

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;

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

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.

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

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).

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

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.

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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

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

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.