

MEDIATION AND SETTLEMENT

Act 27,222

Act N° 22,362 and N° 26,589. Amendment.

Approved: November 25th, 2015; Enacted: December 21st, 2015

The Senate and the House of Representatives of the Argentine Nation, assembled in Congress, etc., do hereby enact as Law:

SECTION 1°

Section 18 of Act 26,589, shall be amended, the final wording of which shall be as follows:

Section 18: Statute of Limitation and expiration. Mediation shall suspend the term of the statute of limitation and expiration in the following cases:

- a) In mediation by an agreement of the parties, as of the date of receipt of a certified notification of the first hearing by the defendant, or as of the date such hearing is held, whichever happens first;
- b) In mediation by lot, as of the date a mediator is appointed by the court authority;
- c) In a mediation as requested by the claimant, as of the date of receipt of a certified notification of the first hearing by the defendant, or as of the date such hearing is held, whichever happens first;

In the first two scenarios, the suspension shall work against the parties. In the case presented in paragraph c), it shall only work against the recipient of the notification.

In any case, the statute of limitation and expiration will be resumed twenty (20) days after the record of compulsory pre-trial mediation procedure is made available to the parties.

This suspension effect shall not apply to the registration procedure for trademarks and trademark registration opposition, as established by Act 22,362.

SECTION 2°

It is hereby ordered that Section 16th of Act 22,362 be amended, the final wording of which shall be as follows:

Section 16: After one (1) year from the date of the notification as provided by Section 15th, the abandonment of the application shall be ruled in the following cases:

If the applicant and the opposing party cannot reach an agreement that makes it possible to make an administrative decision, and the applicant does not file a claim within the prescribed term;

If after the applicant files a claim, it expires.

A Court action can be started once the conclusion of the mediation procedure has been confirmed by means of an affidavit.

SECTION 3rd

It is hereby ordered that Section 17th of Act 22,362 be amended, the final wording of which shall be as follows:

Section 17th: The court action to achieve the withdrawal of the opposition shall be started with the National Bureau of Industrial Property.

Within ten (10) days of receipt of the claim, together with the affidavit which proves that the mediation procedure has been completed, the bureau shall forward such claim and any added element to the federal court dealing in civil and commercial matters, together with a copy of the administrative proceedings in connection with the opposed trademark. The court proceedings shall proceed according to the ordinary lawsuit rules.

SECTION 4th

This act will become effective ninety (90) days after its publication.

SECTION 5th

It is hereby ordered that the National Executive Power be notified.

GIVEN AT THE MEETING HALL OF THE ARGENTINE CONGRESS, IN BUENOS AIRES, ON THIS TWENTY FIFTH DAY OF NOVEMBER OF YEAR TWO THOUSAND AND FIFTEEN.

- RECORDED UNDER N° 27222 -

JULIÁN A. DOMINGUEZ. - GERARDO ZAMORA. — Lucas Chedrese. — Juan H. Estrada