

TRADEMARK ALERT

July 30, 2008

Puerto Rico Recent Developments

The Trademark Office of the Puerto Rico Department of State is in charge of the registration of marks in Puerto Rico and the implementation of regulations and procedures under the Puerto Rico Trademarks Act. It recently implemented a more stringent examination process by which applications for registration are now more likely to be questioned during the examination process on the ground that the marks are descriptive or generic. As a result thereof, it generally is taking longer for the Puerto Rico Trademark Office to approve applications and issue publication notices.

Moreover, in Federation Des Industries De La Parfumerie v. Ebel Internacional Limited, 2007 TSPR 212, the Puerto Rico Supreme Court in effect incorporated into Puerto Rico law the U.S. Lanham Act's prohibition against registration of marks that are "primarily geographically deceptively misdescriptive," even though the Puerto Rico Trademarks Act does not expressly address or prohibit the registration of such marks. Thus, the Puerto Rico Trademark Office may now reject marks that are "primarily geographically deceptively misdescriptive."

We provide trademark registration services in both Puerto Rico and the United States. 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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|---------------------------|----------------|--------------|--|
| Antonio Escudero-Viera | Capital Member | 787-250-5625 | aev@mcvpr.com |
| Iván G. Marrero | Capital Member | 787-250-2606 | igm@mcvpr.com |
| Dora M. Peñagaricano | Capital Member | 787-250-5657 | dmp@mcvpr.com |
| Roberto C. Quiñones | Capital Member | 787-250-2631 | rcq@mcvpr.com |
| Frank La Fontaine-Maestre | Associate | 787-250-2626 | fl@mcvpr.com |

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