INTELLECTUAL PROPERTY

CLIENT ALERT

JUNE/2019

CHANGES IN THE PROCEDURE FOR REGISTRATION OF COMMERCIAL CONTESTS AND PROMOTIONS IN BRAZIL

Following the change in the coordination of Business Promotion and Philanthropic Drawings promoted by Law 13.756 / 2018 - no longer being registered by Caixa Econômica Federal (CEF), but rather by the Fiscal, Energy and Lottery Secretariat (SEFEL), part of the Ministry of Economy -, alterations have occurred in the procedure for registration of commercial promotions, due to new interpretations made by SEFEL to the theme's norms and laws.

We highlight the following: (1) the possibility of registration of a foreign company promotion with a Brazilian legal representative and (2) clarification regarding "buy one-get one" promotions:

(1) The new online registration system set up by SEFEL, the Commercial Promotion Control System (SCPC), lists in its Manual as possible users: companies interested in conducting commercial promotions, their responsible, and attorneys (legal or natural person).

Thus, foreign companies without a subsidiary or agent in Brazil are now able to register commercial promotions in Brazil through their Brazilian attorneys, who must register in SCPC with their own name and data, presenting the power of attorney of the company for whom they are doing the registration.

(2) In relation to the commercial promotion popularly known as "buy one-get one", SEFEL issued Informative Note No. 11/2018 clarifying the exceptions for the required registration. According to paragraph 6 of the note, it is not necessary to register promotions that do not fit the hypotheses listed there.

PRACTICE AREA
Intellectual Property

COORDINATION
Valdir Rocha
Fábio Pereira

For further information, please send a message to news@veirano.com.br

This document was prepared exclusively for informational purposes and does not constitute legal advice or an invitation to an attorney-client relationship. If you have any questions, our lawyers are available for clarification.

It is forbidden to distribute, reproduce or transmit this document, in full or in part, without the prior consent of Veirano Advogados.

© 2019 Veirano Advogados.
All rights reserved.

In short, it is required registration solely to "buy one-get one" promotions that present: (I) stock limitation of the prizes to be distributed (there being no prohibition, however, to limiting the stock of the product to be purchased); (II) prize limitation to the first ones that fulfill the criterion of participation; (III) fixed amount of prizes; (IV) any other participation criteria, besides the purchase of the products or services (it may be established time limitation for the promotion); (V) union with other authorized commercial promotions; (VI) more than one company as organizer; and (VII) prize delivery conditioned to chance or other payments in addition to the purchase of the organizer's products or services. In the absence of these elements, there is no need to register the "buy one-get one" promotion with SEFEL.

Our Intellectual Property & Information Technology department is available to clarify any doubts regarding this subject.

Valdir Rocha
valdir.rocha@veirano.com.br

Lígia Alvarenga
ligia.alvarenga@veirano.com.br