

Changes in the Nicaraguan Trademark Office

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Due to the global COVID-19 pandemic, on May 5, 2020, the Nicaraguan Trademark Office allowed and accepted the presentation of new procedures, powers of attorney, transfer documents and name changes, among others, without the need of presenting a notarial certification by Apostille or by a consulate of Nicaragua.

As of March 31, 2022, such decision has been cancelled and now the Trademark Office once again requires that all documents must be presented duly certified by Apostille or consular means. In the case of a document in a foreign language, it is also required to submit its official translation into Spanish before a Nicaraguan notary public.

Requirement of proof of existence by applicant companies

On March 15, 2022, the Nicaraguan Trademark Office decided to require applicant companies to provide a certificate proving their existence, duly certified by Apostille or consular means, for all types of trademark procedures. The requirement tended to be applied only in new applications or in those that were already under process.

Faced with this new and surprising decision, the Nicaraguan private sector addressed the issue with the authorities of the Trademark Office to find a solution that would be more feasible to comply with.

As a result of this approach, the implementation of the following practices was agreed:

- It will not be required to present a certificate of existence or a similar document to prove the existence of an applicant company. The presentation of the number and date of registration of the company will be considered as sufficient proof.
- The requirement will only be applied in cases of trademark registration applications, including new applications and those that are already under process, and will not be required for renewal procedures.
- The requirement can be complied with by: the presentation of a brief document in which the information is included; the inclusion of the information in the trademark registration application form; or the inclusion of the information through the powers granted to local agents.
- For applications that are already under process and for which the required information has not yet been submitted, the Trademark Office will issue an individual notification for each case requesting the submission of the information with a term of 15 business days. In order to avoid delays, we suggest to submit such information as soon as it is available and before the Trademark Office issues the notification.

It is important to notice that the Trademark Office will not issue any written guideline on this matter, so we will keep you informed about any other changes that are made in the future.

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