

TRADEMARKS IN ARGENTINA

Documents required for filing a Trademark application in Argentina:

1. Power of Attorney, duly signed by the applicant. Notary Attestation or Government Official Attestation of signing party as well as Consular Legalization or The Hague Apostille, are also required. Kindly note that if said Power is not restricted to a particular case, we can record it at the Patent and Trademark Office as a general Power of Attorney, and we may use it for any future Patent, Trademark and Design application or opposition of the same client.
2. If in Convention cases applicant in Argentina is not mentioned in the priority document, an Assignment of Priority Rights is required, signed before or on filing date in Argentina.
3. List of goods or services to be protected.
4. Facsimile of the trademark if a design mark.
5. In Convention cases, Certified Copy of the priority application.

Documents required for filing a Trademark renewal application in Argentina:

1. Power of Attorney, duly signed by the applicant. Notary Attestation or Government Official Attestation of signing party as well as Consular Legalization or The Hague Apostille, are also required. Kindly note that if said Power is not restricted to a particular case, we can record it at the Patent and Trademark Office as a general Power of Attorney, and we may use it for any future Patent, Trademark and Design application or opposition of the same client.
2. Sworn Declaration of Use. No legalization required.

Power of Attorney must be filed within forty (40) working days as from AR filing date. Other pending documents may be filed within ninety (90) days as from AR filing date.

Official procedure for Trademark registration in Argentina:

1. Neither use nor Declaration of intent-to-use are required at filing date.
2. Multi-class application registration is not allowed.
3. Applications are published in the Trademark Gazette, usually within forty five (45) to sixty (60) days as from filing date.
4. Third party oppositions may be filed within thirty (30) days as from publication date.
5. After opposition term expires, TMO issues an official report stating third party oppositions and/or official objections raised by the examiner. Present step takes, at the moment, between six (6) to eight (8) months.
6. In the event no oppositions and/or objections are encountered, the application is granted. Issuance of Certificate may take at least another six (6) to eight (8) months.
7. After being served on third party oppositions, applicant counts on a one (1) year term to negotiate with opponents to try to obtain withdrawal. If, within this term, oppositions are not withdrawn, applicant must undergo compulsory mediation procedure prior to initiate legal proceedings. Otherwise, the application shall be declared abandoned.
8. TMO may raise objections, which have to be discussed through written presentations.
9. Once third party oppositions and/or objections are solved, prosecution shall be resumed and TMO shall grant the trademark and issue corresponding Certificate.
10. Trademarks are valid for a ten (10) year term and can be renewed indefinitely, provided they were used in Argentina in relation to **any product/service within the scope of any class coverage** or as a part of the designation of an activity, within the five (5) years preceding expiry. Use within the five (5) years prior to expiration date is also required to avoid eventual cancellation actions. ■