

Licensing Strategies for Latin America

	Argentina	Brazil	Bolivia
Are license agreements regulated in law	Not as such	Law 9.276 establishes the possibility to license and the provisions below.	Andean Decision number 486/2000
Special provisions	Innominate contract. Roman Law. General Rules. Will of the parties. Freedom to negotiate.	Agreement must contain: the reference Industrial property right under license. Price of the license if it is with cost and if it is without cost it must be stated. Possibility of sublicensing. Period that cannot be more than the duration of the right.	In Bolivia, notarization is required and Legalization in the case of foreign agreement.
Mandatory registration? Formalities?	Industrial property not mandatory even for third parties. Copyright assignments in order have effects on third parties but no licenses. Legalization and translation requested. Can be online.	Industrial property mandatory to register in order to have effect on third parties. Legalization of POA and agreement is requested. Copyright is not mandatory.	Andean Decision requires registration in order to have effects on third parties. Written agreements. Online but not online in the end
IP Filings	Can be online. Legalization and translations requested.	Can be online, no need of legalizations. POA must be notarized but can be filed online. Translation requested.	Online but not online in the end. Legalization.

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	Colombia	Chile	Costa Rica
Are license agreements regulated in law	Andean Decision	Yes	Yes
Special provisions	Written for registration	Written	No sublicenses but only if third parties authorize
Mandatory registration? Formalities?	Yes in order to have effect on third parties No legalizations	Yes in order to have effects on third parties	Mandatory in order to have effect on third parties
IP Filings	Online No legalizations	Online No legalization and notarization	Online but legalization required

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	Ecuador	Guatemala	Mexico
Are license agreements regulated in law	COESC and Andean Decision 486/2000	Regulated: Decree 57-2000	Yes, in the Federal Copyright Act in its article 30 to 76. In the Industrial Property Act in its article 62 to 77 Patent Licenses, utility models and industrial designs, 136 to 150 Trademark Licenses.
Special provisions	Written Notarization	Written Official translation if in other language No possibility of sublicensing if not authorized Exclusive licensee can initiate infringement actions	Written Simple translation Notarization and legalization
Mandatory registration? Formalities?	Mandatory Registration in order to have effects inter parties and third parties. Online but not online.	It is not mandatory but it can be registered. Translation of the agreement Legalization	Mandatory registration to have effects on third parties Industrial property registration can be online but Copyright have to be paper document.
IP Filings	Online but not online Legalization and notarization	Online but not online Legalization and notarization	Industrial property registration can be online despite notarization and legalizations and Copyright have to be paper document but probably in October it will turn online.

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	Paraguay	Peru	Puerto Rico
Are license agreements regulated in law	Just mentioned	Just mentioned	No
Special provisions	No	Written	No special provisions General conditions of contracts, will, object. This is only local trademark Law, patents regulated under patent law.
Mandatory registration? Formalities?	No mandatory registration	Mandatory registration in order to have effects on third parties. Legalization required	No mandatory even for third parties no need for registration.
IP Filings	For industrial property notarization and legalization not for copyrights. Not online registration.	Legalization required Online	Online for industrial property No legalization Copyright no digital and legalizations

	Uruguay	Salvador	Venezuela
Are license agreements regulated in law	Yes in industrial property	Yes in industrial property	No
Special provisions	Written Many prohibitions in order to prevent acts that can affect competition.	Written Legalization	Written Notarization and legalization when from abroad.
Mandatory registration? Formalities?	Mandatory in order to have effects on third parties. No	Mandatory in order to have effects on third parties	Mandatory in order to have effects on third parties.
IP Filings	Online Legalization	No online Legalization	No, just for covid. Legalization and Notarization.