

A Decision that Literally Analyzed 30 Years of Evidence!

COLOMBIA | Trademarks | Olarte Moure & Asociados

In an infrequent decision, the Colombian Trademark Office has retroactively declared a trademark well-known since 1989. This decision implies that any trademark registered during that period may be subject to cancellation – if the owner of the well-known trademark requests it and after due process – on the basis of such notoriety if it created likelihood of confusion, risk of dilution by blurring or tarnishment, or take undue advantage of the well-known trademark reputation at the time it was applied for.

Olarte Moure, on behalf of the football soccer club "Millonarios", filed opposition and obtained the decision in which the CTO declared "MILLONARIOS" from 1989 and, until July of 2010, also obtained the notoriety for the period between August of 2013 and May of 2015.

The notoriety was recognized through Resolution 2180/2017 - issued by the Superintendency of Industry and Commerce - SIC – (Colombian Trademark Office). The resolution also denies the registration of the mark "CHURTA M CHURTA M.TE QUIERO AZUL", one of the so-called homage trademarks, that is meant to identify a soccer academy for young players.

Millonarios is one of the most important soccer teams in Colombia. OlarteMoure is developing a 360° strategy that involves protection, enforcement and anticounterfeiting actions for the team.