



**Register now** for your free, tailored, daily legal newsfeed service.

Questions? Please contact [customerservices@lexology.com](mailto:customerservices@lexology.com)

[Register](#)

# Brazilian Central Government is sentenced to secure resources for the Brazilian Patent and Trademark Office.

## Montaury Pimenta, Machado & Vieira de Mello

**Brazil** | April 14 2022

The 31st Federal Court of Rio de Janeiro, after weighing all the interests at stake, upheld ABPI -Brazilian Intellectual Property Association requests in a public civil action lawsuit , which aims to secure resources for the BPTO to properly comply with its activities of examination and granting of patent and trademark rights.

For decades, the BPTO has not received from the Federal Government the minimally adequate resources to carry out its tasks. By this very recent court ruling, favorable to ABPI, the BPTO must present, within 90 days, an updated and detailed diagnosis of the Agency's functioning; measures to be progressively adopted to improve its activities and a detailed planning for its adoption, as well as its respective budget forecast until 2024.

The Federal Government, on the other hand, was ordered to allocate to the BPTO the necessary funds for the execution of the adequate planning, transferring them in accordance with the respective schedule approved in the court decision compliance phase.

According to attorney Luiz Edgard Montaury Pimenta, partner at Montaury Pimenta, Machado & Viera Mello, former president of ABPI and in charge for the civil action at the time of its filing with the courts , the budget cut suffered by the BPTO threatened not only its proper functioning, but also that of the industrial property system in the country:

“The BPTO is a surplus body and should retain its revenue to cover expenses and ensure the investments it needs to better serve its users. It is necessary to understand the importance of the Industrial Property sector in the country, and the resources necessary for the BPTO to perform its function of protecting the industrial property system, according to our Constitution,” he states.

Powered by

**LEXOLOGY.**