

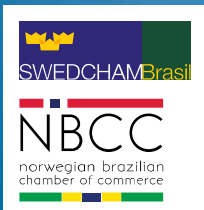
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The Brazilian Patent Office's commitment to the backlog elimination plan in number – Possible impacts of the Covid-19 crisis?

By **Mônica Gurvitz***

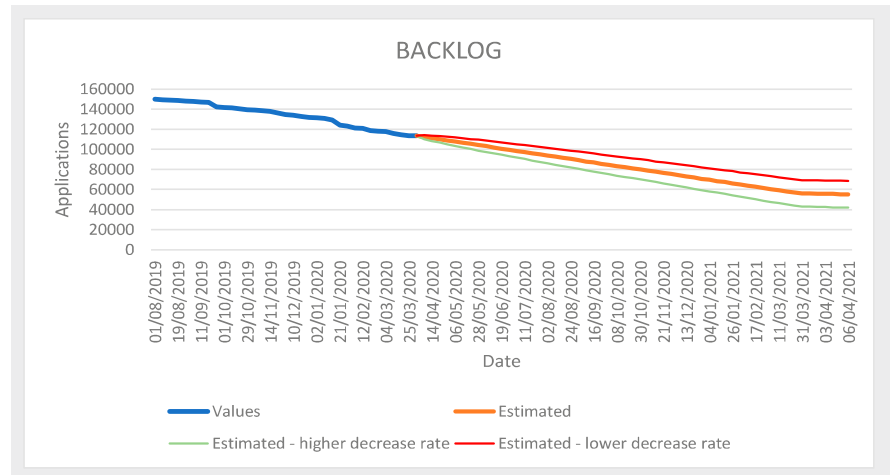
In the second half of 2019, the Brazilian Patent Office (BRPTO) started an ambitious plan to eliminate the backlog of unexamined patent applications. The project aims at reducing 80% of the current backlog within two years. Before the global Covid-19 crisis reached Brazil, the numbers were really impressive. The challenge now is to keep this progress going, while maintaining the examiners working 100% remotely, and the news in this regard is good.

According to the numbers provided by the BRPTO, the number of patent applications awaiting examination was reduced almost 25% in about 6 months. When the project started (August 2019), there were almost 150.000 patent applications in condition to be examined. 2020 already started with this figure reduced to less than 132.000 and on the last day of March around 113.500 applications were awaiting examination.

The decrease in the number of non-examined patent applications has been nearly linear, and the decrease is expected to follow the same pattern next year. Moreover, two additional hypothetical situations were provided: one, considering a decrease at a faster rate and another, based on a lower rate of decrease.

In view of these estimations, if the decrease keeps following the current pattern, it is possible that the ambitious goal of reducing 80% of the backlog within two years can be achieved. More specifically, using the equations of each graphic, the backlog will amount to less than 20% of the initial non-examined applications on:

- June 14, 2021 (ahead of expectation), considering a faster rate of decrease;
- September 15, 2021 (almost within expectation), considering that the pattern of decrease remains the same; and
- January 07, 2022 (later than expectation), considering the



worst-case scenario of a lower rate of decrease.

In any case, it is clear that the elimination of the BRPTO's backlog, which was deemed to be impossible, is really happening. It is the first time that such a promising situation concerning the famous Brazilian backlog is achieved and according to the BRPTO's administrative director, the remote work due to the social isolation caused by the Covid-19 outbreak in Brazil should not be an issue to the project.

According to Official Bulletins published between November 2019 and April 2020, it can be seen that the remote work did not affect the pattern of publications. Actually, March 2020 had the second highest number of publications.

In view of the above data, it is possible to say that the BRPTO and local agents are highly committed to the backlog project and it appears that the Covid-19 outbreak will not jeopardize these efforts. Thus, it is likely that in the next years the BRPTO will be able to issue a final decision on patent applications much faster, benefitting innovative companies and society as a whole.

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