

Argentina | INPI repeals restrictions on the examination of pharmaceutical patents

On March 18, 2026, **Joint Resolution No. 118/2012, 546/2012, and 107/2012 was repealed**. This resolution **established restrictive guidelines for the examination of patent applications related to chemical-pharmaceutical inventions in Argentina**, thereby preventing adequate protection of pharmaceutical developments.

The new regulations (Joint Resolution No.1/2026) establish that, from now on, **the National Institute of Intellectual Property (I.N.P.I.) will conduct the patentability analysis of patent applications related to pharmaceutical inventions on a case-by-case basis**, taking into account the requirements established by Patent Law No. 24,481.

Nonetheless, the new resolution establishes a **transitional mechanism to protect the commercialization of pharmaceutical products that are currently on the domestic market**. To that end, it provides that, for patents granted after the repeal of the Joint Resolution that are related to pharmaceutical products being marketed locally by third parties, the owners of such patents will not have the right to prevent the commercialization of those products or to request compensation.

This exception is broad, covering anything that might impede the aforementioned marketing, taking into account not only the finished pharmaceutical product but also its active ingredient(s), manufacturing methods, etc., insofar as they relate to patents that would have been affected by the Joint Resolution hereby repealed, and including the production, manufacturing, storage, importation, exportation, and all other aspects of the marketing of said pharmaceutical product.

If you have any questions, please do not hesitate to contact us.

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