



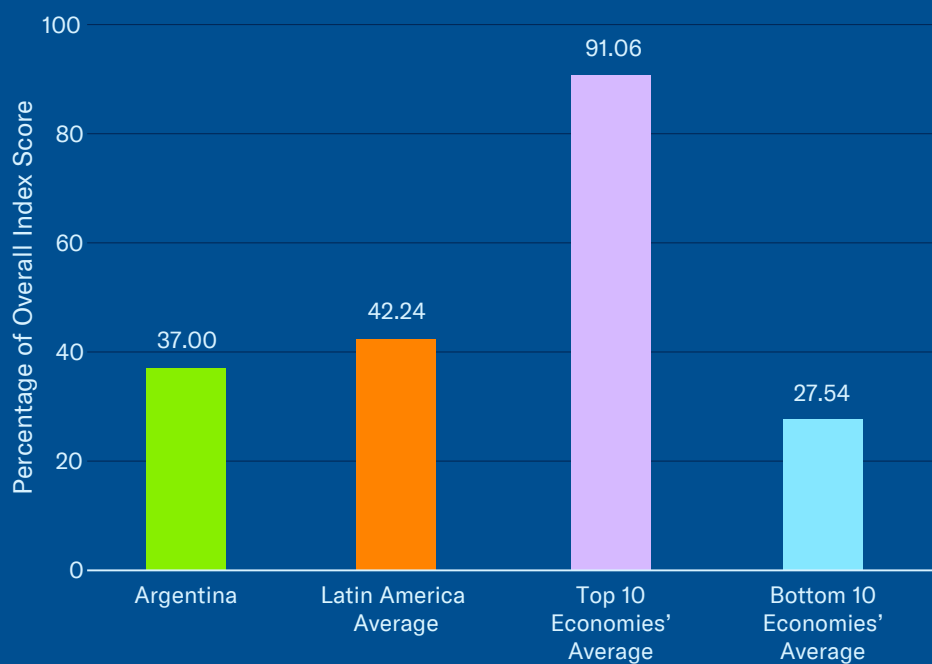
Argentina

Rank
45/55

Category Scores



Overall Score in Comparison





Argentina

Rank
45/55

Key Areas of Strength

- Continued enforcement against copyright infringement in 2024
- 2023 copyright infringement injunction against online piracy includes a “dynamic” element
- Basic framework for IP protection is in place
- Pronounced efforts over the past few years to strengthen international cooperation on IP rights, including through PPHs and increased technical cooperation with the EPO
- Ongoing streamlining of administrative and enforcement bodies
- New 2021 tax incentives for R&D-based activities

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Key life sciences IP rights are missing
- Biopharmaceutical patentability standards remain outside of international standards
- Gaps exist in the legal framework for enforcing copyright online, although some important instances of judicial action exist
- Persistently high rates of piracy, including physical counterfeiting
- Limited participant in international treaties; has not acceded to the Patent Cooperation Treaty

Indicator	Score
Category 1: Patents Rights and Limitations	2.90
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.25
4. Plant variety protection	0.90
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent opposition	0.00
Category 2: Copyrights and Limitations	1.88
10. Term of protection	0.63
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.00
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	2.00
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	1.10
21. Industrial design term of protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	0.50
23. Protection of trade secrets (civil remedies)	0.25
24. Protection of trade secrets (criminal sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	3.67
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.75

Indicator	Score
29. Direct government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	1.69
32. Physical counterfeiting rates	0.36
33. Software piracy rates	0.33
34. Civil and precedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by customs	0.00
Category 8: Systemic Efficiency	2.75
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	0.00
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	2.25
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.25
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Percentage of Overall Score: 35.36%

Total Score: 18.74

Spotlight on the National IP Environment

Past Editions versus Current Score

Argentina's overall Index score has increased from 18.50 out of 50 indicators in the twelfth edition to 18.74 out of 53 indicators. This reflects a score increase for indicator 12 and a score decrease for indicator 32.

Area of Note

Following the election of Javier Milei as President in late 2023, the Government of Argentina has embarked on a series of policy initiatives seeking to deregulate and reform the economy. This includes changes to labor laws, tax administration, and the regulation of private trade and practices. Although many of these changes will have a tangible effect on Argentina's national IP system by potentially improving overall business conditions, at the time of research, no major legislative changes had been announced or passed with respect to the national IP environment. As noted over the course of the Index, Argentina's national IP environment lacks many fundamental rights and incentives. Of note is how patentability restrictions continue to remain a serious and long-standing issue, in particular concerning biopharmaceutical products and processes and CIIIs. In violation of TRIPS Article 27, patentability restrictions introduced in 2012 effectively curtail the issuing of patents for a range of biopharmaceutical inventions. This includes Markush-type patent claims as well as claims related to compositions, dosages, salts, esters, ethers, polymorphs, and analogous processes. Subsequent guidelines and rules issued by the national IP office INPI have also curtailed the protection of biotechnology-based inventions. Similarly, Section 6 of the Patent Law excludes computer programs from patentability; copyright is referred to as the primary form of protection for CIIIs.

Although Regulation No. 318/2012 allows CIIIs to be patentable under certain conditions, data on patent applications shows only a small number of CII applications filed in Argentina. There is also the issue of patent enforcement and the difficulties rightsholders have historically faced in gaining preliminary injunctions and effectively defending their rights in cases of suspected infringement. The cost of these legal barriers to the Argentinean economy is substantial both in lost opportunities for domestic innovators and in potential foreign direct investment. More broadly, inventors face excessive patent prosecution times and long delays. A substantial backlog of patent applications has existed at INPI for several years: The average time to grant for many high-tech arts (including biopharmaceutical, chemical, and biotechnology patents) was close to a decade. Argentina also remains one of only a handful of Index economies that is not a contracting party to the Patent Cooperation Treaty. Argentina has signed, but not ratified, the treaty. The treaty today has over 150 contracting parties and constitutes one of the most direct and impactful international efforts aimed at helping inventors protect their innovations across the globe.

Since 2015, the Index has included a *Statistical Annex*, which investigates a series of correlations examining the relationship between the strength of national IP environments, as measured by the Index scores, and different types of economic activity, including rates of R&D spending, innovation, technology creation, and creativity. As the economic data and analysis of the *Statistical Annex* and the experiences of other economies strongly suggest, IP rights and incentives are the fundamental building blocks for innovation and advanced economic development to take place. For all economies—emerging and developed alike—what drives innovation, technological advances, and ultimately economic development and growth is the creation of new forms of intangible assets and IP.

Covering 53 indicators across 10 separate categories, the Index has for a decade provided a clear model for the type and strength of IP rights that international innovators, creators, and rights-holders need to be able to fully develop and commercialize their ideas and products. As the government continues to pursue a program of national economic reforms, we would encourage it to also focus on the national IP environment and use the findings of the Index and accompanying *Statistical Annex* as a guide in 2025 and beyond.

Copyrights and Limitations

12. Expeditious legal remedies disabling access to infringing content online:

As noted in the previous edition of the Index, the past few years have seen some welcomed developments with respect to the enforcement of copyright in Argentina. In 2023, a federal court ordered the disabling of access to several copyright-infringing websites. The order also included a “dynamic” element. The plaintiffs—led by a coalition of international, regional, and domestic rightsholders—specifically requested that the injunction include the ability to update and apply the disabling of access to new websites and URLs as and when they appear. This type of dynamic injunction effectively addresses the issue of mirror sites and disables infringing content that re-enters the public domain by simply being moved to a different online access point. These types of orders are becoming more commonplace around the world, with similar mechanisms available in, for example, the Netherlands, Greece, Singapore, India, Canada, and the UK. These positive actions continued in 2024.

During the summer, Argentine law enforcement disabled access to over 50 websites offering access to pirated sports content. This was followed up by a raid and the arrest of a suspect. The regional rightsholders association Alianza played a pivotal role in supporting the local operation.

As noted over the course of the Index, rightsholders have historically faced significant challenges in protecting their copyrighted content in Argentina. The existing legal framework has major gaps, and enforcement remains inadequate. This is now two years in a row that there has been a stronger level of copyright enforcement in Argentina and, as a result of this sustained positive activity in 2023 and 2024, the score for this indicator has increased by 0.25. The Index will continue to monitor these developments in 2025.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:

The 2011 Law 26.689 introduced a national legal framework and definition of rare diseases, including the right to comprehensive health care. Subsequent implementing regulations have established and defined a national list of approved rare diseases; a special advisory board to the Ministry of Health and National Program for Rare Diseases; technical advisory committees on rare diseases and relevant treatments; and dedicated support functions for specific diseases, including cystic fibrosis and muscular dystrophy. With respect to incentives to R&D and the development of new treatments and technologies, Article 3(s) of Law 26.689 states that the law should “promote the development and production of medicines and medical products intended for the early detection, diagnosis, treatment and recovery of people” with rare diseases. The law does not include any reference to or definition of any special IP-based market exclusivity incentives for orphan medicinal product development.

Membership and Ratification of International Treaties

50. Membership in the International Convention for the Protection of New Varieties of Plants, Act of 1991:

As part of the government's reform efforts and the issuing of the omnibus law Decree 70.2023, there was broad-based discussion in the National Congress for reforming the existing seed law and potentially joining the International Union for the Protection of New Varieties of Plants (UPOV) 1991. As noted in past editions, Argentina is a contracting party to UPOV 1978. The legislative basis for the registration, protection, and commercialization of IP rights pertaining to plant varieties and biotechnological innovation is, consequently, antiquated and, by international standards, restrictive. Adopting the standards of UPOV 1991 and becoming a signatory to this treaty would be a positive development and would lead to a score increase for this indicator. The Index will continue to monitor these developments in 2025.