



ATTORNEYS AT LAW
PATENT AGENTS

May 29, 2019

ARGENTINA

Trademarks: Government issues Resolution 123/2019

This is to kindly inform you that following the issuance of Decree No. 242/2019 which partially regulated the new Trademark Law No. 27.444, on May 27, 2019 the Government has published Resolution No. 123/2019 which clarifies certain provisions of the cited new Law and Decree, as follows:

(1) Mid-term declaration of use

As has been informed in our prior Newsletter of April 8, 2019, Decree 242/2019 established the obligation to file a mid-term sworn declaration of use between the 5th and 6th anniversary of the mark's date of grant.

This new Resolution No. 123/2019 now establishes that all registrations granted as from January 12, 2013 are subject to the filing of such declaration.

In this respect, a grace period ending on January 12, 2020 has been granted by the Resolution for the filing of this declaration in all marks which anniversary has occurred or shall occur anytime between January 12, 2018 and June 3, 2019.

For all other marks which 5th anniversary will take place after June 4, 2019, the general one year term until the 6th anniversary for filing the sworn declaration of use will apply

The omission to timely file the mid-term sworn declaration of use will imply the payment of an extraordinary fee for each year of delay and the presumption that the mark has not been used within such term.

(2) Renewals

According to this Resolution, renewal applications can now be filed within a 6 month term prior to the mark's actual expiration date, with the payment of the corresponding official fee.

In addition, renewals can now also be filed within a grace period of 6 months counted after the mark's expiration date. Filings within this period shall be subject to the payment of an extra fee.

For all marks granted as from January 12, 2013, the right holder, at the time of filing the renewal, must have complied with the filing of the mid-term sworn declaration of use.



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Said sworn declaration of use may be filed simultaneously with the renewal request, in which case the applicant will have to pay the renewal fee, the fee for the mid-term declaration of use and an extra fee per year of delay in submitting the latter.

If no mid-term declaration of use has been filed before or when requesting the renewal, said renewal will not be studied, without prejudice of the PTO's right to declare the cancellation of the administrative renewal proceeding, prior notice to the right holder.

(3) Extensions of term

Finally, the Resolution has shortened the actual terms of the automatic extensions granted to respond to office actions.

As from June 3, 2019, the first extension of term shall be for 10 running days while the second one shall be for 5 running days. These extensions are to be granted in an automatic and successive manner.

The PTO shall not study any response filed within any of the cited two extensions if the corresponding official fee has not been paid.

Please note that this Resolution enters into force on June 3, 2019.

Should you have any comments in connection with this matter please let us know.

Trademark Department

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