

Brazilian Patent and Trademark Office (“BPTO”) publishes Regulatory Agenda for the 2024-2025 biennium

Montaury Pimenta, Machado & Vieira de Mello

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The Brazilian Patent and Trademark Office (“**BPTO**”) published last March 20, its Regulatory Agenda for the 2024-2025 biennium, considering its priority matters that may have repercussions on rights and obligations related to Industrial Property, which have direct consequences on the Brazilian domestic market, economy and innovation.

Patents

With regard to Patents, the **BPTO** intends to promote studies and discussions aiming at two main objects:

- General standards of procedures for filing and prosecuting patent applications, establishing general procedural rules to explain and comply with the provisions of the Brazilian Industrial Property Law, regarding patent application specifications , and;
- Updating the General Examination Guidelines for Patent Applications, establishing rules regarding preparation and examination of a patent application in Brazil, updating the guidelines as to the formalities required by the **BPTO** to formulate the title, specification, set of claims, drawings and abstract that must provide the necessary information to describe, claim, illustrate and summarize the invention, in a clear, precise, sufficient and substantive manner.

Trademarks

As for the Trademark department’s agenda, there are two main topics that the **BPTO** intends to develop:

- Regulating the examination regarding the registration as a trademark of so-called "advertising signs / slogans”:

Reevaluating the technical examination standards related to the prohibition of registering a trademark that is considered a sign or expression used solely as a means of advertising by establishing rules for interpretation, application and harmonization of such prohibition by Brazilian IP Law, which prohibits the registration as a trademark of so-called " advertising signs / slogans", and;

- Regulating the Acquired Distinctiveness "secondary meaning" of trademarks:

Establishing rules for regulation of acquired distinctiveness, with the provision of examination criteria in cases of acquired distinctiveness in applications for the registration of non-traditional trademarks, aiming at the acceptance of "secondary meaning".

It is important for rights holders and intellectual property practitioners to be up to date with the suggested regulatory projects included in the **BPTO**’s Agenda, as this may result in normative acts or non-normative regulatory instruments in the near future.

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