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January 11, 2018

ARGENTINA

Issuance of Decree 27/2018 introduces changes in the IP system

Dear Sirs,

This is to kindly inform you that on January 11, 2018 Decree 27/2018 was published in the Official Gazette.

Said Decree seeks to simplify and reduce the length of proceedings before an important number of national offices and departments introducing substantial modifications in the Laws and rules governing them.

The Trademark, Patent and Design Laws and the PTO are included within the scope of the Decree which introduces a number of important changes into these systems. The most important of them are listed below:

1) Trademarks

The main changes will affect the opposition system. Terms will be reduced substantially and the PTO will now intervene in the resolution of oppositions as well as of other issues which were previously decided by the Courts. The possibility of appealing to the Courts will remain although the appeal will be directly before the Chamber of Appeals.

The requirement to file a declaration of use will be established, and if said declaration is not filed within the prescribed term, the PTO will be able to cancel the trademark for non-use.

It will no longer be possible to renew trademarks in classes unrelated to the ones for which products or services have been actually used in commerce.

2) Designs

Many of the changes to the system that were included in a Bill pending in Congress are now introduced.

Among the novelties the grace period will have a broader scope, applicants will have the chance of delaying publication of granted designs for 6 months, divisional applications will be expressly admitted and the period for filing renewals will be of 6



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months prior to the expiry date with the possibility of renewing 6 months after the expiry date by paying an extra fee.

3) Patents

The main changes deal with the shortening of most of the terms including the one for filing responses to the preliminary (formal) examination which is reduced to 30 days and the one for filing the examination request which will now be of 18 months counted as from the application's filing date in the case of patents and of 3 months counted as from the application's filing date in the case of utility models.

Certain documents will no longer need to be submitted in the files of all applications and will only have to be provided upon request by the Examiner.

We are unable to provide you with further details concerning all these changes since for the time being no implementing guidelines or transitional provisions have been contemplated or have been provided by the PTO.

Our Firm as well as the local professional organizations are requesting guidance and clarifications from the authorities, especially regarding when the modifications will actually enter into force and which cases will be affected.

We will of course keep you duly informed about this matter and of any further developments in subsequent communications.

Should you have any comments or questions in the meantime, please feel free to contact us at any time.

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