
BRAZIL

**IMPLEMENTATION OF MADRID PROTOCOL IN BRAZIL**

On May 22, the Brazilian Senate approved the Draft of Parliamentary Decree regarding the application and entry into force of the Madrid Protocol on the International Trademark.

The Brazilian Patent and Trademark Office (INPI) expects the Protocol to take effect and enter into force as of next October.

The INPI continues to allocate means to modernize its structure with the objective that adherence to the Protocol can be carried out on the indicated date.

Among the measures that have been required from the INPI, it will be necessary to adapt them to the Protocol by accepting trademark applications that include more than one class of products and/or services in a single application. It seems that the INPI is carrying out the necessary measures to comply with these demands. On May 14, the INPI invited third parties to comment on this proposal with the aim of working with a multiclass system. Additionally, the INPI also published on May 21 its invitation to third parties to provide opinions on the project for the adoption of a system of brand co-ownership.

The above mentioned developments will surely bring advantages for companies in Brazil, such as the extension of the protection of their brands in other countries of the world. Similarly, it is expected that adherence to the Madrid Protocol will encourage foreign companies to invest and protect their trademarks in the country.



DEVELOPMENTS IN RELATION TO PATENTS

The INPI has currently six PPH programs in force with the United States (USPTO), Japan (JPO), Europe (EPO), China (SIPO), the United Kingdom (UKIPO) and the PROSUL countries (Patent Offices of Argentina, Chile, Colombia, Costa Rica, Ecuador, Paraguay, Peru and Uruguay). The fields of technology that can benefit from these programs are energy, telecommunications, macromolecular chemistry, polymers, microorganisms or enzymes, metallurgy and materials, biotechnology, petroleum, gas and petrochemical, chemistry, fine and organic chemistry, polymeric and macromolecular chemistry.

The objective of these programs is to facilitate and accelerate the prosecution of patents, reducing the current back-log and conferring greater effectiveness of patent prosecution, based all on the information and data that has already been carried out in other patent offices and which can be used with respect to related patents by the same applicant.

The reliable existence of previous searches reduces the time required to carry out the technical exams, increasing productivity, which has been considered as one of the main problems that the INPI has been facing.

With the same goal of speeding up substantive examination of patent applications, a program for the issuance of written opinions prior to the examination has been implemented.

This opinion must mention the documents of the state of the art indicated during the examination of the corresponding foreign patent granted, giving the applicant the opportunity to correct errors, being able to present voluntary modifications of his application, as well as a copy of the concession certificate issued by the Office of another country after passing the corresponding substantive examination.

This program has already yielded positive results in a first stage during the year 2018, with an increase of 77.4% in the granting of patents in relation to the year 2017.

According to the INPI, the program will be applied to a greater number of applications taking into account the positive results obtained in the first phase of its application.

We will keep you informed of any developments and will be happy to answer any questions you may have.

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