

WIPO



PCT/TAS/I/3

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL ASSISTANCE

First Session
Geneva, February 9 to 11, 1971

REQUEST FOR TECHNICAL ASSISTANCE

Presented by the Government of Brazil

1. The Director General of WIPO received, on February 4, 1971, a letter, dated February 3, 1971, from the Permanent Mission of Brazil in Geneva concerning a request for technical assistance.
2. The letter and the Memorandum attached to it are annexed to this document.

[Follows Annex]

Delegation of the Federative Republic of Brazil

N. 2

Geneva, February 3, 1971

Dear Mr. Director General,

On the basis of the discussions which, on January 11, 12, and 13, 1971, were held in Brazil with Dr. Bogsch, I received instructions to confirm our interest in using the available international machinery for assisting the Brazilian Government in modernizing its patent system for the benefit of the industrial development of the country. In particular, we would look for international cooperation in establishing the patent documentation services of the *Instituto Nacional da Propriedade Industrial* (INPI). This Institute, as you know, was created by Law No 5.648 of December 11, 1970. Its primary aim is to implement the rules which govern industrial property, taking into account the function that industrial property has in the social, economic, legal and technical fields.

2. You will also find attached to this letter a memorandum outlining:

To Professor G. H. C. Bodenhausen

Director General World Intellectual Property Organization

Brazilian Delegation/Geneva/N. 2/1971/2.

outlining:

- (i) the purposes of the patent documentation service of INPI,
- (ii) the program for the establishment of such service.

3. On the basis of decisions reached by the Washington Diplomatic Conference of last year, establishing the Patent Cooperation Treaty, we would welcome the technical help of WIPO and of INPI's sister organizations in some other countries in carrying out our program, as well as the financial assistance of the United Nations Development Program (UNDP), WIPO assuming the task of executing agency.

4. Since the project is of a nature which is a primary task of the PCT Interim Committee on Technical Assistance, the Brazilian Government would appreciate having it placed on the agenda of the first session of that Committee convened for February 9/11, 1971.

Sincerely yours,

(RAMIRO SARAIVA GUERREIRO)
Ambassador, Head of the Brazilian Permanent
Delegation in Geneva

MEMORANDUM

I. PURPOSES OF THE PATENT DOCUMENTATION SERVICE OF INPI

The Brazilian Government decided to set up a patent documentation service, within the scope of the *Instituto Nacional da Propriedade Industrial* (INPI), to serve two main purposes:

- (i) channeling of information to Brazilian industry and research and development organizations, whether governmental or private, for the purposes of research and production; such channelling to be done both on a systematic basis (that is, to inform the recipients of the service of the new technology embodied in the patent documentation) and on an ad hoc basis (that is, in response to specific requests for information on specific technological problems);
- (ii) enabling the INPI to perform its task under the Brazilian Industrial Property Code of 1969 (that is, to carry out the “preliminary technical examination” of patent applications, which, if positive, leads to the publication of the application for possible opposition by third parties, and to carry out the “complementary technical examination” which takes place if there is opposition) and, in due course, to become an International Searching Authority and also an International Preliminary Examining Authority, under the Patent Cooperation Treaty of 1970 (PCT).

II. PROGRAM FOR ESTABLISHING THE PATENT DOCUMENTATION SERVICE OF INPI

In order to be able to set up and run the patent documentation service, which will include both Brazilian and foreign patent documents (that is, published patent applications and granted patents), the INPI intends to organize its staff of searchers and examiners (hereinafter referred to as “examiners”) and its documentation according to the International Patent Classification (IPC). The following steps are envisaged:

- (1) The IPC (a list of some 44,000 positions) and the alphabetical catchword index to the IPC will be translated into Portuguese.
- (2) Staff will be trained to classify patent documents according to the IPC. Such staff will classify the Brazilian patent documents according to the IPC. Such classification will start with the documents published under the Industrial Property Code of 1969 and will be continued for all documents published under that Code in the future. Brazilian documents dating from before the said Code may later also be classified and included in the documentation, possibly going back as far as 1945 but possibly excluding any document based on a foreign priority.
- (3) Acquisition of foreign documents will be carried out, preferably through the form of donations or exchange, according to the following tentative priorities:
 - (i) the patent documents of France, the Federal Republic of Germany, and the United States of America, from the date from which such documents were published with the symbols of the finest classification according to the IPC, that is, from a date between 1968 and 1971;
 - (ii) all other patent documents which the PCT Regulations will require, and in the form it will require, for inclusion in the minimum documentation of International Searching Authorities.
- (4) Before the arrangements for acquisition are made, the INPI will establish whether it needs the documents in one copy or two copies; and if it needs one copy whether it should be a paper copy or a microcard; and if it needs two copies, whether it wants to have both in paper copies, both in microcards, or one in paper and one on microcard. It will be necessary to take

into consideration that not all documents exist in the form of microcards. A decision will be made as to the production of the Brazilian patent documents under the 1969 Code (paper only or paper and microcard).

(5) If microcards will constitute part of the documentation, the extent of the need for reading equipment and the cost of its acquisition will be established. Staff will be trained in the use and maintenance of the microcards and their readers.

(6) The articulation of the staff of examiners will be determined (what subdivision of the IPC will be grouped together in each examining unit). The channelling of the documents to each unit will be organized and a system of keeping a record of the whereabouts of each document established.

(7) The examiners will be trained, mainly to carry out the searches and examinations required under the Code and the PCT and to respond to the requests for information from industrial enterprises.

(8) All the above tasks will be carried out in close consultation with the Brazilian industry and other interested circles to discover their needs and wishes, and with institutions abroad carrying out similar tasks to profit from their experience and to establish coordination wherever possible.

[End of document]