



## MEMORANDUM TO CLIENTS AND FRIENDS

January 30, 2006

### **Announcement by Puerto Rico Department of State Concerning Automatic Cancellation of Certain Marks Registered Without Use**

On January 19, 2006, the Puerto Rico Department of State (the “Department”) announced that all marks that were registered without use and for which a sworn statement of use was not filed within five years of registration (which is retroactive to the filing date of the application) would be deemed automatically cancelled (without further notice). The Department made this announcement based in part on the Puerto Rico Supreme Court’s decision in Arribas & Associates, Inc. v. Santa Clara C. por A., 2005 TSPR 143 (October 3, 2005), which held that the registration of a mark without use expires by operation of law if the registrant fails to use the mark in commerce and file the aforementioned statement of use within five years of registration. (Our Memorandum to Clients and Friends dated October 19, 2005, contains a more detailed discussion of the Arribas & Associates case.)

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the following attorneys:

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