



# **IPR protection in Brazil**

**Latin America IP SME Helpdesk**

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# About the Latin America IPR SME Helpdesk

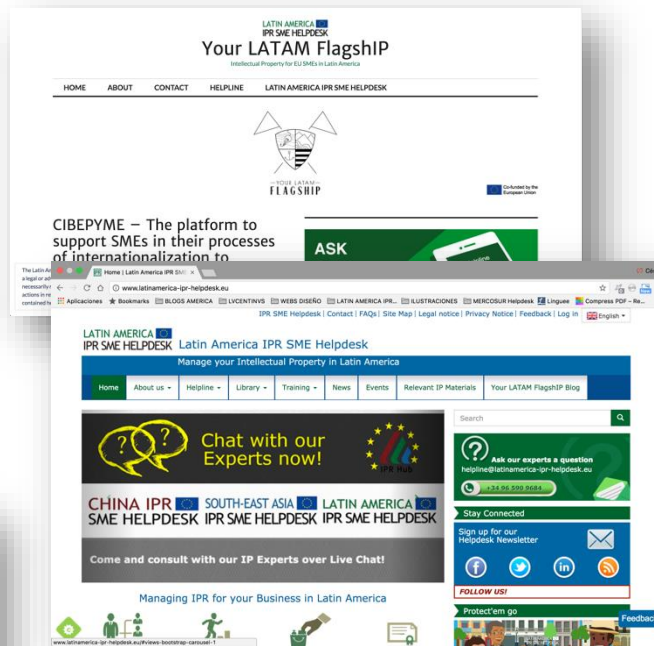
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# 1

## Practical aspects of Intellectual Property

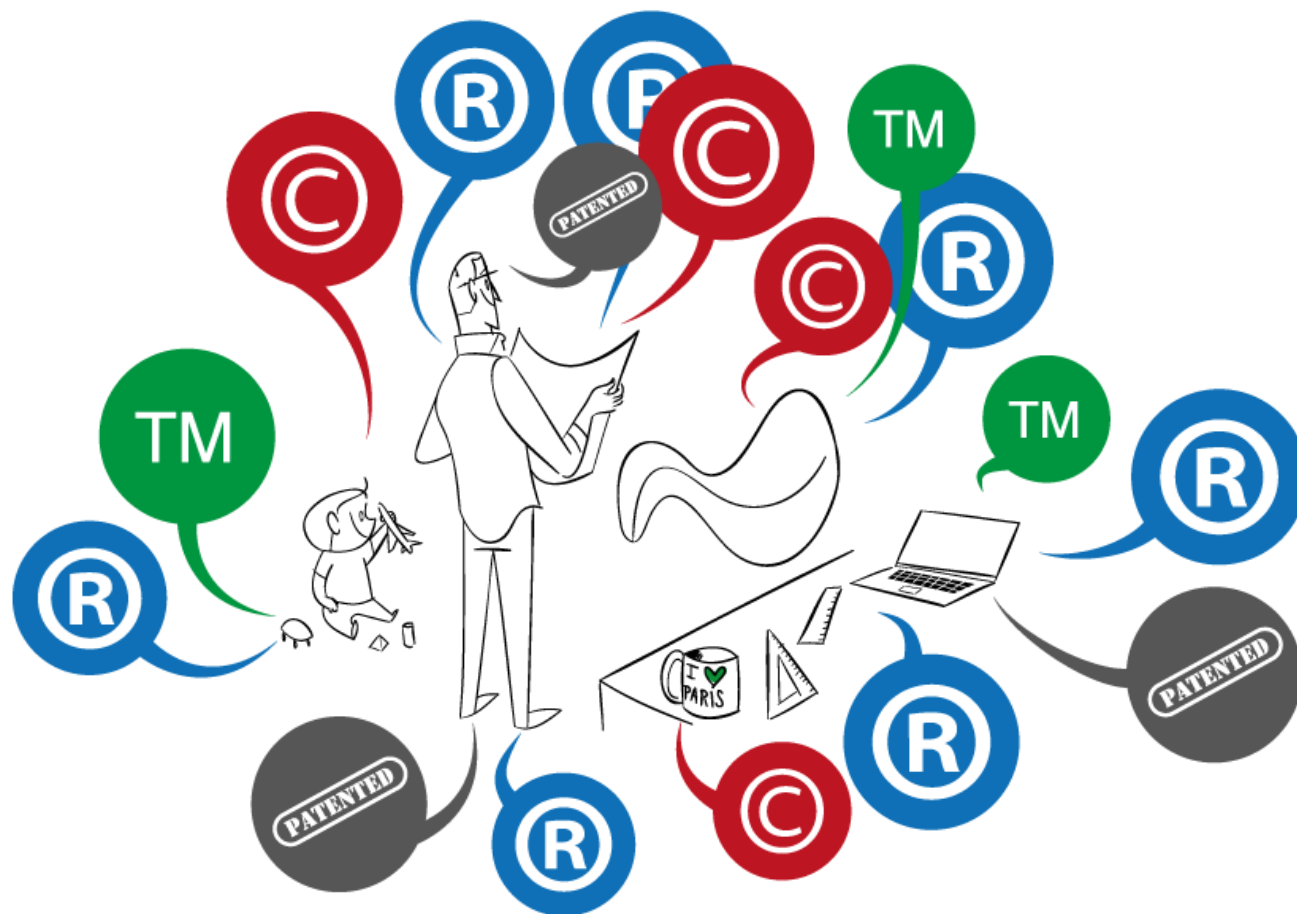


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# Intellectual Property everywhere



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# Intellectual Property everywhere

- *Patents and Utility Models*
- *Industrial Designs*
- *Trademarks*
- *Copyright*
- *Trade Secrets*

# Combined use



# 2

## **Intellectual Property Rights in Latin America: local particularities**



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# Latin America – Previous considerations

- *European Union vs Latin American region*
  - *Low level of regional harmonization*
  - *Longer registration procedures*
  - *Difficult to find a reliable partner*



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# Brazil – Previous considerations

- *Granting time*
- *Challenges*

# Trademarks

- What can be protected?
  - *Issue of Non-traditional Trademarks*
- How long does protection last?
- Registration procedure
  - *Obligation of use, examination, single class, online, Madrid protocol*
- Where is my trademark valid?

# Patents

|          | <b>Registration time</b> | <b>Costs</b> | <b>International Registration (PCT)</b> | <b>Grace Period</b> | <b>Duration</b> |
|----------|--------------------------|--------------|---|---------------------|-----------------|
| Brazil   | Up to 11-14 years        | 160€         | Yes                                     | 12 months           | 20 years        |
| Bulgaria | 21 months                | 317€         | Yes                                     | 6 months            | 20 years        |
| EPO      | 3-5 years                | Aprox. 6000€ | Yes                                     | No                  | 20 years        |

# Copyrights

- *Duration: 70 years starting from the autor's death*
- *Registration is not mandatory but recommended*
- *Protection requirement: **originality***

## Registration costs in Brazil

|                       |            |                               |
|-----------------------|------------|-------------------------------|
| Copyright             | EUR 5.5-11 | 70 years after author's death |
| © Computer programmes | EUR 40-70  | 50 years after publication    |

# 3

## Exploitation of your IP assets



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# Main Exploitation models

| Licensing   | Selling                             |
|---|-------------------------------------|
| Revocable   | Irrevocable                         |
| May keep responsibilities                                     | Discharged of responsibilities      |
| Technology may become obsolete                                | Risk of underestimate the invention |
| Royalties: Long term  | Lump-sum payment: recoup investment |
| Control over the patent: territory, non-exclusive licenses... | Loss of control                     |



# Further exploitation models

- *Distribution agreement*
- *Franchise*
- *Subsidiaries*

## ***Other ways to benefit from the IP portfolio:***

- *Using it as a negotiation tool (e.g. Cross-licensing)*
- *Increasing the company reputation and value*
- *Attract investors*
- *Tax-deducting purposes*

# Exploitation strategies: tips

- ✓ *Control over how the product/service reaches the end consumer*
- ✓ *Investment required*
- ✓ *Prior market assessment*
- ✓ *Be ready to assume risks*
- ✓ *Ensure quality control when closing*
- Agreements with local partners*





# 4

## Learning from others' Experiences: case studies



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# Brazil – Fraudulent Invoices

A Spanish company involved in the world of audio-visual business filed an application to protect their Trademark throughout Europe.

As part of their latest documentary, they wanted to include Brazilian music artists and were thinking of promoting and distributing their documentary in Brazil. So, the company decided to file for Trademark protection (name of the company) in Brazil, in addition to Copyright.

A few months later, they received an email from an association informing them that according to their recordings, the substantial examination had not been requested by the applicant within the deadline, and asking them to pay a sum up of 200€

An IP Agent contacted them, and they paid finally, without seeking advice.

# Feedback

## ***Satisfaction Questionnaires:***

- *Easy and fast to file*
- *They can be anonymous*



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