

Translated from Spanish

AGRICULTURAL AND FOOD PRODUCTS

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Law No. 25.966

Amending Law No. 25.380.

Assented to November 17, 2004

Enacted on December 20, 2004

The Senate and Chamber of Deputies of the Argentine Nation meeting in Congress, etc. have ratified with the force of law:

ARTICLE 1 — The text of Article 1 of Law No. 25.380 shall be replaced with the following:

Geographical indications and appellations of origin used to market agricultural and food products, whether in their natural state, packaged or processed, shall be governed by the present Law. Wines and wine-based alcoholic beverages shall be excluded and shall be governed by Law No. 25.163 and its related regulations and amendments.

ARTICLE 2 — The text of Article 2(a) of Law No. 25.380 shall be replaced with the following: For the purposes of this Law:

(a) Geographical indication means that which identifies a product as originating from the territory of a country, or from a region or locality of that territory, where specific qualities or other characteristics of the product are essentially attributable to its geographical origin.

ARTICLE 3 — The text of Article 3 of Law No. 25.380 shall be replaced with the following:

The identification and registration of geographical indications of agricultural and food products may be requested before the Implementing Authority by any individual or legal person who extracts, produces or manufactures such products in the respective area. The requirements and procedures to assess the area of production and the monitoring of the products which belong to this category shall be established in the Decree regulating the present Law.

ARTICLE 4 — The following text shall be added to Article 7 of Law No. 25.380:

Provincial governments to which the area of national territory corresponding to the geographical boundaries of the appellation of origin belong, shall provide the Implementing Authority with a technical report on due compliance with the requirements which, for applicants for the appellation of origin, are established under Article 6 of the present Law.

ARTICLE 5 — The following text shall be added to Article 13(l) of Law No. 25.380:

(1) Compile and keep permanently up-to-date statistics and reports on appellation of origin production, in accordance with the rules established under the respective domestic laws.

ARTICLE 6 — The text of Article 16 of Law No. 25.380 shall be replaced with the following:

Article 16: The Implementing Authority, through the Registry set up for such purposes, shall register the geographical indications and/or appellations of origin of agricultural and food products.

The procedure and steps for registering geographical indications shall be established by the decree regulating the present Law.

ARTICLE 7 — The text of Article 23 of Law No. 25.380 shall be replaced with the following:

Article 23: The present Law shall not impose any obligation to protect geographical indications and/or appellations of origin which are not protected or which are no longer protected in their country of origin, or which have been abandoned in that country.

The registration of geographical indications and/or appellations of origin previously recorded in their country of origin, shall be governed as regards the procedures for registration and duties, by the present Law and related legislation.

“Country of origin” shall mean the country in which the geographical area, region or locality whose name constitutes the geographical indication and/or appellation of origin is situated.

ARTICLE 8 — The text of Article 24 of Law No. 25.380 shall be replaced with the following:

Article 24: The registration abroad of geographical indications and appellations of origin protected under the present Law shall be processed through the Ministry of Foreign Affairs, International Trade and Worship, in accordance with the relevant international treaties.

ARTICLE 9 — The text of Article 25 of Law No. 25.380 shall be replaced with the following:

Article 25: It shall not be permitted to register as geographical indications and/or appellations of origin the following:

(a) Generic names of agricultural or food products, meaning those which though their use have become a common name of the product with which the public in the Republic of Argentina identifies.

(b) Existing factory or trademarks registered in good faith or where the rights in a trademark have been acquired through its use in good faith:

b.1. Prior to January 1, 2000;

b.2. Prior to the geographical indication and/or appellation of origin being protected in the country of origin.

(c) Names similar to others previously registered as appellations of origin of agricultural or food products.

(d) Names whose use may be misleading as to the qualities or characteristics of the product in question.

(e) The use of any media which, in the designation or presentation of the product, indicates or suggests that the product originates from a geographical region different to the genuine place of origin, which might mislead the public as to the geographical origin.

ARTICLE 10. — The text of Article 26 of Law No. 25.380 shall be replaced with the following:

Article 26: The State, via the Implementing Authority of this Law, shall confer on the users of the geographical indication and/or appellation of origin the following rights:

- (a) Right to use the geographical indication.
- (b) Right to use the appellation of origin for agricultural and food products, and the name which identifies it; and exclusive right to use emblems, distinctive signs, acronyms, logos, labels, etc. which have been authorized by the relevant body.
- (c) Quality control and assurance specified in the appellation of origin registered by the component authority.

ARTICLE 11. — The text of Article 27 of Law No. 25.380 shall be replaced with the following:

Article 27: The use of geographical indications and/or appellations of origin shall be prohibited:

- (a) for agricultural or food products which do not originate from certain geographical areas in their corresponding registration, and are of the same kind.
- (b) as the trade name of products similar to those registered as geographical indications or appellations of origin, with the purpose of benefitting from the reputation thereof.
- (c) Where a false or fallacious, misleading or deceptive indication is involved as to the source, origin, nature or essential characteristics of products which do not have that origin and protection.
- (d) Any other practice which might mislead consumers as to the genuine origin and/or distinctive qualities of the product, which involves unfair competition.

Previous prohibitions shall be applied to geographical indications and/or appellations of origin used in the wrapping, labels or packaging, in advertising material or in the documents relating to the product concerned.

ARTICLE 12. — The following paragraph shall be inserted into Article 34 of Law No. 25.380:

Its functions may be delegated partially to provincial authorities, with respect to geographical indications and/or appellations of origin whose production area is situated within the respective provincial territory.

ARTICLE 13. — Article 35(p) of Law No. 25.380 shall be replaced with the following text:

Insert as new letter (p) of Article 35 the following text:

- (p) Conclude agreements with provincial and/or municipal authorities, for the purposes of compliance with the present Law.

ARTICLE 14. — The text of Article 37(c) of Law No. 25.380 shall be replaced with the following:

- (c) Collection of fees for registration and issuing of certificates and other services resulting from the implementation of the system.

ARTICLE 15. — The following paragraph shall be inserted into Article 37(d) of Law No. 25.380:

Prior to the sale of the confiscated goods provided for under this letter, any reference to the geographical indication, or appellation of origin which was the source of the infringement, shall be removed.

ARTICLE 16. — The text of Article 38 shall be replaced with the following:

Article 38: The NATIONAL ADVISORY COMMITTEE FOR GEOGRAPHICAL INDICATIONS AND APPELLATIONS OF ORIGIN OF AGRICULTURAL AND FOOD PRODUCTS shall be established and shall operate as a standing advisory body, independent of the organizational structure of the Implementing Authority.

ARTICLE 17. — The text of Article 40(c) shall be replaced with the following:

(c) Verify the National Registry of Geographical Indications and Appellations of Origin.

ARTICLE 18. — The term "Indication of Source" shall be replaced with "Geographical Indication" in the following Articles listed below:

(a) Article 40(c).

(b) First paragraph of Article 41 and Article 41(c).

(c) Article 42(c) and (d).

(d) Article 43(a) and (c).

(e) Article 35(a), (b) and (p).

ARTICLE 19. — Annul the repeal of Articles 7 and 8 of Law No. 22.802, as established under Law No. 25.380.

ARTICLE 20. — For communication to the National Executive.

DONE IN THE SESSION ROOM OF THE NATIONAL CONGRESS, IN BUENOS AIRES, ON THE SEVENTEENTH OF NOVEMBER OF THE YEAR TWO THOUSAND AND FOUR.

— REGISTERED UNDER No. 25.966 —

EDUARDO O. CAMAÑO. — MARCELO A. GUINLE. — Eduardo D. Rollano. — Juan Estrada.