

**LEGAL ALERT**

## Key changes to administrative regulations: UTAP of INDECOPI, Consumer Protection and Defense Code, and Law No. 27444

In the last months of 2022 and at the beginning of 2023, many amendments have been made to administrative regulations, which include the following:

### I. Amendment to the Unique Text of Administrative Procedures (UTAP) of INDECOPI - Resolution No. 000081-2022-PRE/INDECOPI

This amendment significantly reduces the reply period of the following administrative processes carried out by the Distinctive Signs Office ("*Dirección de Signos Distintivos*" or "*DSD*") of the National Institute for the Defense of Free Competition and the Protection of Intellectual Property ("*Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual*" or "*INDECOPI*"):

Process	Reply period in business days	
	New period	Previous period
Waiver of rights over a registration of a Distinctive Sign	90	180
Inspection visit to verify improper use of a Distinctive Sign	10	180
Request for injunction	15	180
Renewal of registration of a Distinctive Sign for 10 years	60	180
Change in the registration of a Distinctive Sign with respect to its holders or their status <sup>1</sup> , to publish rights and ensure its protection from third parties.	90	180

### II. Amendment to the Consumer Protection and Defense Code – Law No. 31601

This law included item l) in section 1.1 of Article 1 of the referred Code to guarantee the assistance by a human person in case a provider offers automated support systems to its consumers (automated channels via WhatsApp, chatbots, telephone calls, among others).

Thus, consumers can receive a more personalized service, which did not occur before given that there was no obligation to provide support through a human assistant if support was provided by means of Artificial Intelligence.

In this regard, it is worth mentioning that the failure to comply with this obligation may cause providers to commit an administrative infraction for infringing consumers' rights. In this case, the company would be subject to a fine of up to 450 tax units; i.e., up to S/ 2,227,500.00 (considering that the value of 1 tax unit for 2023 is S/ 4,950.00), imposed by INDECOPI.

<sup>1</sup> This process refers to a change of holder due to transfer, merger, split-off, and business restructuring, where applicable, as well as to changes in the registered address of the holder, preventive annotations, and licences to use a distinctive sign.

### III. Amendment to the General Administrative Procedure Law – Law No. 31603

This law amended Article 207 of Law No. 27444 (General Administrative Procedure Law), reducing the reply period of an appeal from 30 to 15 business days.

### IV. Amendment to the UTAP of INDECOPI – Resolution No. 000013-2023-PRE/INDECOPI

This resolution reduced the reply period of an appeal in 14 administrative processes to 15 business days, in accordance with the amendment set out by Law No. 31603.

The processes referred to in the preceding paragraph are listed below:

#### ► Processes carried out by the Copyright Office:

- Registration of amendments to the registration certificate issued by the Copyright Office;
- Operation authorization for collective management entities of copyrights, related rights, and/or collection entities;
- Registration of databases, compilations, anthologies, and similar data;
- Registration of phonograms;
- Registration of licenses, assignment of rights, and any other transfer of copyrights and related rights;
- Multiple registration of works or productions;
- Registration of members of governance bodies and the General Director of collective management entities;
- Registration of artistic works and applied art works;
- Registration of literary works;
- Registration of audiovisual works and productions (cinematographic, television, video, multimedia, webpages, and other recordings of moving images);
- Registration of artistic performances;
- Registration of contracts, agreements, and other similar documents for reciprocal representation among collective management entities;
- Registration of software or computer programs.

#### ► Processes carried out by the Commission of Bankruptcy Proceedings:

- Registration as administrator or liquidator of debtors subject to a Regular Bankruptcy Proceeding carried out by the Commission of Bankruptcy Proceedings.



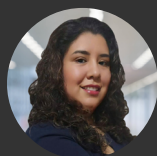


## FOR MORE INFORMATION

We have the right team to respond to the legal queries of our clients, especially those related to Intellectual Property and Consumer Protection issues.



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