TEACHING OF INDUSTRIAL PROPERTY IN THE ARGENTINE REPUBLIC

by
Ernesto D. Aracama Zorraquin
Professor of Industrial Law
Faculty of Law and Political Sciences
Universidad Católica Argentina
Buenos Aires, Argentina

Until 1945 no specific courses existed on the subject of industrial property in any of the faculties of the Argentine Republic. The Law on Patents and the Law on Marks were incorporated in a discipline called Federal Law, which has since disappeared.

It was in 1945 that industrial law was introduced as an optional subject at the Faculty of Law and Social Science of Buenos Aires University. The teaching of this subject, which took the form of ex cathedra lectures (clases magistrales), disappeared when the new curriculum was adopted in 1955.

In 1958 the Faculty of Law and Political Science of the Pontifica Universidad Catolica Argentina Santa Maria in Buenos Aires introduced the study of industrial law as a compulsory subject in the sixth year of study.

The subject in fact began to be taught in 1963, when those who had begun their studies in 1957, after the operation of private universities had been authorized by law, attained their sixth year of study.

It was taught as an annual subject for two hours a week in the form of ex cathedra lectures, with a break every two months for intermediate examinations on the syllabus covered during the preceding period.

Apart from this annual course, the study of industrial property was embodied in a special course called "corporation law", for attorneys who had already passed their examinations, which was given both at the Faculty of Law and Social Science of the National University of Buenos Aires and at the Faculty of Law and Political Science of the Universidad Catolica Argentina. These were semestrial courses lasting two hours a week in which experienced practitioners of this legal discipline completed their theoretical grounding.

In addition to the above there are certain non-university institutions, like the Colleges of Attorneys of the Cities of Buenos Aires and La Plata and the Insititue for the training of Executives in Argentina, which organized short courses on the subject, intensive in character and intended mainly for the in-house attorneys of enterprises or for civil servants in the marketing field.

At the present time, in the face of the anti-academic trends in university teaching, industrial property is taught on a permanent basis only at the Faculty of Law and Political Science of the Universidad Catolica Argentina. Since 1974 the subject has been optional for sixth-year students bent on the law profession. The course lasts one semester and takes place in the form of ex cathedra lectures on the one hand and dialogue between professors and students on the other. Intermediate examinations are taken in order to ascertain the student's knowledge. In view of the specialized nature of the subject, it may only be taken up after the majority of the other subjects on the curriculum have been passed.

The program on this subject at the Faculty of Law and Political Science of the Universidad Catolica Argentina comprises the study of the subdivisions of industrial property, according to the table below.

(a) Theory of unfair competition

			patents
			utility models
			manufacturing secrets
		technical character	know-how or technical expertise
			inventors' certificates
(b) Theory of non-material industrial property	new creations		innovations and rationalization proposals
		ornamental character	industrial desings
			corporate trademarks
		proprietary	trade names
	distinctive means		business signs
			business styles
		non-proprietary	collective marks
			indications of source
			appellations of origin

(c) Transfer of technology

The exposition of the subject covers the general aspects of each sub-division. The various relevant features of foreign theory and legislation are described, special emphasis being placed on the provisions of Argentine law and its interpretation by the courts, and the more significant cases are commented on.

The course starts with a general introduction of the subject and an indication of bibliographic sources, especially Spanish-language ones. Ironically, in a subject area as dynamic as that of industrial property law, the texts available in Spanish date back more than quarter of a century: the constant prospect of amendment of industrial property laws makes noted authors reluctant to publish full-scale works which would rapidly become out of date. Lack of proficiency in foreign languages, the student's natural disinclination to carry his research beyond the limits of the work assigned to him and the

lack of up-to-date bibliographic material in university libraries are all obstacles to the attainment by students of the level of knowledge that one might wish for.

The lack of adequate apprenticeship in the subject and the lack of awareness of its importance in business life have an adverse effect on the development of the legal, administrative and judicial aspects of industrial property. Above all there is a need for a link between university and administration, and then a link between them and the judiciary and the enterprises themselves. If there were such links they would have a favorable effect on all interested circles, especially the immediate beneficiaries, in that they would be more fully aware of industrial property.

- . -