



BPTO introduces transition rule for industrial design examination

Montaury Pimenta, Machado & Vieira de Mello

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On May 19, 2026, the Brazilian Patent and Trademark Office (BPTO) published Normative Ordinance No. 069, establishing a transition rule for the examination of industrial design applications under the second edition of the Industrial Design Manual.

Under the Ordinance, industrial design applications filed within 60 days from the entry into force of the second edition of the Industrial Design Manual (October 2, 2023) and for which examination is still pending, may continue to be examined under the rules of the first edition whenever application of the newer rules could adversely affect the claimed protection.

The same transition rule also applies to responses to office actions issued under the first edition of the Manual, provided that examination of the case remains pending.

In practice, the measure may benefit applicants affected by the stricter priority examination criteria, particularly in cases involving loss of priority. The new rule may offer an opportunity to preserve protection in eligible cases, provided the applicable requirements are met.

Montaury Pimenta, Machado & Vieira de Mello - Rodrigo Moraes Costa

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