Since industrial property rights in general constitute essential elements in the operation of modern business, their study habitually forms part of the commercial law. Thus, in the Argentine Republic, trademark and patent laws are complementary to the Commercial Code that is in force.

In relation to this, it is worth mentioning that Law 26,994 has recently been passed, approving the new Civil and Commercial Argentine Code and by provision of its Section 4 both the Civil and Commercial Codes that are in force will be abrogated. Law 26,994 will come into effect on August 1, 2015.

Taking into account the enactment of the new Civil and Commercial Code and the above-mentioned abrogation, the following question can be asked: what will happen with the referred industrial property laws when the new code comes into effect?

The same question is also relevant regarding other related regulations that are of interest in our area, for instance the Confidentiality Law 24,766 and the Defence of Competition Law 25,156.

Section 5 of Law 26,994

In that regard, the law that approves the new Civil and Commercial Argentine Code provides in its section 5:

The laws that currently integrate, complement or are incorporated into the CIVIL CODE or the COMMERCIAL CODE, except for the provision of section 3 of this law, remain in effect as laws that integrate or complement the ARGENTINE CIVIL CODE or COMMERCIAL CODE approved by Section 1 herein.

Accordingly, in agreement with the provision of Section 5 above, laws with mercantile content, which complement the Commercial Code (including those referred to industrial property rights) remain in effect as laws that complement the new Civil and Commercial Code.

Among these regulations, there is Trade Mark Law 22,362 and Patent Law 24,481. Regarding other related regulations that also remain in effect and are of interest in our area, we can also mention the Confidentiality Law 24,766 and the Defence of Competition Law 25,156.