



Bogotá's Legal Guide to Foreign Direct Investment

2026

09

INTELLECTUAL PROPERTY AND INNOVATION

OLARTEMOURE

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1. Colombia as a strategic destination for intensive IP businesses

Colombia offers a stable legal environment for intellectual property intensive companies, especially in sectors such as technology, software, biotechnology, pharmaceuticals, entertainment, and global brands. Its protection framework is aligned with international standards¹ and covers industrial property, copyright, trade secrets, and unfair competition. Bogotá, given its concentration of advanced talent - graduating nearly 167,000 professionals per year - as well as universities, professionals, and research capabilities, is positioned as a strategic platform to manage IP portfolios, develop R&D centers, and connect with startups and scientific actors in Latin America.

¹ Paris Convention; Patent Cooperation Treaty (PCT); the TRIPS Agreement; and the Berne Convention.

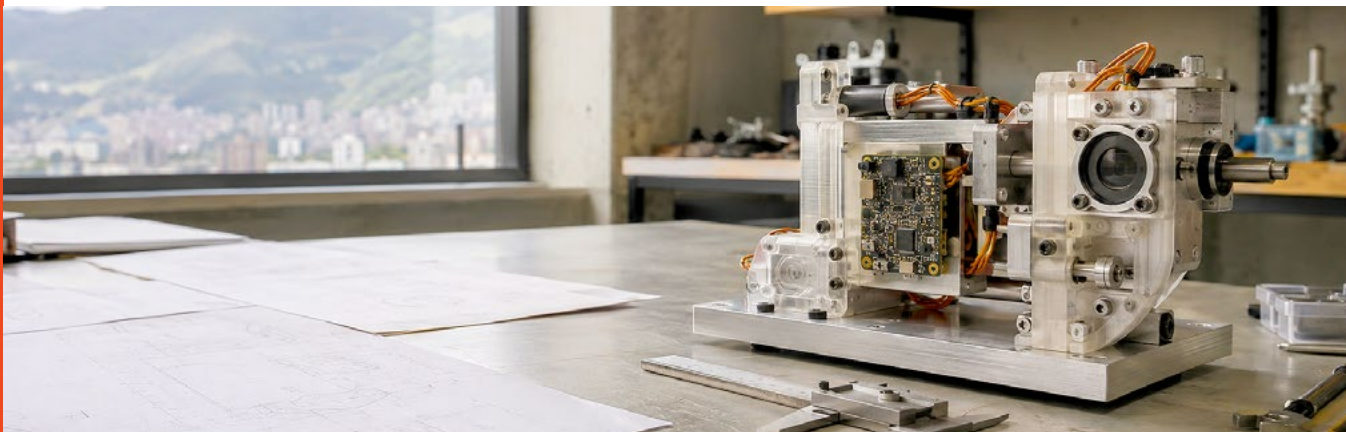


• Edificio de Artes y Diseño, Universidad Jorge Tadeo Lozano

2. Which institutions protect intellectual property in Colombia?



- **Superintendence of Industry and Commerce (SIC):** examines patent applications, industrial designs, trademarks and distinctive signs, resolves unfair competition disputes, and exercises jurisdictional functions in industrial property matters.
- **National Copyright Directorate (DNDA):** registers protected works, supervises collective management organizations, and resolves disputes over the unauthorized use of copyright-protected works.
- **Colombian Agricultural Institute (ICA):** grants plant breeder's rights certificates for plant varieties and administers the National Registry of Protected Plant Varieties, which is relevant for the agrotech and bioeconomy sectors.



3. How does patent protection work in Colombia, and what is the procedure?²

Patents protect inventions (technical solutions) by granting the owner an exclusive right (to use, sell, offer for sale, manufacture, or import) for a period of 20 years. To be patentable, an invention must meet three criteria: novelty, inventive step, and industrial applicability. Colombia also participates in the PCT, which facilitates protection in other jurisdictions, as well as the entry of applications from other jurisdictions into Colombia.

For any organization engaged in research and development activities, the Colombian system makes it possible to protect locally developed technologies, integrate regional patent protection strategies, and license or transfer technology within the Latin American and global markets.

² The SIC official fees for the different stages of the process can be consulted in Resolution No. 6167 of 2026.

Patent Application Process in Colombia



4. Is software patentable in Colombia?

Code itself is not patentable in Colombia, although algorithms may be protected by patent when they correspond to a technical solution to a technical problem; these are known as computer-implemented inventions.

Examples may include algorithms applied to industrial control, medical image processing systems, technical methods for energy optimization, machinery control systems, among others. In these cases, what is protected is not the code, but the method (the algorithm).





5. How can trademarks or distinctive signs be protected in Colombia?³

Trademarks are among companies' most valuable assets. In Colombia, trademarks are registered with the Superintendence of Industry and Commerce (SIC) and grant their owners exclusive use rights for a period of 10 years (renewable for equal periods) in the national territory.

³ The SIC official fees for the different stages of the process can be consulted in Resolution No. 6167 of 2026.

Distinctive Sign Application Process in Colombia



The system allows protection for trademarks, certification marks, and collective marks (word, composite, figurative, three-dimensional, composite three-dimensional, animated, sound, tactile, position, olfactory, color, and gestural marks), trade names, advertising slogans, trade emblems, and appellations of origin. Trademark registration in Colombia is a key tool to protect the reputation of your brands, prevent misuse by third parties, and consolidate their positioning in the Colombian market.

6. How are trade secrets and know-how protected?

A company's competitive advantage lies in its valuable information, which may be commercial, industrial, or productive, such as industrial formulas, algorithms, manufacturing processes, business strategies, among others. This information may also be technical in nature, and patenting is not always the best strategy, or it may not be patentable. Such valuable information is protected as a trade secret as long as it meets three requirements:

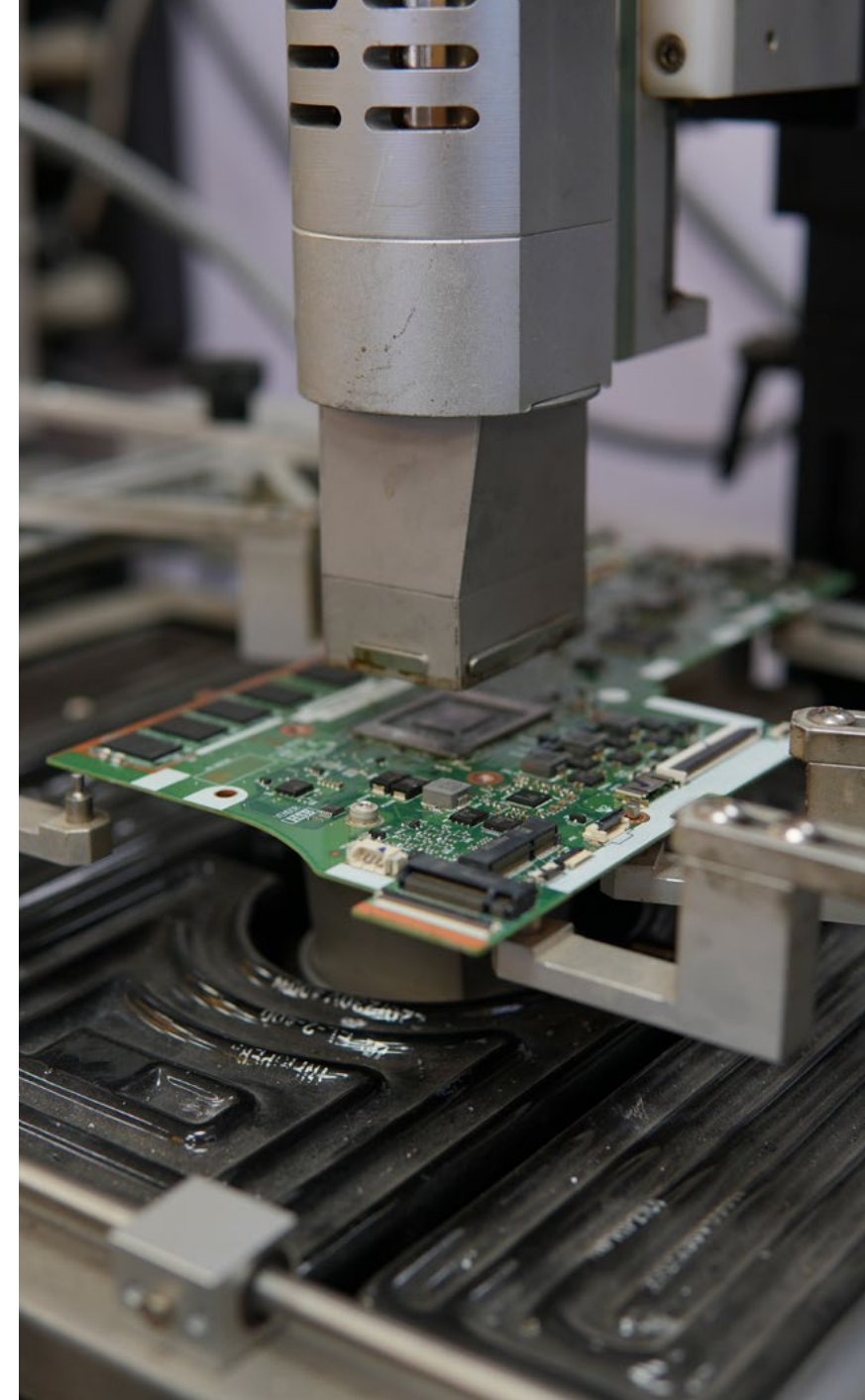
- That it is secret.
- That it has economic value because it is secret.
- That it has been subject to reasonable measures to keep it secret.

No registration before any authority is required; the essential corporate tools are confidentiality agreements (NDAs), internal secret-management protocols, Intellectual Property policies, and technology transfer contracts. Misappropriation may be pursued through unfair competition actions (administrative or judicial), and the Criminal Code provides criminal penalties for unauthorized disclosure by persons with privileged access.

7. How does copyright operate, and who owns the IP generated by employees and contractors?

Copyright arises automatically upon creation of the work (software, audiovisual content, technical documentation, graphic designs) and, in Colombia, lasts for the life of the author plus 80 years. Registration with the DNDA is not mandatory, but it provides evidence of ownership in disputes and due diligence.

In Colombia, creations developed by employees or contractors usually belong to the company when there is a written contract governing the relationship. However, for greater legal certainty, it is advisable to execute specific assignments of economic rights (moral rights are not assignable) over the works created. In projects developed jointly with other companies, universities, or research centers, ownership may be shared among the parties unless otherwise agreed. It is recommended to agree on ownership of rights, licenses, and commercial exploitation conditions.

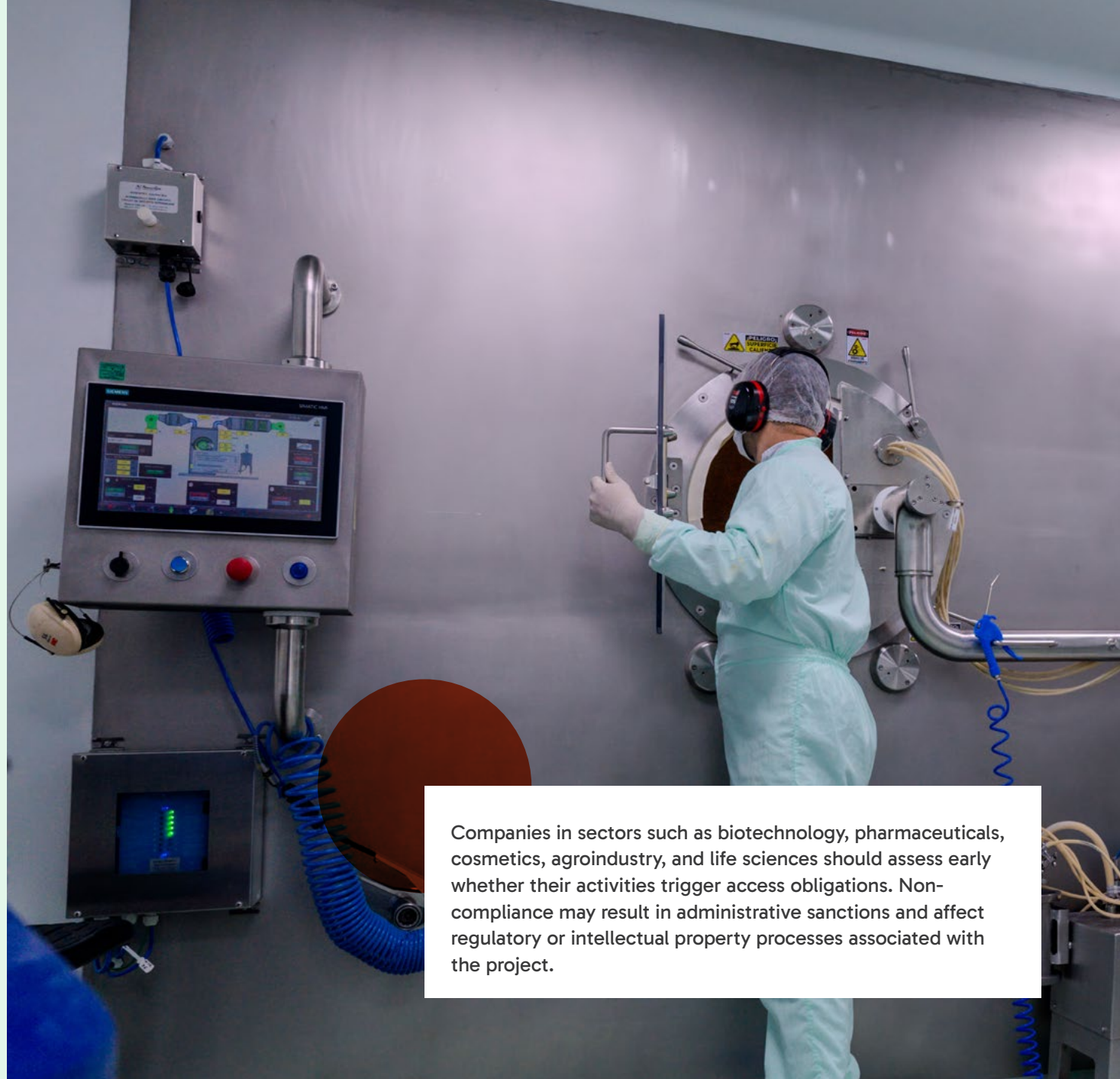


8. What obligations apply when using biological or genetic resources from Colombia?

Colombia has one of the most robust regulatory frameworks in Latin America for access to and use of genetic resources, in line with its status as a megadiverse country. Research, development, or commercial exploitation activities involving genetic resources, derivative products, or associated traditional knowledge may require the execution of an Access to Genetic Resources Agreement (CARG or ABSA in English) with the Ministry of Environment and Sustainable Development.

The regime is based on three regulatory levels:

1. **International level:** the Convention on Biological Diversity (Law 165 of 1994), and the current Nagoya - Kuala Lumpur Supplementary Protocol (Law 1926 of 2018), relating to liability for damage caused by living modified organisms.
2. **Andean Community level:** Decision 391 of 1996 of the Andean Community regulates the technical categories (genetic resources, biological resources, derivatives, and intangible components) and creates the legal figure of an access agreement with the State. Decision 486 of 2000 links this regime with industrial property and the patent system.
3. **National level:** Decree 1076 of 2015 (Single Regulatory Decree of the Environment Sector) compiles the regulations. Resolution 1348 of 2014, as amended by Resolution 1352 of 2017, identifies the activities that constitute access and those that require the agreement.



Companies in sectors such as biotechnology, pharmaceuticals, cosmetics, agroindustry, and life sciences should assess early whether their activities trigger access obligations. Non-compliance may result in administrative sanctions and affect regulatory or intellectual property processes associated with the project.



9. How are royalty flows and transfer pricing managed in IP transactions?

IP rights may be exploited through license agreements that authorize their use and establish the payment of royalties according to the chosen calculation basis: net sales, gross sales, revenue, cost savings, etc. In Colombia, outbound payments for trademarks, patents, software, or know-how are subject to a 20% withholding tax, reducible under applicable Double Taxation Treaties. In the case of payments to countries of the Andean Community (CAN), the exclusive right to tax the income is assigned to the country where the intangible is used. If the transaction occurs between related parties, transfer pricing rules must be complied with; the parties must demonstrate that the agreed conditions correspond to market values, keep supporting documentation, and comply with annual reporting obligations before the tax administration to mitigate fiscal and regulatory risks.

10. What mechanisms are available to enforce intellectual property rights? Is international arbitration viable?

Colombia offers administrative, judicial, and arbitral mechanisms to protect intellectual property. Disputes over trademarks and patents may be handled before the SIC or civil courts, and copyright disputes before the DNDA or the ordinary courts. Arbitration is viable for economic disputes over licenses, exploitation, technology transfer, or economic valuation of intangibles, provided they do not involve public policy matters. Provisional measures and civil or criminal sanctions are also available for infringements.

11. What opportunities does Bogotá offer for multinationals, VC funds, and DeepTech ventures?

Bogotá offers an attractive ecosystem for multinationals, venture capital funds, and DeepTech ventures due to its concentration of talent, universities, research centers, and innovation initiatives such as Bogotá Científica, CODECTI, and Campus 2600. This facilitates the development of R&D centers, technology transfer, open innovation, and co-investment in sectors such as artificial intelligence, biotechnology, health, bioeconomy, and energy. In turn, the DeepTech Colombia Alliance, led by OlarteMoure and MenteX, maps key actors, centralizes the ecosystem's offerings, and provides data-based strategic information for investors interested in science- and technology-based projects.



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