



**Argentine Republic – National Executive
Branch**

2019 – Exports Year

Report

Number: IF-2019-91441687-APN-INPI#MPYT

CITY OF BUENOS AIRES

Tuesday, October 8, 2019

Reference: ANNEX I – Administrative Resolution on Trademark Invalidation Actions

ANNEX I

ANNEX III. Resolution N° 183/2018

TRADEMARK INVALIDATION PROCEDURE

ARTICLE 1° - Invalidation actions shall only proceed against registered trademarks. The invalidation action filed at the request of a party shall only proceed whenever the party invokes that a legal right is violated.

Ex officio invalidations shall only proceed in case certain irremediable serious violation is detected in the trademark registration proceedings.

ARTICLE 2° - ADMINISTRATIVE REGISTRATION INVALIDATIONS IN THE CONTEXT OF A TRADEMARK OPPOSITION PROCEDURE.

In cases wherein a motion for invalidation is initiated in the context of an opposition, said invalidation shall be resolved in the Administrative Resolution Proceeding of Oppositions.

ARTICLE 3° - INVALIDATION AT THE REQUEST OF ONE OF THE PARTIES. REQUIREMENTS. Trademark invalidation request must contain:

- a) name and address of the applicant;
- b) name and address of the trademark owner;
- c) the affected legal right;
- d) Identification of the trademark which invalidation is requested, the facts on which the request is based on together with the evidence of the legal right; and
- e) payment of the corresponding fee.

ARTICLE 4° - REJECTION. The TRADEMARK OFFICE may reject the invalidation application in the following cases:

- a. The application does not comply with any one of the requirements set forth in the above article;
- b. The application has been previously resolved as regards the same grounds for invalidation;
- c. The application is filed and/or resolved within the administrative resolution proceeding of oppositions.

ARTICLE 5° - SUMMARY PROCEEDING. Once the invalidation action is initiated, notice shall be served to the trademark registration owner so that he/she may file a reply, within the term of FIFTEEN (15) working days, accompanying the evidence of his/her right.

In case of ex officio invalidation, the Trademark Office shall invoke the irremediable serious violation of procedure on which it is based, and Trademark Office must notify the owner thereof, within identical term, with the same purpose.

Once the notice has been answered or once the term for answering it has expired, the Trademark Office shall resolve according to the proceeding, resolving on the merits of the case, the facts and grounds alleged by the parties.

ARTICLE 6º - APPEALS. All resolutions dictated within the invalidation proceeding by the Trademark Office may be appealed by the means established in the Administrative Proceedings Law (text in force, 2017), or the one succeeding it in the future. As regards the final resolution, there shall be no requirement to exhaust all available administrative remedies in order to directly lodge an appeal pursuant to Article 24 of Law Nº 22.362.

Digitally signed by GESTION DOCUMENTAL ELECTRONICA - GDE Date:
2019.10.08 15:08:20 -03:00

Mónica María Real
General Secretary
National Institute of Industrial Property

Digitally signed by GESTION DOCUMENTAL
ELECTRONICA - GDE
Date: 2019.10.08 15:08:23 -03:00