



**LAW No. 27.444 - MAIN CHANGES TO THE OPPOSITION RESOLUTION
PROCEDURE IN ARGENTINA**

- **Once THREE (3) months have passed from the notification of an opposition and had the applicant not obtained their withdrawal within said term, the NATIONAL TRADEMARK ADMINISTRATION will resolve in administrative instance on the merit of those oppositions still in force.**
- The new procedure contemplates the possibility for the opponent to expand on the grounds of the opposition, the applicant's right to reply to it, and the right of both parties to offer evidence, in conjunction with the principles of celerity, simplicity, and procedural economy.
- Before the final resolution by the NATIONAL TRADEMARK ADMINISTRATION, the new regulation allows for the possibility for the parties to use alternative systems for resolving conflicts (**mediation**), under the intermediation of a suitable and impartial professional.
- Any of the parties, applicant or opponent, may bring a direct appeal before the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY against the final resolution of the dispute within thirty (30) days. In such case, the Trademark Office will forward the proceedings to the Federal Courts of Appeals in Civil and Commercial Matters for its prosecution (**legal action**).
- The terms stipulated in days in this new procedure will be considered administrative working days, except those otherwise specified.



OPPOSITION RESOLUTION PROCEDURE
Detailed description of the process

1. Once the three (3) months term for the applicant to obtain the withdrawal of the opposition(s) is over, the National Trademark Administration will request the OPPONENTS who at that moment had not yet withdrawn their opposition to indicate, within a non-extensible period of fifteen (15) working days, whether they ratify the opposition filed against the registration of the trademark and to carry out the payment of the fee corresponding to the administrative instance of the opposition resolution process and, within that same term, to expand on the grounds of their right, also providing evidence as they deem relevant. Should the fee not be paid within that term, it will imply a lack of interest by the opponent to keep the opposition in force and, therefore, automatically and without further consideration, the opposition administrative instance will not be initiated and will be considered by the National Trademark Administration as a mere attention call.
2. Within fifteen (15) working days after the term indicated in item 1 has passed, and regardless of the opponents having expanded on the grounds of their opposition, the National Trademark Administration will notify the APPLICANT about all oppositions still in force and the eventual broadening of their arguments and will be granted a non-extensible period of fifteen (15) working days so that the applicant can reply to each one of them, providing evidence as deemed relevant in that same act.
3. Proofs offered by both parties will be provided together after the term indicated in item 2 has elapsed.

Documentary or instrumental evidence will have to be provided in the same act of expanding on the grounds or the reply to the opposition. The remainder means of evidence will be evaluated by the National Trademark Administration in terms of their admissibility, as well as regarding the term and form to produce them. Those manifestly inadmissible or superfluous or solely dilatory for the resolution of the instance will not be admitted. The decisions made regarding the admissibility or inadmissibility of proofs will be unappealable without prejudice to invoking them in the judicial instance, should that be the case.

The term to produce proofs may not exceed forty (40) working days. Said term is common to both parties and will be counted from the notification of the decision issued by the National Trademark Administration in that regard.



Evidence not provided by the parties before the term established by the National Trademark Administration to do so has elapsed will not be considered.

The National Trademark Administration will be able to procure electronic or IT-related verifications based on public records, including their own, or other electronic cross-checking offered by the parties, deemed as relevant.

4. In case that any of the parties instituted caducity or nullity legal actions against of any of the trademarks involved in the dispute, the parties will have to follow the appropriate judicial course until the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY regulates the procedure for solving trademark caducity cases set forth in article 26 of law No. 22.362 and the trademark nullity cases set forth in clause "a" of article 24 of that same law, without prejudice of which the National Trademark Administration will nonetheless decide on the distinctiveness of the opposing marks and/or on the other grounds of the oppositions about which a ruling can be issued and will reserve the file in order to decide on the acceptance for granting of the trademark once the caducity or nullity action has been resolved by the Court.
5. Once the evidence has been provided, or once the term to do so has elapsed, and before the decision of the National Trademark Administration on the merits of the opposition, in the case that no other prior procedural issue exists, the parties will be notified and given a common ten (10) working days period so that they can voluntarily submit their final arguments (plea).

Within said term, the parties will have the possibility of submitting a jointly written report informing that they have initiated a mediation/conciliation procedure or any other alternative method for resolving conflicts. In such case, a one-time-only, non-extensible thirty (30) working days stay of the above term will be granted for both parties, counted from the date in which this was informed.

Within this last term, the parties will have to conclude the mediation, conciliation, or the alternative method for resolving conflicts that they had informed as having initiated.

Once this term has elapsed, a new ten (10) working days common term will automatically begin with the same effect and scope as the one previously interrupted.

In the case that the parties reach a resolution of the dispute by means of the chosen alternative method, they must inform to the National Trademark Administration before the terms have elapsed, filing the appropriate documentary proof. In such



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scenario, the decision making about said solution will be rendered moot, but the terms of said solution will not bind the Administration about the resolution regarding the acceptance for granting of the trademark.

6. Once the thirty (30) working days term has elapsed, and if the dispute had not been previously rendered moot, the National Trademark Administration will decide on the merit of the oppositions determining whether they are grounded or not.
7. Against the final resolution issued by the National Trademark Administration in the administrative instance of the opposition resolution process, the decision may be appealed only by bringing a direct action before the Federal Courts of Appeals in Civil and Commercial Matters of Buenos Aires, so that said judicial instance may resolve the dispute between applicant and opponent, having paid the relevant fee.
8. Once the Court's decision about the worthiness or lack of merit of the opposition is final or consensual, the National Trademark Administration, if it were in conditions to do so, will then decide, by means of a separate administrative act, on the acceptance or rejection of the trademark application.