

# BRAZIL'S UPDATES

## INTELLECTUAL PROPERTY MANAGING

MAY /JUNE 2020

### COMUNICADO

#### **BPTO decides to end the postponement of proceeding deadlines**

BPTO informed that its administrative proceedings will have their deadlines re-started from June 1, 2020, and face-to-face service remains suspended. The communication was published by the Industrial Property Magazine n° 2557, on May 26. All proceeding deadlines will be re-started, counting from the suspension point, for the time remaining at the time of starting the suspension period. Deadlines which have not started due to the suspension will start to be counted on June 1<sup>st</sup>.

The user who cannot perform a proceeding act with BPTO should inform and justify the occurrence by means of an electronic petition, for the Office to analyze the request and make a decision on a possible extension.

#### **Trademark Handbook Chapter of the Protocol of Madrid was translated to English and Spanish**

BPTO informed that the English and Spanish versions of the Trademark Handbook chapter covering the services of the Protocol of Madrid are available.

#### **BPTO celebrates the Environment Day with a decision time of 1.2 year for Green Patents**

On the World Environment Day (June 4), BPTO congratulated those people devoted to make the world a better place. As far as Industrial Property is concerned, the responsibility for the development of sustainable technologies is even stronger, with innovative corporations committed to make a difference for their societies, in a harmonic and balanced way.

To support those actions, BPTO has the "Green Patent Program", aiming to accelerate patent applications related to environmentally-friendly technologies, besides enabling to identify environmentally-friendly technologies which can be quickly used by the society, stimulating their licensing and promoting innovation in the country.

Currently, the time for decision of Green Patents is 1.2 year, counting from the request of inscription in the program, thus offering quick reply to the applicant.



#### **Typical Brazilian products and services are included in WIPO Classification**

Brigadeiro, cheese bread, açaí in the bowl, Minas cheese, capoeira lessons and chorinho shows are a few of the 668 descriptions of new typical Brazilian products and services which, from June 5, 2020, integrate the *Madrid Goods and Services Manager* (MGS), a product and service classification of the World Intellectual Property Organization (WIPO). It is a simple and effective hallmark for Trademark Law and the Brazilian Industrial Property. The easier access to this data with MGS attempts to make sure that other countries' offices do not grant, as a trademark, the sole ownership of such typical products and services for the History and production in Brazil. Furthermore, this initiative is based on the fact that most regulations worldwide follow equivalent rules to the line VI of article 124 of the Brazilian Law n° 9279/1996 (the Industrial Property Law), forbidding the registration of a descriptive character signal when related to the product or service to be distinguished.



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### **BPTO presents a commemorative logo for its 50 years**

Established on December 11, 1970, BPTO is reaching 50 years of existence and, to celebrate the anniversary, a commemorative logo is presented as a symbol of its visual identity until December 31, 2020.

The new logo "INPI +50" should be used: on BPTO buildings, publications, commemorative festivities and promotional actions: printed matter to publicize events (such e. g. invitations and folders); BPTO's electronic presentations; communication media (intranet, website and social media); and on institutional e-mail signatures.

Its use will not be applied when the National Coat-of-Arms symbol is required, as established by Art. 4 of the BPTO/PR Resolution n° 09, dated 2013.

### **Guidelines to PCT users: RO/BR and ISA/IPEA/BR**

Considering that its Rio de Janeiro building is closed since March 20, 2020 and the employees are temporarily working from home office due to the pandemics, BPTO informed that, as far as PCT is concerned, as a Receiving Office (RO/BR) and International Authority (ISA/IPEA), it is working normally with international applications filed via e-PCT.

However, international applications filed on paper by mail will not be processed as required during this period. Therefore, the use of electronic media is strongly recommended – via the e-PCT system – for PCT international applications and for the requirement of preliminary international examinations. If not possible, BPTO informs that applications filed on paper by mail will only be processed when the employees return to work physically in the Office's facilities.

Concerning the international applications filed on paper which were processed by the Receiving Office before quarantine, opting for Brazil as ISA/IPEA, those users who did not indicate an email for contact on the form PCT/RO/101 should do so by means of the [Talk to Us](#) system, directed to the Subject "PCT – International Application RO". Such email for contact may be used to send and receive documents, including for the issuance of ISA or IPEA reports during this pandemic period.

### **PPH pilot project between Brazil and Singapore is in force**

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Interested parties in speeding up patent application procedures between Brazil and Singapore may already use the pilot project Patent Prosecution Highway (PPH). This is because BPTO and the Intellectual Property Office of Singapore (IPOS) signed a Memorandum of Understanding (MoU), aiming to establish a partnership benefitting inventors and industries in both countries, besides making procedures become more rational for both offices.

The PPH with Singapore will be valid until April 30, 2025, for all technological fields up to the limit of 400 applications added to BPTO partner institutions, as per the PR Resolution n° 252/2019.

The new PPH mode, which entered into force on December 1<sup>st</sup>, 2019, adds so far to an agreement with 21 countries, besides the European Patent Office (EPO).



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### **BPTO and CAS sign a technical cooperation agreement to increase the combat against patent backlog**

BPTO and CAS, a non-profit division of the American Chemistry Society, signed a technical cooperation agreement (TCA) to speed up patent examination. The TCA was published by the Official National Daily on Wednesday, June 10. The agreement establishes BPTO's participation in a trial CAS Search Report, aiming to improve BPTO's patent workflow. The technology to be tested and optimized is able to evaluate similarities with the state of the art from important standards of a patent application for an examiner's analysis. Furthermore, the system combines machine learning and human selected data, improving the offered results.



### **Novo Remanso becomes a Geographic Indication as a Pineapple Production Center**

On the Industrial Property Magazine (RPI) n° 2579 dated June 9, 2020, BPTO published the approval of the geographic indication (IG) "Novo Remanso" as an origin indication (IP) for the product pineapple. IG was granted in name of the Association of Pineapple Producers of the Novo Remanso Region – ENCAREM.

According to the presented documents, pineapple production activities have been developed for more than 50 years in the communities of Novo Remanso and Vila do Engenho, in the town of Itacoatiara, in Caramuri, in the city of Manaus, and in areas of the town of Rio Preto da Eva, all located in the State of Amazonas.

Family handwork is still a widely used practice for this culture, both in traditional and semi-mechanized crops, thus becoming the main means of living in the region. Therefore, the pineapple crop is well established in the Amazonas State, more specifically in the Novo Remanso area, which is a highlight in the Brazilian scenery.

#### **What is a geographic indication?**

IG is a signal constituted by a geographic name (or its demonym), indicating the geographic origin of a product or service. Just the producers and service providers established in the respective territory (usually organized in representative entities) may use the IG.

The kind of IG known as origin indication refers to the name of a country, city or region, known as the centre for extracting, producing or manufacturing a given product, or offering a given service.

On the other hand, the kind known as origin denomination (DO) recognizes the name of a country, city or region which product or service has given specific characteristics thanks to its geographical means, including natural and human factors.

