Brazil’s PTO consolidates priority processing of patent applications

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On June 30, 2020, Brazil's PTO, the National Institute of Industrial Property – INPI, published Directive (Portaria) 247, which consolidates all the various types of priority processing for patent applications filed with the INPI. The Directive came into effect on July 30, 2020.

Although none of the options for priority examination is new, Directive 247 deals with all the various types available to patent applications in Brazil, such as green technology, health treatment technology, Covid-19 treatment technology, patent families initiated in Brazil, public interest or national emergency technology, and technology involved in infringement disputes.

In order to request priority processing under one of the 16 categories, the patent application in question may not currently be part of any other priority process, and the fees for the technical examination must be paid.

Another requirement is that the application must have been filed at least 18 months ago, or the applicant must have made a request for early publication. If the application represents the national phase of an international application, it must have been published by the World Intellectual Property Organization – WIPO.

In addition to the requirements mentioned above, the applicant may not have made any change to the application or applied for division of the application while waiting for a response to its request for priority processing.

Another option for accelerating the processing of patent applications in Brazil is the Patent Prosecution Highway pilot project, which has been up and running since December 1, 2019 under INPI Resolution 252/2019. For more information, **click to read our bulletin on the pilot project**.

With the publication of Directive 247, the INPI consolidates and regulates all the different types of priority processing in a single document. The initiative promotes disclosure of priority processing in Brazil, along with the transparency and efficiency of the mechanism, giving applicants in Brazil access to a speedier registration process when they wish it.

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