



Newsletter

Intellectual Property

U.S.-Argentina Reciprocal Trade and
Investment Agreement (ARTI):
Intellectual Property Implications



Introduction

On February 5, 2026, the Argentine Republic and the United States of America signed the Agreement on Reciprocal Trade and Investment (ARTI)¹, following the framework announced on November 13, 2025, in a joint statement issued by Presidents Trump and Milei.

The agreement addresses tariffs, regulatory harmonization, digital trade, and, most notably, intellectual property. Its stated purpose is to promote U.S. investment in Argentina by providing greater legal certainty for innovation-driven investments. In this context, Argentina undertook to adopt a robust standard of IP protection and effective civil, criminal, and border enforcement mechanisms, including precautionary measures aimed at preventing the entry into the Argentine market of products that infringe intellectual property rights.

¹ The English version of the ARTI is attached.

Main implications by area

1. Laboratories and Biotechnology

- *Repeal of restrictive pharmaceutical patentability guidelines*

ARTI requires the repeal of Joint Resolutions 118/2012, 546/2012, 107/2012, and 283/2015, which had significantly limited the patentability of compositions, dosage forms, salts, esters, polymorphs, enantiomers, active metabolites, prodrugs, and selection patents, among other categories of chemical-pharmaceutical and biotechnological inventions.

- *Protection of test data (data protection)*

Argentina committed to prepare a feasibility report on the implementation of a regulatory data protection regime consistent with Articles 20.45 and 20.48 of the USMCA. This responds to longstanding concerns regarding the use by third parties of undisclosed test data submitted in support of health authorizations.

- *Reduction of the pharmaceutical and biotechnology patent backlog*

The agreement requires Argentina to significantly reduce patent pendency periods, specifically for pharmaceutical and biotechnological inventions, and to prepare a report assessing both the causes of delays and the legal feasibility of patent term extensions to compensate for unreasonable administrative delays.

- *Acceptance of FDA certificates*

Argentina will recognize approval certificates and pre-market authorizations issued by the FDA for pharmaceutical products and medical devices, potentially accelerating market access procedures.



2. Patents

- *Accession to the PCT and other international treaties*

Argentina committed to accede to the Patent Cooperation Treaty (PCT), the Budapest Treaty, the Geneva Act of the Hague Agreement, the Madrid Protocol, the Patent Law Treaty (PLT), the Singapore Treaty on the Law of Trademarks, and the UPOV 1991 Convention. Accession to the PCT would eliminate the need to file direct patent applications in Argentina within the 12-month priority period, a longstanding challenge for international rights holders seeking to extend patent protection to the country.

- *Expanded patentability standards*

The repeal of the aforementioned resolutions implies that Argentina will evaluate patent applications in all fields of technology according to the internationally recognized standards of novelty, inventive step, and industrial applicability, without automatic exclusions based solely on the type of invention.

- *Patent term extensions for administrative delays*

Argentina has also undertaken to evaluate the legal feasibility of introducing patent term extension mechanisms to compensate for unreasonable delays in patent granting procedures.

- *Strengthened enforcement*

ARTI requires the establishment of deterrent penalties, including monetary fines and imprisonment, for counterfeiting offenses carried out by organized criminal networks, as well as an ex officio border enforcement authority with respect to goods in transit.



3. Other IP Rights

- *Trademarks and anti-counterfeiting measures*

Argentina committed to continue enforcement efforts against notorious counterfeit markets and to strengthen control mechanisms both online and offline. The agreement also calls for the creation of a coordination body among IP enforcement agencies.

- *Copyright and online piracy*

The agreement requires the enactment of legislation providing effective civil remedies, including injunctive relief against online piracy, as well as criminal investigations targeting operators of Argentine websites engaged in commercial-scale piracy.

- *Geographical indications (GIs)*

Argentina must ensure transparent and fair procedures for the protection of geographical indications, including opposition and cancellation mechanisms. In addition, it may not restrict access to the U.S. market solely on the basis of the use of generic cheese and meat terms listed in Annex II of the agreement.

- *Trade secrets*

The agreement also includes provisions aimed at protecting proprietary information submitted to customs authorities (ARCA) from unauthorized disclosure.



Conclusion and next steps to monitor

ARTI represents a significant reform of Argentina's intellectual property framework. In this regard, several issues will be particularly important for both domestic and foreign pharmaceutical companies to monitor:

- *Regulatory implementation:*

Attention should be paid to the regulations that will replace the repealed resolutions, as well as to the new examination standards to be adopted by the Argentine Patent Office (INPI).

- *Accession to the PCT:*

The timeline for accession will determine when applicants may begin using the PCT route to enter the Argentine national phase, which allows filing up to 30 months from the priority date.

- *Data protection regime:*

The feasibility report could ultimately lead to legislation establishing data exclusivity protections similar to those under the USMCA model (5 or 8 years, depending on the category).

- *Entry into force:*

ARTI will enter into force 60 days after the exchange of written notifications confirming the completion of each party's internal legal procedures.

- *Interaction with the EU-Mercosur Agreement*

The provisions concerning geographical indications will need to be analyzed in light of any obligations Argentina may assume toward the European Union under this agreement.

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