

## National Institute of Industrial Property

(English version \*)

BUENOS AIRES, DECEMBER 16, 2003

CONSIDERING File N° 253.-62217/03 of the Registry of the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) - a self-governing body that operates as part of the SECRETARIAT FOR INDUSTRY, TRADE AND SMALL AND MEDIUM-SIZED ENTERPRISES within the MINISTRY OF ECONOMY AND PRODUCTION - Law N° 24.481 (amended 1996) on Patents and Utility Models and its Regulations contained in Annex II of Decree No. 260 of March 20, 1996, the Law on Administrative Procedures No. 19.549 and its Regulatory Decree No. 1759/72 (amended 1991) and Decree No. 722 of July 3, 1996, and

CONSIDERING:

That Decree No. 722 of July 3, 1996 states in Article 1 that, in the sphere of centralized and decentralized public administration, the only applicable procedures shall be those established by the National Law on Administrative Procedures No. 19.549 and the Regulations on Administrative Procedures, approved by Decree No. 1759/72 (amended 1991).

That Article 3 of Decree No. 722/96 provides that, from its entry into force onwards, any provision that establishes special administrative procedures shall contain explicit grounds for the legal imperative to depart from the procedures established by the National Law on Administrative Procedures and its Regulations.

That Decree No. 722/96 provides an exhaustive list of the special rules that remain in force, which do not include the rules on patents.

That it should be added that Law No. 24.481 (amended 1996) was issued prior to Decree No. 722/96, which could have been provided for in that Decree.

That the National Law on Administrative Procedures should be understood to be subsidiarily applicable, provided that it does not affect the substantive rules referred to or applied by special technical regimes such as the one governing patents.

That Article 5 of Decree No. 1759/72 (amended 1991) provides that: .....The competent body shall lead the procedure by: (a) processing the files in order and making decisions on them as they become ready to be decided upon. It shall only be possible to change the order of processing and decision-making by means of a resolution containing an explanation ...",

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\* Courtesy translation provided by WIPO.

That the same natural person or legal entity very often submits several patent applications, and that the applicant frequently has a great interest in a prompt decision concerning one or more of these applications over the others.

That it comes under the authority of the National Patent Administration to decide on applications for patents and utility models.

That the order in which the substantive examinations of patent applications are studied depends upon the date of payment of the corresponding fee.

That nothing prevents the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) from implementing a mechanism under which the person filing several patent applications may request the National Patent Administration to change the chronological order in which the substantive examinations of applications are studied, while arranging appropriate publicity for the said procedure.

That by means of this temporary mechanism, the applicant may request the above-mentioned change, provided that the applications for which the order of consideration is to be changed: belong to the same subclass – according to the International Patent Classification from the Strasbourg Agreement -; have been published; and that the relevant fee for the substantive examination has been paid.

That the request to change the chronological order in which applications are considered must be made by the applicant or his/her legal representative or agent.

That the applicant shall comply with all the requirements laid down in the present resolution in terms of form and time as an essential requirement of changing the chronological order of examination.

That the National Patent Administration and the Legal Affairs Department have duly intervened.

That this Resolution is issued in exercise of the authority granted by the legal rules in force.

Therefore,

THE PRESIDENT OF THE  
NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY

DECIDES:

ARTICLE 1 - The applicant filing several patent applications may request a change in the chronological order of consideration of the substantive examinations of his/her patent applications, which should belong to ONE (1) and the same subclass, based on the date of payment of the substantive examination fees:

ARTICLE 2 – It is an essential condition of the provisions of Article 1 that applications for which the chronological order of consideration of the substantive examinations is intended to be changed belong to the same subclass according to the Strasbourg Agreement on the International Patent Classification. This includes only those applications that have been published and for which the fee corresponding to the substantive examination has been paid, at the time when the present resolution is published,

ARTICLE 3 – From the day following the publication of this resolution in the Official Journal, patent applicants that are covered by the situation provided for in Article 1 are called upon to formulate their presentations in the form and time established below.

ARTICLE 4 – Within SIXTY (60) consecutive days of the publication referred to in Article 3, interested parties may submit their requests in writing to INPI using the form attached hereto.

ARTICLE 5 – Only patent applicants or their representatives shall be authorized to request a change in the above-mentioned order of consideration, and the request must be accompanied by an office copy of the power of attorney with the explicit indication that it is a faithful copy of the original, currently valid and a sworn statement.

ARTICLE 6 – For each request, the legal capacity of the applicant shall be certified and an address for service provided for all the relevant purposes.

ARTICLE 7 – It shall be necessary to submit ONE (1) form per request, and each request may not contain more than ONE (1) change request. The applicant shall mention the numbers of the TWO (2) requests for which he/she wishes to change the order of consideration of the substantive examination. For each request, ONE (1) INPI administrative file shall be opened to contain all requests.

ARTICLE 8 – Requests for change that do not satisfy all the requirements mentioned in the preceding articles shall be rejected *in limine*.

ARTICLE 9 – If the applicant satisfies all the requirements in form and time, the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI) shall issue a resolution that cannot be subject to appeal, approving what was requested, ordering that the payment date of the substantive examination be changed in the database of the National Patent Administration, leaving a

record of the aforementioned change in the said database, and attaching a copy thereof to the files affected by the change of date.

ARTICLE 10 – The final result of the request in question shall be published in the Journal of Trademarks and Patents and the Official Journal.

ARTICLE 11 – Requests for the rapid dispatch of files for which the cited change is required shall be suspended from the time when the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY publishes the call mentioned in Article 3 until the results of the requested changes are communicated.

ARTICLE 12 – For recordal, communication and publication in the Journal of Trademarks and Patents, on the website of the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI), to be given to the National Department of Official Records for publication in the Official Journal, and a copy displayed on the notice board and archived.

RESOLUTION No. P-264

(signed)

**MARIO ROBERTO ARAMBURU**

***PRESIDENT, NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI)***

ANNEX

REQUEST TO CHANGE THE CHRONOLOGICAL ORDER OF CONSIDERATION OF SUBSTANTIVE  
EXAMINATIONS FOR PATENT APPLICATIONS

INPI File Ref. No. 253-66217/03

Application No.

Applicant(s)

Date of publication

Journal No.

Payment date of substantive examination

IPC subclass

The date of payment of the substantive examination is requested to be changed as follows:

Application No.

Applicant(s)

Date of publication

Journal No.

Payment date of substantive examination

IPC subclass

Attached is an office copy of the power of attorney, and I swear that it is a faithful copy of the original, currently valid, and that I am authorized to carry out this procedure.

Address for service:

BUENOS AIRES, (day) (month) (year)

Signature of representative:

Print name: