



**DECREE No. 27/2018 - MAIN CHANGES TO IP LAWS IN ARGENTINA**

**In force as of January 12, 2018**

**TRADEMARKS**

*Oppositions*

- **The National Trademark Office will now decide on the merit of the oppositions** when the parties do not reach an agreement after three (3) months have passed from the notification of the opposition to the applicant.
- The decision taken by the National Trademark Office may be appealed to the National Chamber of Appeals within thirty (30) business days of its notification.
- For oppositions notified with date before January 12, 2018, the term of one (1) year, established by the previous law, will be maintained, unless the applicant informs the Office of the impossibility of reaching an agreement.

*Nullity*

- The nullity of trademarks registered in infringement of what is stipulated in the Trademark Law will be resolved in an administrative instance by the National Trademark Office.
- The decision taken by the National Trademark Office may be appealed to the National Chamber of Appeals within thirty (30) business days of its notification.

*Caducity*

- The National Institute of Industrial Property may declare the lapsing of a trademark that has not been used in the country during the last five (5) years, unless there are causes of force majeure.
- The caducity may be total or partial for those products or services for which the trademark has not been used, except for those products or services that have not been used but that are related to those registered and in use or to an activity designated with that trademark.
- The decision taken by the National Trademark Office may be appealed to the National Chamber of Appeals within thirty (30) business days of its notification.
- The submission of a sworn declaration of use of the trademark will be required between the fifth and sixth year of its registration.



## **PATENTS AND UTILITY MODELS**

### *Priority Certificates*

- **It shall not be necessary to submit priority documents within the ninety (90) days** following the filing date of the application. However, the National Patent Administration may request such documents during the substantive examination stage, as well as their translations, should they be in a language other than Spanish.

### *Conversion of Patent to Utility Model or vice versa*

- It may be done voluntarily within thirty (30) running days of the application filing date or at the request of the National Patent Administration within thirty (30) running days of the office action notification date.

### *Substantive Examination*

- The **request for substantive examination of patent applications must be made within eighteen (18) months** from the application filing date.
- For the terms that were already running and expired prior to July 12, 2019, in accordance with the previous law, said deadlines will be maintained. For those who expired after that date, the substantive examination must be requested before July 12, 2019.
- The **term to request substantive examination of utility model applications will be of three (3) months**. The National Patent Administration will study the application and, if all the requirements are met, it will be published. Within thirty (30) days from the publication date any person may submit observations. Subsequently, the National Patent Administration will resolve the granting or rejection of the utility model.



## **DESIGNS**

### *Variants*

- An application can include up to twenty (20) designs as long as they are all applied to products of the same class of the Locarno International Classification.

### *Divisional applications*

- If the Office considers that one or more variants do not correspond to the same class, the applicant will be invited to divide the application into two or more. The filing date of the divisional application will be the same as the original and the priority benefit, if applicable, will be maintained.

### *Description*

- The description of the design will be optional.

### *Postponement of the publication*

- At the request of the applicant, the publication of the design may be postponed for a maximum of six (6) months from the registration date.

### *Renewals*

- Renewals must be submitted within the term of six (6) months prior to the expiration of the registration. There will be a grace period, also of six (6) months, to request the renewal once the term has ended.