

For further information, please contact:

Ignacio M. Bérèterbide
ignacio.bereterbide@mitranicaballero.com

Manuel Alonso
manuel.alonso@mitranicaballero.com

Trademark Oppositions: INPI consolidates stages and shortens timelines

August 11, 2026

The National Institute of Industrial Property (“INPI”) issued a new Resolution¹ simplifying the administrative procedure for resolving trademark oppositions. Procedural stages were reduced, procedural acts were consolidated, and shorter, non-extendable deadlines were imposed. Both opponents and applicants must act with greater speed and precision: failure to pay within the term triggers automatic consequences—the opposition will be deemed not maintained, or the application will be denied, as applicable.

What Changes?

The new framework replaces the prior procedure and consolidates all key stages—payment, grounds, evidence, and defense—into a single stage for each party.² There is no longer a separate stage to produce evidence. As a rule, each party must present its full case in a single filing, without prejudice to the exceptions expressly provided for.

How Does the Proceeding Work Now?

1. Negotiation Period: The three-month negotiation period between the parties following notice of the opposition remains unchanged.

2. Opponent’s Decision: Once the negotiation period has expired, the INPI notifies the opponent, who then has 15 business days (non-extendable) to pay the ratification fee and submit a voluntary brief expanding on its grounds and

¹ Resolution No. 297/2026, issued on August 6, 2026.

² Annex I to INPI Resolution No. P-183/18 is replaced by the text of the “Rules for the Administrative Proceeding for the Resolution of Oppositions”, approved under Article 1 of new Resolution No. 297/2026.



offering evidence. If the opponent fails to pay, the opposition will automatically be deemed not maintained, without further proceedings.

3. Applicant's Defense: Once the active oppositions have been confirmed, the applicant will have a period of 15 business days (non-extendable) to pay a single fee, respond to each opposition, and submit its evidence. If the applicant fails to pay, the trademark application will be denied without further proceedings.

4. Consolidated Evidence: All documentary evidence must be submitted in the same act of expanding on the grounds (opponent) or responding (applicant). The separate stage for the production of evidence is eliminated, except for electronic or IT verifications that the INPI may carry out when issuing its decision. Exceptionally, if any evidence offered cannot be produced and submitted in documentary or instrumental form at that time, this must be expressly stated, and its admissibility will be assessed in the final ruling.

5. Digital Evidence: If websites, social media, or other electronic sources are invoked, the exact, freely accessible links must be provided. The INPI may verify them when issuing its decision. Inaccessible links will be disregarded.

6. Final Arguments: Once the preceding stages have been completed, the parties will be notified of a joint 10-business-day period (voluntary) for both to file final arguments. If, during that period, the parties jointly notify the INPI that they have initiated mediation or another alternative dispute resolution mechanism, the period is suspended for 30 business days (one time only), after which a new 10-day period begins to run.

7. Decision and Appeal: The final decision may only be appealed before the National Court of Appeals in Civil and Commercial Federal Matters, by means of a direct appeal. Simple orders and interlocutory acts are not subject to ordinary administrative appeals, except with respect to matters relating to payment of the fees for maintaining the opposition in force and/or the administrative resolution fee payable by the applicant.

Key Considerations

1. Deadlines: All deadlines are non-extendable: they are neither suspended nor extended, except for the exceptions mentioned above. Requesting access to review the file does not stop the proceeding.

2. Payment of the Fee Is a Condition for Existence: If the opponent does not submit payment, the opposition will be deemed not maintained. If the applicant does not submit payment, the application will be denied. There is no second chance



3. Appeal to the Court of Appeals: A party appealing the final decision must notify the INPI of the filing of the appeal within the following 20 business days and pay the corresponding fee, filing a sworn statement in the application file.

4. Invalidity and Cancellation: In this regard, several scenarios may arise:

(i) if, during an opposition, a challenge arises regarding the validity or continued force of a trademark related to the conflict, that challenge may be raised within the same proceeding when it is based on grounds that the INPI has authority to decide;

(ii) if the grounds arise only at a later stage, either party may bring the challenge separately and report it in the opposition proceeding before the deadline for filing final arguments expires. In that case, the INPI will not resolve the opposition until the decision on the separately filed invalidity or cancellation action becomes final;

(iii) if the invalidity claim is based on grounds that must be addressed by the courts, the matter must proceed there, and the opposition will remain suspended until a court decision is issued.

Who does this apply to?

The new framework applies to oppositions against trademark applications filed as from March 1, 2026. The determining factor is the filing date of the trademark application (not the date of the opposition). Applications filed through February 28, 2026, remain subject to the prior regime.

Effective Date

The above-mentioned Resolution will enter into force upon its publication in the Trademark Gazette, scheduled by the INPI for next Wednesday, August 12, 2026.