



PALACIO
& Asociados

FILING PATENTS IN ARGENTINA

Requirements

Attorneys at Law | Trademark and Patent Attorneys

ABOUT PALACIO & ASOCIADOS



Palacio & Asociados was founded in 1933 by Mr. Domingo L. Agustin Palacio, attorney-at-law, as a family enterprise. Through the years, it has changed its structure due to the introduction of several professionals and specialists becoming, thus, one of the most experienced law firms in Argentina. Nevertheless, it has always maintained a personalized attention which enables to keep in mind the necessities and urgencies of each particular client.

Palacio & Asociados renders a broad range of services in the field on industrial and intellectual property, including trademarks, patents, utility models, design applications, copyright and domain names.

Palacio & Asociados represents and assists clients ranging from individuals to corporations, both domestic and international. Working closely with major law firms throughout the world enables to advise clients on various local and foreign matters.

Palacio & Asociados is an active member of the most important local and international associations, such as:

- Asociación Argentina de Agentes de la Propiedad Industrial - AAAPI
- International Trademark Association - INTA
- International Bar Association - IBA
- Asociación Interamericana de la Propiedad Industrial - ASIPI
- Association Internationale pour la Protection de la Propriété Intellectuelle - AIPPI
- Pharmaceutical Trade Mark Group - PTMG
- Associação Brasileira da Propriedade Intelectual - ABPI
- The Association of European Trade Mark Owners - MARQUES

Practice areas:

Intellectual Property Law

- Trademarks
- Patents, utility models and industrial designs
- Copyright
- Internet domain names

General Practice

- Commercial Law
- Corporate Law



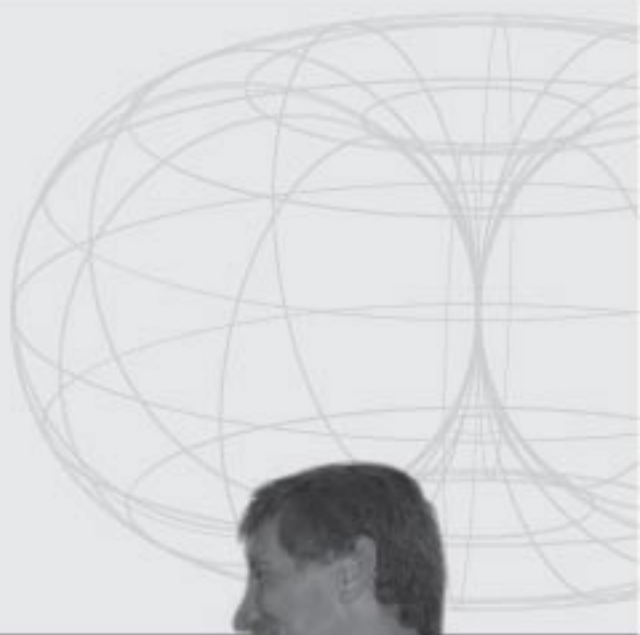
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Palacio & Asociados Brochure on Patent, Utility Model and Design Applications is an explanatory and concise guide for filing applications in Argentina.

The main requisites are clearly pointed out to make the process easier.

Moreover, our comments provide useful tips that you should not miss and will help you to make the most of your applications.



REQUIREMENTS FOR FILING PATENT AND



1) Specification

The specification should describe:

- Field of application of the invention.
- The problems the invention will solve.
- A reference to the closest prior art.
- The best embodiment.
- Claims:** Only one independent claim is allowed. Claims should present a two-part construction separated by a "characterized" clause there-between.
- Abstract:** This text should indicate field of application of the invention and refer to novel features. Said abstract should not refer to advantages or merits of the invention nor describe conventional features. The abstract may include main figure or formula where pertinent.

Comments

- A copy of the patent filed in the country of origin is usually the best way to provide the above mentioned information.
- The documentation to be submitted in Argentina must be in Spanish, and is usually translated by our Translation Department. Palacio & Asociados offers highly competitive costs for Patent translations that can, in turn, be sent to other Spanish speaking countries.
- For urgent cases, the application can be filed in a foreign language; however, a sworn translation thereof will be required within the next ten working days. This allows us to

receive patent applications up to the very date of the priority deadline.

2) Drawings

Should the patent have any drawings or flow chart, one set on A4 Bristol board must be sent. Drawings may include references but not explanations and those must be written in Spanish.

Comments

- A copy of the drawings filed in the country of origin is sufficient for us to prepare them according to the local requirements.

3) Full name and address of the applicant(s)

If the Argentine applicant differs from that original party of the priority, please read the Assignment section below.

4) Priority

If a priority is invoked, the following data is to be informed:

- Date.
- Country.
- Application Number.
- Please note that priority can **only** be invoked at the time

UTILITY MODEL APPLICATIONS

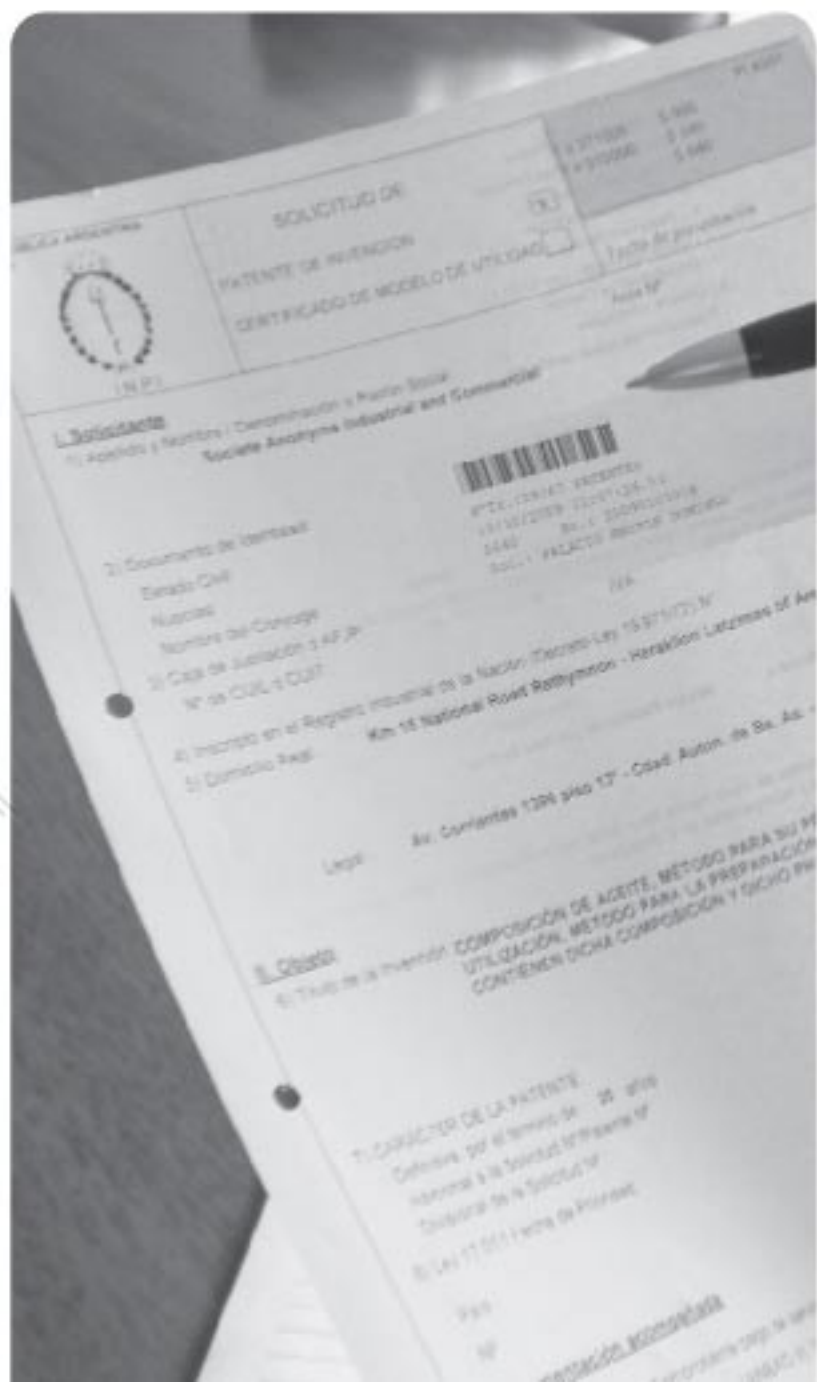
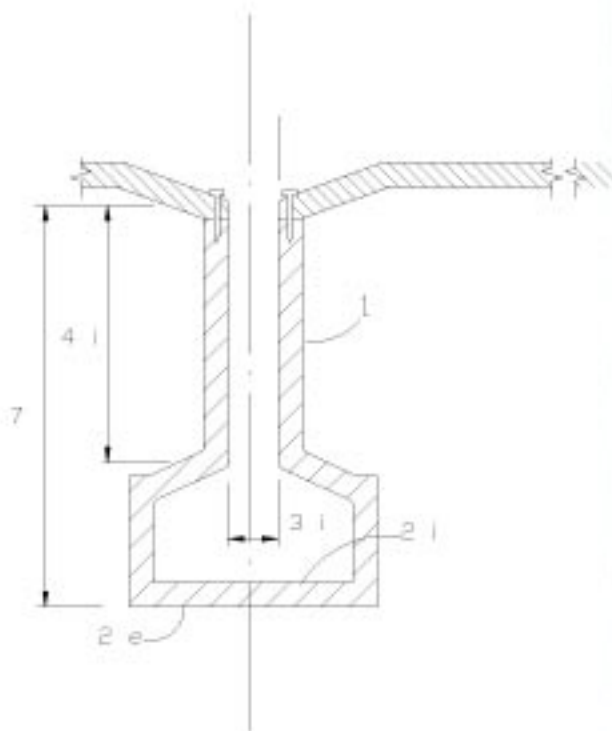


of filing the patent.

e) Priority may be claimed within 12 months as of the filing date of the earlier application.

Comments

- As for the document that proves the priority, a 90 (ninety) calendar day term can be obtained for submitting the original copy.
- A certified copy of the application issued by the Patent Office in the country of origin must be filed.
- The above mentioned document must be translated into Spanish. However, a sworn translation is not required. 🇪🇸





REQUIREMENTS FOR FILING PATENT AND



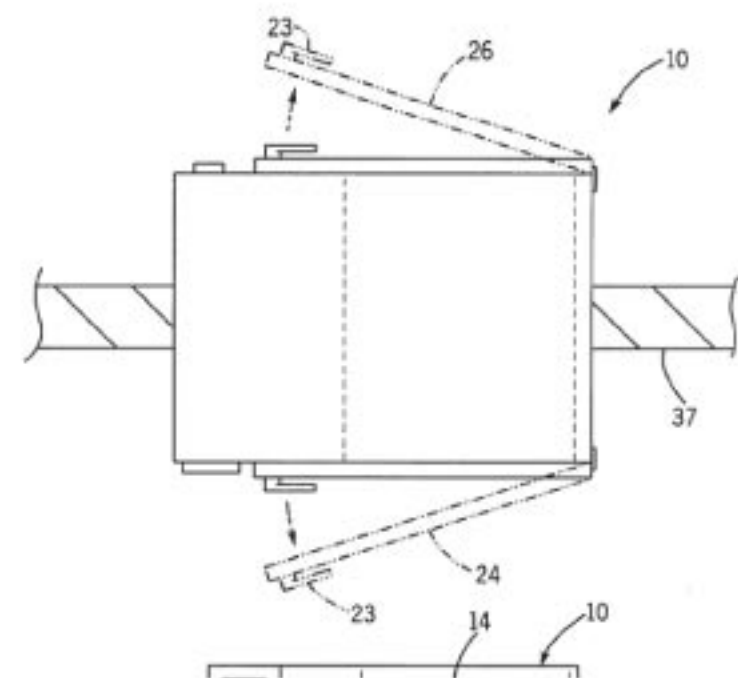
5) Assignment

If the application is filed in Argentina in the name of a different party than that original applicant of the priority, then an assignment document has to be produced.

Should the assignment document not be sent along at the time of filing the application in our country, there is a 90 (ninety) calendar day term for submitting said instrument.

Comments

- If necessary, we provide assignment forms (both in Spanish and English) that can be found at our website, www.palacio.com.ar, or else be requested by e-mail. The latter may be more convenient since we can fill in the form with the information that is required.
- Kindly bear in mind that at least one of the inventors must sign the assignment document.
- This document should refer to the patent application, not to the granted patent, and must state a date prior to that of the patent filed in Argentina.
- It must be translated into Spanish. However, a sworn translation is not required.





UTILITY MODEL APPLICATIONS



6) Power-of-Attorney

For countries who have adhered to the Convention of The Hague, the document must bear the "Apostille". If not, it must be legalized before an Argentine Consulate.

Should the Power of Attorney not be available at the time of filing the patent, there is a 40 working day term for submitting the document.

Comments

- Power of Attorney forms can be downloaded from our website at www.palacio.com.ar, where several language versions can be found.
- Or else, they can be requested by e-mail and we will promptly send them back already containing the relevant information to facilitate its execution.
- Please note that the Power of Attorney is registered for one particular case but may be used in all other subsequent IP issues related to the party issuing said document.
- Power of Attorney forms are written in Spanish and a second language for your convenience. 🇪🇺



REQUIREMENTS FOR FILING A DESIGN



1) Full name and address of the applicant(s)

If the Argentine applicant differs from the original party of the priority, please read the *Assignment* section below.

2) Drawings

It will be sufficient to forward the available drawings and we will prepare the specification with said information, according to the requirements of the Argentine Design Office.

3) Assignment

As in the case for patents, an assignment document has to be presented if the application is filed in Argentina in the name of a different party than the original applicant of the priority.

Should the assignment document not be sent along at the time of filing the design application, there is a 90 (ninety) calendar day term for submitting the original copy. The assignment document, subscribed

in original by, at least, one designer, has to be submitted.

Comments

- Assignment forms (both in Spanish and English) can be found at our website, www.palacio.com.ar, or else be requested by e-mail. This option may be preferable since we can complete the information required in the form.

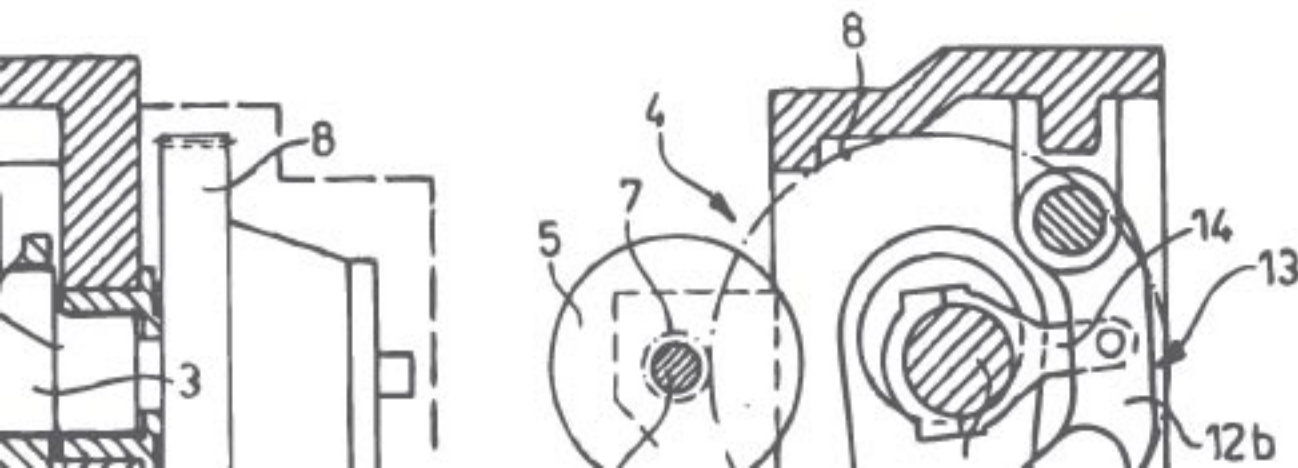
- This document should refer to the design application, and must state a previous date to the design filed in Argentina.

- It must be translated into Spanish. However, a sworn translation is not required.

4) Priority

If a priority is invoked, the following information must be provided:

- a) Date.
- b) Country.





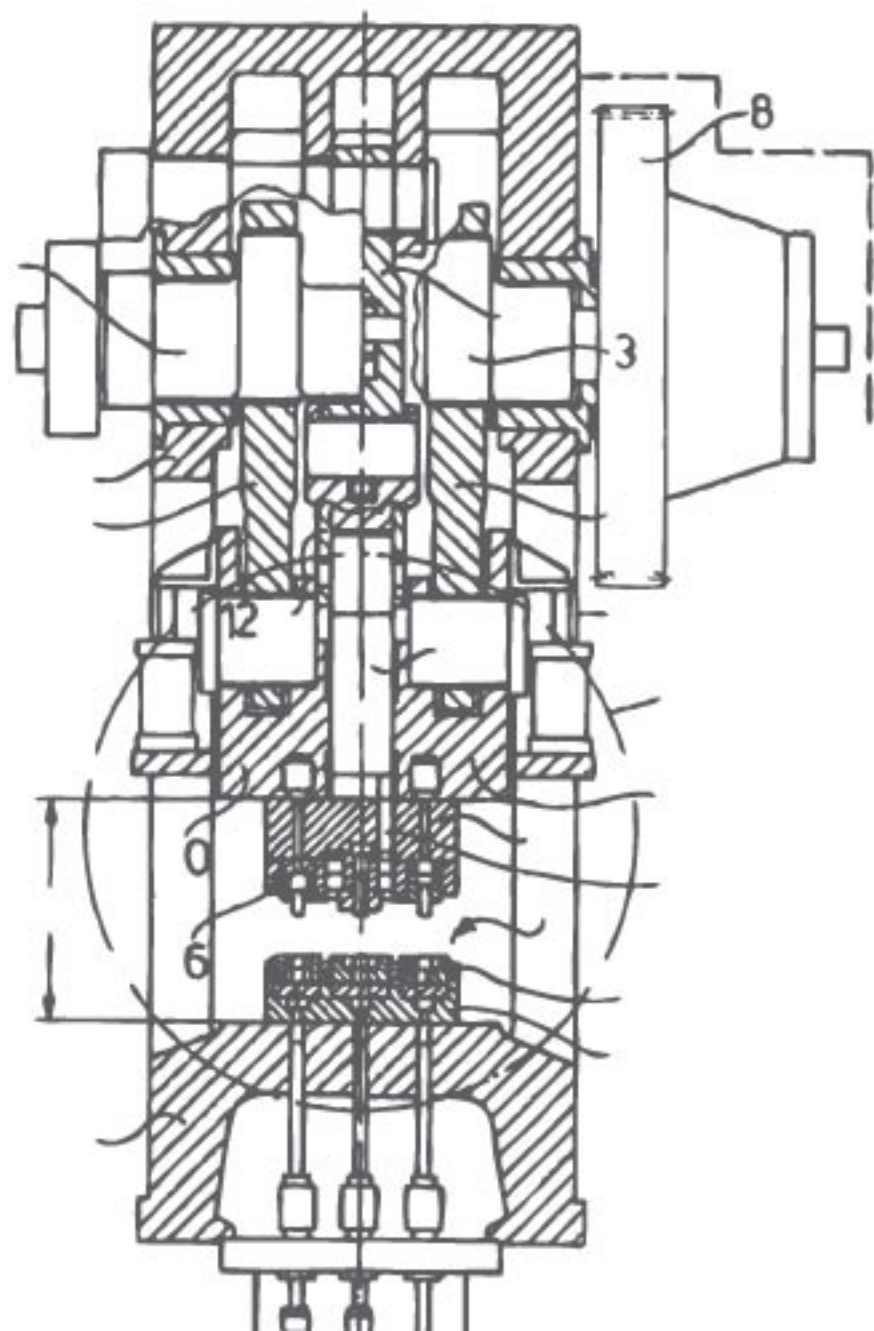
APPLICATION



- c) Application Number.
- d) Please note that priority can **only** be invoked at the time of filing the design application.
- e) Priority may be claimed within 6 months of the filing date of the earlier application.

Comments

- As for the document that proves the priority, a 90 (ninety) calendar day term can be obtained for submitting the original copy.
- A certified copy of the application issued by the Patent Office in the country of origin must be filed.
- The above mentioned document is to be translated into Spanish. However, a sworn translation is not required. ●



STAGES FOR PATENT FILING AND PROSECUTION



Filing an application

- **Within 40 working days:**
 - Filing of power of attorney: duly notarized and legalized with "Apostille" or before an Argentine Consulate.

- **Within 90 calendar days:**
 - Filing of certified copy of the priority document translated into Spanish.
 - Filing of assignment, if priority applicant differs from Argentine applicant.
 - Formal drawings.
 - Failure to file certified copy of priority document and assignment will cause the loss of international priority rights.
 - Failure to file required documentation ⇒ Rejection.

Optional request for early publication

- Can be requested anytime before publication.

Preliminary Examination

- **Comments:**
 - ⇒ Failure of examination: Rejection (Administrative or judicial action can be taken).
 - ⇒ Failure to reply observations within 180 days: Abandonment. (*)

Publication

- Occurs within 18 months from filing of the application.
- Third parties observations can be filed within 60 days as of publication.

Substantive examination

- Failure to pay fee within 3 years as of filing date ⇒ Dismissal.
- **Comments:**
 - ⇒ Failure to timely reply to office action within 60 days (min) ⇒ Dismissal.
 - ⇒ Failure to respond Examiner's report ⇒ Rejection (Administrative or judicial action can be taken).

Granting

Annuities

- Failure to pay fees on time ⇒ Lapsing. (**)

(*) All official actions have 3 extensions of time of 30 days each.
(**) An additional 180 day term for paying annuities plus proportional fine.



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This current booklet deals only on Patents. Do contact us should you need any additional information on any other legal issue in Argentina.



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