

An overview of how to acquire IPRs in Argentina

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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.

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European Commission



Next trainings



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





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FEB

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

but the devil is in the details





Member of **MERCOSUR** \rightarrow 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





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 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 $\rightarrow 5^{th}$ year after registration \rightarrow 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 (5th and 10th 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





Additional materials



FACTSHEET

 IPR in Argentina for SMEs: Background

 Intellectual Property Rights for SMEs: Why is this relevant to you?
 How does Argentina's IP
 Ional Framework compare

legal framework compa to international standard C. Recent changes in the Argentine law

2. IP rights in Argentina: The A. Copyright and related ngnts B. Patents C. Utility models D. Industrial designs E. Trade marks F. Geographical Indications

and appellations of Origin G. Trade secrets H. Domain names I. Plant varieties

3. Enforcing your IP

4. Using customs to block counterfeits

5. Technology transfer in Argentina

6. Glossary

7. Related links and addition

information



Intellectual Property (IP) refers to all creations of the mind, such as images used in commerce or music. IP is usually divided into two categories, namely industrial property, which relates to inventions, designs or signs used in commerce; and copyright (or 'author's right', according to some non-English definitions), which relates to literary and artistic works.

Intellectual Property Rights (IPRs) are exclusive rights. As such, they confer a temporary monopoly over creations on the right holders, granting them exclusivity in the use and exploitation of their intellectual creations and the right to prevent any unauthorised use by third parties.

Therefore, this protection system allows creators or owners to benefit from their own intellectual work or investments in creations and innovations, as well as to briter their moral and economic interests resulting from the authorship of scientific, literary, or artistic productions.

The purpose of this factsheet is to provide a general description of all the IP rights recognised in Argentina and focus on the particularities found in this country.

All the examples of IP features included in this factsheet are considered "intangible assets", together with other IP-related elements such as licences, trade secrets or know-how. All intangible assets are defined by a lack of physical substance and the ability to generate future economic benefits.

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Factsheet IP Systems

LATIN AMERICA **IP SME HELPDESK**

3.2. How does Argentina 's IP Legal Framework compare to EU and

4. RELATED LINKS AND ADDITIONAL INFORMATION

5. GLOSSARY

International Standa

FACTSHEET

Comparative: Árgentina vs Europe



1.1. Intellectual Property Rights for SMEs: Why is this relevant to you?

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In light of the above, failure to designate a proper global IPR strategy before moving abroad

In light of the above, failure to designate a proper global IPR strategy before moving abovad can have serious consequences, such a having your product corege by clusic competitors with no possibility of stopping such actively. It is not possible to stress enough the importance of establishing a global trategy in advance. In the case of Argentins, for somethy, businesses must leave in mind that the registration procedures for trade musics or patients can take considerably longer than in futures. It is hown to this procession to study routed the cautal youcid for any SME to later material ends.

This document aims to help them do so by outlining the main differences between the EU's IP legal environment which SMEs are familiar with and Argentina's legal framework









1. IPRs IN ARGENTINA FOR SMEs 1.1. Intellectual Property Rights for SMEs: Why it this relevant to you? 1.2. How does Argentina 's IP Legal Framework compare to EU and

2. IP RIGHTS IN ARGENTINA ARING BASICS Copyrights and Related Rights Rights B. Patents and Utility Models C. Trade Marks D. Industrial Designs E. Trade Secrets F. Geographical Indication and Appellations of Origin

1 IPRS IN ARGENTINA FOR SMES

3. ENFORCING YOUR IP 3.1. Intellectual Propert Rights for SMEs: Why it

Questions?

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