

未注册商标的中国企业常常很难理解[阿根廷]独特的异议制度

Chinese companies that do not register trademarks often struggle to understand [Argentina's] system



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办公室 Sergio Ellmann 建议中国企业在开始注册前小心大多数拉丁美洲国家西班牙语中可能存在的贬义。“多数时候，将中文商标翻译成英文、法文或其他非中文语言在我们市场都非常有用和具有吸引力。但事情并非总是如此。” ■

“Chinese companies being sued worldwide should be attentive in Brazil as it could be the next spot for litigation.”

In Argentina, the opposition system is substantially different from most countries. Usually, the trademark office issues its decision in favour of either the opponent or the applicant after they submit their grounds.

In Argentina, because the Trademark Law considers that the opposition is a conflict between the parties, the trademark office has no authority over this subject.

Rather, once an opposition is filed against a trademark application, the trademark office notifies the applicant, and the opposing party will be granted one year to obtain the withdrawal. Otherwise, the matter will be referred to the federal courts for a final decision.

“The Chinese companies that do not register trademarks often struggle to understand our *sui generis* opposition system, one of a kind,” says Diego Palacio, a senior attorney at Palacio & Asociados in Buenos Aires.

Sergio Ellmann, a partner at Marval O’Farrell & Mairal in Buenos Aires, advises Chinese companies to watch out for possible negative connotations in the Spanish language for most Latin American countries before jumping to registration. “Most of the time the transliteration of the Chinese trademark to English, French or any other non-Chinese language will be useful and attractive in our market. But this is not always the case,” he says. ■

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