

## Kipling takes the lead and files the first trademark application in Brazil for a position mark

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As soon as the Brazilian Patent and Trademark Office's ordinance that regulates position marks in Brazil came into force, on October 1, 2021, Kipling the worldwide famous brand well known for their bags and backpacks, filed the first trademark application in Brazil for a position mark.

According to the BPTO's Ordinance of September 13, 2021, " it can be registrable as a position mark a distinctive set capable of identifying goods or services and distinguishing them from others that are identical, similar or alike, provided that it is formed by the application of a sign in a singular and specific position of a given support; and the application of the sign in a said position of the support may be dissociated from the technical or functional effect".

"This regulation brings greater legal security for the holders of position marks and facilitates the enforcement of this in court, that is, it avoids an additional discussion in legal proceedings," explained the President of the Brazilian Association of Intellectual Property (ABPI) and partner, Luiz Edgard Montaury Pimenta.

For lawyer Ricardo Vieira de Mello, partner at Montaury Pimenta, representing Kipling in the process of applying for registration at the BPTO, fashion is the segment most needy of this regulation, but it is not exclusive, it can be replicated to all business sectors. According to him, there is an expectation that other companies will also move to seek this type of legal protection of intellectual property with the BPTO.