

# BRAZIL'S UPDATES

INDUSTRIAL PROPERTY — FEB/MAR 2018

## Free Pilot Project will issue pre-examination opinions for Patent Applications



On January 23, INPI will start a pilot project from which the applicant will be able to freely present new copies of patent applications with amendments as already indicated by other international IP Offices. By means of this initiative, INPI will publish pre-examination opinions, indicating the state-of-the-art documents as mentioned by the foreign office opinion, which will be considered for the technical examination. Even with the publication of the preliminary opinion, the examiners will be able to make new searches in the examination stage and add documents considered as pertinent. The pilot project was published on the chapter of Communications of the Industrial Property Magazine (RPI) on January 16. With this action, INPI aims at to identify applications which are still of interest for applicants and previously adapt claims to the state of the art, aiming to increase the promptness of the substantive analysis of patent applications.

### How it will work

The service will be available to the applications available for examination, following the chronological order of applications, until reaching the total of 40 pre-examination

issued by each technical division, not exceeding the quantity of 80 analyzed applications. The pre-examination opinion will be published by RPI under dispatch 6.20, informing the state-of-the-art documents as found in the proceedings. The applicant will have 60 days to fulfill the requirement, by adapting its application to the documents as mentioned and to the rules in force. The reply should be presented with service code 206, with no cost for the applicant. The pilot project will be performed until March this year.

## INPI offers more detailed information on patents through BuscaWeb

Since Tuesday February 20, with the purpose to facilitate the access to patent information, the Brazilian Patent Office INPI offers detailed information in the BuscaWeb system on annuity fees for applications and granted patents. Furthermore, the information has been classified and ordered, so to facilitate the understanding of the status of patent proceedings with INPI.



## USPTO has a new President

On February 5, the U. S. Senate

confirmed Mr. Andrei Iancu as the new Subsecretary of Commerce for Intellectual Property and Director General for the U. S. Patent and Trademark Office (USPTO). Indicated by President Donald Trump in August last year, Mr. Iancu is widely experienced in the Intellectual Property field, especially in judicial litigation. INPI wishes that, with the new Director General, the partnership between the Brazilian INPI and USPTO may be even stronger, with positive results for both offices.

## INPI will issue a requirement on the access to genetic assets

The Brazilian Patent and Trademark Office INPI has informed that, from February 27, 2018, a formal requirement (dispatch code 6.6.1) will be automatically issued for all patent applications filed with INPI, for the applicants to present the proof of registration and/or authorization of access to the National Genetic Assets and/or Related Traditional Knowledge, be it the case, within a 60-day deadline from the publication by the Electronic Industrial Property Magazine (RPI). Applicants should issue a Federal Tax Payment Form (GRU), code 264, covering the Positive Declaration of Access to Genetic Assets, and file it by means of the INPI Electronic Petitioning System. If the user does not reply within the 60-day deadline, INPI will consider that there has been no access to National Genetic Assets and/or Related Traditional Knowledge and will give continuity to the examination of the patent application.

### **INPI signs a cooperation agreement with EUIPO**



On Wednesday January 31, the President of the Brazilian Patent and Trademark Office INPI, Mr. Luiz Otávio Pimentel, signed in Alicante, Spain, a new cooperation agreement between INPI and the European Union Intellectual Property Office (EUIPO). The participants of the meeting also included: EUIPO's acting Executive Director, Mr. Christian Archambeau; the Chief of the Division of Bilateral Relations for INPI Coordination of International Relations, Ms. Iloana Rocha; and the director of EUIPO Department of International Cooperation and Legal Affairs, Mr. João Negrão; as well as Mr. José Izquierdo, Mr. Javier Moreno, Ms. Jacqueline Winkelmolen and Mr. Antonio Berenguer, from the international cooperation area.

During the meeting with EUIPO representatives, recent actions by the two Offices were discussed, as well as the bilateral cooperation activities as already performed and the IP Key Latin America project, which object is to stimulate the development of IP systems in the countries of the region.

Since INPI currently occupies the Temporal Presidency and Technical Secretariat of the Ibero-American Industrial Property Program (IBEPI), the coordination with IBEPI activities was also discussed.

EUIPO is responsible for the management of trademarks and industrial designs in the European Union. According to 2016 data, the office received 135,000 trademark applications and 94,000 industrial design registrations. After the meeting, the INPI delegation also visited EUIPO facilities.

### **INPI and the Danish Office define cooperation activities**

During the week from January 29 to February 2, the Brazilian Patent and Trademark Office INPI received, in Rio de Janeiro, a delegation from the Denmark Patent and Trademark Office (DKPTO), represented by its vice-Director General, Mr. Keld Nymann Jensen, and the project consultants Ms. Søren Christan Thomens and Ms. Janne Hedegaard.

The object of the visit was to define the activities to be implemented by both institutes in the field of the agreement as signed on December 4, 2017, as well as a joint working plan.

Among the possibilities of cooperation issues, there is a quality system in patents and trademarks, the operationalization of the Protocol of Madrid, the optimization of patent examinations and priority programs, besides mapping and improvement of information technology (IT) proceedings.



### **Brazil and Portugal INPIs discuss cooperation**



On Friday February 2, the President of the Brazilian Patent and Trademark Office INPI, Mr. Luiz Otávio Pimentel, attended a meeting with the President of the Directive Council for Portugal's INPI, Ms. Leonor Trindade, to discuss the cooperation between both offices. The discussed issues included: the Iberian-American Industrial Property Program (IBEPI), which temporary Presidency and Technical Secretariat is currently occupied by the Brazilian INPI; the organization of an event on Geographical Indications, with the participation of Portuguese-speaking and Ibero-American countries; and the proposal for Portuguese-language trademarks. The participants of the meeting also included: from the Brazilian INPI, the chief of the Division of Bilateral Relations for the Coordination for International Relations, Ms. Iloana Rocha; and the contributor Mr. César Fava; and from the Portuguese INPI, the Director of External Relations and Judicial Affairs, Ms. Inês Lopes; and the member of the Directive Council, Mr. Marco Dinis. After the meeting, the Brazilian INPI's delegation visited the Portuguese Association of Intellectual Property Consultants, being received by the president of the association, Mr. João Pereira da Cruz.