

# IPOwners Quarterly™ JUNE 30, 2022

## TABLE OF CONTENTS

IPO QUARTERLY WELCOME .....	1
BRAZILIAN CENTRAL GOVERNMENT IS SENTENCED TO SECURE RESOURCES FOR THE BRAZILIAN PATENT AND TRADEMARK OFFICE.....	3

## IPO QUARTERLY WELCOME

By **Jessica Landacre**, *IPO Executive Director*

This year we celebrate IPO’s 50th anniversary. How time flies! In 1972, IPO was founded by 7 companies who came together to promote the value of the patent system for incentivizing innovation in the U.S. Fifty years later, the current 50-member board of directors continues to drive our mission of promoting high quality and enforceable intellectual property rights and predictable legal systems for all industries and technologies to achieve the global acceleration of innovation, creativity, and investment necessary to improve lives. While IPO’s mission and vision are not that different from where we started 50 years ago, so much has changed in a relatively short period of time. Notwithstanding the pandemic, IPO members push ahead and continue to make progress in new ways.



IPO is now a “big tent” organization with a global agenda. *Shaping the Future of IP* and *Fostering Diverse Engagement* are core tenants of IPO’s strategic plan, and our member services reflect these priorities. The IPO community is larger and more diverse than it has ever been and serves as a training ground for new leaders. The IPO Education Foundation is reaching beyond IPO’s membership with its [Stroke of Genius®](#) podcast, telling inspiring stories about and for inventors from underserved communities. The Foundation is also providing

scholarships to students and mentoring young adults interested in STEM at underserved elementary schools. IPO Committees and the IPO Board of Directors are engaged in cross-industry collaboration on key policy issues to improve the IP system. Most recently we have been working with House and Senate offices on Capitol Hill to provide balanced feedback on PTAB reform. We are steadily making progress on all our strategic objectives.

As we transition into the 2<sup>nd</sup> half of 2022, we are excited to see many of you in person in Los Angeles, California for the IPO Annual Meeting. The connections made at the Spring Summit in San Diego in March of this year were just the beginning of a return to normalcy and reminded us of the unique value of the IPO community. It is satisfying to witness in person the types of connections made through participation in IPO, whether for benchmarking and best practices, mentorship and sponsorship, or friendships. These connections now extend beyond the U.S. In June, our European Practice Committee held its annual conference in Germany and boasted record attendance! We are hoping this is an indicator that we can expect an exceptional reunion of IPO members in September for the Annual Meeting on the West Coast.

The first half of 2022 brought a return to growth in membership and our community. In 2019, before the pandemic, new members joined IPO at a record pace. Not surprisingly, that pace slowed over the last two years as uncertainty gripped the world. However, I am happy to report that to date, new members joining IPO has increased 50%. Even better, our existing members are seeing the value in IPO and renewing at an impressive 93%, which is a 10-year high. This association belongs to our members, and we know the quality of your experience largely depends on who is present. Thank you for your continued support!

This issue of the *IPOwners Quarterly* will review activity in the policy world, both in the U.S. and abroad, as well as highlight some of the terrific work our members are doing. For example, IPO's Corporate IP Management and Operations Committee just released version 2.0 of its [Chief IP Counsel in a Box](#). We are delighted to be cooperating with WIPO to promote this valuable resource around the world. Visit <https://www.ipodef.org/resources/> to view a new page highlighting partnerships and resources available to inventors and IP professionals. Stay tuned as we add new resources to this page.

I hope you enjoy this second quarter edition of the *Quarterly*. As always, we invite your feedback so that we can deliver the services that enrich your IPO experience.

## BRAZILIAN CENTRAL GOVERNMENT IS SENTENCED TO SECURE RESOURCES FOR THE BRAZILIAN PATENT AND TRADEMARK OFFICE

By **Luiz Edgard Montauray Pimenta**, *Senior Partner Montauray Pimenta, Machado & Vieira de Mello*

The 31st Federal Court of Rio de Janeiro, on April 12, after weighing all the interests at stake, upheld the ABPI - Brazilian Intellectual Property Association requests in a public civil action, which aims to secure resources for the BPTO to properly comply with its activities of examining and granting patent and trademark rights.

For decades, the BPTO has not received adequate resources from the Federal Government to carry out its tasks. By this very recent court ruling, accepting the ABPI's arguments, the BPTO must present, within 90 days, an updated and detailed diagnosis of the Agency's operation; 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 Montauray Pimenta, partner at Montauray Pimenta, Machado & Vieira 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."

The trial court decision was extremely well grounded. The appeals filed are basically reproducing what has already been argued by the Defendants, so no new arguments have been brought to the court of appeals. Although there is a chance that this case be brought to the higher courts for a final decision, as soon as it becomes final and enforceable, the industrial property system in Brazil will have a great opportunity to improve its activities and consequently enable the BPTO to provide its services at a level similar to the ones provided by the top IP offices around the world.

