



WIPO approves the Brazilian Patent Office (INPI) proposal that seeks to optimize the process of filing international applications in the international phase of the PCT.

Montaury Pimenta, Machado & Vieira de Mello

View In Analytics

Brazil | February 27 2024

At the Seventeenth Session of the Patent Cooperation Treaty (PCT) Working Group, held last February 19, 2024, the World Intellectual Property Organization (WIPO) approved a proposal called “*Filing Medium of International Applications and Related Documents*”, presented by Brazil through Brazilian Patent Office (INPI) with support from the Ministry of Foreign Affairs (MRE).

The document presented proposes amending Article 89*bis* of the Patent Cooperation Treaty (PCT) Regulations, through two optional and exclusive measures for receiving Offices, such as BPTO, that wish for international applications to be filed only in electronic format and not on paper.

Accordingly, the receiving Office may require that any filing of international applications or subsequently filed documents be submitted only in electronic format, except when filed with the WIPO International Bureau, which, consequently, would always accept paper filings.

For applicants from certain receiving Offices who are unable to comply with the proposal, for example, due to national legislation, agreement, or any other type of impediment, there will be the alternative of filing international applications or subsequently filing documents to be submitted on paper to guarantee the date of filing and the receiving Office will request that applicant provides the documentation in electronic format later.

Therefore, receiving Offices will have the following options:

- i) Continue to allow the filing of international applications in paper or electronic format, as at present;
- ii) Require and accept only the filing of international applications in electronic format at the receiving Office, with the alternative of receiving paper filings only at the WIPO International Secretariat; or
- iii) Allow the filing of an international application and presentation of additional documentation in paper, but with the requirement that these documents be presented in electronic format within a period of two months.

The proposal aims to optimize the process of digitalization of applications in the international phase of the PCT in order to speed up the entire procedure with the receiving Offices for the benefit of applicants for international patent applications.

Montaury Pimenta, Machado & Vieira de Mello - Pablo Torquato

Montaury Pimenta, Machado & Vieira de Mello is a Leading Brazilian Intellectual Property (IP) law firm, distinguished for our work in complex IP Litigation, IP Prosecution, and Enforcement. Click here to learn more about our firm <https://www.montaury.com.br/en/>

Powered by
LEXOLOGY.