

**ARGENTINA**

**Trademarks Regulation**

Decree No. 242/2019 of April 1, 2019, on Approval of the Regulation  
of Law No. 22.362, on Trademarks and Designations

**TABLE OF CONTENTS**

SECTION 1.  
SECTION 2.  
SECTION 3.  
SECTION 4.  
SECTION 5.  
SECTIONS 6-9.- Not regulated  
SECTION 10.  
SECTION 11.- Not regulated  
SECTION 12.  
SECTION 13.  
SECTION 14.  
SECTION 15.  
SECTION 16.  
SECTION 17.  
SECTION 18.  
SECTION 19.- Not regulated.  
SECTION 20.  
SECTIONS 21-23.- Not regulated.  
SECTION 24.  
SECTION 25.- Not regulated.  
SECTION 26.  
SECTIONS 27-30.- Not regulated.  
SECTION 31.  
SECTIONS 32-41. Not regulated.  
SECTION 42.  
SECTION 43.  
SECTION 44.  
SECTION 45.  
SECTION 46.- Not regulated.  
SECTION 47.  
SECTIONS 48-52.- Not regulated.

**SECTION 1.**

The goods and services that are intended to be protected by trademarks under the provisions of Law No. 22,362 and its amendments, shall be classified in accordance with the International Nomenclature approved by the NICE AGREEMENT CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES FOR THE REGISTRATION OF TRADEMARKS and its successive updates, approved by Law No. 26,230.

**SECTION 2.**

The following are exempt from the exclusions referred to in Article 2 of Law No. 22,362 and its amendments: cases in which the sign, including the shape and color for which registration is requested, has acquired a supervening distinctive capacity, as well as non-necessary or habitual forms that present said capacity.

**SECTION 3.**

The national or foreign designations of origin referred to in section c) of article 3 of Law No. 22,362 and its amendments, include the geographical indications expressly recognized by the ARGENTINE REPUBLIC.

**SECTION 4.**

Legitimate interest may be proven by any means of evidence.

**SECTION 5.**

The term of validity of the registered trademark is calculated from the moment it is granted and its renewals, starting from the expiration of the registration whose renewal is requested.

Renewal may be requested for a smaller quantity of goods or services than those protected by the registration for which renewal is being requested, but said protection may not be expanded or extended to include goods or services that were not protected by the registration. Reclassification or reunification issues will be resolved by the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI), a decentralized body within the Ministry of Production and Labor.

In response to an application for trademark registration, the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) may, by reasoned decision, grant it in whole or in part for only some of the goods or services included in the application. The partial granting of a trademark for

certain goods or services will result in the denial of registration for the remaining goods or services indicated.

In cases where, subsequently, through appeal, the applicant obtains the concession for some or all of the goods or services originally denied, these will be added to the originally partially granted registration, and the validity of TEN (10) years will be computed for all of them from the same date as the appealed partial concession.

**SECTIONS 6-9.- Not regulated.**

**SECTION 10.**

The proceedings before the Application Authority of Law No. 22.362 and its amendments shall be filed before the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) and shall be subject to the procedure and tariffs established by said Institute within the scope of its competence.

Applicants with a real address abroad, in addition to the special electronic address, must establish a special address in the AUTONOMOUS CITY OF BUENOS AIRES.

In the event of a discrepancy between the record of the application or any document in the applicant's possession and the original in the file, the latter shall prevail.

**SECTION 11.- Not regulated.**

**SECTION 12.**

The applicant's signature, as well as the sign sought for registration, shall be considered non-remediable requirements, and their absence shall render the application null and void. The application shall be archived without further action, following notification of the administrative act declaring it so. The same resolution shall apply when the absence of an indication of the class or of the goods or services prevents the scope of protection sought from being determined.

In the absence of compliance with the remaining formal requirements provided for in Law No. 22,362 and its amendments, in these regulations and in the provisions issued by the Application Authority, the applicant will be notified in order to correct the deficiencies

observed, within a period of TEN (10) administrative business days, counted from the day following notification.

If the application was incorrectly classified, it will be reviewed for correction, for a period of TEN (10) administrative business days, computed in the manner indicated in the previous paragraph, which will also indicate the criteria of the office.

Once the views have been answered with the relevant corrections or the deadline for doing so has expired, a decision will be made and the publication of the application will be ordered or a denial will be issued, as appropriate.

**SECTION 13.**

The publication of the application shall contain, at least, the requested sign, the name of the applicant, the filing date, the goods or services to be distinguished, the class in which they are included, the filing number, the priority invoked, if any, and, where applicable, the registration number of the industrial property agent processing the application.

**SECTION 14.**

The Application Authority shall determine the form, content and requirements of the objections, as well as the procedure for resolving them.

In the event of a discrepancy between the record of the opposition in the applicant's possession and the original opposition in the file, the latter shall prevail over the former.

**SECTION 15.**

The NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) shall establish the manner in which all notifications provided for in the aforementioned law shall be made.

The term to answer the observations made by the NATIONAL TRADEMARK DIRECTORATE is of THIRTY (30) running days, from its notification. Once the hearing has been answered, or once the term to do so has expired, and provided that there are no oppositions pending to be resolved, the said National Directorate shall issue a decision granting or refusing the trademark applied for, even with the partial scope referred to in section 5 herein.

If the transfer includes observations of the mentioned organism, together with filed oppositions, the term shall be a total of THREE (3) months.

**SECTION 16.**

Within the period of THREE (3) months provided for in this SECTION, the applicant and opponent or opponents may resort to any alternative method of conflict resolution in order to reach an agreement on the partial lifting or withdrawal of the opposition.

The Application Authority may issue any supplementary and/or clarifying regulations necessary for the purposes of the procedure for resolving objections in administrative proceedings.

The decision will be limited to determining whether the opposition or oppositions that remain in force are well-founded or unfounded.

Submissions made outside the period indicated in article 13 of Law No. 22,362 and its amendments, as well as those that have not paid the filing fee or the fee for maintaining its validity, will not give rise to the opposition procedure referred to in article 16 of the aforementioned Law, but may be considered by the NATIONAL TRADEMARK DIRECTORATE of the NATIONAL INDUSTRIAL PROPERTY INSTITUTE (INPI), provided that the registration of the trademark implies an affectation to public order.

**SECTION 17.**

The direct appeal provided for in this SECTION shall be processed only between the applicant and the opponent.

The submission of this appeal must comply with the formalities provided for by the CIVIL AND COMMERCIAL PROCEDURE CODE OF THE NATION and related regulations.

**SECTION 18.**

Once the termination of the trial has been confirmed, either by a report from the court or by computer verification of the processing portal of the JUDICIAL BRANCH OF THE NATION, the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) will resolve the trademark application accordingly with the other background information of the case.

**SECTION 19.- Not regulated.**

**SECTION 20.**

The renewal application must be submitted within the period established by the Application Authority, which may consider the possibility of a grace period, without prejudice to the validity of third-party rights that may have arisen between the expiration of the registration being renewed and the submission made within said grace period.

**SECTIONS 21-23.- Not regulated.**

**SECTION 24.**

The Application Authority shall establish the procedure for resolving trademark nullities in administrative proceedings, pursuant to Article 24, paragraph a) of Law No. 22,362 and its amendments. Until such time, Law No. 19,549 on Administrative Procedure shall apply as a supplement.

**SECTION 25.- Not regulated.**

**SECTION 26.**

The administrative procedure for resolving the expiration of a registration due to non-use shall be determined by the Application Authority. Until such time, Law No. 19,549 on Administrative Procedure shall apply as a supplement.

The sworn statement of use must be submitted to all trademark registrations that have completed FIVE (5) years of validity as of the date of entry into force of the amendment to this SECTION. Failure to submit the sworn statement will presume lack of use of the trademark, unless proven otherwise.

If the sworn statement has not been submitted within the period established by the Law that regulates it, the application for renewal of the registration that has been submitted in a timely manner will not be processed until such obligation is fulfilled and the established fee has been paid.

**SECTIONS 27-30.- Not regulated.**

**SECTION 31.**

The value of the fines referred to in article 31 of the Law will be updated in rates corresponding to applications for new trademarks with an initial base of ONE HUNDRED THOUSAND PESOS (\$100,000) and up to a maximum of SIX HUNDRED SIXTY THOUSAND PESOS (\$660,000).

**SECTIONS 32-41. Not regulated.**

**SECTION 42.**

The Application Authority of Law No. 22,362 and its amendments is the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI).

**SECTION 43.**

By virtue of the implementation of electronic procedures and digital files, the book referred to in Article 43 of the law being regulated will be replaced by electronic records as established by the Application Authority, maintaining its validity and legal effectiveness.

**SECTION 44.**

The registration certificate will be issued by official electronic means and digitally signed by the highest authority of the NATIONAL TRADEMARK DIRECTORATE, which will be implemented under the conditions and deadlines set by the Application Authority.

**SECTION 45.**

The publications ordered in SECTION 45 of the Law being regulated shall be made in the Trademark Bulletin published by the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI), and may, to the extent of its technical possibilities, resort to publication by electronic or computer means, as established by the Application Authority.

The publication will include the trademark, the number of the resolution granting the registration, abandonment, withdrawal, or denial, as appropriate and in consecutive order, the name of the owner, the goods or services it distinguishes, and the class to which it belongs.

In the case of a transfer, only the name of the new owner, the registration number, the respective class, the description of the transferred goods or services will be indicated; in the case of a partial transfer of goods or services, the date of registration, and, where applicable, the registration number of the industrial property agent who carried out the procedure.

**SECTION 46.- Not regulated.**

**SECTION 47.**

The trademark procedure constitutes a specific regime due to its specialization and, as such, is governed by its own provisions and by any additional regulations that may be issued. Law No. 19,549 on Administrative Procedure shall apply as a supplement.

The National Institute of Industrial Property (INPI) is empowered to regulate the professional responsibilities, rights and obligations, examinations, and registration conditions of industrial property agents, whose registration is under its control.

Any submission without payment of the corresponding fee or tariff will be considered as not submitted.

**SECTIONS 48-52.- Not regulated.**