

WORLD TRADE ORGANIZATION

IP/N/1/ARG/2
22 October 2002

(02-5789)

**Council for Trade-Related Aspects of
Intellectual Property Rights**

Original: Spanish

NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

ARGENTINA

By means of communications dated 27 March, 17 November and 1 December 2000, and 28 May and 5 June 2001, the following notification of intellectual property laws and regulations, under Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), has been received from the Permanent Mission:

- Annex I lists the "Main dedicated intellectual property laws and regulations".
- Annex II lists "Other laws and regulations".

ANNEX I

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

Patents

Decree No. 260/96 – Patents for Inventions and Utility Models.¹

Approving the provisions under Law No. 24,481, amended by Law No. 24,572 and the Regulations thereto.

Published in the Official Bulletin on 22 March 1996.

Law No 24,481 – Patents for Inventions and Utility Models.¹

Published in the Official Bulletin on 20 September 1995.

Law No. 24,572 – Patents for Inventions and Utility Models.¹

Published in the Official Bulletin on 23 October 1995.

Resolution No. 3/99 of the National Industrial Property Institute (INPI) – Applications, Patents for Inventions.²

Published in the Official Gazette on 30 December 1999.

Law No. 24,425 – World Trade Organization.³

Published in the Official Bulletin on 5 January 1995

Law No. 22,195 – Approving the Convention Establishing the World Intellectual Property Organization, Act of the Paris Convention for the Protection of Industrial Property and Act of the Berne Convention for the Protection of Literary and Artistic Works.³

Published in the Official Bulletin on 1 April 1980.

Law No. 17,011 – Approving the Paris Convention for the Protection of Industrial Property.³

Published in the Official Bulletin on 17 November 1966.

Decree No. 621/95 – Drug Patents.¹

Published in the Official Bulletin on 2 May 1995.

Decree No. 590 – Regulations under the Law on Patents for Inventions and Utility Models.⁴

Published in the Official Bulletin on 23 October 1995.

Protection of the rights of breeders of new varieties of plants

Law No. 24,376 – Approving the International Convention for the Protection of New Varieties of Plants – 1978 Act of the UPOV Convention.⁵

Published in the Official Bulletin on 25 October 1994.

¹ See documents IP/N/1/ARG/I/2 and Corr.1.

² See document IP/N/1/ARG/P/1.

³ See document IP/N/1/ARG/C/1 – IP/N/1/ARG/I/1.

⁴ See document IP/N/1/ARG/P/2.

⁵ See document IP/N/1/ARG/P/3.

Law No. 20,247 – Seeds and Phytogetic Developments.⁶
Published in the Official Bulletin on 16 April 1973.

Regulatory Decree No. 2,138/91 – New Regulations under Law No. 20,247 on Seeds and Phytogetic Developments.⁷
Published in the Official Bulletin on 1 November 1991.

Resolution No. 631/92 of the Ministry of Agriculture, Livestock and Fisheries – Approving Rules for the Procedure of Registering Varieties in the National Cultivar Property Register.⁸
Published in the Official Bulletin on 31 July 1992.

Protection of trade secrets

Law No. 24,766 – Confidentiality of Information and Products that are Lawfully under the Control of One Person and are Improperly Disclosed in a Manner contrary to Fair Trade Practices.⁹
Published in the Official Bulletin on 30 December 1996

Regulation No. 3,185/99 of the National Medicines, Food and Medical Technology Authority (ANMAT).¹⁰
Published in the Official Bulletin on 2 July 1999.

Law No. 24,425 – World Trade Organization.³
Published in the Official Bulletin on 5 January 1995.

Law No. 22,195 – Approving the Convention Establishing the World Intellectual Property Organization, Act of the Paris Convention for the Protection of Industrial Property and Act of the Berne Convention for the Protection of Literary and Artistic Works.³
Published in the Official Bulletin on 1 April 1980.

Law No. 17,011 – Approving the Paris Convention for the Protection of Industrial Property.³
Published in the Official Bulletin on 17 November 1996

Resolution No. 350/99 of the Ministry of Agriculture, Livestock, Fisheries and Food (SAGPyA), Plant Health – Register of Phytosanitary Products.¹¹
Published in the Official Bulletin on 8 September 1999.

Resolution No. 440/98 of the Ministry of Agriculture, Livestock, Fisheries and Food (SAGPyA), Plant Health – Register of Phytosanitary Products.¹¹
Published in the Official Bulletin on 4 August 1998.

⁶ See document IP/N/1/ARG/P/4.

⁷ See document IP/N/1/ARG/P/5.

⁸ See document IP/N/1/ARG/P/6

⁹ See document IP/N/1/ARG/U/1

¹⁰ See document IP/N/1/ARG/U/2

¹¹ See document IP/N/1/ARG/U/3

Copyright and related rights

Law No. 11,723 - Legal Intellectual Property Regime (Published in the Official Bulletin on 30 September 1933), amended by Decree-Laws No. 12,063/57 and No. 1,224/58 and Laws No. 20,098, No. 23,741, No. 24, 249, No. 24,286, No. 24,870 and No. 25,036.¹²
Published in the Official Bulletin on 11 November 1998.

Law No. 24,870 - Amending Articles 5 and 84 of Law No. 11,723 (Extension of the term of protection to at least 70 years).¹²
Published in the Official Bulletin on 16 September 1997.

Law No. 25,006 - Replacing Article 34 of Law No. 11,723 (Extension of the term of protection for owners of cinematographic films).¹²
Published in the Official Bulletin on 13 August 1998.

Law No. 25,036 - Amending Articles 1, 4, 9 and 57 and adding Article 55 bis to Law No. 11,723 (Software and databases).¹²
Published in the Official Bulletin on 11 November 1998.

Decree No. 41,233 - Establishing Regulations under Law No. 11,723.¹³
Published in the Official Bulletin on 30 September 1933.

Law No. 17,251 - Approving accession to the Berne Convention for the Protection of Literary and Artistic Works.¹⁴
Published in the Official Bulletin on 4 May 1967.

Law No. 19,963 - Approving accession to the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms.¹⁴
Published in the Official Bulletin on 15 December 1972.

Law No. 22,195 - Approving the Convention Establishing the World Intellectual Property Organization, Act of the Paris Convention for the Protection of Industrial Property and Act of the Berne Convention for the Protection of Literary and Artistic Works.³
Published in the Official Bulletin on 1 April 1980.

Law No. 23,921 - Approving the Rome International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.¹⁴
Published in the Official Bulletin on 24 April 1991.

Law No. 24,425 - World Trade Organization.³
Published in the Official Bulletin on 5 January 1995.

Law No. 25,140 - Approving the Berne Convention for the Protection of Literary and Artistic Works: the World Intellectual Property Organization (WIPO) Performances and Phonograms Treaty and the World Intellectual Property Organization (WIPO) Copyright Treaty (the latter two opened for the signature in Geneva).¹⁴
Published in the Official Bulletin on 24 September 1999.

¹² See document IP/N/1/ARG/C/2.

¹³ See document IP/N/1/ARG/C/3.

¹⁴ See document IP/N/1/ARG/C/4.

Law No. 17,648 - Argentine Society of Authors and Music Composers (SADAIC).¹⁵
Published in the Official Bulletin on 7 March 1968.

Decree No. 5,146/69 - Establishing Regulations under Law No. 17,648.¹⁶
Published in Official Bulletin on 21 November 1969.

Law No. 20,115 - Argentine General Society of Authors (ARGENTORES) for Reciprocal Protection.¹⁷
Published in the Official Bulletin on 31 January 1973.

Decree No. 461/73 - Establishing Regulations under Law No. 20,115.¹⁸
Published in the Official Bulletin on 31 January 1973.

Decree No. 1,670/74 - Protection of Copyright, Performers of Music and Producers of Phonograms.¹⁹
Published in the Official Bulletin on 12 December 1974.

Decree No. 1,671/74 - Supervision of the Collection and Allocation of Profits from Public Performance or Use of Records and Phonograms.²⁰
Published in the Official Bulletin on 12 December 1974.

Decree No. 8,478/65 - Mandatory Authorization of Authors or their Representatives for the Performance or Utilization of their Works in Public.²¹
Published in the Official Bulletin on 8 October 1965.

Trademarks

Law No. 22,362 - Trademarks.²²
Published in the Official Bulletin of 2 January 1981.

Decree No. 558/81 - Establishing Regulations under Law No. 22,362 on Trademarks and Designations.²³
Published in the Official Bulletin on 31 March 1981.

Decree No. 621/95 - Drug Patents.¹
Published in the Official Bulletin on 2 May 1995.

Order No. 17/95 - Regulation of the Directorate of Technology, Quality and Industrial Property.²⁴
Published in the Official Bulletin on 11 September 1995.

Law No. 24,664 - Protection of Olympic Symbols and Designations.²⁵
Published in the Official Bulletin on 26 July 1996.

¹⁵ See document IP/N/1/ARG/C/5.

¹⁶ See document IP/N/1/ARG/C/6.

¹⁷ See document IP/N/1/ARG/C/7.

¹⁸ See document IP/N/1/ARG/C/8.

¹⁹ See document IP/N/1/ARG/C/9.

²⁰ See document IP/N/1/ARG/C/10.

²¹ See document IP/N/1/ARG/C/11.

²² See document IP/N/1/ARG/T/1.

²³ See document IP/N/1/ARG/T/2.

²⁴ See document IP/N/1/ARG/T/3.

²⁵ See document IP/N/1/ARG/T/4.

Law No. 24,425 - World Trade Organization.³
Published in the Official Bulletin on 5 January 1995.

Law No. 22,195 - Approving the Convention Establishing the World Intellectual Property Organization, Act of the Paris Convention for the Protection of Industrial Property and Act of the Berne Convention for the Protection of Literary and Artistic Works.³
Published in the Official Bulletin on 1 April 1980.

Law No. 17,011 - Approving the Paris Convention for the Protection of Industrial Property.³
Published in the Official Bulletin on 17 November 1966.

Resolution No. 5/98 of the National Industrial Property Institute (INPI) - Admissibility and Other Procedures.²⁶
Published in the Official Bulletin on 14 April 1998.

Industrial designs

Decree-Law No. 6,673/63 - Industrial Designs.²⁷
Published in the Official Bulletin on 16 August 1963.

Decree No. 5,682/65 - Establishing Regulations under the Law on Industrial Designs.²⁸
Law No. 24,425 - World Trade Organization.³
Published in the Official Bulletin on 5 January 1995.

Law No. 22,195 - Approving the Convention Establishing the World Industrial Property Organization, Act of the Paris Convention for the Protection of Industrial Property and Act of the Berne Convention for the Protection of Artistic and Literary Works.³
Published in the Official Bulletin on 1 April 1980.

Law No. 17,011 - Approving the Paris Convention for the Protection of Industrial Property.³
Published in the Official Bulletin on 17 November 1966.

Layout-designs (topographies) of integrated circuits

Decree-Law No. 6,673/63 - Industrial Designs.²⁷
Published in the Official Bulletin on 16 August 1963.

Decree No. 5,682/65 - Establishing Regulations under the Law on Industrial Designs.²⁸

Law No. 24,481 - Patents for Inventions and Utility Models.¹
Published in the Official Bulletin on 20 September 1995.

Decree No. 260/96 - Patents for Inventions and Utility Models.¹
Approves the text under Law No. 24,481, as amended by associated Law No. 24,572 and the Regulations thereto.
Published in the Official Bulletin on 22 March 1996.

Law No. 24,425 - World Trade Organization.³
Published in the Official Bulletin on 5 January 1995.

²⁶ See document IP/N/1/ARG/T/5.

²⁷ See document IP/N/1/ARG/I/3.

²⁸ See document IP/N/1/ARG/I/4.

Law No. 22,195 - Approving the Convention Establishing the World Intellectual Property Organization, Act of the Paris Convention for the Protection of Industrial Property and Act of the Berne Convention for the Protection of Literary and Artistic Works.³
Published in the Official Bulletin on 1 April 1980.

Geographical indications

Law No. 25,163 - Wines and Alcoholic Beverages Produced from Wine.²⁹
Published in the Official Bulletin on 12 October 1999.

Resolution No. C.23/99 of the National Wine-Growing Institute.³⁰
Dated 22 December 1999.

Law No. 25,156 - Protection of Competition.³¹
Published in the Official Bulletin on 20 September 1999.

Decree No. 89/2001 - Protection of Competition, Regulations under Law No. 25,156.³²
Published in the Official Bulletin on 30 January 2001.

Law No. 22,802 - Fair Trade.³³
Published in the Official Bulletin on 11 May 1983.

Resolution No. 100/83 - Establishing Regulations under Law No. 22,802.³⁴
Dated 10 May 1983.

Law No. 24,425 - World Trade Organization.³
Published in the Official Bulletin on 5 January 1995.

Law No. 22,195 - Approving the Convention Establishing the World Industrial Property Organization, Act of the Paris Convention for the Protection of Industrial Property and Act of the Berne Convention for the Protection of Literary and Artistic Works.³
Published in the Official Bulletin on 1 April 1980.

Law No. 17,011 - Approving the Paris Convention for the Protection of Industrial Property.³
Published in the Official Bulletin on 17 November 1966.

²⁹ See document IP/N/1/ARG/G/1.

³⁰ See document IP/N/1/ARG/G/2.

³¹ See document IP/N/1/ARG/G/3.

³² See document IP/N/1/ARG/G/6.

³³ See document IP/N/1/ARG/G/4.

³⁴ See document IP/N/1/ARG/G/5.

ANNEX II
OTHER LAWS AND REGULATIONS

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
Trademarks	
<u>Regulation No. 68/70</u> of 19 October 1970.	Rules containing the various provisions applicable to the registration of transfers of trademarks, patents and industrial designs.
<u>Regulation No. 91/70</u> of 10 December 1970.	Applications for patents, trademarks and industrial designs.
<u>Regulation No. 71/71</u> of 7 September 1971.	List of countries, applications for patents, trademarks, trade descriptions and industrial designs.
<u>Regulation No. 24/74</u> of 1 August 1974.	Rules on transfer and waiver of registered rights.
<u>Resolution No. 123/75</u> of 9 December 1974.	Registration of trade descriptions, superseding the Resolutions of 19 December 1916 and 20 December 1917.
<u>Regulation No. 17/76</u> of 10 September 1976.	Legislation on public instruments will not be required.
<u>Regulation No. 19/73</u>	Amends the first paragraph of Article 2 of Regulation No. 68/70.
<u>Regulation No. 25/74</u> of 12 August 1974.	Rules on legal personality and elimination of the Register of Mandates.
<u>Decree No. 15/77</u> of 20 September 1977.	Transfer of rights.
<u>Resolution No. 163/74 of the Ministry of Health</u> of 14 November 1974.	Use of trademarks for medicines.
<u>Article 17 of the Constitution.</u>	Establishes the inviolability of authors' and inventors' ownership and exclusive copyright.
<u>Articles 953, 1109 and 1071 of the Civil Code.</u>	General provisions concerning the nullity of legal instruments, liability and abuse of rights.

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Geographical indications</p> <p><u>Article 17 of the Constitution.</u></p> <p><u>Articles 953, 1109 and 1971 of the Civil Code.</u></p> <p><u>Law No. 24,240. Consumer Protection.</u> Published in the Official Bulletin on 15 October 1993.</p> <p>Industrial designs</p> <p><u>Law No. 22,802.</u> Published in the Official Bulletin of 11 May 1983.</p> <p><u>Article 17 of the Constitution.</u></p> <p><u>Articles 953, 1109 and 1071 of the Civil Code</u></p> <p>Patents (including protection of new plant varieties)</p> <p><u>Decree No. 2,817/91</u> of 30 December 1991 Published in the Official Bulletin on 6 April 1992</p> <p><u>Resolution No. 35 of the National Seed Institute</u> of 28 April 1996 Published in the Official Bulletin on 14 March 1976</p> <p><u>Article 17 of the Constitution</u></p> <p><u>Articles 2,311 to 3,278 of Book III, Property Rights, Civil Code</u></p>	<p>Establishes the inviolability of authors' and inventors' ownership and exclusive copyright.</p> <p>General provisions concerning the nullity of legal instruments, liability and abuse of rights.</p> <p>The law is designed to protect consumers or users.</p> <p>"Fair Trade" Law.</p> <p>Establishes the inviolability of authors' and inventors' ownership and exclusive copyright.</p> <p>General provisions concerning the nullity of legal instruments, liability and abuse of rights.</p> <p>Establishes the National Seed Institute (INASE) to implement Law No. 20,247 as an independent body under the Ministry of Agriculture, Livestock and Fisheries.</p> <p>Establishes requirements to benefit from the exceptions for farmers under Article 27 of Law No. 20,247, and the procedure to be implemented by farmers and fishermen and breeders of new plant varieties and the relevant documents.</p> <p>Establishes the inviolability of authors' and inventors' ownership and exclusive copyright.</p> <p>General provisions concerning seeds and phytogenetic developments, under Article 20 of Law No. 20,247.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Articles 953, 1109 and 1071 of the Civil Code</u></p>	<p>General provisions concerning the nullity of legal instruments, liability and abuse of rights.</p>
<p><u>Articles 82 and 83 of Law No. 20,744, Labour Contract</u></p>	<p>General provisions concerning inventions by employed workers.</p>
<p>Published in the Official Journal on 21 May 1976</p>	
<p><u>Law No 22,426 – Transfer of Technology</u></p>	
<p>Published in the Official Bulletin on 23 March 1981</p>	<p>Supersedes No. 21,617 and establishes that the implementing authority is the Industrial Technology Institute.</p>
<p><u>Decree No. 580/81</u> of 25 March 1981</p>	<p>Regulates Law No. 22,426</p>
<p><u>Law No. 21,382 - Foreign Investment</u> Issued under National Decree No. 1,853/93</p>	<p>Establishes rights and obligations concerning foreign investments</p>
<p>Published in the Official Bulletin on 8 September 1993</p>	
<p>Layout-designs (topographies) of integrated circuits</p>	
<p><u>Law No. 17,011 Approving the Paris Convention for the Protection of Industrial Property</u></p>	<p>Approves the Paris Convention for the Protection of Industrial Property</p>
<p>Published in the Official Bulletin on 17 November 1966</p>	
<p><u>Article 17 of the Constitution</u></p>	<p>Establishes the inviolability of authors' or inventors property and exclusive copyright</p>
<p><u>Articles 953, 1109 and 1071 of the Civil Code</u></p>	<p>General provisions concerning the nullity of legal instruments, liability and the abuse of rights</p>
<p>Protection of undisclosed information</p>	
<p><u>Article 17 of the Constitution</u></p>	<p>Establishes the inviolability of authors' or inventors' ownership and exclusive copyright</p>
<p><u>Article 953, 1109 and 1071 of Civil Code</u></p>	<p>General provisions concerning the nullity of legal instruments, liability and abuse of rights.</p>
<p><u>Articles 153, 154, 155, 156 and 159 of the Criminal Code</u></p>	<p>General provisions classifying and punishing disclosure of secrets and anyone utilizing the customers of a trade or industrial establishment for his own benefit</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Article 85 and 88 of Law No. 20, 744 Labour Contract</u></p> <p>Published in the Official Bulletin on 21 May 1976</p>	<p>General provisions concerning the duties of loyalty and non-competition among employed workers</p>
<p>Prevention of the abuse of intellectual property rights</p> <p><u>Law No. 25,156 – Protection of Competition</u></p> <p>Published in the Official Bulletin on 20 September 1999</p>	<p>General provisions on competition</p>
<p><u>Decree No. 89/2001 Regulations under Law No. 25,156 – Protection of Competition</u></p> <p>Published in the Official Bulletin on 30 January 2001</p>	<p>Regulates Law No. 25,156 Protection of Competition</p>
<p><u>Article 1071 of the Civil Code</u></p> <p>Civil judicial procedures and remedies</p>	<p>General provisions concerning abuse of rights</p>
<p><u>Code of Civil and Commercial Procedure</u></p> <p>Provisional judicial measures</p>	<p>General procedural rules applicable within Argentine jurisdiction</p>
<p><u>Articles 195 to 233 of the Code of Civil and Commercial Procedure</u></p>	<p>Chapter III Section 1. General Precautionary Measures, Articles 195 to 208; Section 2. Preventive Embargo, Articles 209 to 220; Section 3. Seizure, Article 221; Section 4. Judicial Intervention or Administration, Articles 222 to 227; Section 5. General Disqualification concerning Goods and Annotation in Court, Articles 228 and 229; Section 6. Prohibition on Innovation and Contracting, Articles 230 and 231; Section 7. General Precautionary Measures, Articles 232 and 233.</p>
<p>Border measures</p> <p><u>Customs Code</u></p>	<p>General provisions concerning border measures</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
Administrative procedures <u>Law No. 19,549 Administrative Procedure</u>	General provisions regulating administrative procedures within Argentine jurisdiction.
Criminal procedures <u>Code of Criminal Procedure</u>	
