



LAW 11,723 - LEGAL REGIME OF INTELLECTUAL PROPERTY

See Regulatory Background

The Senate and Chamber of Deputies of the Argentine Nation, Meeting in Congress, etc., sanction with the force of

Law:

Article 1. — For the purposes of this Law, scientific, literary and artistic works include writings of all nature and extension, including source and object computer programs; compilations of data or other materials; dramatic works, musical compositions, dramatic-musical; cinematographic, choreographic and pantomime; works of drawing, painting, sculpture, architecture; models and works of art or science applied to commerce or industry; printouts, plans and maps; plastics, photographs, engravings and phonograms, in short, all scientific, literary, artistic or didactic production regardless of the reproduction procedure.

Copyright protection shall cover the expression of ideas, procedures, methods of operation and mathematical concepts but not those ideas, procedures, methods and concepts themselves.

(Article replaced by art. 1 of [Law No. 25,036](#) BO 11/11/1998)

Art. 2°. — The right of ownership of a scientific, literary or artistic work includes for its author the power to dispose of it, to publish it, to execute it, to represent it, and to exhibit it in public, to dispose of it, to translate it, to adapt it or to authorize it. its translation and to reproduce it in any form.

*(**Infoleg Note** : By arts. 1 and 2 of [Decree No. 8,478/1965](#) BO 8/10/1965 it is obligatory to display the written authorization of the authors when performing national or foreign music in public.)*

Art. 3°. — The editor of an anonymous or pseudonymous work will have the rights and obligations of the author in relation to it, who may collect them for himself by justifying his personality. Authors who use pseudonyms may register them, acquiring ownership of them.

Art. 4°. — The owners of the intellectual property rights are:

- a) The author of the work;
- b) Your heirs or successors;
- c) Those who, with the author's permission, translate, recast, adapt, modify or transport the resulting new intellectual work.
- d) Natural or legal persons whose employees hired to develop a computer program have produced a computer program in the performance of their job duties, unless otherwise stipulated. *(Subsection d) incorporated by art. 2° of [Law No. 25,036](#) BO 11/11/1998)*

Art. 5°. — Intellectual property over their works corresponds to the authors during their lifetime and to their heirs or successors in rights for up to seventy years starting on January 1 of the year following the author's death.

In cases of collaborative works, this term will begin to be counted from January 1 of the year following the death of the last collaborator. For posthumous works, the seventy-year term will begin to run from January 1 of the year following the author's death.

In the event that an author dies without leaving heirs, and his inheritance is declared vacant, the rights that correspond to him over his works will pass to the State for the entire term of the Law, without prejudice to the rights of third parties.

(Article replaced by art. 1 of [Law No. 24,870](#) BO 9/16/1997)

Art. 5 bis. — The intellectual property over their interpretations or executions recorded in phonograms corresponds to the performing artists for a period of SEVENTY (70) years counting from January 1 of the year following the year of their publication. Likewise, the intellectual property over the phonograms corresponds to the producers of the phonograms or their heirs for a period of SEVENTY (70) years counting from January 1 of the year following the year of their publication. Phonograms and performances that are found in the public domain without the protection periods provided for in this law having elapsed will automatically return to the private domain for the remaining period, and third parties must cease any form of use that they may have made during the period. when they were in the public domain.

(Article incorporated by art. 1 of [Law No. 26,570](#) BO 12/14/2009)

Art. 6° . — The heirs or successors may not oppose third parties from republishing the works of the deceased when they allow more than ten years to pass without ordering their publication.

Nor may heirs or heirs oppose third parties translating the works of the deceased after ten years of his death.

In these cases, if there is no agreement between the third-party editor and the heirs or successors in title on the printing conditions or the monetary remuneration, both will be set by arbitrators.

Art. 7°. — Posthumous works are considered, in addition to those not published during the author's lifetime, those that would have been published during his lifetime, if the same author upon his death leaves them recast, added, annotated or corrected in such a way that they deserve to be considered as new works.

Art. 8°. — The intellectual property of anonymous works belonging to institutions, corporations or legal entities will last fifty years from their publication.

(Article replaced by art. 1 of [Decree Law No. 12,063/1957](#) BO 10/11/57.)

Art. 9° . — No one has the right to publish, without the permission of the authors or their heirs, a scientific, literary, artistic or musical production that has been annotated or copied during its public or private reading, performance or exhibition.

Whoever has received a license to use a computer program from the authors or their successors in title may reproduce a single safeguard copy of the original copies thereof. *(Paragraph incorporated by art. 3 of [Law No. 25,036](#) BO 11/11/1998).*

Said copy must be duly identified, indicating the licensee who made the copy and the date of the copy. The backup copy may not be used for any purpose other than to replace the original copy of the licensed computer program if that original is lost or becomes unusable for use. *(Paragraph incorporated by art. 3 of [Law No. 25,036](#) BO 11/11/1998).*

Art. 10. — Anyone can publish for educational or scientific purposes, comments, criticisms or notes referring to intellectual works, including up to a thousand words of literary or scientific works or eight bars in musical works and in all cases only the parts of the text. essential for this purpose.

Educational works, teaching works, collections, anthologies and other similar works are included in this provision.

When the inclusions of other people's works are the main part of the new work, the courts may equitably determine in summary judgment the proportional amount that corresponds to the owners of the rights to the included works.

Art. 11. — When the parts or volumes of the same work have been published separately in different years, the deadlines established by this Law run for each volume or each part, from the year of publication. In the case of works published partially or periodically by installments or serials, the deadlines established in this Law run from the date of the last delivery of the work.

Art. 12. — Intellectual property will be governed by the provisions of common law, under the conditions and limitations established in this Law.

FOREIGN WORKS

Art. 13. — All the provisions of this Law, except those of article 57, are equally applicable to scientific, artistic and literary works, published in foreign countries, regardless of the nationality of their authors, provided that they belong to nations that recognize intellectual property rights.

Art. 14 . — To ensure the protection of Argentine Law, the author of a foreign work only needs to prove compliance with the formalities established for its protection by the Laws of the country in which the publication was made, except as provided in article 23, on translation contracts.

Art. 15 . — The protection that Argentine Law grants to foreign authors will not extend to a period longer than that recognized by the Laws of the country where the work was published. If such Laws provide greater protection, the terms of this Law will govern.

COLLABORATION

Art. 16. — Except for special agreements, the collaborators of a work enjoy equal rights; Anonymous contributors to a collective compilation do not retain ownership rights over their commissioned contribution and will have the editor as their legal representative.

Art. 17 . — The mere plurality of authors is not considered collaboration, except in the case in which the property cannot be divided without altering the nature of the work. In musical compositions with words, the music and the lyrics are considered two different works.

Art. 18 . — The author of a libretto or any composition set to music will be the exclusive owner of selling or printing his literary work separately from the music, authorizing or prohibiting the public performance or representation of his libretto, and the composer may do so with his musical work as well. regardless of the author of the libretto.

Art. 19 . — In the event that two or more authors have collaborated on a dramatic or lyrical work, the authorization granted by one of them will be sufficient for its public performance, without prejudice to any personal actions that may arise.

Art. 20 . — Except for special agreements, collaborators in a cinematographic work have equal rights, with the author of the plot, the producer and the director of the film being considered as such.

In the case of a musical cinematographic work, in which a composer has collaborated, he has the same rights as the author of the plot, the producer and the director of the film.

(Article replaced by art. 1 of [Law No. 25,847](#) BO 6/1/2004)

Art. 21 . — Except for special agreements:

The producer of the cinematographic film has the power to project it, even without the consent of the author of the plot or the composer, without prejudice to the rights that arise from the collaboration.

The author of the argument has the exclusive power to publish it separately and extract from it a literary or artistic work of another kind.

The composer has the exclusive power to publish and separately perform the music.

Art. 22 . — The producer of the cinematographic film, when exhibiting it in public, must mention his own name, that of the author of the action or plot or that of the authors of the original works from which the plot of the cinematographic work has been taken, the of the composer, that of the artistic director or adapter and that of the main performers.

Art. 23. — The owner of a translation right has the right of ownership over it under the conditions agreed upon with the author, provided that the translation contracts are registered in the National Registry of Intellectual Property within one year of the publication of the translation. translated work.

The lack of registration of the translation contract results in the suspension of the right of the author or his successors until the moment in which it is carried out, recovering said rights in the act of registration, for the corresponding term and conditions, without prejudice to the validity of translations made during the time in which the contract was not registered.

Art. 24. — The translator of a work that does not belong to the private domain only has ownership over his version and may not oppose others translating it again.

Art. 25. — Whoever adapts, transports, modifies or parodies a work with the authorization of the author, has the right of co-author over his adaptation, transport, modification or parody, unless otherwise agreed.

Art. 26 . — Whoever adapts, transports, modifies or parodies a work that does not belong to the private domain, will be the exclusive owner of his adaptation, transport, modification or parody, and will not be able to oppose others adapting, transporting, modifying or parodying the same work.

SPECIAL PROVISIONS

Art. 27 . —Political or literary speeches and in general conferences on intellectual topics may not be published if the author has not expressly authorized it. Parliamentary speeches may not be published for profit without the authorization of the author.

Except for journalistic information.

Art. 28 . — Unsigned articles, anonymous collaborations, reports, drawings, engravings or information in general that have an original and own character, published by a newspaper, magazine or other periodical publications because they have been acquired or obtained by it or by an information agency exclusively, they will be considered the property of the newspaper, magazine, or other periodical publications, or of the agency.

News of general interest may be used, transmitted or retransmitted; but when they are published in their original version it will be necessary to express their source.

Art . 29. — The authors of collaborations signed in newspapers, magazines and other periodical publications are owners of their collaboration. If the contributions are not signed, their authors only have the right to publish them, as a collection, unless otherwise agreed with the owner of the newspaper, magazine or periodical.

Art. 30 . — Owners of periodical publications must register them in the National Registry of Intellectual Property.

The registration of the newspaper protects the intellectual works published in it and its authors may request a certification from the registry that certifies that circumstance.

To register a periodical publication, a copy of the latest edition must be submitted to the National Registry of Intellectual Property, accompanied by the corresponding form.

Registration must be renewed annually and to maintain its validity, the number and date of the published copies will be declared monthly before the Registry, in the corresponding forms.

The owners of the registered periodicals must collect one of the published copies, sealed with the legend: Copy Law 11,723, and will be responsible for their authenticity.

Failure to comply with this obligation, without prejudice to the responsibilities that may arise towards third parties, will be punished with a fine of up to \$5,000 that will be applied by the Director of the National Registry of Intellectual Property. The amount of the fine may be appealed to the Minister of Education and Justice.

The registry may at any time require the presentation of copies of this collection and inspect the publisher to verify compliance with the obligation established in the previous paragraph.

If the publication permanently ceases to appear, the Registry must be notified and the sealed collection must be sent to the National Library, within six months following the expiration of the last registration.

Failure to comply with this last obligation will be punished with a fine of 5,000 pesos.

(Article replaced by art. 1 of [Decree Law 12,063/1957](#) BO 11/10/57.)

Art. 31 . — The photographic portrait of a person cannot be put on the market without the express consent of the person themselves and their death, their spouse and children or their direct descendants, or in their absence, the father or mother. . If the spouse, children, father or mother, or direct descendants of the children are missing, publication is free.

The person who has given consent may revoke it by compensating for damages.

The publication of the portrait is free when it is related to scientific, educational and generally cultural purposes, or to facts or events of public interest or that have taken place in public.

Art. 32 . — The right to publish the letters belongs to the author. After the death of the author, the consent of the people mentioned in the preceding article and in the order indicated there is necessary.

Art. 33 . — When there are several people whose consent is necessary for the publication of the photographic portrait or letters, and there is disagreement between them, the judicial authority will decide.

Art. 34. — For photographic works, the duration of the property right is TWENTY (20) years from the date of first publication.

For cinematographic works, the right of ownership is fifty years from the death of the last of the collaborators listed in article 20 hereof.

The date, place of publication, name or trademark of the author or editor must be inscribed on the photographic or cinematographic work. Failure to comply with this requirement will not give rise to the criminal action provided for in this law in the case of reproduction of said works.

Total or partial transfers of temporal or spatial rights to exploit cinematographic films will only be enforceable against third parties from the moment of their registration in the National Registry of Intellectual Property.

(Article replaced by art. 1 of [Law No. 25,006](#) BO 8/13/1998).

Art. 34 bis : The provisions of article 34 will apply to cinematographic works that have been incorporated into the public domain without the period established therein having elapsed and without prejudice to the lawful use made of the copies during the period in which that those were incorporated into the public domain.

(Article incorporated by art. 2 of Law No. [Law 25,006](#) BO 8/13/1998.)

Art. 35. — The consent referred to in article 31 for the publication of the portrait is not necessary after 20 years have passed since the death of the person portrayed.

For the publication of a letter, consent is not necessary after 20 years after the death of the author of the letter. This is even in the event that the letter is protected as a work, under this Law.

Art. 36. — The authors of literary, dramatic, dramatic-musical and musical works enjoy the exclusive right to authorize:

- a) The recitation, representation and public performance of their works.
- b) Public dissemination by any means of the recitation, representation and performance of their works.

However, the representation, performance and recitation of literary or artistic works already published, in public events organized by educational establishments, linked to with the fulfillment of its educational purposes, plans and study programs, provided that the show is not broadcast outside the place where it is performed and the attendance and performance of the performers is free.

They will also enjoy the exemption from paying the copyright referred to in the previous paragraph, the execution or interpretation of musical pieces in concerts, auditions and public performances by orchestras, bands, fanfares, choirs and other musical organizations belonging to to institutions of the national State, provinces or municipalities, provided that public attendance is free.

(Article replaced by art. 1 of [Law No. 27,588](#) BO 12/16/2020)

*(**Infoleg Note** : By article 1, last paragraph of [Law No. 20,115](#) BO 1/31/1973, it is established that ARGENTORES will be responsible for the authorizations determined in this article unless expressly prohibited*

by the author and the protection and defense of the moral rights corresponding to the authors of said works.).

(**Infoleg Note** : By arts. 1 and 2 of [Decree No. 8,478/1965 BO 8/10/1965](#) it is obligatory to display the written authorization of the authors when performing national or foreign music in public.)

Art. 36 bis. — The reproduction, distribution and making available to the public of works in formats accessible to blind people and people with other sensory disabilities that prevent conventional access to the work are exempt from payment of copyright, provided that such acts are carried out by entities authorized. The exception provided here also extends to the right of editors resulting from the application of Law 25,446.

Likewise, the reproduction of works in formats accessible to the blind and people with other sensory disabilities is exempt from payment of copyright when said reproduction is made by a beneficiary or someone acting on his or her behalf, including the main person who cares for him or her. take care of your attention, for the personal use of the beneficiary and provided that he or she has legal access to that work or a copy of it.

The copy in accessible format that has been reproduced in accordance with the provisions of this law may be distributed or made available by an authorized entity to a beneficiary or an authorized entity in another country, provided that this exchange is provided for in the International Treaties to which purposes of facilitating access to published works for people who are blind or have other difficulties accessing printed text or with other sensory disabilities that prevent conventional access to the work.

The importation of a copy in accessible format intended for beneficiaries is exempt from the authorization of the rights holders and payment of remuneration when it is carried out by authorized entities, a beneficiary or someone acting on their behalf, with the scope determined by the regulation.

Works reproduced, distributed and made available to the public in accessible formats must include: the data of the authorized entity, the date of the original publication and the name of the natural or legal person to whom the copyright belongs. Likewise, they will warn that the improper use of these reproductions will be repressed with the penalties provided for in the applicable regulations.

(Article incorporated by art. 2 of [Law No. 27,588 BO 12/16/2020](#))

Art. 36 ter. — When the works were originally published in a format accessible to people with sensory disabilities and are commercially available in that format, the exceptions provided for in article 36 bis will not apply.

Adequate legal protection and effective legal remedies against the circumvention of technological measures for the protection of works will not prevent the beneficiaries from enjoying the limitations and exceptions contemplated in article 36 bis.

(Article incorporated by art. 3 of [Law No. 27,588 BO 12/16/2020](#))

Art. 36 quater . — The Ministry of Justice and Human Rights of the Nation, through the National Directorate of Copyright, or the body that replaces it in the future, will become aware of the authorized entities, as determined by the regulations, will manage their registration and will assist them in cooperation aimed at facilitating the exchange both within the national territory and across borders of copies in accessible format.

The authorized entities must inform the National Library of the catalog of works reproduced in accessible format for the benefit of the beneficiaries, in order to have a national repertoire of said copies and facilitate their national and international exchange. Said library will be the body responsible for the aforementioned national repertoire.

(Article incorporated by art. 4 of [Law No. 27,588 BO 12/16/2020](#))

Art. 36 quinquies . — For the purposes of articles 36, 36 bis, 36 ter and 36 quater, it is considered that: •

Sensory disabilities means: severe visual disability, amblyopia, dyslexia or any other physical or neurological impediment that affects vision, manipulation or understanding of texts printed in conventional form, as well as severe hearing impairment that cannot be corrected to allow a degree of hearing substantially equivalent to that of a person without hearing impairment, or disability of another kind that prevents the person from conventional access to the work.

• Authorized entity means: a state organization or non-profit association with legal status and recognized by the national State, which assists or provides blind people or people with other sensory disabilities with education, pedagogical training, adapted reading or access to information as one of its main activities or institutional obligations.

- Beneficiaries means: those people who have a sensory disability.
- Accessible formats means: Braille, digital texts, audio recordings, sign language fixations, and any alternative way or form that gives beneficiaries access to the work, such access being as viable and comfortable as that of people without disabilities. visually or without other sensory disabilities, provided that such copies in accessible format are intended exclusively for them and respect the integrity of the original work, taking into due consideration the changes necessary to make the work accessible in the alternative format and the needs of accessibility of beneficiaries.
- Physical support means: any tangible element that stores voice or image in a magnetic or digital record, or digital texts; or any technology to be developed.

(Article incorporated by art. 5 of [Law No. 27,588 BO 12/16/2020](#))

THE EDITION

Art. 37. — There will be a publishing contract when the owner of the property right over an intellectual work is obliged to deliver it to a publisher and the latter will reproduce, disseminate and sell it.

This contract applies regardless of the form or system of reproduction or publication.

Art. 38. . — The owner retains his intellectual property rights, unless waived by the publishing contract.

You can translate, transform, recast, etc., your work and defend it against fraudsters of your property, even against the publisher himself.

Art. 39. . — The editor only has the rights linked to printing, dissemination and sale, without being able to alter the text and may only make printing corrections if the author refuses or is unable to do so.

Art. 40. . — The contract must state the number of editions and the number of copies of each of them, as well as the pecuniary remuneration of the author or his successors; The contract is always considered onerous, unless proven otherwise. If the previous conditions do not exist, the uses and customs of the place of the contract will apply.

Art. 41. . — If the work perishes in the possession of the publisher before being published, the latter will owe the author or his successors in compensation the royalty or participation that would have corresponded to them in the case of publication. If the work perishes in the possession of the author or his successors, they will owe the sum they would have received as royalties and compensation for the damages caused.

Art. 42. . — There being no deadline set for the delivery of the work by the author or his successors in title or for its publication by the publisher, the court will establish it equitably in a summary judgment and under warning of the corresponding compensation.

Art. 43. . — If the publishing contract has a term and upon its expiration the editor retains unsold copies of the work, the owner may purchase them at cost prices, plus a 10% bonus. If the owner does not use this right, the publisher may continue the sale of said copies under the conditions of the expired contract.

Art. 44. . — The contract will terminate regardless of the stipulated period if the agreed editions are sold out.

THE REPRESENTATION

Art. 45. . — There is a representation contract when the author or his successors in title deliver to a third party or entrepreneur, and the latter accepts, a theatrical work for public performance.

Art. 46. . — In the case of unpublished works that the third party or entrepreneur must have represented for the first time, he must give receipt of it to the author or his successors in title and will inform them within thirty days of its presentation whether or not it is accepted.

Every accepted work must be performed within the year corresponding to its presentation. If this is not the case, the author has the right to demand as compensation a sum equal to the author's royalty corresponding to twenty performances of a similar work.

Art. 47. — The acceptance of a work does not give the acceptor the right to reproduce or represent it by another company, or in another way than stipulated, and the acceptor may not make copies other than those that are essential, nor sell them, nor touch them without permission from the author. .

Art. 48 . — The entrepreneur is responsible for the total or partial destruction of the original of the work and if, due to his negligence, it is lost, reproduced or represented, without authorization of the author or his successors in title, he must compensate the damages and losses caused. .

Art. 49 . — The author of an unpublished work accepted by a third party cannot, as long as the latter has not represented it, have it represented by another, unless otherwise agreed.

Art. 50 . — For the purposes of this Law, public representation or performance is considered to be radiotelephone transmission, cinematographic exhibition, television or any other method of mechanical reproduction of any literary or artistic work.

THE SALE

Art. 51 . — The author or his successors may alienate or transfer all or part of his work. This alienation is valid only during the term established by Law and confers on its acquirer the right to its economic use without being able to alter its title, form and content.

Art. 52 . — Even if the author alienates ownership of his work, he retains the right to demand the fidelity of the text and title of the author, in the prints, copies or reproductions, as well as the mention of his name or pseudonym. as an author.

Art. 53 . — The alienation or transfer of a literary, scientific or musical work, whether total or partial, must be registered in the National Registry of Intellectual Property, without which requirement it will not be valid.

Art. 54 . — The alienation or transfer of a pictorial, sculptural, photographic or similar work of art, unless otherwise agreed, does not imply the right of reproduction, which remains reserved to the author or his successors.

Art. 55 . — The transfer of plans, sketches and similar works does not entitle the purchaser except for the execution of the work in view, and he cannot transfer them, reproduce them or use them for other works.

These rights are reserved to the author, unless otherwise agreed.

Art. 55 bis — The exploitation of intellectual property on computer programs will include, among other forms, license contracts for their use or reproduction.

(Article incorporated by art. 4 of [Law No. 25,036](#) BO 11/11/1998).

THE INTERPRETERS

Art. 56. — The performer of a literary or musical work has the right to demand remuneration for its interpretation broadcast or retransmitted by radio, television, or recorded or printed on disk, film, tape, thread or any other substance or body suitable for sound or visual reproduction. If an agreement is not reached, the amount of remuneration will be established in a summary judgment by the competent judicial authority.

The performer of a literary or musical work is entitled to oppose the disclosure of his/her interpretation, when its reproduction is done in such a way that it may cause serious and unfair harm to his/her artistic interests.

If the performance has been done by a choir or an orchestra, this right of opposition corresponds to the director of the choir or orchestra.

Without prejudice to the property right belonging to the author, a work performed or represented in a theater or in a public room may be broadcast or retransmitted by radio or television, with the sole consent of the businessman organizing the show.

THE REGISTER OF WORKS

Art. 57 . — In the National Registry of Intellectual Property, the publisher of the works included in article 1 must deposit three complete copies of every published work, within three months following its appearance. If the edition is a luxury edition or does not exceed one hundred copies, it will be enough to deposit one copy.

The same term and conditions will apply to works printed in a foreign country that have a publisher in the Republic and will be counted from the first day of being put on sale in Argentine territory.

For paintings, architecture, sculptures, etc., the deposit will consist of a sketch or photograph of the original, with additional indications that allow them to be identified.

For cinematographic films, the deposit will consist of a list of the plot, dialogues, photographs and settings of its main scenes. For computer programs, it will consist of the deposit of the elements and documents determined by the regulations. (*Last part incorporated by art. 5 of [Law No. 25,036](#) BO 11/11/1998*).

Art. 58. — Whoever comes to register a work with the respective copies or copies, will be provided with a provisional receipt, with the data, date and circumstances that serve to identify the work, stating its registration.

Art. 59 . — The National Registry of Intellectual Property will publish daily in the Official Gazette, the list of works submitted for registration, in addition to the actions that the Directorate deems necessary, indicating their title, author, publisher, class to which they belong. and other data that individualizes them. After one month from publication, without any opposition having been filed, the Registry will register them and grant the authors the definitive title of ownership if they request it.

(*Article replaced by Art. 1° [Decree Law 12,063/57](#) BO 11/10/57*)

Art. 60 . — If there is any claim within the period of the indicated month, a statement of presentation will be drawn up, which will be sent to the interested party for five days, and the Director of the National Registry of Intellectual Property must resolve the case within ten days. subsequent.

The resolution may be appealed to the respective ministry within another ten days and the ministerial resolution will not be subject to any appeal, except for the right of those who believe they have been injured to initiate the corresponding trial.

Art. 61 . — The deposit of all published works is mandatory for the editor. If he does not do so, he will be punished with a fine of ten times the market value of the undeposited copy.

Art. 62 . — The deposit of the works, made by the editor, fully guarantees the copyright on his work and those of the editor on its edition. In the case of unpublished works, the author or his successors may deposit a copy of the manuscript with the certified signature of the depositor.

Art. 63 . — The lack of registration results in the suspension of the author's right until the moment in which it is carried out, said rights being recovered in the act of registration, for the corresponding term and conditions, without prejudice to the validity of the reproductions, editions, executions and all other publications made during the time in which the work was not registered.

The registration of a work will not be admitted without mention of its "imprint". This is understood as the date, place, edition and mention of the editor.

Art. 64 . — All official departments and institutions, associations or persons that for any reason receive subsidies from the National Treasury, are obliged to deliver to the Library of the National Congress, without prejudice to the provisions of article 57, the corresponding copy of the publications they make, in the manner and within the deadlines determined in said article. Public departments are authorized to reject any fraudulent work that is presented for sale.

THE INTELLECTUAL PROPERTY REGISTRATION

Art. 65 . — The Registry will keep the necessary books so that every registered work has its corresponding folio, which will contain its description, title, name of the author and date of presentation, and other circumstances that refer to it, such as the contracts of which it was the subject. and the decisions of the courts on the same.

Art. 66 . — The Registry will register all publishing, translation, purchase, sale, transfer, participation, and any other contract related to intellectual property rights, provided that the works to which they refer have

been published and are not contrary to the provisions of this Law.

Art. 67. — The Registry will receive for the registration of any work the rights or tariffs that will be set by the Executive Branch as long as they are not established in the respective Law.

Art. 68. — The Registry will be under the direction of a lawyer who must meet the conditions required by Article 70 of the Court Organization Law and under the supervision of the Ministry of Justice and Public Instruction.

PROMOTION OF ARTS AND LETTERS

Art. 69. — (Article repealed by art. 26 of [Decree Law No. 1,224/1958](#) BO 2/14/1958).

Art. 70. — (Article repealed by art. 26 of [Decree Law No. 1,224/1958](#) BO 2/14/1958).

THE PENALTIES

Art. 71. — Anyone who in any way and in any form defrauds the intellectual property rights recognized by this Law will be punished with the penalty established by article 172 of the Penal Code.

Art. 72. — Without prejudice to the general provision of the preceding article, special cases of fraud are considered and will suffer the penalty established therein, in addition to the seizure of the illicit edition:

- a) Anyone who edits, sells or reproduces, by any means or instrument, an unpublished or published work without authorization from its author or successors;
- b) Anyone who falsifies intellectual works, understood as the edition of an already published work, falsely displaying the name of the editor authorized for this purpose;
- c) Anyone who edits, sells or reproduces a work by deleting or changing the name of the author, the title of the work or maliciously altering its text;
- d) The one who edits or reproduces the greatest number of duly authorized copies.

Art. 72 bis. — He will be punished with imprisonment from one month to six years:

- a) Anyone who reproduces a phonogram for profit without written authorization from its producer or the producer's licensee;
- b) Anyone who, for the same purpose, facilitates illicit reproduction through the rental of phonograph records or other material supports;
- c) Anyone who reproduces unauthorized copies on behalf of third parties for a price;
- d) Anyone who stores or displays illicit copies and cannot prove their origin through the invoice that commercially links them with a legitimate producer;
- e) Whoever imports illegal copies with a view to distribution to the public.

The injured party may request in commercial or criminal jurisdiction the seizure of copies of illegally reproduced phonograms and the reproduction elements.

The judge may order this measure ex officio, as well as require sufficient security from the petitioner when he considers that he lacks financial responsibility. When the precautionary measure has been requested by an author or producer society, whose representativeness has been legally recognized, no bond will be required.

If no action, complaint or complaint is filed, within 15 days of the seizure being carried out, the measure may be rescinded at the request of the owner of the seized copies, without prejudice to the responsibility that falls on the petitioner.

At the request of the injured party, the judge will order the confiscation of the copies that materialize the illegal act, as well as the reproduction elements. Illegal copies will be destroyed and playback equipment auctioned. In order to prove that they will not use the reproduction devices for illicit purposes, the buyer must prove that they are a phonographic producer or a licensee of a producer. The proceeds of the auction will be used to increase the "arts promotion fund" of the National Copyright Fund referred to in article 6 of decree-law 1224/58.

(Article incorporated by art. 2 of [Law No. 23,741](#) BO 10/25/1989).

Art. 73 . — Will be punished with imprisonment from one month to one year or with a fine of at least ONE THOUSAND PESOS and a maximum of THIRTY THOUSAND PESOS destined for the development fund created by this law:

a) Anyone who represents or causes theatrical or literary works to be publicly performed without authorization from their authors or heirs;

b) Anyone who performs or causes musical works to be performed publicly without authorization from their authors or heirs.

(By art. 1, paragraph 12 of [Law No. 24,286](#) BO 12/29/1993, amounts are increased).

Art. 74 . — Will be punished with imprisonment from one month to one year or a fine of a minimum of ONE THOUSAND PESOS and a maximum of THIRTY THOUSAND PESOS destined for the development fund created by this Law, who improperly claims to be the author, successor in title or the representation of whoever has the right, causes the suspension of a lawful public performance or representation.

(By art. 1, paragraph 12 of [Law No. 24,286](#) BO 12/29/1993, amounts are increased).

Art. 74 bis . — *(Article repealed by art. 1 of [Law No. 23,077](#) B.O. 8/27/1984 that repeals Law No. 21,338.)*

Art. 75 . — In the application of the penalties established by this Law, the action will be initiated ex officio, by complaint or complaint.

Art. 76 . — The procedure and jurisdiction will be established by the respective Code of Criminal Procedures in force in the place where the crime is committed.

Art. 77 . — Both the civil and criminal trials are independent and their final resolutions are not affected. The parties may only use in defense of their rights instrumental evidence from another trial, confessions and expert opinions, including the jury's ruling, but never the sentences of the respective judges.

Art. 78 . — The National Culture Commission, represented by its president, may accumulate its actions with those of the victims, to receive the amount of the fines established in its favor and exercise the actions corresponding to the powers and functions assigned to it by this Law.

PREVENTIVE MEASURES

Art. 79 . — The judges may, upon bail from the interested parties, preventively decree the suspension of a theatrical, cinematographic, philharmonic or other similar show; the seizure of the reported works, as well as the seizure of the product that has been received for all of the above and any measure that serves to effectively protect the rights protected by this Law.

No formality is ordered to clarify the rights of the author or his successors. In case of contestation, the rights will be subject to the means of proof established by current Laws.

*(**Infoleg Note** : By arts. 1 and 2 of [Decree No. 8,478/1965](#) BO 8/10/1965 it is obligatory to display the written authorization of the authors when performing national or foreign music in public.)*

CIVIL PROCEDURE

Art. 80 . — In any lawsuit motivated by this Law, either by application of its provisions or as a consequence of contracts and legal acts that are related to intellectual property, the procedure determined in the following articles will govern.

Art. 81 . — The procedure and terms will be, apart from the preventive measures, as established for dilatory exceptions in the respective Codes of Procedures, Civil and Commercial, with the following modifications:

a) There will always be evidence at the request of the parties or ex officio, and its term may be extended to 30 days, if the court deems it appropriate, this resolution being final;

b) During the test and at the request of the interested parties, a public hearing may be ordered in the court room where the parties, their lawyers and experts will present their arguments or opinions.

This hearing may continue on other days if only one is insufficient;

c) Under the same conditions as in the previous section and when the importance of the matter and the technical nature of the issues require it, a jury of qualified experts in the specialty in question may be appointed, which must be chaired for scientific issues by the Dean. of the Faculty of Exact Sciences or the person designated, under his/her responsibility, to replace him/her; for literary issues, the Dean of the Faculty of Philosophy and Letters; for artistic ones, the Director of the National Museum of Fine Arts and for musical ones, the Director of the National Conservatory of Music.

The jury will be complemented by two people appointed ex officio.

The jury will meet and deliberate ultimately in the hearing established in the previous paragraph. If she has not been designated, in a special and public manner in the manner established in said subsection.

Its resolution will be limited to declaring whether or not there is an injury to intellectual property, whether legal or conventional.

This resolution will be valid as the reports of the experts appointed by opposing parties, when issued by common agreement.

Art. 82 . — The jury position will be free and the procedural provisions regarding witnesses will apply.

COMPLAINTS BEFORE THE NATIONAL REGISTRY OF INTELLECTUAL PROPERTY

Art. 83 . — After the terms of article 5 have expired, the mutilation of a literary, scientific or artistic work, additions, transpositions, infidelity of a translation, errors of concept and deficiencies in knowledge of the language of the original or version. These complaints may be made by any inhabitant of the Nation, or may be made ex officio, and to hear them the management of the National Registry will constitute a jury that will consist of:

a) For literary works, the dean of the Faculty of Philosophy and Letters; two representatives of the writers' union society, designated by it, and the people named by the complainant and the editor or translator, one for each;

b) For scientific works, the dean of the Faculty of Sciences corresponding to their specialty, two representatives of the scientific society of the respective specialty, designated by the same, and the people named by the complainant and the editor or producer, one by each part.

In both cases, when the translation has been objected, the respective jury will also be made up of two national public translators, one appointed by each party, and another appointed by the majority of the jury;

c) For artistic works, the director of the National Museum of Fine Arts, two suitable persons designated by the Directorate of the Intellectual Property Registry and the persons named by the complainant and the accused, one for each party;

d) For musicals, the director of the National Conservatory of Music; two representatives of the union society of music composers, popular or chamber music, if applicable, and the people designated by the complainant and the accused, one for each party.

When the parties do not designate their representatives, within the term set by the Registry management, they will be designated by it.

The jury will decide whether or not the reported fault exists and if so, it may order the correction of the work and prevent its exhibition or the circulation of uncorrected editions, which will be unusable. Those who violate this prohibition will pay a fine of 100 to 1,000 pesos in national currency, which will be set by the jury

and will be effective in the manner established by the respective codes of Civil and Commercial procedures, for the execution of sentences. The amount of the fines will enter the development fund created by this Law. The Registry management will have the authority to execute them.

TRANSITORY DISPOSITIONS

Art. 84 . — Works that are found under the public domain, without the terms of protection provided for in this law having elapsed, will automatically return to the private domain, without prejudice to the rights that third parties may have acquired over the reproductions of those works made during the period in which that they were under the public domain.

(Article replaced by art. 1 of [Law No. 24,870](#) BO 9/16/1997).

*(**Infoleg Note** : By article 2 of [Law No. 24,249](#) BO 17/11/1993 it is established that it will apply to those cinematographic works that are considered to be in the public domain without the period of fifty years having elapsed since their first publication. .)*

Art. 85 . — The works that on the date of the promulgation of this Law are in the private domain will continue in it until the term established in article 5 has expired.

Art. 86 . —The National Registry of Intellectual Property is created, on which the current Legal Deposit Office will depend. As long as the National Registry of Intellectual Property is not included in the General Budget Law, the functions entrusted to it by this Law will be performed by the National Library.

Art. 87 . — Within sixty days following the enactment of this Law, the Executive Branch will proceed to regulate it.

Art. 88 . — Law 9,141 and all provisions that oppose this law are repealed.

Art. 89 . — Contact the Executive Branch.

Given in the Session Room of the Argentine Congress, in Buenos Aires, on September 26, 1933

R. PATRON COSTA

JUAN F. CAFFERATA

Gustavo Figueroa

D. Zambrono

Secretary of the Senate

Secretary of the Chamber of
Deputies

Regulatory Background

- Article 36, paragraphs incorporated by art. 1 of [Law No. 26,285](#) BO 9/13/2007;

- Article 1 expression "phonographic records" replaced by "phonograms", by art. 1 of [Law 23,741](#) BO 10/25/89;

- Article 36, paragraph replaced by art. 1 of [Law No. 20,098](#) BO 1/23/1973;

- Article 5 replaced by Art. 1 [Decree Law 12,063/57](#) BO 11/10/57;

- Article 34 replaced by art. 1 of [Law No. 24,249](#) BO 11/17/1993;

- Article 36, last paragraph incorporated by art. 1 of Law No. 18,453 BO 1/12/1969;

- Article 36 replaced by art. 1 of [Law No. 17,753](#) BO 3/6/1968;

- Article 73 raises amounts in the following Laws: art. 1 of Law No. [23,974](#) BO 9/17/1991; art. 1st paragraph 18 of Law No. [23,479](#) BO 1/26/1987; art. 12 paragraph 17 of [Law No. 23,077](#) BO 8/27/1984; art. 14 of [Law 22,936](#) BO 07/10/1983; Law No. 20,509 BO 5/28/1973 resumes previous validity; art. 4th paragraph c) of [Law No. 17,567](#) BO 1/12/1968 effective as of 4/1/1968;
- Article 74 raises amounts in the following Laws: art. 1 of Law No. [23,974](#) BO 9/17/1991; art. 1st paragraph 18 of Law No. [23,479](#) BO 1/26/1987; art. 12 paragraph 17 of [Law No. 23,077](#) BO 8/27/1984; art. 14 of [Law 22,936](#) BO 07/10/1983; art. 14 of Law No. 22,461 BO 4/30/1981; Law No. 20,509 BO 5/28/1973 resumes previous validity; art. 4th paragraph c) of [Law No. 17,567](#) BO 1/12/1968 effective as of 4/1/1968;
- Article 74 bis incorporated by art. 5° of [Law No. 17,567](#) BO 12/1/1968 and replaced by art. 4° of Law No. 21,338 BO 01/07/76; The following Laws raise amounts: art. 14 of Law No. 22,461 BO 4/30/1981; art. 14 of [Law 22,936](#) BO 07/10/1983
- Article 84 replaced by art. 1 of [Decree Law No. 12,063/1957](#) BO 10/11/57.