

Argentina | INPI repeals restrictions on biotechnological inventions

Through INPI Resolution No. 197/2026, published and effective as of June 19, 2026, the INPI has repealed Resolution No. 283/2015, thereby **eliminating the restrictive guidelines governing the examination of the patentability of biotechnological inventions.**

With this new resolution, the INPI reinstates the original 2003 Patent Guidelines and introduces certain modifications aimed at eliminating formal barriers that placed Argentina at a disadvantage with other jurisdictions. The goal is to create a clear and predictable environment conducive to innovation. This measure is consistent with the recent repeal of the guidelines for the examination of chemical-pharmaceutical inventions.

Biotechnology patent examination in Argentina: key developments

The most significant change is the **elimination of the requirement that modified components be claimed in an "isolated state."** The INPI now recognizes that biotechnological events only acquire meaning and technical functionality when they are incorporated into a living organism; isolating them deprived the invention of its industrial application.

INPI Resolution No. 197/2026 also introduces other technical amendments:

- **Sequences and homology: the automatic objection to claims based on homology, identity, or sequence similarity** criteria is eliminated. Broader protection is now allowed for families of sequences that retain a technical function.
- **Genetic transformation events and constructs:** in the case of events, the requirement to provide, in addition to the sequence of the inserted construct, **flanking sequences of at least 100 base pairs is eliminated**, allowing the sufficiency of the disclosure to be evaluated according to the general standard of the art rather than fixed sequence length requirements.

- **Viruses as substances:** a virus is defined as an extracellular genetic element that is not considered a living organism. Categorizing them as **substances** facilitates the patenting of vaccines and genetic vectors.
- **Limit of living matter:** it is explicitly established that the **cell is the smallest unit of living matter**. This allows for the protection of subcellular components and modified organelles that were previously presumed to be excluded.
- **Plants and animals:** while the entire organism remains unpatentable, the exhaustive lists of excluded parts (seeds, stems, cells, etc.) have been eliminated. The focus now lies in **technical intervention** and compliance with the requirements of Law 24.481.

Furthermore, as established in the regulation that repealed the guidelines for the examination of chemical-pharmaceutical inventions, the new Resolution No. 197/2026 establishes a **transitional mechanism to protect the marketing of products currently on the domestic market**.

To that end, it provides that the owners of patent applications currently pending that are granted as a result of the repeal of INPI Resolution No. 283/2015, shall not have the right to demand compensation from third parties acting in good faith, nor to prevent the continued marketing of products falling within the scope of said patent that are on the local market as of the effective date of this resolution (June 19, 2026)

Filing and prosecution patents in Argentina

At **UNGRIA**, we have a local team of [patent experts in Argentina](#) who can help you protect your invention in the country.

Please, do not hesitate to contact us for more information.

[CONTACT US](#)

Europe | U.S.A | Argentina | Brazil | Mexico

Disclaimer: Please note that the present communication is of a general nature. It is not intended as legal advice and does not create an attorney-client relationship. No warranty of any kind is given with respect to the subject matter included herein or the completeness or accuracy of this note and no responsibility is assumed for any actions (or lack thereof) taken as a result of relying on or in any way using information contained in this note. In no event shall we be liable for any damages resulting from reliance on or use of this information. Any analysis regarding or related to the developments indicated above needs to be applied to a case in particular and consulted or verified with local counsel in each jurisdiction.