

## COLOMBIA



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<b>1. Legislation</b>	Decree 2266
<b>Topic:</b>	Sanitary registers of <i>fitoterapéuticos</i> goods.
<b>Who:</b>	Health Ministry
<b>When:</b>	July 15, 2004
<b>What Happened:</b>	<p>Government started regulating the sanitary registers of <i>fitoterapéuticos</i> goods.</p> <p>Main points of interest: According to the article Number 2 of the Decree, <i>fitoterapéutico</i> good is a product made from medicinal plant, cultivated in the country, in a pharmaceutical form previously accepted, considered effective and safe, not proofed in clinical studios, but used because of the experience of its benefits relieving symptoms of illnesses.</p> <p>The Decree states that the individual interested in the sanitary register of this kind of goods must proof that the trademark application has been granted by the Superintendency of Industry and Commerce, or, at least, filed before the same entity.</p>
<b>Comments:</b>	<p>This requirement was not necessary before this Decree, but most of the owners of sanitary registers and trademarks, and specialty consumers, had considered that was important to establish this duty, in order to avoid confusion for the consumers in case of goods with similar names that relieve the same illnesses. If the trademark registration or application is required is less probable that different companies or individuals use the same or similar denomination or name for different products which could be the most risky situation for consumers when they go to buy a medicine, specially this kind of products that are sold without prescription (free sale).</p> <p>Superintendency has to check the trademarks, granted or filed before, when is studying new applications, in order to determine if there is a risk of confusion. If it is found, the new application is denied. According to that, it would be the first control and would do more complicated to get sanitary registers for goods with similar names to other goods in the market, and consumers will be safer.</p> <p>Other medicines which are only sold with medical prescription are easier to control because people cannot get confused buying them since the pharmacist will only sale the medicine prescribed by the doctor.</p>

<b>2. Legislation</b>	Doctrine 04044806
<b>Topic:</b>	Nice Classification of Goods and Services
<b>Who:</b>	Superintendency of Industry and Commerce
<b>When:</b>	August, 2004
<b>What Happened:</b>	Trademarks are a kind of distinctive sings that companies or individuals use in

	<p>the market in order to identify their products or services from the goods or services of their competitors.</p> <p>Not every fact originated in human acts can be considered a product or a service. In that sense, the human activities not considered products or services will not be able to be protected or registered as trademarks.</p> <p>According to that, the Superintendency states that religious acts or other kind of practices related to religion or sect, or cultural and political customs are not considered services, and consequently, are not able to be registered as trademarks or any other type of distinctive sing.</p> <p>Regarding the social services related to childhood and family, these could be registered in different classes of the Nice Classification. That is why the applicant must identify the services in a clear way, as it is explained below:</p> <ol style="list-style-type: none"> <li>1. If the services are related to feeding and lodging of people, it corresponds to class 43.</li> <li>2. If the services are related to medical attention and care of people the class will be 44.</li> </ol>
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<b>3. Legislation</b>	Resolution No. 1960
<b>Topic:</b>	Regulation about relation between travel agencies and airlines in case of international trips.
<b>Who:</b>	Aviation authority (" <i>Aeronáutica Civil</i> ")
<b>When:</b>	May 28, 2004
<b>What Happened:</b>	<p>The travel agencies and airlines can agree any commission for sales of international air transportation services. (Before this resolution there was a rate establish by the aviation authority.) Although the commission can be agreed the rate can never be less than the six per cent (6%) of the value of the air ticket.</p> <p>Besides this change, the resolution states a governmental fee equivalent to four per cent (4%) of the value of the tickets, applicable to the international air transportation services sold in Colombia. Sales done through internet are excluded of this administrative charge.</p> <p>Any act of a travel agency or airline against this duty will be considered a restrictive practice in the market that could be punished according to unfair competition laws.</p>
<b>Comments:</b>	It is a good initiative of the Government to leave the companies to establish the conditions of their business which must be an effect or consequence of the offer and demand of goods or services which includes the commission charged for travel agencies, but it is also good to establish a minimum rate in order to avoid unfair competition.

<b>4. Legislation</b>	Doctrine 04017461
<b>Topic:</b>	Expiration of telephone cards
<b>Who:</b>	Superintendency of Industry and Commerce
<b>When:</b>	July, 2004
<b>What Happened:</b>	Resolution 087 of 1997, modified by the Resolution 575 of 2002, states that the companies of mobile telephones should inform the expiration dates of pre-paid telephone cards, before purchasing the card, but in any case the time of

	<p>expiration, from the first use and without being used, can not be lower than one (1) year.</p> <p>The companies will be responsible for the pre-paid card which means that if the card does not work before the expiration date, the whole price must be returned to the buyer.</p> <p>Companies can establish a different time of expiration after the first use, but in any case it has to be longer. The last day finishes at 12 at noon.</p> <p>If the companies do not comply with this obligation the Superintendency of Industry of Commerce can punish the companies with high fines.</p>
<b>Comments:</b>	<p>This is an important regulation since most of the consumers' complaints, before the Superintendency, are related to mobile telephone services and recently about pre paid cards. There are many services provided by the mobile telephone companies that usually do not work or have problems. That is way the entity mentioned is more concerned about it.</p>

<b>5. Legislation</b>	Resolution 1553 and Decree 2975 of 2004
<b>Topic:</b>	Private sweepstakes Companies.
<b>Who:</b>	Health Ministry
<b>When:</b>	September, 2004
<b>What Happened:</b>	<p>Government opened a public bid to choose a private Company of Lottery which was not possible before since sweepstakes used to be administrated by public entities.</p> <p>Private companies might provide sweepstakes services but in order to do it have to participate in a public bid and to enter into an agreement with the Government that guaranties the contractor will pay the prizes and will transfers the commission for social security.</p> <p>The agreement celebrated with the Government will be regulated by the rules of public contract which are favorable to this last party and according to that will always be supervised by the Ministry and other public entities.</p>
<b>Comments:</b>	<p>This is another example of how the private companies or individuals have started to provide public services or services that were administrated only by the Government. Most of these cases have been successful and have had fewer complaints than services provided by public bodies.</p>

<b>6. Legislation</b>	Doctrine 04049366
<b>Topic:</b>	Prices stamped in imported products
<b>Who:</b>	Superintendency of Industry and Commerce
<b>When:</b>	July 19, 2004
<b>What Happened:</b>	<p>The Law of Consumers states that all the information stamped in the label of the goods, about quality, quantity and price, must be trued o clear enough in order to avoid mistakes that can affect the consumers. Every supplier or seller of goods has to indicate the price in <i>pesos</i> (Colombian currency) which could be done according to the different systems allowed for the Superintendency (individual prices, prices in each stand, price for weight, etc).</p> <p>If any good has two prices in the label the minimum price will be charge to the consumer, but in every case the prices that will be considered are the prices in</p>

	<p>pesos not in other currency (i.e. dollars).</p>
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Consequently, when the imported products have a price in foreign currency, previously stamped, the price that the consumer has to pay is the one in *pesos*.