

U.S.-Cuba Trade and Economic Council, Inc.

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Trademark and Patent Registration Procedures

As of 1 August 2002, there were approximately 4,000 trademarks registered within the Republic of Cuba by United States-based companies. There remain an unspecified number of trademark applications (some dating from the end of 1998 through the beginning of 1999) by United States-based companies that were expected to soon be registered. There are a total of approximately 60,000 trademarks registered within the Republic of Cuba.

Selected Trademarks Registered Within The Republic Of Cuba (1918 To Present)					
Brand Name	Year Registered	Brand Name	Year Registered	Brand Name	Year Registered
Aunt Jemina	1918	Kraft	1949	Rubbermaid	1957
Tabasco	1931	Oracle	1991	Starbucks Coffee	1997
Magic Johnson	1996	Nine Lives	1950	Hallmark	1956
MVP	1996	Radisson	1995	Dale Carnegie	1959
All You Need	1995	Weight Watcher	1989	General Motors	1921
The Home Depot	1993	Bartles & Jaymes	1994	Black & Decker	1985
Planet Hollywood	1991	Palm Beach	1950	Time Warner	1990
T.G.I. Friday's	1992	Gillette	1950	Foot Locker	1994
Ralph Lauren	1992	ConAgra	1996	Mr. Peanut	1962
Paul Mitchell	1992	Healthy Choice	1996	GQ	1997
Hilton	1989	UL	1990	Nike	1996
Patrick Ewing	1992	Chun King	1996	Six Continents Club	1996
DuPont	1945	Quaker Oats	1951	Eskimo Pie	1973
Sunkist	1996	Western Union	1996	Texaco	1922
Pepsi	1992	MCI	1996	Louisville Slugger	1958
Raytheon	1946	Minute Maid	1952	Wendy's	1978
Timex	1946	Sbarro	1997	Aramis	1978
Polaroid	1946	Velvetta	1953	Batman	1980
Tyson	1996	Brillo	1996	Macy's	1983
J. Walter Thompson	1996	Ace Hardware	1996	Scientology	1983
M&M's	1947	Jockey	1996	Rockport	1993
Sealy	1947	United Airlines	1996	Hershey's Kisses	1923
Wonder Woman	1947	Kodak	1954	The Sports Authority	1995
Ford	1947	Cartoon Network	1993	Eli Lilly & Company	1926
Wrigley	1974	Forever Yours	1939	Baxter	1989
Blue Cross	1988	Hertz	1954	Hawaiian Tropic	1992
Whitman's Sampler	1947	Old Spice	1996	Iridium	1994
Pfizer	1947	Heinz	1996	Tommy Hilfiger	1995
Levi's	1994	Parkay	1955	Little Caesars	1996
Dockers	1994	Miracle Whip	1953	Otis	1930
Bud	1991	United Parcel Service	1996	Diners Club	1956
Playboy	1996	Caterpillar	1955	Bud	1996
Jell-O	1948	HBO	1954	Goya	1992
Adultvision	1996	Visa	1996	Mastercard	1990
Kleenex	1948	Avis	1956	Sun Microsystems	1994
Huggies	1994	Pizza Hut	1996	McDonald's	1996
Carolina Herrera	1994	Kmart	1994	Revlon	1958

Selected Republic of Cuba Agreements, Organization Membership, and Conventions

World Trade Organization; General Agreement on Tariffs and Trade; World International Property Organization; Paris Convention for Protection of Industrial Property; Madrid Agreements for the Repression of False or Deceptive Indications of Source of Goods; Lisbon Agreement for the Protection of Appellations of Origin; Madrid Agreement concerning the International Registration of Marks; Locarno Agreement on Industrial Designs Classification, Patent Cooperation Treaty;

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Strasbourg Agreement on Patent Classification; Budapest Agreement on Microorganism, Santiago Convention; Nice Agreement on Classification of Goods and Services; Vienna Agreement on Classification of the Figurative Elements of Marks; Nairobi Treaty on the Protection of the Olympic Symbol; Pan American Convention; Buenos Aires Convention; Universal Copyright Convention and Berne Convention for the Protection of Literary and Artistic Works; Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs; and Patent Law Treaty.

Applicable Republic of Cuba Laws

Decree-Law No. 68 on Inventions, Scientific Discoveries, Industrial Models, Trademarks and Denominations of Origin (14 May 1983).

Decree-Law No. 160 in respect of Patent Applications concerning the Pharmaceutical and Chemicals Products for the Agriculture (9 June 1995).

Decree-Law No. 203 on Trademarks and other distinctive signs (5 May 2000)

Republic of Cuba Registration Classifications

Patents of Invention; Inventor's Certificate; Scientific Discoveries; Industrial Models; Trademarks Commercial Names; Company Emblem; Signs of Establishments; Commercial Slogans; Denominations of Origin; Indications of Origin

Trademark Registration

Applicant's name and address

List of goods and/or services to be covered by the application

One print of the trademark(s) involved. If it is a wordmark, a print is not required.

Letter of authorization

If priority is being claimed, provide a certified copy of the original application.

Beginning of protection from the date of filing of the application.

A trademark registration is granted for a period of ten (10) years, renewable for further periods of ten (10) years.

Use is a condition for maintaining the validity of a trademark. If the owner of the trademark does not use it during three (3) consecutive years, the mark expires, upon petition of a third party.

Industrial Models and Design

Applicant's name and address

Description of the model or design in the Spanish language in triplicate or a text in any language with instructions to translate to the Spanish language.

Drawing in triplicate

Letter of Authorization

Beginning of protection from the date of filing of the application.

The registration is granted for a period of five (5) years from the filing date, renewable for another term of five (5) years, provided the industrial model is being exploited.

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Patent Registration

Full name, profession, and address of applicant and inventor(s).

Title of invention

Description of the patent in the Spanish language in triplicate or a text in the English language and the instructions to prepare a Spanish language translation.

Drawing, in triplicate of the patent

Date and number of the priority to be claimed, an certified copy of original application.

Letter of authorization

The registration is granted for a period of ten (10) years, starting from the date of filing of the application and the same may be extended for five (5) years, of increasing amount, starting from the date of filing of the application up to the termination of its life, is obligatory.

Assignments, Changes of Name and Licenses

Suitable evidence, e.g., assignment deed, public document or license agreement, indicating the change to be recorded.

United States Government Regulations

Pursuant to President Clinton's announcement of 6 October 1995, the United States Department of the Treasury has amended the Cuban Assets Control Regulations to permit payments of expenses for intellectual property protection in Cuba. Transactions relating to the registration and renewal in the United States Patent and Trademark Office or the United States Copyright Office of patents, trademarks, and copyrights in which the Government of Cuba or a Cuban national has an interest are authorized. Payments from blocked accounts or otherwise of fees currently due to the United States Government in connection with these transactions are authorized. Payments from blocked accounts or otherwise of the reasonable and customary fees and charges currently due to attorneys or representatives within the United States in connection with the transactions are authorized. For additional information, refer to the Code of Federal Regulations- 31 CFR Part 515.

Registration Contacts

The entity within the Republic of Cuba responsible for the processing of applications for trademarks and patents is the Oficina Cubana de la Propiedad Industrial (OCPI), which operates under the auspice of the Ministry of Science, Technology, and Environment of the Republic of Cuba (CITMA). The Oficina Cubana de la Propiedad Industrial was formerly named the Oficina Nacional de Invenciones, Informacion Tecnica y Marcas (ONIITEM).

**Oficina Cubana de la Propiedad Industrial
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Any of the following competing entities can process the application(s) on behalf of a United States company with the Oficina Cubana de la Propiedad Industrial for fees ranging from approximately US\$550.00 for a trademark to US\$800.00 for a patent.

CLAIM, S.A.

Consultores de Marcas y Patentes.
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Bufete Internacional is a subsidiary of Republic of Cuba government-operated Corporacion Cubanacan, a tourism-related company (hotels, tour operator, retail stores, restaurants, package delivery, marina management, etc.).

CONAS

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Consultores Asociados, S.A, (Conas) is affiliated with the Ministry for Foreign Investment and Economic Cooperation of the Republic of Cuba and has clients in many areas. "The Civil Services Society Consultores Asociados S.A. (CONAS) offers consulting services to foreign entrepreneurs interested in creating and consolidating business in Cuba as well as to national enterprises, foreign

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individuals or bodies, institutions and international organizations. Business management, specialized legal, economic, notarial services and industrial property services conform our wide portfolio of integral services.”

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Consultoria Juridica Internacional focuses upon corporate law, industrial property, intellectual property, etc. Consultoria Juridica Internacional's largest client is Corporacion Cimex, S.A., the largest Republic of Cuba government-controlled company. Corporacion Cimex S.A. has operations in retail, shipping, in bond warehousing, financial services, tourism, and other areas.

LEX, S.A.

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LEX, S.A., was affiliated with the Republic of Cuba government-operated Chamber of Commerce of the Republic of Cuba, but has since become independent. The company specializes in trademark and patent registration.

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Rado Y Asociados S.A. provides services in the field of company law, foreign investments, finances, and taxation and has and has major clients in the areas of real estate, insurance, and shipping; and has a working relationship with the Ministry of Finances and Prices of the Republic of Cuba.