

**LAW ON INDUSTRIAL DESIGNS**  
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**(Decree Law No. 6673 –August 9, 1963)**

**Article 1** – The author of an industrial design and his or her legitimate successors shall have a right of ownership thereof and the exclusive right to exploit, transfer and register it for the period of time and under the conditions established by this Decree.

Industrial designs created by persons employed by other persons shall belong to their authors, who shall have the exclusive right of exploitation, except where the author was specially contracted to create them or if the author was merely carrying out instructions received from the persons for whom he or she works. If the design were a joint work of the employer and the employee, it shall belong to both, unless otherwise agreed.

Where two or more persons have jointly created an industrial design, the right of exclusive exploitation shall apply to all of them, and all shall have the right to register the work created in their name; in such cases the relationships between the co-authors shall be governed in accordance with the concept of co-ownership.

The author of an industrial design and his or her legitimate successors may file a claim in order to regain ownership of a registration effected fraudulently by a person other than the author.

**Article 2** – The right recognized under the previous article shall be applicable to the authors of industrial designs created abroad and their legitimate successors, provided that their respective countries grant reciprocal rights to Argentine authors or authors resident in Argentina.

**Article 3** – Shapes or an appearance which, when incorporated in or applied to an industrial product, give it an ornamental nature shall, for the purposes of this Decree, be considered an industrial design.

**Article 4** – In order to enjoy the rights recognized by the present Decree, the author shall register the design of his or her creation in the Register of Industrial Designs, which shall be maintained for that purpose by the Secretariat for Industry and Mining (National Directorate of Industrial Property).

**Article 5** – In the absence of evidence to the contrary, it shall be presumed that the person who first registers an industrial design is its author.

**Article 6** – The following may not enjoy the benefits granted by this Decree:

(a) Industrial designs that have been published or publicly exploited, in Argentina or abroad, prior to the date of deposit, except for the cases provided for in Article 14 of the present Decree. However, where authors, themselves or through an authorized person, have exhibited the design of their creation at exhibitions or fairs held in Argentina or abroad, this shall not prevent them from enjoying said benefits, provided that the relevant deposit is made within six months of the inauguration of the exhibition or fair;

- (b) Industrial designs that lack a distinctive configuration and specific appearance that is novel in comparison with prior industrial designs;
- (c) Industrial designs whose elements are necessitated by the function to be performed by the product;
- (d) Designs that consist solely of changing the color of designs already known;
- (e) Designs that are contrary to morality and decency.

**Article 7** – The duration of protection granted by the present Decree shall be five (5) years from the date of deposit and may be extended for two consecutive periods of the same duration at the request of the owner.

**Article 8** – The registration of an industrial design, the extensions mentioned in the previous article and the issuing of new attestations or certificates, shall be subject to the fees and charges determined in the Regulations under this Decree. These fees shall be set by the Secretariat for Industry and Mining and shall be deposited in the "National Directorate of Industrial Property – Required Services" special account.

**Article 9** – A single registration may include up to fifty (50) examples of realization of a single design, provided that they are all homogenous.

**Article 10** – Applications for registration shall be submitted to the National Directorate of Industrial Property, in accordance with the relevant regulations, and shall contain:

1. An application, together with proof of payment of the fee referred to in Article 8;
2. Drawings of the design;
3. A description of the design;
4. A special authorization signed only by the applicant, which does not need to be legalized, allowing another person to represent him or her if he or she does not act personally.

**Article 11** – Applications to renew a deposit, as provided for in Article 7, shall be submitted at least six months before expiry of the period of protection. The application shall be accompanied by the same material as is required for the initial deposit.

**Article 12** – An application for deposit may be rejected only if the formal requirements set out in Article 10 and consistent with this Decree and its regulations are met. A decision to refuse registration in respect of an application for deposit shall be appealable before the National Directorate of Industrial Property or before the federal courts; the selection of one of these channels shall preclude the use of the other.

**Article 13** – Registration shall be the responsibility of the National Directorate of Industrial Property under the State Secretariat for Industry and Mining, and the extension of titles which certify the date of deposit and the name of the owner and which contain copies of the deposited drawing and descriptions shall be carried out by the official or officials who determine the regulations. Other formalities relating to title and registration procedures shall likewise be established by means of regulations.

**Article 14** – Industrial designs deposited or patented abroad may be deposited in the Register, with the same benefits as are accorded by the present Decree to those registered in Argentina, provided that the deposit is made no more than six months after it was made in the country of origin.

In such cases the duration of the right of exclusivity may not exceed the term of the patent or of the original deposit. No right of exclusivity may be claimed for foreign designs that have been industrially exploited in the Argentine Republic by a third party before registration was applied for in the country of origin.

**Article 15** – The holder of a design registration may assign it in whole or in part on terms which he or she deems appropriate. The assignee or successor to all or part of a title may not invoke rights arising from the registration until the transfer is recorded with the National Directorate of Industrial Property.

If the assignee does not notify the assignor of a legal challenge to a registration, so that the assignor may participate in the proceedings as an intervenor, the assignor shall not be obliged to refund the cost of assignment.

**Article 16** – Registrations of designs, and also renewals, transfers and cancellations, shall be made public in the form and at the time determined in the regulations.

**Article 17** – The registration of an industrial design shall be cancelled where it has been effected by a person other than its author or in breach of the provisions of this Decree. However, such cancellation may be ordered only by final judgement of the Federal Courts at the request of an interested party, whether or not that party has previously registered designs.

**Article 18** – Action for the cancellation of a registration, as referred to in Article 17, and action claiming ownership, as referred to in the last paragraph of Article 1, shall be subject to a period of limitation of five (5) years from the date of deposit in the Register of Industrial Designs.

**Article 19** – The holder of a design registration may bring legal action against anyone who, without authorization, industrially or commercially exploits a deposited design or imitations thereof in respect of the same or different products. Such action may be brought before the federal civil courts with a view to obtaining damages and cessation of use, or the federal criminal courts if imposition of the penalties established by this Law is also sought.

**Article 20** – Anyone who infringes, in good or bad faith, the rights granted to a deposited design shall be obliged to compensate for the damage caused to the holder of the registration and also, in the case of bad faith, to surrender the profits.

**Article 21** – The following shall be punishable with a fine of 3,000 to 100,000 pesos:  
1. Anyone who manufactures or arranges the manufacture of industrial products that have characteristics protected by the registration of a design or copies thereof;

2. Anyone who, knowing the illegal nature of such actions, sells, offers for sale, exhibits, imports, exports or in any other form trades in the products referred to in the previous subparagraph;

3. Anyone who maliciously holds said products or harbours their manufacturers;

4. Anyone who maliciously claims a design without holding the registration thereof;

5. Anyone who sells, as his or her own, design plans protected by another person's registration.

In the case of repeat infringements, the penalties established in this Article shall be doubled.

**Article 22** – Articles or parts of articles involving industrial designs that are declared infringing shall be destroyed, even if the destruction of the design entails the destruction of the products, unless the owner of the design agrees to take them, at cost value, as part of the compensation and restitution of profits owed to him or her.

Goods already delivered by the infringer to good-faith purchasers shall not be confiscated or destroyed.

**Article 23** – Proceedings for the imposition of the penalties established by this Decree shall be private.

Neither civil nor criminal claims shall be heard unless they are accompanied by the registration title claimed.

**Article 24** – Solely as a measure prior to the institution of civil or criminal proceedings authorized in this regard, and in order to prove an illegal act, the holder of a design registration who becomes aware that, in a trading company or factory or elsewhere, design objects are being industrially or commercially exploited in infringement of his or her registration, may request, on presentation of adequate security and the registration title, that the courts appoint a court official to go to the place in question and seize an example of the infringing products, making a detailed inventory of stock. The appropriate warrant shall be issued within 24 hours of the request.

Where the holder of the goods is not the producer, he or she shall explain their origin to the design owner so that the owner may prosecute the manufacturer. If the explanations are denied or prove to be false or inaccurate, the holder of the goods may not claim good faith.

**Article 25** – In both civil and criminal proceedings for cessation of use, the plaintiff may, in separate proceedings, seek a security from the defendant in return for not suspending the defendant's exploitation of the contested design if he or she wishes to continue exploitation; in the absence of such security, the plaintiff may request that exploitation be suspended and that all the contested objects in the defendant's possession be seized, and provide appropriate security, if requested. Security shall be *in rem* and shall be set by the court, taking into account the compromised interests.

**Article 26** – Money from fines imposed under this Law shall be deposited in the "National Directorate of Industrial Property – Required Services" special account to be used for the Directorate's operation.

**Article 27** – Proceedings for the imposition of the penalties provided for in Articles 21 and 22 shall be subject to a period of limitation of two (2) years from the time of commission of the infringement.

**Article 28** – Where an industrial design registered in accordance with the present Decree is also the subject of an application for deposit pursuant to Law No. 11.723, the author may not claim both simultaneously in the legal defense of his or her rights. Where a patent for an invention is applied for mistakenly in order to protect an industrial design, and the National Directorate of Industrial Property opposes the application on those grounds, the interested party may change it to an application for registration of a design.

**Article 29** – The present Decree shall enter into force thirty (30) days after its regulations have been issued, but at least six months after it is signed.

**Article 30** – The present Decree shall be endorsed by the Minister Secretaries in the Departments of Economy, Education and Justice, National Defense and the Interior, and signed by the Secretaries of Finance and of Industry and Mining.

**Article 31** – This Decree shall be disseminated, published, transmitted to the General Directorate of the Official Gazette and Printing and placed in the archives.