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**Sargent  
& Krahn**  
1889

## Practice areas



Trademarks



Patents



Patent Cooperation Treaty (PCT)



Pharmaceutical Law – Data Protection – Life Sciences



Copyrights



Technology, Privacy and Media



Domain Names



Contracts In Intellectual Property, Trade Secrets  
and Tax Advisory



Unfair Competition, Advertising (CONAR)  
and Consumer Protection



Litigation



Geographical Indications and Designations of Origin



Plant Breeder's Rights (PBR)

## Our firm

### Professional Excellence at the service of Innovation.

Sargent & Krahn, has been since its origins in 1889, a firm dedicated to intellectual property, closely linked to the protection of intangible assets and innovation developed by people, inventors and companies of any size.

We have the experience and knowledge of a solid team of professionals and technicians that allow us to provide an excellent service to our clients. We have wide coverage, both locally and internationally, and we work with first class correspondents in the different jurisdictions, which allows us to provide a global protection service.

Our commitment is to provide our clients with the best quality and reliable service, taking into consideration their needs, the industry in which they operate and the use of the most suitable legal tools to protect their rights.

The entrepreneurial and visionary spirit of our founders has always inspired us and we have remained at the forefront of our professional field, either by developing technological tools that we put at the service of our clients, such as our Weekmark platform, or by extending our professional practice to areas connected to intellectual property, such as Pharmaceutical Law, Technology and Data Protection, and Advertising Regulation, among others. This is recognized by our clients, since thanks to them, we continue to be ranked and identified as the leading firm in intellectual property in Chile for decades at the international level.

The irruption of new technologies, the exponential increase of contents and information that is exchanged daily at a global level, and the variety and speed of the media that circulate them make it indispensable to have the advice of professionals who understand these phenomena in an integral way to accompany clients of different sizes, industries and realities in areas of knowledge and economic activity that until a few years ago were only within the reach of a few.



More than 130  
years at the  
forefront of  
Intellectual and  
Industrial Property  
in Chile.



Practice areas

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We advise local and international clients on the registration, renewal and, in general, all the necessary steps to protect their trademarks. In turn, we have an extensive network of international correspondents that allows us to advise our clients on the registration and protection of their trademarks abroad.

Our trademark watch service in Chile includes:

- The comparison of all trademark applications published in the Official Gazette with our clients' trademarks, generating notices for the filing of oppositions.
- The comparison of domain name registrations in NIC Chile with our clients' trademarks, generating notices for the filing of revocations.
- Notices of expiration of trademarks and domain names for their timely renewal.

We have a database that is updated daily with information from the National Institute of Industrial Property (INAPI) and the Official Gazette. In this way, our trademark and label searches are performed internally, without the need to go to external sources, which allows us to deliver results and registration strategies in a timely manner. Our own database and especially its search parameters regarding designs are an asset that differentiates us from our competition.

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## Patents

We file and process in Chile applications for patents, utility models, designs and industrial drawings for local and international clients. We also have an extensive network of correspondents abroad that allows us to advise our clients on the protection of these same rights in the countries of interest.

In providing our services, we combine the work of lawyers specialized in the processing and enforcement of these rights, together with that of engineers, biologists and other technical professionals of excellence with vast experience, who directly advise inventors and clients in the drafting of their applications.

Our legislation allows the patenting of inventions in all areas of the technique, and our team has developed a particularly robust practice in the pharmaceutical, mining, agro-chemical, aquaculture and fisheries areas, where we advise inventors and clients from the early stages in their research and development projects, conducting state-of-the-art searches and from their results outlining the most rational patenting strategies for Chile and abroad.

All the lawyers of our team have studied postgraduate courses in patents and intellectual property and teach these areas in the main Universities of our country. All the technical professionals of our team have participated in specialization courses in the field and several of them, prior to working with our firm, served as examiners of the Industrial Property Institute (INAPI).

Our firm has solid experience in the enforcement and commercial exploitation of these rights, having represented inventors and clients in contractual negotiations of various kinds for the licensing of their privileges, as well as for their defense and enforcement before Civil, Criminal and Competition Courts.

Finally, our team keeps a close attention on the legislative and regulatory activity related to these rights, having also participated as experts in the formation processes of several laws and regulations that govern this branch of industrial property in Chile.

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## Patent Cooperation Treaty (PCT)

The PCT is in force in Chile since June 2, 2009 and is routinely used by national applicants due to the evident advantage that it provides to plan and implement global patent strategies. After a PCT application is filed, the applicant has 30 months to make a decision regarding the countries in which it will continue with the patent process. During this term, the applicant can analyze the possible commercial success of the invention and, taking advantage of the international search report and written opinion that the PCT process provides, obtain a clear idea regarding the real possibilities that the patent application will be accepted for registration.

Our office also provides advice in the drafting (request, specification and claims), filing and prosecuting of PCT applications in the International phase before the National Institute of Industrial Property (INAPI) or the International Office. We also have a network of international correspondents that can represent our clients before the designated offices during the corresponding national phase.

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## Pharmaceutical Law – Data Protection – Life Sciences

The protection of pharmaceutical products is one of the few areas where experts agree that legal protection is essential to foster innovation. Indeed, the launch of a pharmaceutical product in the market is a long and difficult process that implies the investment of enormous resources and the generation of a significant amount of necessary information to obtain the regulatory authorization to allow its commercialization, which constitutes one of the most valuable assets of a pharmaceutical company.

Also, and increasingly, the IP aspects of pharmaceutical and agro-chemical products are related to the registration process before the specialized regulatory authorities, considering the need to protect the data that the applicant must provide to obtain the authorization to sell their products. Our attorneys have experience in negotiations and regulatory litigations, and also in the management of the provisions for data protection, and are thus in a unique position to advise our clients regarding these matters.

Additionally, the provisions of bioequivalence and biosimilars are becoming increasingly relevant in the process of registration and sale authorizations of pharmaceutical products, because their infringement can lead to the rejection or cancellation of said registration. The attorneys and technicians of our firm can provide the necessary guidance and advice in regulatory matters.

At the same time, our team constantly monitors legal and regulatory changes that may affect the industry and the pharmaceutical market, allowing us to provide updated advice to the industry in a field that is constantly being updated.

Finally, our firm has experience in legal issues related to the importation, commercialization and pharmacovigilance of pharmaceutical products and the rules for their acquisition and distribution by public and private entities (including public tenders), as well as in advertising, medical promotions, and telemedicine, among other matters.

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## Copyrights

We advise our clients in relation to the protection of their copyright (and related rights) by evaluating together the most convenient way to ensure the protection of those rights, but also to exploit them effectively through different contractual forms such as licensing or cession.

Our firm also provides services in connection to the deposit of intellectual works and contracts before the Department of Intellectual Rights, such as transfer agreements and publishing contracts, as well as the protection of rights over artistic, literary and artistic works, including computer programs, architectural works and databases, among other related matters.

In addition, we have extensive experience in negotiating and preparing agreements relating to rights managed through collective management entities, as well as those managed individually by the respective owners.

Finally, our firm has lawyers specialized in matters related to the defense of this type of rights in different types of venues, including civil and criminal courts, which allows us to advise our clients not only on the deposit and exploitation of their copyright and related rights, but also on their enforcement in cases of possible infringements.

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## Technology, Privacy and Media

Our firm permanently advises local clients and several of the world's largest technology companies on legal matters related to information technology, telecommunications and data protection.

We have highly specialized lawyers with a deep knowledge of technology, including the Internet, electronic signatures, software and licensing, databases, SaaS and cloud computing, cryptography and IT security, among others.

This has allowed our team to participate in some of the most important technology and telecommunications infrastructure projects in Chile, as well as in large transactions involving rights to exploit content in different media and platforms.

In connection to privacy and data protection, we offer comprehensive services ranging from the preparation and review of policies, adaptation of processes in companies required by the General Regulation on Data Protection of the European Union, audits on regulatory compliance, processing of commercial information and credit scores, to the completion of inventories and records of data activities.

Finally, we have extensive experience in the media, in issues related to advertising, social networks, image rights, content licensing and entertainment law.

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## Domain Names

We represent our clients in the surveillance, registration and litigations of domain names, either at NIC Chile or other registration agencies, including also WIPO Arbitration and Mediation Center and other international regulators, as well as the monitoring in the Trade Mark Clearing House for the new domain name extensions.

Our services also extend to the uses and contents of Internet sites, social media and complaints to take down sites or accounts that infringe our clients' rights.

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## Contracts in Intellectual Property, Trade Secrets and Tax Advisory

We advise our clients in the negotiation and drafting of license agreements, technical assistance, collaboration agreements, franchises and others in connection to the protection and exploitation of intellectual property rights and know-how, including licenses for the use of trademarks, patents and copyrights, software development and licensing, use of image for advertising, content for the Internet and social networks, among others.

We advise our clients in identifying and protecting their trade secrets and inventions in the development phase, including the design of plans for the management and commercial exploitation of these assets while preserving their confidentiality. Also advice in tax advisory in connection with transactions involving intellectual property rights.

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## Unfair Competition, Advertising (CONAR) and Consumer Protection

There is a close relationship between intellectual and industrial property, unfair competition and consumer protection. The reality of communications and marketing shows that actors from different industries are taking new actions to advertise their products and services, in a world where consumers are increasingly aware of their rights and obligations.

In this context, we advise our clients, for instance, in the review of advertising campaigns prior to their launch, the preparation of terms and conditions of offers and promotions, the analysis of complaints made in the context of consumer relations, among others.

Additionally, our advice includes the defense before the competent authorities and self-regulatory entities, such as the Council of Self-Regulation and Advertising Ethics.

Finally, our services include representation in lawsuits for infringement of consumer protection rules, unfair competition, as well as in claims for possible violations of advertising ethics and advertising abuses.

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## Litigation

Our services include the protection of the Intellectual and Industrial Property rights of our clients through the exercise of actions in administrative, arbitral or judicial venues.

In this sense, the intellectual and industrial property rules are based on exclusive and excluding rights whose infringement entitles their holders to exercise actions in administrative and ordinary headquarters. Thus, we have a team specialized in litigation of this nature that represents our clients in opposition and trademark nullity trials before the National Institute of Industrial Property, Industrial Property Court Supreme Court, as well as in civil, criminal and unfair competition actions before ordinary courts.

In accordance with our work structure, each client is assigned a litigation attorney with an integral knowledge of their intellectual and industrial property assets, which allows us to evaluate the most adequate protection alternatives for each particular case.

In addition, we have an area specialized in crimes against Industrial and Intellectual Property, with great experience in matters referred to Border Measures before the National Customs Service, as well as in the prosecution of piracy within the national territory, thanks to the close relationship we have with the Police and the Public Ministry. In this same sense, we have also specialized in the creation of preventive strategies that include training and coaching in the detection of infringing products.

We are also supported by a solid team of eleven paralegals, whose timely and effective work allows for the proper processing of the various administrative, civil and criminal cases entrusted to us.

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## Geographical Indications and Designations of Origin

We file, prosecute and defend geographical indications and designations of origin applications for local and international clients in Chile.

We advise our clients regarding the drafting of the internal regulations for the use of geographical indications and designations of origin, considering the specific needs of the product and market requirements.



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## Plant Breeder's Rights (PBR)

We file and prosecute the registration of PBR for local and foreign clients in Chile. We include the applications in our surveillance system to inform our clients of the payment of annual and maintenance fees and if required we can handle the payment process before SAG (Chilean Agricultural Service).

As in the case of patents, we also have a network of international correspondents that allow us to counsel our clients regarding the registration of their PBR in foreign countries. We can also advise our clients in regard to the negotiation of license agreements and the enforcement of their rights.

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