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2024 YEAR IN REVIEW



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BRPTO implements new rules on amendments to patent applications during the appeal stage

On February 27, 2024, the Brazilian Patent and Trademark Office (BRPTO) published in the Official Bulletin No. 2773, new rules on amendments to patent applications during the appeal stage. In summary, when amending rejected claims, applicants may make restrictive adjustments aimed at addressing objections raised during the initial examination, subject to certain criteria.

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BRPTO updates its guidelines for filing patent appeals

The Brazilian Patent and Trademark Office (BRPTO) updated its Guidelines for Filing Appeals and Post-Grant Oppositions to appeals. These guidelines are set in BRPTO's Ordinance No. 10, published in Official Gazette No. 2774 on March 4, 2024, which replaces previous Ordinance No. 7. They entered into force on March 19, 2024.

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BRPTO will accept trademark applications including advertising elements

In a meeting with trademark system users, the Brazilian Patent and Trademark Office (BRPTO) announced a significant change: it will accept trademark applications that include advertising elements, such as slogans.

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BRPTO launches new platform to fight trademark counterfeiting

On June 17, 2024 the Brazilian Patent and Trademark Office (BRPTO) launched a new platform to fight trademark counterfeiting. This platform introduces a functionality that allows regulatory authorities to quickly access the contact information of trademark representatives.

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BRPTO updates the rules for the registration of trademarks of names of individuals or signatures thereof and images of third parties

The Brazilian Patent and Trademark Office (BRPTO) announced an important update to the Trademark Manual as of August 21, 2024. The highlight of this update is the guidelines established on cases in which an explicit authorization is required to register a name, signature or image as a trademark.

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BRPTO establishes new criteria for PPH requests in 2025

The Brazilian Patent and Trademark Office (BRPTO) announced updated criteria for receiving PPH requests in 2025 (Ordinance 26/2024, published in Official Bulletin No. 2816 on December 24, 2024). This new criterion outlines the procedure for Phase V of the Patent Prosecution Highway (PPH) Pilot Project in Brazil.

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BRPTO Joined GPPH: Phase V of the PPH Pilot Project to begin in 2025

The Brazilian Patent and Trademark Office (BRPTO) published Ordinance No. 48, dated November 29, 2024 (Official Bulletin 2814 on December 10, 2024). This Ordinance officially launched Phase V of the Patent Prosecution Highway (PPH) Pilot Project, which started on January 1, 2025, following BRPTO's accession to the Global Patent Prosecution Highway (GPPH) on July 6, 2024.

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Brazilian Legislation regarding Compliance with Access to Genetic Heritage

The Brazilian Patent and Trademark Office (BRPTO) identified that some patent applications were filed with a "Positive Declaration of Access to Genetic Heritage" but did not provide the required additional information regarding the registration number or authorization date for accessing genetic heritage at the time the patent was granted and the patent certificate issued.

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BRPTO joined Global Patent Prosecution Highway (GPPH)

The Brazilian Patent and Trademark Office (BRPTO) announced its involvement in the Global Patent Prosecution Highway (GPPH), which started on July 6, 2024, and is extending collaboration with over 10 new partner Offices.

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BRPTO published a technical note on industrial design examination procedures

On May 27, 2024, the Brazilian Patent and Trademark Office (BRPTO) issued Technical Note #01/2024, describing procedures for conducting substantive analysis of industrial designs. The technical note addresses the official correction only of formal data in industrial design applications in order to expedite prosecution procedures. The note establishes that the elements in the Substantive Examination must follow the current Industrial Design Manual.

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BRPTO extended the deadline suspension for filing divisional design applications

On April 16, 2024, the Brazilian Patent and Trademark Office (BRPTO) issued Ordinance No. 15/2024, published in Official Bulletin No. 2780. This Ordinance extended the deadline suspension for filing divisional design applications (BR 32) in response to an office action.

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BRPTO reached its annual limit for PPH applications

The Brazilian Patent and Trademark Office (BRPTO) announced on July 16, 2024 that the annual limit of 800 applications to participate in Phase IV of the Patent Prosecution Highway (PPH) pilot project was reached for 2024.

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