

## **BRAZIL:**

Amendments to Brazilian Law to request Expedited Examination of Patent Applications

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The Brazilian Official Bulletin 2570, dated 07 April 2020, published amendments to Resolution No. 239/2019, that regulates conditions on Requests for Priority Examination of Patent Applications, by means of Ordinance No. 149/2020.

The amendments provided by said ordinance aim to allow the accelerated substantive examination of patent applications related to pharmaceutical products and processes, as well as medical devices and/or materials used for the diagnosis, prophylaxis and treatment of COVID-19.

Whereas the diagnosis, prophylaxis, and treatment of COVID-19 have been specifically included due to the emergency measures and the worldwide pandemic situation, there is a specific time limit, **30 June 2021**, applied only for this type of technologies.

The requests for expedite examination of COVID-19 technologies shall comprise clarification indicating the relation of the patent application matter with the diagnosis, prophylaxis and/or treatment of COVID-19. Since many technologies encompassing COVID-19 are under research and development, some of the requirements to be able to request the expedited examination include filing the request for examination prior to the deadline and requesting early publication.

In addition, other accelerated programs are included in the new Resolution 239/2019:

- Patent applications due to applicant aged 60 or above; applicant suffering from functional or mental disabilities or other severe disease; applications under specific situations, such as when the unauthorized reproduction of the subject matter of a patent application is taking place in Brazil or when and where an applicant is in need of a granted patent to receive BR funds to exploit the subject matter of the patent; applications relevant for national emergency or public interest.
- Applications filed by Brazilian micro and small entities.
- Applications related to eco-friendly and green technologies.
- Applications first filed at the BRPTO.
- Applications related to diagnosis, prophylaxis and treatment of AIDS, cancer, rare diseases or (pre-defined) neglected diseases.

*According to the BRPTO, the time to analyze whether a patent application is eligible for a priority examination program should be up to one month and the application should be examined in about four months.*

**This ordinance entered into force on 07 April 2020.**