



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

## Bulletin October 2014

### Costa Rican Patent Office Position as to Swiss Type Claims

According to the Costa Rican Patent Law, methods of treatment or diagnosis are considered non- patentable subject matter in Costa Rica, as well as "second use" inventions.

The Administrative Court of Appeals on an isolated decision held that a claim containing the language "the use of X for the manufacture of a medicament for use in treatment of Y", was a valid claim.

However, this decision has not been supported by the CRPO (Costa Rican Patent Office), which continuously rejects all Swiss-type claims, considering them as disguised methods of treatment.

We do not expect that said behavior from the CRPO changes in the near future. Therefore, the decision of the Administrative Courts remains an isolated case.

Our office will be closely monitoring should the Administrative Courts issue any new resolution as to this matter, or if an applicant decides to elevate the inquiry to the Judicial Courts.

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## New Requirement for the Transfer of Trade Names

The Costa Rican Trademark Office (CRTO) recently issued Directive No. DRPI-02-2014, which includes a new requirement in the process of applying for the transfer of a trade name.

According to article 69 of the Costa Rican Trademark Law, the transfer of a trade name must include the transfer of the business or establishment that uses such trade name. Furthermore, article 479 of the Costa Rican Commerce Code requires that a notice of such transfer must be published for three consecutive days in the Official Gazette.

The new Directive now mandates that when applying for a transfer of a trade name, proof of publication of the above mentioned notice must be presented, by means of a certification by notary public. In case publication is not demonstrated, the examiner will grant a period of six months to file the required certification. Failure to comply with such requisite will render the transfer application abandoned, in accordance with article 69 of the Trademark Law.

The new Directive entered into effect on October 10, 2014.

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### In Our Firm

Castro & Pal Abogados is pleased to announce that our firm has received top rankings in Intellectual Property for 2015 and 2014 from Chambers & Partners and The Legal 500, respectively.

Chambers Latin America Awards 2015 has ranked Castro & Pal as Leading Law Firm in Intellectual Property in Costa Rica for its eminent practice dedicated to IP matter and expertise in a number of areas. Clients emphasize that Castro & Pal *"is a great firm to work with and because of its size they offer a real personalized and specialized service."*

Recognizing our partners as Leading Individuals, Chambers highlights Luis Pal's dedication to the client and his abilities in trade mark registration and litigation. Clients and peers enthuse about partner Luis Castro's excellent IP practice and strength in patents. Sources describe him as *"always having something intelligent to say - he has great insight and ability."* Head of department Simon Valverde receives enthusiastic comments from clients, who praise his unfailing responsiveness and knowledge of international IP law.

Likewise, The Legal 500 2014 has ranked Castro & Pal Abogados as a second tier firm within Intellectual Property practice area in Costa Rica, recognizing its distinction in the field, *"where it provides particular expertise in filing patent applications and handling trade*

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Attorney/Editor

*mark portfolios. Demonstrating strong litigation capabilities, the 'excellent' Luis D Castro, Luis Pal and Simon Valverde recently represented Pfizer in a judicial action against the Government of Costa Rica and the Patent and Trademark Office."*

These awards are conferred based on international interviews and research, providing a thorough review of the strengths and capabilities of law firms across the world.

