

ARGENTINA
Design Regulation

Decree No. 5,682/65 Regulation for Industrial Model and Design Act of
July 20, 1965

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Section 1

Applications for the registration of industrial models and designs shall be filed with the National Direction of Industrial Property.

The National Direction of Industrial Property shall structure under its charge the Register for industrial models and designs.

Section 2

The application shall be written in Spanish and shall comply with the formalities which are of practice for public documents. The application shall include:

- a) Name, surname and identity of applicant, if it were a person of physical existence; if it were a person of ideal existence its designation or firm name, as well as the particulars which may distinguish its legal existence;
- b) Home and legal address;
- c) Applicant's affidavit declaring his authorship of the model or design, or single or universal legal successor thereof;
- d) Indication of the nature of the product to which the model or design will be incorporated or applied to;
- e) In case the applicant acts as a legal representative or as an agent, he shall conform to Resolution No. 4/56 issued by the National Direction of Industrial Property, with the proviso that in case sub-section 6 thereof applies, a complete power of attorney, or extract of the pertinent part thereof, entitling his mandate, shall be attached, with due certification by notary public, and in addition the mandatory shall declare under oath that the Power is in force.

Section 3

The application shall also be filed together with:

- a) Voucher of having paid the fees established in sub-sections a) and g) of section 23 herein;
- b) In case of a model or design deposited or registered abroad, a testimony or certificate from the country of origin, wherein filing date and number of the deposit or registration will appear and the term of duration. Such documents shall have to be translated into Spanish by a National Sworn Translator registered with National Direction of Industrial Property; for the purpose of registration no legalization of said documents will be required provided that the original certificates of the foreign registration are submitted.
- c) A set of drawings, the original of which shall be made on smooth cardboard

paper; a copy shall be in tracing cloth and two copies fixed on photosensitive paper with white background.

d) A brief description of the elements comprising the model or design, that will serve to complete the illustration of the drawings, in original and three copies thereof.

e) A stereotype reproducing each sheet of the drawings submitted and ten copies of the reproduction thereof.

f) The document which shall justify the mandate whenever it is a special mandate and is not included in any of the circumstances provided by sub-section e) of the preceding section.

Section 4

The application, drawings and stereotype referred to in the preceding sections shall have to comply with characteristics and other formal requirements that the National Direction of Industrial Property may establish.

Section 5

Applications which fail to include the drawing of the model or design, the stereotype and corresponding description thereof shall not be accepted.

Section 6

The application for the registration of Industrial Models and Designs shall proceed as provided by sections 7, 8 and 9 of this Decree, according to the priority system of deposit established by Section 5 of Law herein regulated. Once the mentioned proceedings have concluded, the application shall be registered in the records carried by the Chief of Registry of Industrial Models and Designs, and a certificate shall be issued pursuant to section 10 and the publication shall be effected as prescribed by sections 11 and 12.

Section 7

An application shall give rise to the initiation of a file in which in the front page thereof the entry number, filing date and hour of filing will be placed, providing the interested party with a voucher thereof. The applications shall be registered in the order of their filing and following a strict numerical order, in an entry register which shall include the same data indicated above.

Section 8

The registration of industrial models and designs shall be effected in

two ways; numerically maintaining the application filing number, and by subject matter. For this last purpose, they shall be classified according to the nomenclature established by the National Direction of Industrial Property.

Registration in each class shall be effected respecting the number of the numerical register.

There shall two copies of the registry, one of them open for public inspection.

Section 9

Once registration is completed, a folder open for public examination shall be prepared comprising one of the fixed copies made in photosensitive paper and one of the descriptions mentioned in the third section, where in the cover thereof the name of the titleholder and the date, duration, number and class thereof will appear.

Section 10

The registration shall be certified with a deed which shall mention the registration number, filing date and hour, duration and name and address of the titleholder, signed by the Chief of Registry of Industrial Model and Design or his natural substitute. In the absence or temporary incapacity of either of them, by the officers designated by the National Director of Industrial Property.

The drawing in tracing cloth and a description thereof shall be attached to said deed.

Section 11

Once registered, the industrial model or design shall be published, at the expense of the interested party, in accordance with what is prescribed in section 3, sub-section a): a reproduction of the sheets of the model or design, name of titleholder, number and date of registration and expiration term.

Any renouncement of a registration and cancellation by judicial order shall be published gratuitously.

Section 12

Publication shall be made for one day in a section provided therefor in the Gazette issued by the National Direction of Industrial Property in compliance with Decree No. 10.261/61.

Section 13

Upon request of any interested party a photocopy or an authenticated copy of the documents may be provided which will include the documents contained in the folder mentioned in the ninth section, after payment of the service fee established by the State Secretary of Industry and Mining at the proposal of the National Direction of Industrial Property.

Section 14

Application for a renewal of a registration shall comply with the same formalities established in the second section, except for the case of sub-section c) thereof.

Section 15

The following shall be attached to a renewal application:

- a) Voucher of having paid the fees established in sub-sections b) or c) and h) of section 23.
- b) The document established by sub-section f) of section 3.
- c) The deed of registration desired to be renewed for recording the renewal.

Section 16

Evidence of renewal shall be recorded in the relevant register and on the deed provided by the interested party, with mention of the degree of renewal.

Section 17

Whenever a registration of an industrial model or design is renewed, said act shall be published at the expense of the interested party, with indication of the date in which the publication of the original registration took place.

Section 18

No renewal application shall be accepted if filed more than nine months in advance to the expiration date of the registration desired to be renewed.

Section 19

The following shall be attached to an assignment petition:

- a) A document wherein the assignment is executed in case the assignment is not included in the petition itself;
- b) Voucher of having paid the fees established by sub-sections d) or e)

and h) of section 23;

c) The registration deed;

d) The document that will certify the mandate when a third party is being represented, except for the case provided in sub-section e) of section 2.

Section 20

Evidence of the assignment shall be published at the interested party's expense and shall be entered in the relevant register and in the deed provided by the interested party.

Section 21

The appeal referred to in section 12 of Decree-Law 6,673 that is here being regulated shall be brought within terms established in Law No. 50 complying with such Law in reference to the appeal proceedings.

Section 22

The right to apply for the conversion referred to in section 28 of the Law that is here being regulated, must be exercised within thirty working days following notification of the objection raised to the patent of invention application in order not to forfeit the filing date of the latter. The request for conversion shall comply with all of the requirements for a new registration application and its entrance shall be made following the numerical order established by section 7.

The right to request the conversion shall be exercised only for patent of invention applications filed after the enforcement of this Decree.

Section 23

For the prosecution of applications related to the instant matter, the following sums will be charged resulting from services rendered:

- | | |
|---|------------|
| a) Regular Registration | \$500.00 |
| b) First Renewal | \$1,000.00 |
| c) Second Renewal | \$1,500.00 |
| d) Assignment between living individuals, other than as a result of transfer of a commercial establishment or switch between assets and liabilities in assignor's balance sheet | \$1,000.00 |
| e) Assignment in acts included in exceptions of sub-section above; or as a last will; as well as a result of recording a name or business name change of the title-holder | \$300.00 |

- f) Issuance of certified copy of \$250.00 and 50.00
proceedings or deed other than the for each extra
original one sheet
- g) Publication of regular registration \$100.00
(cm x column),
\$300.00, minimum
- h) Publication of renewal or assignment of \$100.00
the registration (cm x column),
\$300.00, minimum

Section 24

The State Secretary of Industry and Mining shall be entitled to annually modify the values of said fees, starting one year after enforcement of this Decree.

Section 25

The funds collected and the expenditures incurred as a result of the enforcement for the Law being here regulated, shall be entered and accredited, respectively, in a "Special Account for the National Direction of Property - Required Services", under the sphere of duty of the State Secretary of Industry and Mining, that shall be adapted for that purpose.

Section 26

The State Secretary of Industry and Mining is empowered by proposal of the National Direction of Industrial Property, to dictate rules of mere administrative formalities in the proceedings related to the applications filed in accordance with the law being regulated.

Section 27

This Decree shall be ratified by the Ministry-Secretary of the Department of Economy and shall bear the signatures of the State Secretaries of Industry and Mining and of Finance.

Section 28

Be it known, published, sent to the General Direction of the Official Gazette and Printing Office and filed.