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The Brazilian Trademark Office (BPTO) opens public consultation on position marks

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According to publication in the Official Gazette on April 13, 2021, the Brazilian Trademark Office (BPTO) has released the opening of a public consultation regarding the examination and registration of “Position marks”, as follow:

- draft of the normative act that will guide the registration of trademarks in the form of presentation “position mark”, in accordance with of the established by art. 122 of Law No. 9,279, of May 14, 1996; and
- draft guidelines for examining applications for registration of position marks.

These drafts are available in full, during the consultation period, on the BPTO website at <https://www.gov.br/inpi/pt-br/servicos/marcas/consulta-publica>

As a matter of fact our courts have been recognizing position marks, so this initiative would reflect the development of our IP system.

Interested parties have a period of 30 days to send suggestions, after which, the BPTO will provide the final version for such guidelines. Montaury’s partner Diana Vieira de Mello, one of the coordinators of the ABPI (Brazilian IP Association) ’s trademarks committee will be handling this matter on ABPI’s behalf and will be sending their comments and suggestions in due time.

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