



**IP COSTA RICA** Costa Rica **Contact us**

## Bulletin April 2013

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### Patent Term Extensions in Costa Rica

Patent term extensions are available in Costa Rica as an adjustment of the patent term due to delays in the patent registration process or regulatory approval of a pharmaceutical product.

The Costa Rican Patent Law provides that patent term extensions are available for patents filed after April 25<sup>th</sup> 2008 and in the following cases:

- a. When the Patent Office takes more the 5 years to grant the patent, from the date of filing in Costa Rica, or from the date it entered the national phase in Costa Rica for PCT applications.
- b. When the Patent Office takes more than 3 years to grant the patent, from the date examination was requested.
- c. For pharmaceutical products, when the approval for sale by the Ministry of Health has taken more than 3 years from the application.

Actions attributed to the applicant will not be taken into account to calculate the delays. The term to compensate will be 1 day per day of delay, as long as the remaining term of the patent does not exceed 12 years. Nevertheless, the total term to compensate shall never be more than 18 months. [Read more](#)

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### Castro & Pal Gets First Plant Variety Registration

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## **in Costa Rica**

Castro & Pal Abogados obtained the first registration for a plant variety in Costa Rica, granted by the National Office of Seeds.

Pursuant to its obligations under CAFTA (Free Trade Agreement between the Dominican Republic, Central America and United States), Costa Rica became a Party to the International Union for the Protection of New Varieties of Plants (UPOV) and on March 19, 2008 issued the Plant Variety Law. The registration process to obtain a plant variety in Costa Rica was implemented in 2009.

According to the Law, the protection granted is of twenty years from the date of issuance with exception of those varieties which are perennial, wherein the protection granted is of twenty five years from the date of issuance. To be eligible for protection, varieties need to satisfy certain conditions, such as being distinct from existing, commonly known varieties and sufficiently uniform and stable.

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## **In our Firm**

### **Partner Luis D. Castro speaker at 2013 AIPLA Meeting**

Our Partner Luis Diego Castro, together with patent attorneys from Brazil, Argentina and Mexico, will be a speaker at the 2013 Spring Meeting of the American Intellectual Property Law Association (AIPLA) to take place May 1-3, 2013 in the city of Seattle, Washington.

Attorney Castro, a patent expert, will speak about some of the latest and most important issues regarding patent protection on biotechnology related inventions in Costa Rica and Central America.

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[Adriana Porras, Esq.](#)  
Editor