercial name, emblem, sign, advertisement expression or sign or denomination of origin that it represents.

**Art. 93 Characteristics of the models.**

The models must be printed and have the size set forth in Article 8 of these Rules and Regulations, so that its details can be appreciated with clarity.

The Registry will not admit embossed models, even if the pertinent mark or distinctive sign is, nor those that in any way may damage the book to which they must be adhered, nor those made by pencil, nor those which do not represent faithfully and clearly the mark, commercial name, advertisement expression or sign.

When reservations are made with respect to colors, the model must necessarily show them exactly as they appear in the mark, commercial name, advertisement expression or sign.

One of the models will be stuck to the pertinent Book of Models or Registrations; another to the pertinent registration certificate and another to each certification issued.

**Art. 94 Data of the registration of the model.**

When the model is adhered or stucked to the Book of Models, the book, volume and page where the mark, commercial name, advertisement expression or sign is registered will be indicated, the entry number and their respective classifications.

**Art. 95 Book of Resolutions.**

The final resolutions issued by the Registrar will be compiled in chronological order in the Book of Resolutions.

**Art. 96 Content of the inscription of resolutions.**

The inscription will contain the complete text of the Resolution with the autograph signatures of the Registrar and the Secretary.

**Art. 97 Book of provisional notations.**

The following items will be recorded in this book:

- 1) Judicial complaints, the annulment of an inscription or the ownership, replevin or license of use of a mark or another distinctive sign;
- 2) Garnishment on a mark or other distinctive signs;
- 3) In such cases, the Registrar will put at the margin of the pertinent entry, an indication of the Volume and page of the Book of Provisional notations in which the note has been entered;

Once the provisional notation has been made, the pertinent certification may be issued at the cost of the interested party.

**Art. 98 Effects of the provisional notation.**



The provisional notation, in the cases mentioned in Art. 97 of these Rules and Regulations, leaves without any value any transfer made after the notation and during its effects until its cancellation is ordered by Resolution or a final Judgment issued by the competent authority.

**Art. 99 Notation of transfer of different marks or other distinctive signs.**

When different marks or other distinctive signs are transferred through a single document, a separate marginal notation will be made for each of them.

**Art. 100 Affectation of a previous inscription.**

When an inscription that, in any way, affects another previous inscription is issued, a note will be placed at the margin of the previous inscription briefly expressing the assignment, license of use, cancellation of the registered right or any other act, indicating the Volume, number and page of the new entry.

**Art. 101 Content of the other inscription books.**

The inscription of other rights will be made in the respective books and will contain at least the following information:

- 1) Number corresponding to the inscription;
- 2) Place and date of the inscription;
- 3) Name, corporate name or denomination of the legal-owner of the mark, its/his/her nationality, other data as well as that of its/his/her agent, factor or representative, if any.
- 4) Precise description of the corresponding right;
- 5) Place and date of the resolution through which the inscription was ordered; date and number of the Official Gazette in which the pertinent notice was published.
- 6) A statement of whether there was an opposition or not;
- 7) Autograph signatures of the Registrar, the Deputy Registrar and the Secretary.

In each entry, only one right might be noted.

**Art. 102 Making of the Manual and forms.**

The Registry of Intellectual Property is hereby authorized to design the procedure Manual and the pertinent forms in order to expedite the proceedings before the Registry to expedite the application of the Law and these Rules and Regulations.

**Art. 103 Publication of Classifications.**

The International Classification of Products and Services for the Registration of Marks set forth by the Nice Accord of 1957, and the Classification of the Figurative Elements of Marks set forth by the Viena Accord of 1973, to which Articles 93 and 94 of the Law refers, will be published in the Official Gazette no later than one hundred and eighty (180) days from the date these Rules and Regulations become effective.

**Art. 104. Coming into effect.**

These Rules and Regulations will become effective from the date of its publication in the Official Gazette.

Given at the Presidential Palace in the city of Managua on the fourth day of the month of September of the year two thousand one. **ARNOLDO ALEMAN LACAYO.**

PRESIDENT OF THE REPUBLIC OF NICARAGUA.