

PATENTS OF INVENTION IN ARGENTINA

Patent Act:

- Patents and Utility Models are governed by Law N° 24.481 of 1995, Law 24.572 of 1996, Law 25.859 of 2004 and by Regulatory Decree N° 260/96.
- Argentina is a member of Paris Convention since 1968.
- Argentina is not a PCT member yet.

Documents required for filing a Patent application in Argentina:

1. Full name and address of applicant, whether an individual or corporation.
2. Full name and address of Inventors.
3. A patent specification, containing a title, a description and one or more claims.
4. Drawings on A4 size papers.
5. Abstract of the invention.
6. Data related to deposit of microorganisms (date of deposit, country and name of the Depository Institution).
7. Power of Attorney, duly signed by applicant. Notary or Government Official Attestation of signing party as well as Consular Legalization or The Hague Apostille are required. If said Power is not restricted to a particular case, it can be recorded at the Patent and Trademark Office as a general Power of Attorney, and it can be used for any future patent, trademark and design applications or oppositions of the same client.
8. Assignment of Priority rights, signed before or on filing date in Argentina, is required in case applicant in Argentina is not mentioned in the priority document. No legalization required.
9. Certificate of deposit of microorganisms (original, or copy signed by the legal representative).
10. Certified copy of application/s on which priority is claimed, along with its Spanish translation.

Power of Attorney must be filed within forty (40) working days as from filing date. Items 8, 9 and 10 may be filed within ninety (90) days as from filing date.

Official procedure for Patent registration in Argentina:

1. Within ninety (90) days as from filing date, amendments and/or examples may be added. Amendments shall not include new matter.
2. Preliminary examination. Required amendments, if any, shall be filed within one hundred and eighty (180) days as from date of request.
3. Publication shall take place within an eighteen (18) month period as from AR filing date. Earlier publication may be requested by the applicant.
4. Any individual may submit grounded objections to a patent application within a term of sixty (60) working days as from publication. Objections shall be raised as to the insufficiency or absence of legal requirements for granting the patent.
5. Substantive examination shall be requested within three (3) years as from filing date. However, due to Patent Office delay in carrying on examination, it is strongly recommended to request examination as soon as possible.
6. The Patent Office shall submit third party objections and Examiner's objections at once and applicant has to respond within a sixty (60) day term. Term extensions may be obtained (ninety (90) days maximum).
7. Once all requirements are met, The Patent Office shall proceed to grant the patent and issue corresponding Letter Patent.
8. Patents are granted for a twenty (20) year term as from application date. Utility Models are granted for a ten (10) year term as from application date.
9. Applicant may appeal a rejecting decision.

Annuities:

- Annuities are due once the patent is granted, as from third year of application date.
- Remaining annuities are due every year. ■