

Taxation Law of the Office of Trademarks

Introduction

This Law develops Article 40 of the Trademark Law, passed on May 11, 1995, which stipulates that all fees payable for the registration and renewal of a trademark and for any other registration provided for in this Law and for any services that may be rendered by the Trademark Office under the Regulations shall be laid down in subsequent legislation.

Article 1. Creation

Fees shall be paid for services rendered by the Trademark Office, and shall be governed by this Law and by the rules and regulations, if any, derived therefrom.

Article 2. Cause for payment

Receipt of services rendered by the Trademark Office shall be cause for payment of the fees established in Article 5 of this law.

Article 3. Liability for payment⁽¹⁾

Natural persons or legal entities, whether national or foreign, who apply for and receive any of the services subject to fees shall be liable for payment of these fees.

Article 4. Incurrence and payment⁽²⁾

1) The obligation to pay is incurred at the moment of application to receive one of the services that constitute cause for payment and the corresponding fee shall be paid at this time.

2) Under no circumstances shall the service be rendered until the fee has been received by the Trademark Office.

Article 5. Fees

The fees for services rendered by the Trademark Office are:

1) Registration and renewal services:

- a) Fee for registration or renewal for goods or services corresponding to 1, 2, or 3 classes of the Nice Classification: 20,000 PTA.
- b) Fee for registration or renewal for every class over and above three: 3,000 PTA.
- c) Surcharge fee for registration or renewal of a collective trademark: 3,000 PTA.

d) Surcharge fee for renewal within the grace period established in Article 13.3) of the Trademark Law of May 11, 1995: 50% of the renewal fee.

2) Complementary services:

- a) Surcharge fee for claim of a priority right: 3,000 PTA.
- b) Surcharge fee for a black-and-white figurative trademark: 3,000 PTA.
- c) Surcharge fee for a figurative trademark in color: 5,000 PTA.
- d) Surcharge fee for a color trademark: 3,000 PTA.

3) Registrations and modifications:

- a) Fee for registration of an assignment, fee per registration: 15,000 PTA.
- b) Fee for registration of a licensing contract, pledge, transfer or other registration, fee per registration: 5,000 PTA.
- c) Fee for registration of a change in the name or address of the owner, fee per registration: 5,000 PTA.
- d) Fee for registration of renunciation, fee per registration: 5,000 PTA.
- e) Fee for correcting an error, fee per registration: 5,000 PTA.

4) Certifications :⁽¹⁾

- a) Fee for certification of classifications of goods or services: 350 PTA. per word with a minimum charge of 7.000 PTA. per certificate of classification.
- b) Reduction for certification of classification of goods or services issued on the basis of a classification proposal: 60%.

5) Accreditation of licensed representatives:⁽²⁾

Fee for examination, accreditation and registration as a licensed representative: 100,000 PTA.

Article 6. Refunds

Fees paid shall be automatically refunded to the applicant if the service is not rendered for reasons attributable to the Trademark Office.

Article 7. Treasury management

The Trademark Office shall be responsible for payment and collection of fees in accordance with the regulations approved by the Government.

Additional Provision⁽³⁾

The General Budget Act shall be entitled to update the fees for Trademark Office services established herein.

Final provision first

The Government shall establish the provisions necessary for application of this Law.

Final provision second

This Law shall take effect on the date of its publication in the Official Bulletin of the Principality of Andorra.

⁽¹⁾⁽²⁾ Text modified on 10.12.98 (entry into force on 08.01.99)

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⁽³⁾ Text added on 10.12.98 (entry into force on 08.01.99)

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