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Regulatory Update: INPI Overhauls Trademark Invalidation and Cancellation Proceedings

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Resolution No. 215/2026, issued on July 3, 2026, and published in the Official Gazette on July 6, 2026, amends the administrative procedures for challenging registered trademarks before the INPI, both on grounds of invalidation and non-use cancellation. The new regulations entirely replace the previous ones and aim to make these proceedings faster, more predictable, and legally sound.

One of the key changes is that the party initiating either type of proceeding must now show a concrete interest tied to the trademark it seeks to challenge, and must formally notify the trademark owner at their registered address before the case moves forward.

What are trademark invalidation and cancellation proceedings?

Invalidation enables the annulment of a trademark registration granted in breach of any statutory prohibition. Non-use cancellation allows a trademark registration to be cancelled, in whole or in part, if the mark has not been used. Both are resolved by the INPI through administrative proceedings.

What are the main changes?

Who can file a claim	Anyone seeking to initiate invalidation or non-use cancellation proceedings must show that they have a real and concrete interest in the trademark they wish to challenge. Vague, generic, or speculative claims will not be accepted.
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Prior formal notice to the trademark holder	<p>Before the case moves forward, the party filing the action must formally notify the trademark holder at the actual address recorded in the file – or, if the holder’s address is abroad, at the legal address of its local representative in the country. The notice must inform the holder of the reactivation of the challenged trademark’s file, identify the trademark by its registration number, name, and class, and state that future notifications in the proceedings will be sent through the electronic platform.</p> <p>The petitioner must report and evidence this notification in the administrative file within 60 calendar days of being notified of the file reactivation; if this deadline is not met, the petition will be rejected. This notice will not be required in cases of invalidation initiated ex officio due to a serious defect, provided it is within 6 months of publication of the grant of registration.</p>
Response and reply process	<p>Once formal notice has been confirmed, the trademark holder has 15 business days to file a response and submit any supporting documents.</p> <p>If the holder introduces new facts or evidence, the petitioner will have an additional 15 business days to comment on those specific points.</p>
Strict and non-extendable time limits	<p>The time limits in these proceedings are non-extendable and may not be suspended, not even to allow a party to review the case file.</p>
Appeals	<p>Routine procedural decisions made during these proceedings cannot be challenged through regular administrative channels.</p> <p>The final resolution may only be appealed before the National Court of Appeals in Civil and Commercial Federal Matters, by means of the direct appeal provided for in the Argentine Trademark Law.</p>
Claims raised within opposition proceedings	<p>If invalidation or non-use cancellation is raised within the framework of a maintained opposition, it shall be processed within the administrative opposition resolution proceedings.</p> <p>Exceptionally, if the legal requirements arise thereafter, either party may file the claim separately up until the expiry of the time limit for the submission of final arguments.</p> <p>In such case, the opposition shall not be resolved until the resolution regarding the invalidation or non-use cancellation becomes final.</p>

What additional information does the regulation provide?



a) Requirements for filing the petition: name and address of the petitioner and of the trademark holder; the right affected or the concrete legitimate interest linked to the registration; the identification of the trademark whose invalidation or non-use cancellation is sought, the facts on which it is based and the supporting evidence in documentary form; and proof of payment of the applicable fee.

b) When the INPI may reject the petition: The INPI may reject the petition in the following cases: (i) non-compliance with formal requirements; (ii) the claim has already been addressed or resolved in an opposition between the same parties; (iii) the opposition in whose context it was raised has not been maintained; or (iv) formal notice of the file reactivation has not been evidenced within the prescribed time limit.

In addition to these common grounds, the invalidation procedure adds two further grounds: (i) the same invalidation has already been resolved on the same grounds; and (ii) the petition involves grounds of invalidation outside the competence of the INPI.

c) Minimum seniority to request non-use cancellation: non-use cancellation may only be sought against registered trademarks with a seniority of more than 5 years prior to the cancellation request.

d) Ex officio invalidation: the INPI may initiate invalidation proceedings when it detects a serious, non-remediable defect in the trademark registration procedure.

e) Digital evidence: the parties may include in their submissions screenshots or records from INPI databases or publicly accessible websites, indicating the precise link or URL.

What are the practical implications?

For registered trademark owners, the new rules strengthen your right to defend your mark: before any invalidation or non-use cancellation claim against you moves forward, you must receive formal notice at your registered address, and you will have 15 business days to respond and present your evidence.

On the other hand, those seeking to challenge a third party's trademark through invalidation or non-use cancellation must show a real and concrete interest linked to the registration in question, formally notify the holder at their own cost, and evidence that notification within 60 calendar days; otherwise, the petition will be rejected.

Entry into Force and Transitional Provision

The new rules shall enter into force as of their publication in the Trademark Gazette.



For invalidation and non-use cancellation proceedings that are pending at the time of entry into force, in which the National Trademark Office has not yet resolved the matter and in which the holder of the challenged trademark has not appeared to defend its rights, the formal notice of file reactivation provided for in the new regulations must be served before continuing with the proceedings.