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February 6, 2026

ARGENTINA

Commerce and Investment Agreement with the US signed

On February 5, 2026, Argentina and the United States have signed an agreement on reciprocal trade and investment.

As announced in our prior Newsletter dated November 14, 2025, this agreement contains a very important IP chapter that will significantly transform the IP landscape in our country.

Treaties

Argentina commits to fully implement several agreements to which it is already a party such as the Berne Convention, the Paris Convention, the WIPO Copyright Treaty, the WIPO Performances and Phonograms Treaty and the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or Otherwise Print Disabled.

Argentina must also submit the PCT Treaty to Congress for consideration and a vote on ratification by April 30, 2026. This is a much-awaited development as Argentina has remained outside the preferred international patent application filing route for far too long.

Other treaties must be sent to Congress for consideration and a vote on ratification before the end of 2027. These include: the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite; the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure; the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs; the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks; the Patent Law Treaty; the Singapore Treaty on the Law of Trademarks and the International Convention for the Protection of New Varieties of Plants, UPOV 91.

As can be seen, in the next few years Argentina is expected to join several Treaties that will make available to applicants further routes of protection for their IP assets and/or that will enhance the protection offered to them to a higher threshold.



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PATENT AGENTS

Patents

Argentina has agreed to expeditiously repeal the Joint Ministerial Resolution which severely limits protection of inventions in the pharmaceutical field and Resolution 283/2015 which affects inventions in the biotechnological field.

This is a much awaited and major development, given that, ever since the sanction of the Joint Ministerial Resolution and Resolution 283/2015, the level of protection for applicants in the pharmaceutical and biotechnological fields had been substantially eroded.

Argentina has also agreed to prepare a report analyzing the causes of delays in the patent granting process, identifying those attributable to administrative factors, and evaluating the legal feasibility of patent term extensions for unreasonable patent delays. Also, a commitment to significantly reducing patent pendency, including for biotechnological and pharmaceutical inventions has been added.

These are also important measures as these technical areas have historically suffered an important backlog deriving in unreasonable delays in many cases. The possibility of offering patent term extensions to applicants would be key and would provide a reassurance that the term of their patents will not be completely lost while in pendency.

Other major obligations

Other major obligations mentioned in the agreement are the following:

Data protection

- Preparing a report analyzing the possibility of implementing a data protection regime consistent with the US – Mexico – Canada Agreement.

Enforcement

- Increasing penalties, fines and prison sentences in criminal IP cases to act as deterrents.
- Providing ex officio authority for border enforcement with respect to in-transit goods.
- Preparing a report recommending measures to strengthen IP enforcement and analyzing having a specialized federal IP prosecutor office.



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- Increasing the number of raids and seizures at the most notorious markets for counterfeit goods.
- Enforcing laws concerning landlord duties and liabilities for known tenant sellers of counterfeit and pirated goods (specifically Article 39 of Trademark Law N° 22.362).
- Enacting legislation to provide for effective civil action and injunctions against copyright piracy including online

Strategy and coordination

- Setting up a coordination body for IP enforcement.
- Creating a national enforcement strategy.

Geographical indications

- The agreement includes a special chapter dealing with geographical indications with a series of specific provisions.

Conclusion

An overhaul of certain aspects of the IP system of our country was long overdue. We are excited with all the possibilities the signing of this agreement opens for IP owners seeking protection in Argentina.

We will continue to report on developments as soon as they occur.

Should you have any comment or query in the meantime, do not hesitate to contact our team.

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