



## **NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY**

### **Resolution 123/2019**

#### **RESOL-2019-123-APN-INPI # MPYT**

City of Buenos Aires, 05/23/2019

SEEN EX-2019-47949031-APN-DO # INPI, the Law on Trademarks and Designations No. 22,362 and its amendments, Regulatory Decree No. 242 of April 1, 2019, Resolutions No. P-250 of September 27, 2018 and No. D-005 of January 22, 1998 both of the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI), and

WHEREAS:

That by Article 1 of Regulatory Decree No. 242/2019, the regulation of the Law on Trademarks and Designations No. 22,362 and its amendments were approved.

That through Article 3 of the aforementioned Regulatory Decree it was established that it will enter into force as of the SIXTY (60) days of its publication in the Official Gazette.

That Article 47 of the Law on Trademarks and Designations No. 22,362 and its amendments, establishes that the NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI), in its capacity as enforcement authority, is empowered to dictate the complementary regulations of the Law As for the trademark registration procedure, in everything that facilitates it, eliminate requirements that become obsolete, speed up and simplify the registration process.

That, in view of the entry into force of the Regulatory Decree, it is necessary to dictate the complementary regulations aimed at its effective implementation.

That, the National Trademark Directorate and the Legal Affairs Directorate have taken the intervention of their competence.

That this is issued in use of the powers conferred in Law No. 24,481 and its amendments, Law on Trademarks and Designations No. 22,362 and its amendments, and Regulatory Decree No. 242/2019.

Therefore,

THE PRESIDENT OF THE NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY

RESOLVES:

ARTICLE 1.- Approve the complementary regulations to Regulatory Decree No. 242 dated April 1, 2019 that as ANNEX (IF-2019-48671515-APN-INPI # MPYT ) is an integral part of this.

ARTICLE 2.- Repeal the Provision without numbering of the then Directorate of Industrial Property dated May 28, 1947 and Resolution No. D-005 dated January 22, 1998, both of the INPI registry.

ARTICLE 3.- Determine that any rule in force at the time of issuance of the present that contrasts with the provisions of the APPENDIX approved by means of Article 1 of this, will be without effect.

ARTICLE 4 - This Resolution shall enter into force as of June 3, 2019.

ARTICLE 5 - Communicate, Publish in the Bulletins of Trademarks and Patents, be given to the NATIONAL ADDRESS OF THE OFFICIAL REGISTRATION and, File. Dámaso Pardo

NOTE: The Annex (s) that make up this Resolution are published in the web edition of BORA -[www.boletinoficial.gob.ar](http://www.boletinoficial.gob.ar)-

and. 05/27/2019 No. 36828/19 v. 05/27/2019

( **Infoleg Note:** The annexes referenced in this standard have been extracted from the official edition of the Official Gazette)



*Instituto Nacional de la Propiedad Industrial*

**ANNEXED**

#### **TITLE I. SUBMISSION OF THE APPLICATION FOR A BRAND NEW**

ARTICLE 1. **General principle** It is established that applications for the registration of individual marks will be made through the submission of a registration application for each class of the Nice International Nomenclator, each processing through independent applications. Those that contain more than one class will be denied without further processing.

#### **TITLE II SWORN STATEMENT OF USE.**

ARTICLE 2 **Mid Term Affidavit.** The holders of those brands that had been granted to the following are achieved with compliance with the Affidavit of Use provided by Article 26 of the Law on Trademarks and Designations No. 22,362 and its amendments, and its Regulatory Decree No. 242/2019 as of January 12, 2013.

ARTICLE 3. - **Untimely compliance** . As of January 12, 2020, all those trademark registrations that are in a position for their holders to submit the Affidavit of Use provided by Article 26 of the Law on Trademarks and Designations No. 22,362 and its amendments, and its Regulatory Decree No. 242/2019 and that do not comply with the aforementioned obligation will be subject to the payment of an extraordinary fee for each year of non-compliance in the presentation of the declaration, as established by Annex II of Resolution No. P-250 dated September 27, 2018 of the INPI.

#### **TITLE III- RENEWAL OF THE BRANDS.**

ARTICLE 4 - **Term** . The renewal application may be submitted within SIX (6) months before or after the expiration of the registration, paying the relevant fee.

**Condition for renewal. Use of the Brand.** For the renewal of those marks that had been granted as of January 12, 2013, at the time of entering the application for renewal of the registration, they must have submitted the Affidavit of use of medium term provided in Article 26 of the Law on Trademarks and Designations No. 22,362 and its amendments, and its Regulatory Decree No. 242/2019, otherwise the process will not be processed; without prejudice to the power to declare the expiration of the administrative procedure for the renewal of the trademark registration, after requesting the applicant.

#### **TITLE IV. NOTIFICATIONS**

ARTICLE 5 - **General principle.** It is established that the administrative hearings and resolutions issued by the National Trademark Office will be notified by publication in the Trademark Bulletin.

**Term of suspension** . With the exception of the notifications of the opposition resolution procedure, the deadlines for answering the administrative hearings and the deadlines for contesting the resolutions that are issued will begin to run for THIRTY (30) calendar days, counted since their publication in the Trademark Bulletin, so that those interested can learn about the fundamentals. Transience. The present notification procedure will remain until the time when the electronic notification procedure referred to in INPI Resolution No. P-250/2018 is regulated.

ARTICLE 6 **.-Automatic extension of the deadlines for answering views** . The only extensions to the term of 30 consecutive days for the response of hearings established by Article 15 of the Annex to Regulatory Decree No. 242/2019, upon payment of the corresponding fee, are the following: First extension: TEN (10) days run.

Second extension: FIVE (5) calendar days.

The extensions of mentioned terms will be granted automatically and successively.

A hearing response made within the extension period, which lacks the payment of the relevant fee, will not be processed.

Once the period has elapsed, including extensions, without having answered the hearing, the request will be resolved without the need for any intimidation.

#### **TITLE V: ISSUANCE OF DIGITAL TITLES AND DOCUMENTS.**

ARTICLE 7.- The titles that accredit both the registration of new brands and their renewals will be issued, digitally signed by the competent authority and incorporated into the digital file. The notification to the holder will be made electronically.

ARTICLE 8 - Priority documents and certificates that account for the status of a trademark process will be issued, digitally signed by the competent authority and incorporated into the digital file. The notification to the interested party will be made electronically.

(Title V incorporated by art. 1 of [Resolution No. 275/2019](#) of the National Institute of Industrial Property BO 10/10/2019. Validity: as of November 1, 2019)

**TITLE VI: ENTRY OF APPLICATIONS FOR NEW BRANDS, OPPOSITIONS TO THE REGISTRATION OF A BRAND AND REGISTRATION RENEWALS.**

ARTICLE 9 - ELECTRONIC FORMS. It is established that the forms by means of which the registration of new trademark applications, trademark renewals or oppositions to the registration of a trademark is requested, will be completed exclusively electronically through the Web Procedures Portal of this Institute (procedure portal. inpi.gob.ar).

ARTICLE 10 - INCOME. Once the loading of forms data is finished, the user may choose to formalize their entry through the Web Procedures Portal or download, print and enter them before the Entrance Table of the agency.

ARTICLE 11 - PRELATION. The priority date and time of those applications that enter in person at the ticket table, will be given for the same moment in which they are presented before it, regardless of the date on which they have been uploaded to the Procedures Portal Web or downloaded from it.

ARTICLE 12 - DESCRIPTION OF PRODUCTS AND / OR SERVICES. Anyone wishing to obtain a trademark registration must submit a registration application for each class of the Nice International Nomenclator by means of which they must indicate the products and / or services that they will distinguish. Applications for new brands will not be accepted under the mention "whole class" or similar to them and will proceed, in full, to their formal refusal.

(Title VI incorporated by art. 1 of [Resolution No. 288/2019](#) of the National Institute of Industrial Property BO 10/22/2019. Validity: as of November 15, 2019)

IF-2019-48671515-APN-INPI # MPYT



República Argentina - Poder Ejecutivo Nacional  
2019 - Año de la Exportación

**Hoja Adicional de Firmas  
Anexo**

**Número:** IF-2019-48671515-APN-INPI#MPYT

CIUDAD DE BUENOS AIRES  
Jueves 23 de Mayo de 2019

**Referencia:** EX-2019-47949031- -APN-DO#INPI - IMPLEMENTACIÓN DECRETO 242/19

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Dámaso Pardo  
Presidente  
Instituto Nacional de la Propiedad Industrial