



# An overview of how to acquire IPRs in Argentina

07.02.2024

*Gergana Dimitrova*

*IP expert Latin America IP SME Helpdesk*

**LATIN AMERICA**  
**IP SME HELPDESK**



European  
Commission

# About the International IP SME Helpdesks

- *Initiative of the European Union to raise awareness about the use of Intellectual Property as a business tool for European SMEs.*
- *Free, confidential and business-oriented first-line assistance on Intellectual Property for European SMEs that operate in Latin America, India, China or Southeast Asia, Africa or want to do so.*

[www.ec.europa.eu/ip-helpdesk](http://www.ec.europa.eu/ip-helpdesk)

# About the IP SME Helpdesks



**HELPLINE**

# About the IP SME Helpdesks



# About the IP SME Helpdesks



**ONLINE RESOURCES**

# Next trainings

**12**  
FEB  
2024

Training and workshops

**IPRs Challenges in the Construction Sector in Brazil**

**14**  
FEB  
2024

Training and workshops

**Oportunidades del mercado y gestión de Riesgos de Propiedad Intelectual en América Latina**

**20**  
FEB  
2024

Training and workshops

**IPRs and Market Places in Brazil and Mexico**

**21**  
FEB  
2024

Training and workshops

**International IP SME Helpdesks stakeholder meeting**

**22**  
FEB  
2024

Training and workshops

**WIPO series "How to acquire IP rights in Latam through International Mechanism? - TRADEMARKS"**

# Argentina at a glance

*Argentina's IP System is not so different to Europe's...*

*but the devil is in the details*

# Argentina at a glance

Member of **MERCOSUR** → Trade Agreement with the EU (not yet in force)



Argentina **does not participate** in international registration mechanisms

- *Patent Cooperation Treaty → Patents*
- *Madrid System → Trade Marks*
- *Hague System → Industrial Designs*
- *Lisbon Agreement → Geographical Indications*



# Argentina at a glance

IP rights can only be protected **through direct registration** with the Argentine authorities:

- *National Institute of Industrial Property (INPI)*
- *National Directorate of Copyright Office (Ministry of Justice)*

No need to be represented by a specialised IP attorney, but strongly recommended.

- *must have a registered special domicile in Buenos Aires and a Single Tax/Labour Identification Number (CUIT/CUIL).*

# Argentina at a glance

Argentina is a “**Priority 3**” **Country** according to the EU Commission’s report on IP enforcement (2023)

- *Source of counterfeits and high levels of copyright piracy*
- *Tricky to enforce IP rights*

Recent efforts to reduce bureaucracy in IP registration processes

***Trademarks***  
***Patents***  
***Designs***

# What is a trademark?

*A sign used in commerce to distinguish the products/services of different companies.*

*Trademark right - is a right to the exclusive use of that sign.*

# What requirements must a trademark fulfill?

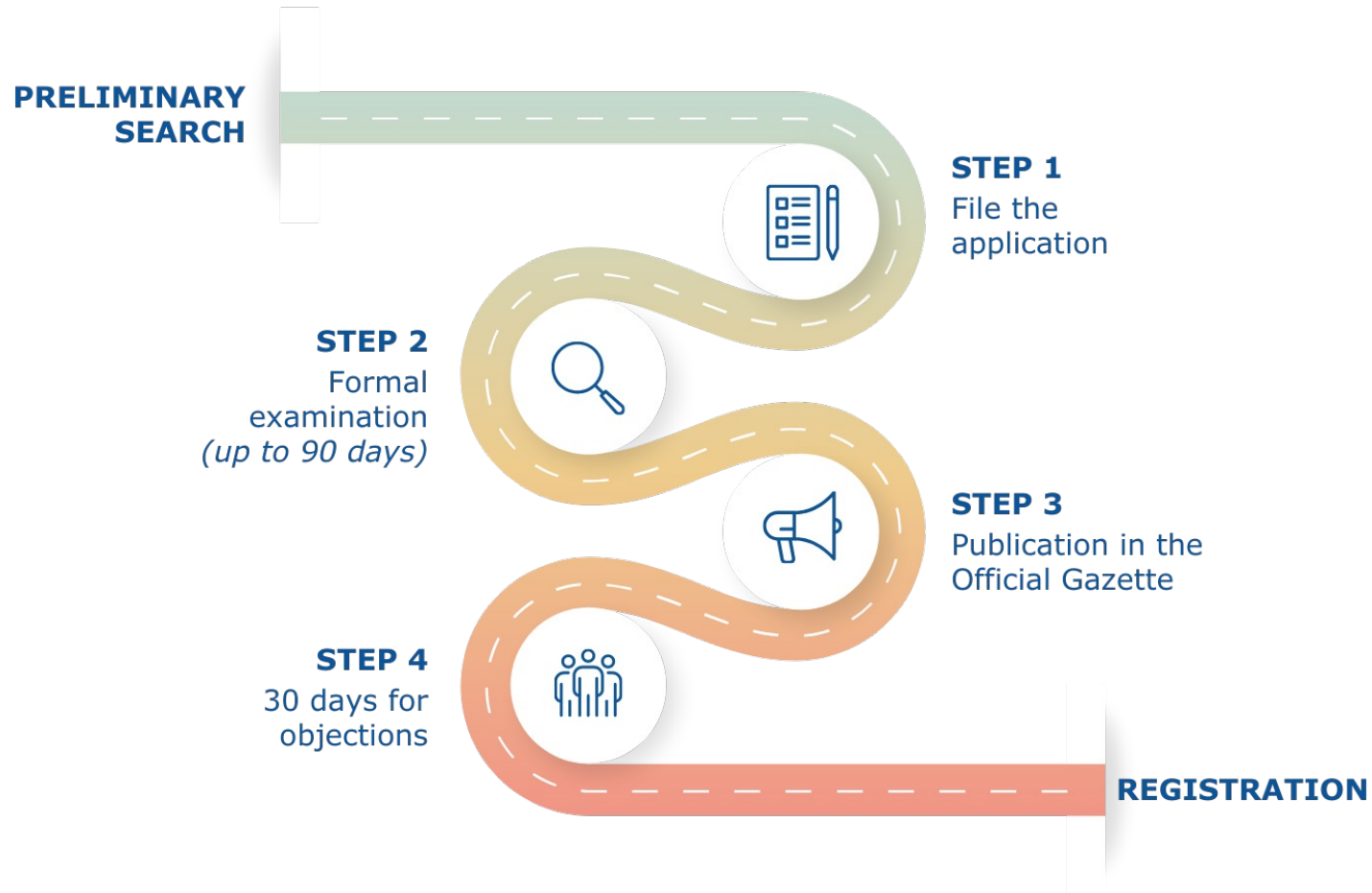
- *Distinctive*
- *Non-descriptive*
- *Available*

\***Non-traditional trademarks:** 3D/shape; colour; smell; sound; tactile

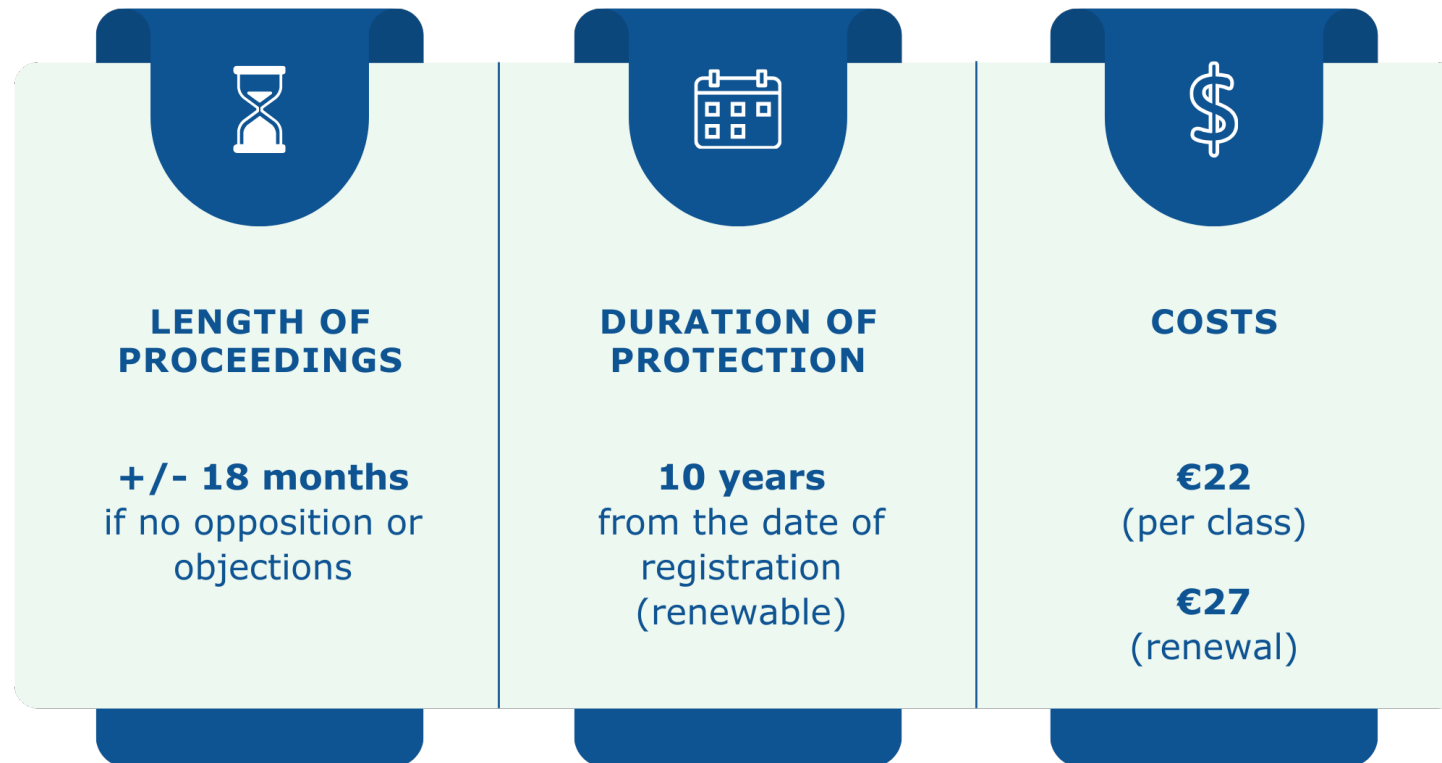
\***Single-class system**

\***Paris Convention priority:** 6 months

# How do you acquire trademark rights?



# How do you acquire trademark rights?



# What happens after registration?

Statement of use → *5<sup>th</sup> year after registration*  
→ *at time of renewal*

- Use
- Monitoring
- Defense
- Renewal



# What is a patent?

*A technical solution to a problem with industrial applicability (a product or a process).*

*The patent right is an exclusive right to that technical solution.*

# What requirements must it fulfill?

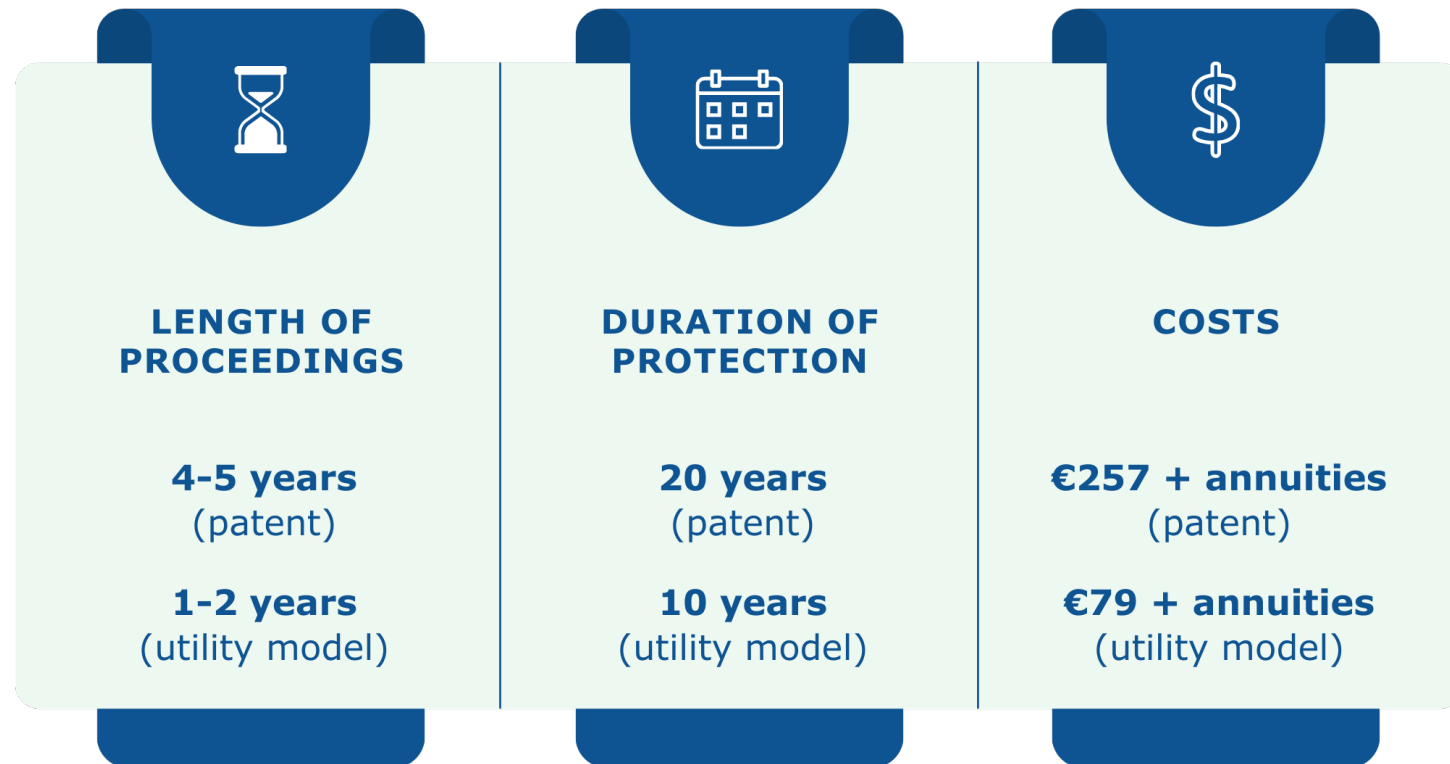
- *Novelty (worldwide)*
- *Inventive step (non-obviousness to an expert in the field)*
- *Industrial application*

**\*Paris Convention priority: 12 months**

# How do you acquire patent rights?

- **Formal request** at the National Institute for Industrial Property (INPI).
- Documentation must be (translated) **in Spanish**.
- A **registered domicile** in Argentina or local agent.

# How do you acquire patent rights?



# What happens after registration?

- Maintenance fees (annually)
- Use (market exploitation - directly or through license)
- Monitor the market
- Enforce exclusive rights

# What is a design?

*Appearance or shape of an industrial product and which confer it an ornamental character.*

*A design right is the exclusive right to the novel appearance or shape of an industrial product.*

# What requirements must it fulfill?

- *New & original*
- *Not functional*

\*No protection for **unregistered designs**

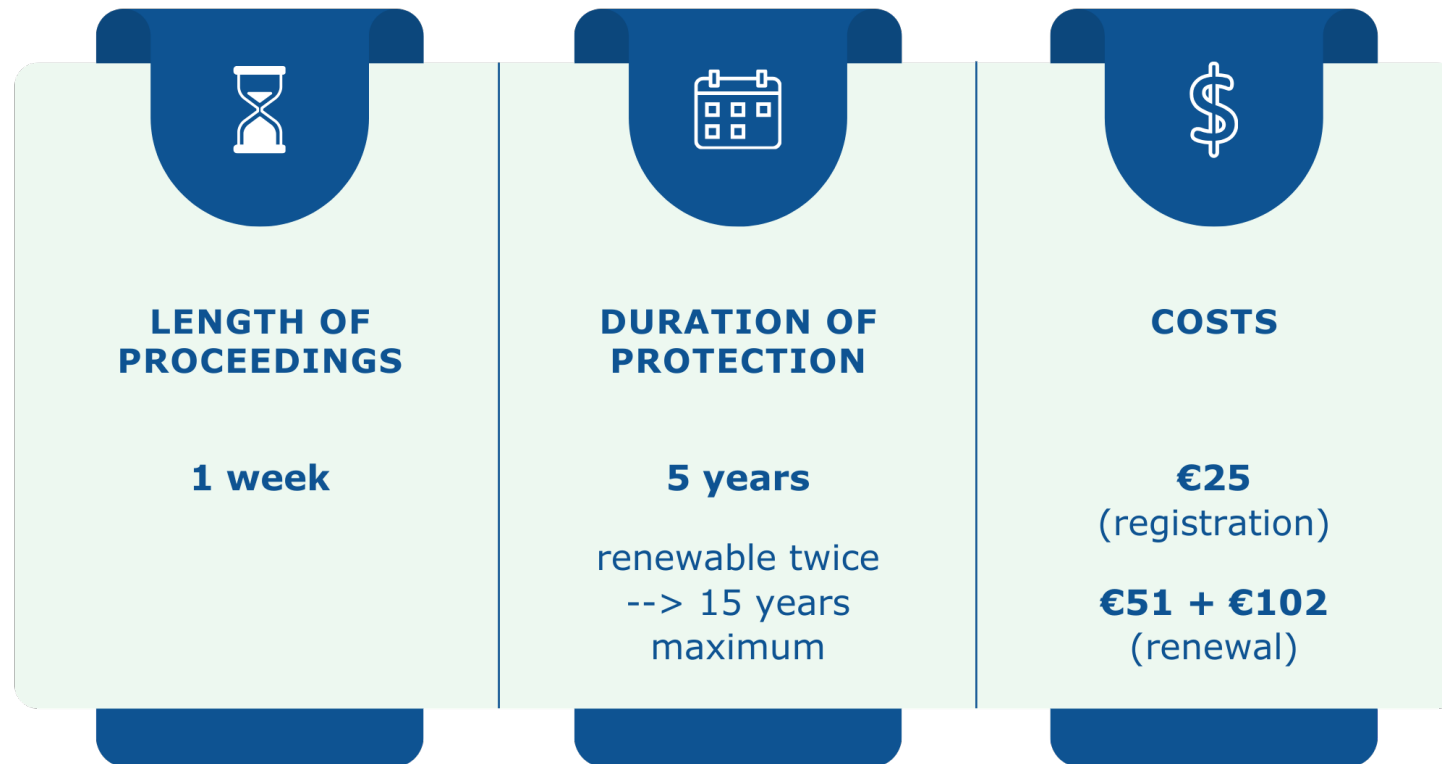
\***Paris Convention priority:** 6 months

# How do you acquire design rights?

- **Formal request** at the National Institute for Industrial Property (INPI).
- Documentation must be (translated) **in Spanish**.
- No substantial examination. **Only formalities**.
- Federal courts solve disputes regarding the novelty of a design.



# How do you acquire design rights?



# What happens after registration?

- *Renewal (5<sup>th</sup> and 10<sup>th</sup> year)*
- *Use (market exploitation - directly or through license)*
- *Monitor the market*
- *Enforce exclusive rights*

# Takeaways

- IPRs in Argentina must be requested directly at the National Institute for Industrial Property (INPI)
- Legalized PoA & proceedings in Spanish
- Timeframe deadlines

# 4 steps



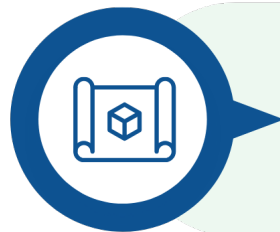
## Know your IP

What do you have and how do you protect it? Conduct regular IP Audits.



## Conduct searches

Freedom to Operate & Novelty Searches



## Register

What, when and where?



## Enforce & Use

Partners, law firms & customs



# Questions?

# HELPLINE

*free, fast & confidential*

*3 days* working

IP HELPDESK



European  
Commission

© European Union, 2021. Reuse is authorised provided the source is acknowledged. The reuse policy of European Commission documents is regulated by Decision 2011/833/EU OJ L 330, 14.12.2011, p.39.