

How to register a trademark in Argentina before INPI

Registering a trademark in Argentina is an essential step in protecting your business, your products, and your brand identity in this country, especially if you want to launch or expand your presence in Latin America.

Having a registered trademark grants you exclusive rights to use it, prevents third parties from capitalizing on your reputation, and provides you with a solid legal foundation to defend your brand against competitors.

Although the process may seem simple at first glance, the reality is that **every detail matters**: from correctly selecting the class of goods or services according to the Nice Classification, to preparing the necessary documentation, attaching logos or designs, and complying with the INPI's formal requirements.

In addition, third-party oppositions or legal requirements may arise during the process that require prompt and strategic attention to avoid delaying the granting of the trademark.

Where can I register a trademark in Argentina?

In Argentina, the agency responsible for registering trademarks is the **National Institute of Intellectual Property (INPI)**.

Who can register a trademark in Argentina?

One of the first questions that usually arises is who is authorized to file for trademark registration.

In Argentina, both **individuals** and **legal entities** can file an application with the INPI; however, it is recommended to retain the services of an **attorney or Intellectual Property agent** to assess whether the distinctive sign is registrable under Argentine law, thereby ensuring a smooth and successful process.

General requirements for registering a Trademark in Argentina

To register a trademark in Argentina, you must meet certain requirements and follow a specific process with the **INPI**.

Any individual or legal entity may be the owner of a trademark registration, whether a single individual or multiple individuals or companies. If the owner is a minor, he or she must be represented by his or her parents or guardian.

If the applicant is represented by a third party, that party must provide the documents that grant it the authority to act on behalf of the owner (power of attorney, articles of incorporation, minutes of a shareholders' meeting, etc.).

Many rejections or delays in trademark registration occur due **to failure to meet the necessary requirements** and/or failure to address various factors, such as:

- Choosing the wrong class of goods and/or services.
- Lack of distinctiveness.
- Applying to register distinctive signs prohibited by law.
- Applying to register a trademark that is already registered or one that is very similar to a previously registered trademark.
- Failing to meet deadlines.
- Failure to meet the formal requirements in the registration application.
- Failure to respond in a timely manner to an opposition or a request for additional information.

Trademark registration in Argentina before INPI

1. Before filing the application with the INPI and paying the corresponding fees, it is advisable to conduct a **trademark search** to ensure that there is no distinctive sign that is identical or similar to the one you intend to register, in order to avoid future objections or oppositions to the application by third parties.

In addition, it is important to note that Law 22,362 and other regulations governing distinctive signs **prohibit the use of certain signs as trademarks**; therefore, before beginning the registration process, you must ensure that you are not violating any provisions that prohibit trademark registration.

At **UNGRIA**, we have a **team of local Intellectual Property agents** who can conduct a trademark search and prepare a report to determine the **feasibility of registration**.

2. Once feasibility has been determined, the next step is for the party interested in registering a trademark in Argentina **to file the application**, along with the following **documentation**:

- Name.
- Physical and email addresses.
- Nationality.
- Marital status and, if married, the spouse's name.
- The trademark (if it has a design or any other special format, a digital file containing the trademark being applied for must be included).
- A list of the goods and/or services to be distinguished, in accordance with the Nice International Classification.
- A power of attorney to represent the owner (if applicable).

3. Once the application is filed, the Trademark Office conducts an examination to verify that all **formal and administrative requirements** have been met and analyzes the trademark's registrability. This analysis is limited to identifying whether there are absolute grounds for unregistrability and issues related to public policy.

Relative grounds (such as similarity to prior trademarks or matters of a private nature) are evaluated only at the request of a party, through the filing of oppositions or actions to invalidate a trademark registration.

4. Once the formal and substantive examinations have passed, the application is published in the Trademark Gazette. Upon publication, a 30-day period begins during which **oppositions to the trademark registration may be filed**.

If a third party files an opposition, the trademark applicant has the opportunity to negotiate with the opponent to have the opposition withdrawn; if no agreement is reached, the applicant may file a **response before the INPI renders a decision**.

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At this point, it is very important to know how to proceed and respond to a trademark opposition.

When an opposition is received, **the trademark registration process is suspended**. This suspension remains in effect until the opposition is voluntarily withdrawn, until the administrative process to resolve the opposition has not been initiated (if the opponent does not initiate this process, the opposition is automatically dismissed), or until, at the conclusion of the process, the INPI declares the opposition unfounded. It is at this stage that the greatest delay in the trademark registration process occurs.

The involvement of an attorney or Intellectual Property agent is required to:

- Initiate the administrative proceeding to resolve the opposition;
- File a response to an opposition, or;
- Respond to the examiner's substantive observations.

5. If the application passes the examination and opposition stages, the INPI issues a **decision granting the trademark and issues the trademark registration certificate**.

This right is **valid for 10 years** from the date of grant and may be **renewed indefinitely for equal periods**, provided that the corresponding fees are paid and the requirement for actual use of the trademark is met.

How long does it take to register a trademark in Argentina?

If the Trademark Office raises no objections during the examination of the application and no third-party oppositions are filed, the trademark registration can be granted in about **two months** (or even less). Otherwise, the process can take between 6 and 12 months. However, if an opposition is filed and the applicant is unable to secure a withdrawal during negotiations with the opponent, the process will be further delayed, as the dispute must be resolved through proceedings before the INPI or, if necessary, in court.

To **expedite the registration of a trademark with the INPI**, it is essential to file the application by selecting the appropriate class and accurately describing the goods or services, as well as conducting a preliminary search of existing trademarks to avoid potential conflicts and/or delays during the application process.

Submitting a trademark that is clear and distinctive, paying the fees on time, and correctly filing the application through the INPI's website also help streamline the process.

Consulting on registering a trademark in Argentina

Registering a trademark in Argentina is a process that **requires careful attention at every stage to avoid rejections and oppositions.**

At **UNGRIA**, we have a local team that can advise and guide you throughout the entire process:

- Trademark application and registration;
- Trademark search;
- Trademark registrability report;
- Trademark monitoring;
- Trademark renewals and maintenance;
- Opposition proceedings against third parties;
- Registration of changes in ownership and transfers.

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