

Brazilian PTO Celebrates its 50th Anniversary Among the Launch of the National Intellectual Property Strategy and Creation of the National Innovation Policy

21.12.2020 3 min read

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The Brazilian Patent and Trademark Office ("Brazilian PTO") turns 50 with a series of measures to strengthen the Brazilian industrial property system. In addition to internal improvements, including a thorough review of procedures and optimization of the PTO's structure to fully adapt to the digital era, the Ministry of Economy introduced two new mechanisms.

The first one is the National Intellectual Property Strategy ("IP Strategy"), launched after a year of work with integration of 10 ministries and involvement of more than 200 experts in its discussions. It proposes the ambitious goal of reversing Brazil's position in the global IP ranking, as part of a virtuous cycle to empower the country in a competitiveness leap. Its launch occurs in less than a month after the publication of an action plan on intellectual property in the European Union (Action Plan on Intellectual Property) to strengthen the economic recovery of the UE block.

The IP Strategy is set to be an instrument of competitiveness, a State policy, serving as a guide for the promotion of economic, social and scientific/technological development over the next 10 years. It defines challenging goals, aimed at placing Brazil among the 10 countries that most use the tools of the intellectual property system and having 80% of innovative companies protect their IP assets. As courses of action, the IP Strategy determines:

- I. IP for competitiveness and development;
- II. Dissemination, training and capacity building in IP;
- III. Governance and institutional strengthening;
- IV. Modernization of legal framework;
- V. Legal compliance and security;
- VI. Intelligence and vision of the future; and
- VII. Insertion of Brazil in the global IP system.

The second mechanism is the recently created National Innovation Policy ("Policy"), dated October 28, 2020 under Presidential Decree No. 10,534/2020,

wherein the IP Strategy stands as one of its supporting instruments. The Policy should guide the list of activities of the Federal Government to stimulate, structure and execute actions in the field of innovation in Brazil. Integration and cooperation between stakeholders is one of the main principles of the Policy and alignment between the responsible public entities will be key in the process.

The Policy will additionally have sectoral and thematic innovation plans, coordinated by the Innovation Chamber, a deliberative body entitled to structure and guide the operationalization of the Policy, being composed of representatives from different ministries.

The Policy is divided into six areas of action, which will provide direction for activities related to innovation, namely:

- I. Expansion of professional qualification;
- II. Alignment between programs and actions to foster innovation promoted by public bodies and entities;
- III. Stimulating the technological knowledge base for innovation that generates technological solutions;
- IV. Protection of knowledge acquired by innovation, in order to provide the holder of intellectual creation:
 - a) the means of defending property rights against the misappropriation of knowledge by third parties; and
 - b) the right to use or exploit its creation;
- V. Dissemination of the entrepreneurial innovation culture; and
- VI. Stimulating the development of markets for Brazilian innovative products and services to encourage technological development, increased competitiveness and interaction.

In particular, within the scope of expanding professional qualification, the Policy defines the revision of the content of higher education courses, with a more practical and interdisciplinary approach aimed at development of entrepreneurship and innovation, and fostering of education in exact and agrarian sciences, health, technology and engineering at technical and graduation levels.

Thus, the Policy and the IP Strategy represent a further promising effort to enable the country to reach significant results, creating a virtuous cycle of innovation, with protection of intellectual property rights at its core, and enabling greater technological advancement in Brazil.

This is added to the fact that, in December 2020, among celebration of its 50th anniversary, the Brazilian PTO announces that it has reduced by 50% its patent backlog. BMA's intellectual property team is readily available to share knowledge and assist the scientific, technological and business community in protecting their intellectual property assets and guaranteeing their rights.

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