

BRAZIL (BR)

I. LEGISLATIVE PROFILE

1. National Legislation



Capital: Brasilia
Population: 172,564,000

a. Industrial Property

Patents:

- Law No. 9.279, May 1996, entered into force May 1997, as amended by Provisional measure 2014-1, December 1999.
- INPI Ordinance (Ato Normativo) 127/97 concerning grant of patents and certificates of addition, 1997
- Presidential Decrees Nos. 2.553, April 1998, concerning patents of national defense interest and inventions, utility models and industrial designs of public sector employees, and 3.201, October 1999, concerning compulsory licence (Art. 71 of Law No. 9.279, above).

Trade Marks:

- INPI Ordinance (Ato Normativo) 131/97, concerning registration and processing of Trade Marks, 1997.
As above, under Patents, Law No. 9.279.

Industrial Designs:

- INPI Ordinance (Ato Normativo) 129/97 concerning registration of Industrial Designs, 1997.
As above, under Patents, Law No. 9.279.

b. Copyright and Neighbouring Rights

Copyright:

- Law on Copyright and Related Rights No. 9610, February 1998, entered into force in June 1998.
- Law No. 9.609, concerning protection of software, February 1998.
- Presidential Decrees Nos. 2.556, April 1998, concerning voluntary registration of computer software, and 2.894, December 1998, concerning signs for audio – and audiovisual works.

Related Rights:

- Law No. 4944, April 1966.
As above, under Copyright.

c. Other Country-Specific Legislation or Activities

Appellations of Origin/Geographical Indications/ Indications of Source:

- INPI Ordinance (Ato Normativo) 143/98, concerning registration of geographical indications, 1998.
As above, under Patents, Law No. 9.279.

Unfair Competition:

As above, under Patents, Law No. 9.279.

Computer Programs:

As above, under Copyright, Law No. 9609.

Licences:

As above, under Patents, Decree No. 3.201.

Plant Variety Protection:

- Law No. 9.456, April 1997.
- Decree No. 2.366, November 1997.
- Ministerial Ordinances Nos. 503, December 1997, and 8, June 1999.

d. Sources for Information on National Laws

Diário Oficial

Official Gazette (Portuguese only)

SIG-Quadra 6, Lote 800

70610-460, Brasilia – DF

E-mail: in@in.gov.br

Internet website: <http://www.in.gov.br>

2. Membership of International Bodies**a. Membership of WIPO treaties:**

- WIPO Convention, since March 1975.
- Paris Convention (Industrial Property), since July 1884.
- Berne Convention (Literary and Artistic Works), since February 1922.
- PCT (Patents), since April 1978.
- PLT (Patent Law Treaty), Signatory since June 2000.
- Madrid Agreement (False or Deceptive Indications of Source on Goods), since October 1896
- Rome Convention (Performers, Producers of Phonograms and Broadcasting Organisations), since September 1965.
- Strasbourg Convention (International Patent Classification), since October 1975.
- Geneva Convention (Unauthorized Duplication of Phonograms), since November 1975.
- Nairobi Treaty (Olympic Symbol), since August 1984.

b. WTO: Member and Signatory to TRIPS Agreement, since January 1995.**c. Membership of other bodies/treaties: MERCOSUR, UCC, UPOV.**

- Member of MERCOSUR since December 1991.
- Member of UCC since October 1959
- Member of UPOV since May 1999.

II. ADMINISTRATIVE PROFILE

1. Industrial Property

Supervisory Ministry:

Ministry of Development, Industry & Foreign Trade
 Esplanada dos Ministérios – Bloco “J”
 70056-900 Brasília DF
Title of Head: Minister for Development,
 Industry and Foreign Trade

Tel.: (55.61) 329.70.01/2/3
 Fax: (55.61) 329.70.38/4
 E-mail: se@mdic.gov.br
 (Executive Secretary)

Industrial Property Office:

Instituto Nacional da Propriedade Industrial
 (INPI)
 National Institute of Industrial Property
 Rua Mayrink Veiga 9,
 Centro, 2º andar
 20090-910 Rio de Janeiro – R.J.
Title of Head: President

Tel.: (55.21) 21.39.31.21
 (55.21) 21.39.31.17
 (55.21) 22.23.41.82
 Fax: (55.21) 263.25.39
 233.03.34
 E-mail : inpi@inpi.gov.br
 Internet website: www.inpi.gov.br

2. Copyright and Related Rights

Supervisory Ministry:

Ministry of Culture
 Esplanada dos Ministerios – Bloco “B”
 4th floor
 70068-900 Brasilia - D.F.
Title of Head: Minister for Culture

Tel.: (55 61) 316.22.09 – 11
 Fax: (55.61) 316.23.01
 E-mail: spccda@minc.gov.br
 Internet website:
<http://www.minc.gov.br>

Copyright Office:

Coordenação-Geral de Direito Autoral
 General Coordination for Authors’ Rights
 As above, under Supervisory Ministry
Title of Head: Director of Copyright

Collective Management Societies:

Association of Performers and Phonogram
 Producers (SOCIMPRO)
 Brazilian Society of Authors, Composers, and
 Music Writers (SBACEM)

Tel.: (55.21) 220.35.80
 Fax: (55.21) 262.76.25
 Fax: (55.21) 262.31.41

Brazilian Association of Music Editors (ABEM)

Tel.: (55.11) 825.55.33
 Fax: (55.11) 825.08.10

Brazilian Association of Phonogram Producers

Tel.: (55.21) 274.30.08
 Fax: (55.21) 239.74.99

III. AUTHORITIES ENFORCING INTELLECTUAL PROPERTY

Industrial Property Tribunal:

Contact point:

| | | | |
|--|-------|---------|--------------|
| <i>Divisão de Política Comercial (DPC)</i> | Tel.: | (55.61) | 411.64.11/13 |
| Trade Policy Division | Fax: | (55.61) | 226.60.79 |
| <i>Ministério das Relações Exteriores</i> | | | 223.73.62 |
| Anexo I – Sala 536 – 5 th floor | | | |
| 70170-900 Brasília – DF | | | |

There is no special court for industrial property rights issues in Brazil. The civil, as well as the criminal issues related to industrial property are decided by the civil and/or criminal courts.

Copyright Tribunal:

As above, under Industrial Property Tribunal.

Other:

| | | | |
|--|---------|---------|-----------|
| <i>Main contact point:</i> | Tel.: | (55.61) | 411.65.97 |
| <i>Divisão de Propriedade Intelectual (DIPI)</i> | | | 411.68.26 |
| (Intellectual Property Division) | | | 411.69.68 |
| <i>Ministério das Relações Exteriores</i> | Fax: | (55.61) | 411.65.55 |
| Anexo I, Sala 403 | E-mail: | | |
| 70170-900 Brasília - DF | | | |

IV. EDUCATIONAL INSTITUTIONS TEACHING INTELLECTUAL PROPERTY

| | | | |
|--|-------|---------|--------------|
| <i>Universidade Federal do Rio de Janeiro (UFRJ)</i> | Tel.: | (55.21) | 260.73.86/26 |
| Av. Brig. Trompovski s/n | Fax: | (55.21) | 260.79.03 |
| Edifício da Reitoria da UFRJ – 2o piso | | | 290.21.12 |
| Rio de Janeiro – RJ | | | (General) |

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|---|-------------------|--|-----------|
| Catholic University of Rio de Janeiro | Tel.: | (55.21) | 529.99.22 |
| PUC/CCE | Fax: | (55.21) | 274.41.97 |
| <i>Coordenação Central de Extensão</i> | E-mail: | info@adm.cce.puc-rio.br | |
| Rua Marquês de São Vicente, 225 casa XV | Internet website: | http://www.puc-rio.br-cce | |
| 22453-900 Rio de Janeiro – RJ | | | |

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|--|-------|---------|-----------|
| <i>Universidade do Vale do Rio dos Sinos</i> | Tel.: | (55.51) | 590.33.33 |
| (UNISINOS) | Fax: | (55.51) | 592.10.35 |
| Av. UNISINOS, 950 | | | |
| 93022-00 Sao Leopoldo – RS | | | |

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|---|-------------------|--|-------------|
| <i>Centro Federal de Educação Tecnológica Celso</i> | Tel.: | (55.21) | 25.69.44.95 |
| <i>Suckow (CEFET)</i> | | | 25.69.30.22 |
| Av. Maracanã 229 | Internet website: | www.cefet-rj.br | |
| Bloco E, 5 th floor, sala 504 | | | |
| 20271-011 Rio de Janeiro – RJ | | | |

Fundação Getúlio Vargas (FGV)
 Praia de Botafogo 190
 Bairro: Botafogo
 22253-900 Rio de Janeiro – RJ

Tel.: (55.21) 25.59.60.00
 Fax: (55.21) 25.53.63.72
 Internet website: www.fgv.br

V. INDUSTRIAL PROPERTY STATISTICS

Applications filed and/or registered for 1999 and 2005:

| | | Patents (direct filings) | Trade Marks | Industrial Designs <u>1999</u> |
|------------------|---------------|--------------------------------|-------------|-----------------------------------|
| Applications by: | residents | 3,821 | 83,117 | 2,644 |
| | non-residents | 2,560 | 15,981 | (residents and non-residents) |
| Grants to: | residents | 240 | 12,535 | 3,601 |
| | non-residents | 734 | 5,332 | (residents and non-residents) |

PCT (National Phase Entries)

Applications by residents and non-residents:

9,730

Grants to residents and non-residents:

Information not available.