

TECHNOLOGY TRANSFER

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DECREE No. 580

Clarifying the scope of a term for the purposes of the provisions of Article 1 of Law No. 22.426.

Regulations thereunder.

Buenos Aires, March 25, 1981

HAVING REGARD to SEDI Record No. 71.034/81 and the enactment of Law No. 22.426 and

CONSIDERING:

That it is necessary to establish the regulations thereunder.

Therefore,

THE PRESIDENT OF ARGENTINA

DECREES:

Article 1 — For the purposes of the provisions of Article 1 of the Law, technology means:

- (a) patents,
- (b) industrial designs,
- (c) any technical knowledge for the manufacture of a product or for the provision of a service.

Article 2 — Any of the contracting parties may make submissions as established under Articles 2 and 3 of the Law, for which purpose the information specified under Article 8 of the Law must be accompanied by three non-certified copies of the document implementing the respective legal act. Where such instrument has been drafted in a foreign language, three non-certified copies of a translation thereof into Spanish by a public sworn translator shall also be submitted.

Article 3 — For the purposes of the provisions of Article 5 of the Law, it shall be assumed that the agreed consideration maintains a link to the technology transferred in so far as it does not exceed five per cent (5 %) of the net value of sales of the products manufactured or of the services provided by means of the technology transferred.

Article 4 — Net value of sales shall mean the factory gate invoice value after deduction of discounts, rebates, refunds and internal taxes as well as added value or those that shall substitute, replace or supplement them in the future and any other value that shall be established hereinafter with reference to the same taxable transactions.

Article 5 — No submission before the Implementing Authority shall require a certificate of authenticity of documents or of signatures of the applicant or of the contracting parties. A sworn statement by the applicant shall suffice.

Article 6 — The Implementing Authority shall notify the applicant within a period of forty-five (45) days from the submission where there are formal irregularities or substantive obstacles which prevent approval of the transaction.

The applicant shall have a period of sixty (60) days from the time of notification to carry out the relative amendments or to respond to the notice, during which the period established under Article

Translated from Spanish

7 of the Law shall be suspended. The period for resolving such issues shall be resumed when a response to the notice has been received, amendments are made, or the time limit to do so has expired.

Article 7 — Notwithstanding the appeal provided for under Article 7 of the Law, the Secretary of State for Industrial Development shall have thirty (30) days to resolve the matter.

Article 8 — All transactions concerning the processing of the approval shall be retained by the Implementing Authority in strict reserve.

Article 9 — The final decision, issued by the Implementing Authority or the Secretary of State for Industrial Development, shall be sent within fifteen (15) days of the ruling to the National Directorate of the Official Registry for publication, without prejudice to notification to the applicant.

Article 10 — Interested parties may submit draft contracts for consultation which require the advice of the Implementing Authority concerning such matters, and said Authority shall issue its judgment within sixty (60) days from filing.

Article 11 — Once the legal act is approved the Implementing Authority shall deliver to each of the parties:

(1) A copy of the document which implements the legal act with due approval.

(2) A copy of the respective decision.

(3) An approval certificate for submission to the Central Bank of the Republic of Argentina, which shall contain: the name and actual domicile of the recipients and of the provider, place of payment, approval number, contractual period, dates on which payment should be made, clarification as to the manner and possibility for fixing exchange rates, where the act establishes such rates and currency in which debt is chargeable.

Article 12 — Where this concerns the filing established under Article 3 of the Law two non-certified copies of the document shall be returned with the corresponding record.

Article 13 — Those documents implementing the legal acts included in Article 3 of the Law which are in the process of approval, shall be returned to the applicants with the records of their filing and the date of the extract of the file, for the purposes of Article 10 of the Law. A copy of the document and registration form shall be retained in the file for information purposes.

Article 14 — All the time limits established by this Decree shall include calendar days.

Article 15 — Decree No. 1885 of August 15, 1978 is hereby repealed.

Article 16 — For communication, publication and submission to the National Directorate of the Official Registry and for recording.