INTELLECTUAL PROPERTY & INFORMATION TECHNOLOGY

CLIENT ALERT

MARCH/2020

SUSPENSION OF BRAZILIAN PTO'S DEADLINES DUE TO CORONAVIRUS

In order to inhibit the risk of contamination by the coronavirus, the Brazilian Patent and Trademark Office (BPTO or INPI, in Portuguese) published in its Official Gazette of March 17, 2020 a statement on Ordinance No. 120, suspending until April 14, 2020 all deadlines related to the prosecution of patents, trademarks, industrial designs, utility models, software applications and technology transfer contracts. The Ordinance also determined that presential services were suspended until April 03, 2020, including presential classes in its Academy of Intellectual Property, Innovation and Development.

In a subsequent notice published on March 25, 2020, the BPTO provided some clarification about points of the Ordinance, ensuring that the counting dates of the deadlines that are in progress will flow again for the time remaining at the end of the suspension period; therefore, resuming the date of the period from where it had stopped. Thus, the publications that occurred during the suspension period and the deadlines that were already in progress on the date of the edition of the ordinance will not expire on April 15, 2020. In addition, the deadlines that start in the period covered by the suspension will start counting from April 15, 2020.

The BPTO also clarified that the use of the deadline suspension is optional. Hence, there is no impediment, for example, to the interested party petitioning at the BPTO, through its online systems, in order to comply with a requirement, even if the term is suspended. It is worth noting that, in this case, the BPTO's Management will move forward with its process normally.

Finally, the BPTO informed that it will continue to monitor the situation and may take other measures, if necessary. The effects that this decision will have on the extensive backlog that the BPTO has been trying to reduce since last year are not yet clear.

PRACTICE AREA

Intellectual Property
Information Technology & Communications

COORDINATION

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Our Intellectual Property & Information Technology practice area is available to answer any questions regarding this topic.

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