

Expedited Examination Programs of IP Offices

Argentina

Argentina provides an expedited patent examination mechanism administered by the National Institute of Industrial Property (INPI) through the National Patent Administration. Established by Resolution No. P-055/2018.¹

The National Patent Administration is authorized to consider valid the international prior-art search and substantive technical examinations conducted during the processing of equivalent patents granted by foreign patent offices.² The Resolution is based on the reuse of search and examination results previously carried out by other patent offices, which improves the quality of examination and reduces the time required to resolve applications by avoiding the duplication of work already performed. The objective is to provide the examiner with a more precise starting point for conducting the search and examination of the application, thereby granting high-quality patents.

The applications benefiting from the expedited examination program are subject to mandatory conditions relating to claim scope, national and foreign prior art, excluded subject matter, third-party observations, and the application of the same patentability standards by the foreign office.³

The Resolution applies only to patent applications for which substantive examination has not yet begun.⁴ Applicants may voluntarily request application of the Resolution before issuance of the substantive examination report by submitting amended claims together with the corresponding translation.⁵ The National Patent Administration shall issue its decision within sixty (60) days.⁶ The National Patent Administration may require the applicant, within ninety (90) calendar days of notification, to amend the scope of the Argentina claims so that they correspond to the claims granted abroad.⁷ The Administration may be exempt from applying the Resolution where technical or legal grounds exist, or where reasons relating to national defense, internal security, public health emergencies, or other public policy considerations so require.⁸

¹ The summary is based on a machine generated English translation of Resolution No. P-055/2018 (Argentina)

² Resolution No. P-055/2018, Articles 1 and 2.

³ Resolution No. P-055/2018, Article 3(a)-(f).

⁴ Resolution No. P-055/2018, Article 4

⁵ Resolution No. P-055/2018, Article 5

⁶ Ibid

⁷ Resolution No. P-055/2018, Article 6.

⁸ Resolution No. P-055/2018, Article 7