

Brazilian Patent and Trademark office announces 120 new examiners to be hired

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Brazilian Minister of Development, Industry, Trade, and Services, Geraldo Alckmin, announced his intention to reduce the patent examination process in Brazil to two years. Thus, in order to accomplish this project, the Brazilian Patent and Trademark Office (BPTO) informed that they will conduct by the end of this year a civil service entrance examination to hire 120 new examiners. According to Minister Alckmin, the new hired examiners will support the project to expedite the examination of patent and trademark applications.

Intellectual Property experts welcomed the news regarding the new examiners at the BPTO with great enthusiasm. "The announcement is excellent. If the country manages to reduce the technical examination and subsequent granting process to two years, we will have more efficiency and it will be possible to boost the entire technological industry in Brazil," says Rodrigo Mourão Magalhães, partner at the law firm Montaury Pimenta, Machado & Vieira de Mello, specialized in patents in the Electronics and Telecommunications field.

For the expert, this makes the country more competitive compared to others around the world, as a faster patent system means greater incentives for both national and international industries, attracting faster results for investors. "It's an attraction for foreign investors and especially for local investors, putting Brazil in a position of greater competitiveness when compared to other jurisdictions that have a more agile patent granting system, such as the United States and Europe," he evaluates.

Currently, the BPTO examines trademark applications without opposition in approximately 12 months and those with opposition in around 18 months, a commitment the BPTO made when it became a signatory to the Madrid Protocol. However, there is a general concern about a potential backlog in the trademark area because of the increase of trademark applications being filed in Brazil - something that has already been severely faced in the past when the BPTO took up to 5/6 years to examine a trademark application. "Nevertheless, the principle of equality cannot be ignored. If the BPTO needs to respect a deadline for analyzing an international application, the treatment given to domestic applicants cannot be any different," emphasizes Clarissa Jaegger, partner at Montaury Pimenta, Machado & Vieira de Mello, and a specialist in the Trademark area.

"With regard to patents, despite the significant progress resulting from the backlog combat project, which provided technical examination to approximately 93% of the 150,000 pending patent applications, some technological areas still need to reach an acceptable level in terms of examination time", evaluates Gabriela Salerno, leader of the technical patent department at Montaury Pimenta, Machado & Vieira de Mello. The current most delayed technical divisions are Telecommunications, which takes an average of 8.4 years to issue a decision on the patentability of a patent application, followed by the Biopharmaceutical division, with an average time of 8 years.

The hiring of new examiners for the BPTO reflects an important step towards fostering the necessary efficiency for the proper functioning of the Industrial Property system in the country, noting that the BPTO is a surplus-generating entity, but its budget is determined by the Federal government.

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