

Significant Increase in Patent Grants in 2020 Reinforces Positive Impact of BPTO's Actions

20.04.2021 3 min read

Authors

André de Moura Reis

Gustavo Haas Vieiralses

Related areas

Intellectual Property

Topics

Intellectual Property Patents

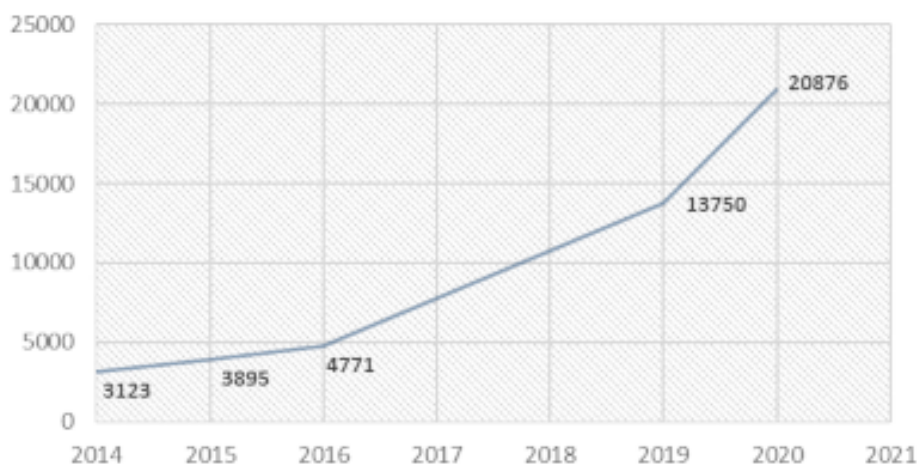
INPI Gustavo Vieiralses André de Moura Reis

Since the issuance of Resolutions Nos. INPI/PR 240/2019 and INPI/PR 241/2019, of July 9, 2019, which had set new procedures to reduce the backlog of pending patent applications, the results achieved by the Brazilian Patent and Trademark Office (BPTO) are impressive. Recently, the BPTO took a further step by issuing Resolution No. INPI/PR 21/2021, which provides for the use of results from searches carried out by foreign Patent Offices or International Organizations in the examination of Brazilian applications filed in 2017. Thus, the BPTO's efforts to restructure and optimize its services are evident, resulting in a significant improvement for users of the Brazilian patent system.

According to BPTO's official data, the year of 2020 started with a total of 131,260 patent applications pending a decision (grant or rejection) and ended with 73,286 pending applications - a reduction of approximately 44% of the backlog within the year. In 2020, more than 58,000 patent applications received a final decision or were definitively shelved. Such results were possible due to a series of actions taken by the BPTO, including the restructuring of the patent application administrative process, training of new examiners and increasing the productivity of the technical examination division.

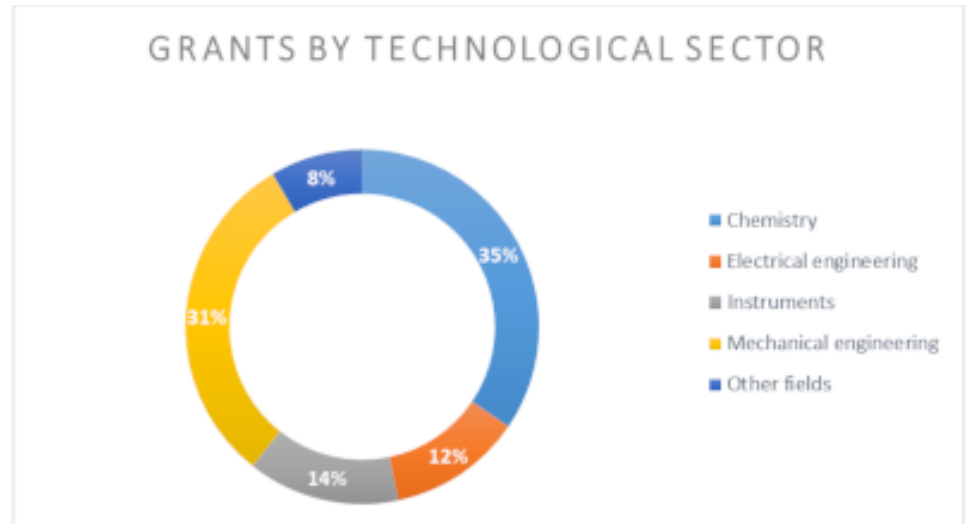
The number of patent grants, which in 2019¹ was 13,750, increased by 51.8% in 2020, with a total of 20,876 grants². It is an encouraging result, in addition to the year-by-year increase in the number of grants recorded by the BPTO in its historical series, as shown in the graphic below.

GRANTED PATENTS (YEAR BY YEAR)



Among the grants in 2020, the chemistry sector contributed with the largest number of cases - 7,202 issued patents, which corresponds to 35% of the total grants in the year.

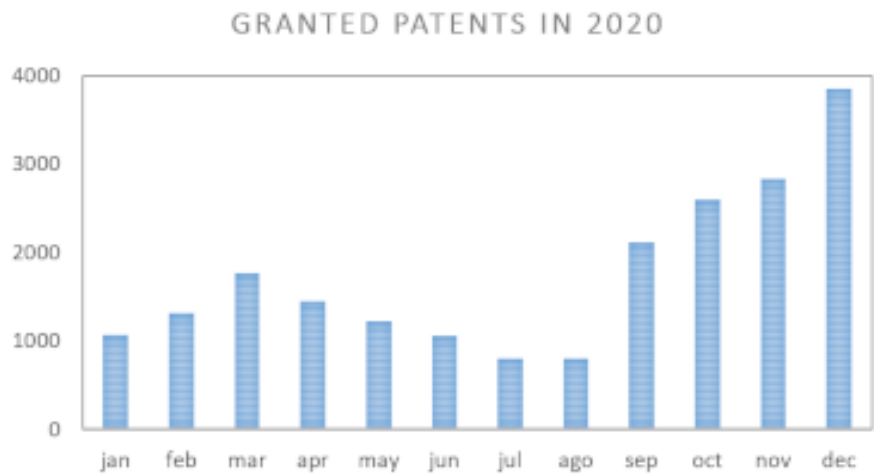
The mechanics sector comprises 6,452 granted cases, 31% of the total. The instruments and electrical engineering sectors had 2,905 (14% of the total) and 2,551 (12% of the total) patent grants, respectively. The graphic below shows the detailed results of the grants by technological sector.



On the chemistry sector, the most significant in terms of granted patents, the fields of pharmaceuticals (1,207 patents), fine organic chemistry (1,186 patents), chemical engineering (1,067 patents), polymers (1,001 patents) and biotechnology (553 patents) were ranked at the top of the list of grants. On the mechanics sector, the fields of transportation (1,367 patents), special machines (1,322 patents), mechanical elements (972 patents) and machinery tools (693 patents) stood out.

On the instruments sector, the field of medical technology and personal use products (1,498 patents) was the most important one. Finally, on the electrical engineering sector, the fields of electrical machinery (752 patents) and digital communication (683 patents) stood out. Other technologies not covered by the above mentioned sectors include civil construction (971 patents) and consumer goods (427 patents).

Notably, the number of grants increased significantly in the last months of 2020. This might be explained by an effort of the BPTO's technical examination division to comply with its annual goal to publish final decisions on patent applications. The graphic below illustrates this variation throughout the year.



And the BPTO's efforts continue in 2021, with official data from early March indicating a total reduction of 55.7% in the initial backlog of 149,912 applications available for technical examination at the beginning of the backlog reduction program, leading now to the number of 66,485 pending applications. The BPTO's goal is to reduce the total backlog by 80% in 2021, and the analysis of 36,502 applications is expected for the current year. The task will certainly demand great efforts from the BPTO, which is now better structured to overcome the delay in applications analysis, a negative aspect that was featured all too frequently in patent debates in Brazil.

Thus, the result achieved by the BPTO in 2020 reinforces the importance of valuing industrial property in Brazil, whereas it promotes the development of a culture aimed at strengthening innovation and allowing the country to be considered as a promising market for industrial property services, especially patent protection, for both domestic and foreign companies.

BMA's intellectual property team currently maintains a success rate of 89% in patent grants, within the total of decisions for cases under its responsibility, and is available to assist its clients with the best strategies to protect their inventions.

--

NOTES:

¹ Monthly Industrial Property Report, BPTO (November, 2020).

² Based on independent search in the BPTO's database.

› PROFESSIONALS

Professionals who combine legal insight and market perspective



André de Moura Reis



Gustavo Haas Vieirals