

Patent prosecution workflow

- Notice of allowance, grant or issuances
- Intermediate steps
- Abandonment, dismissal, or nullity
- Attention required
- Main steps
- Post-grant review
- Confidential Step - Information Exchanged between the BRFDA and Applicant

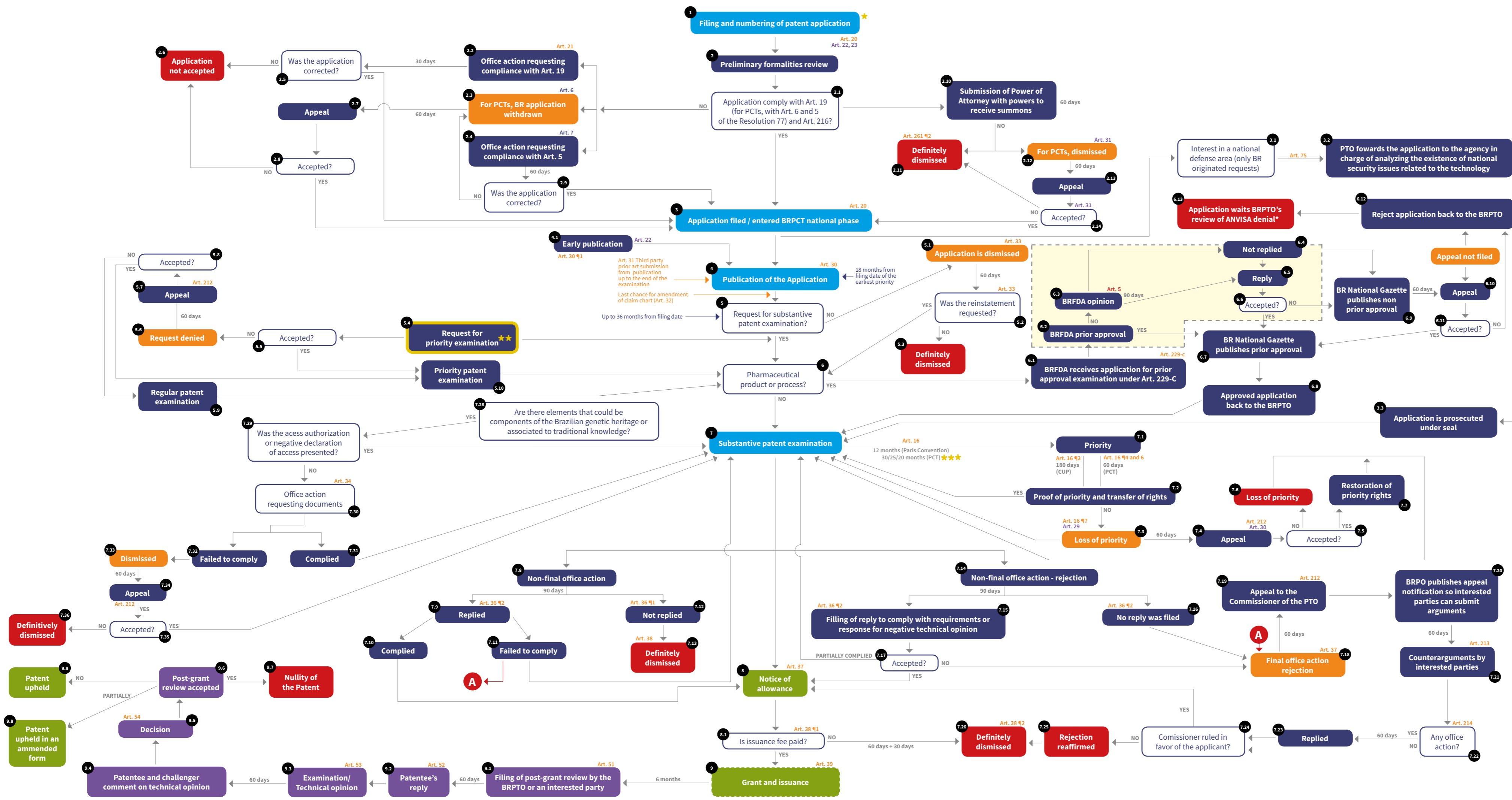
FEDERAL STATUTE AND BRPTO RULES

- Articles of Statute 9.279/96
- Articles of Rule 77
- Articles of RDC 23/2008

★ If filed within 60 days from grant, effects of the registration will be suspended.

★★ For further information see the fast-track workflow.

★★★ For further information on the term for entering the national phase in Brazil, please contact us at patents@lickslegal.com.



BRPTO Filing Requirements

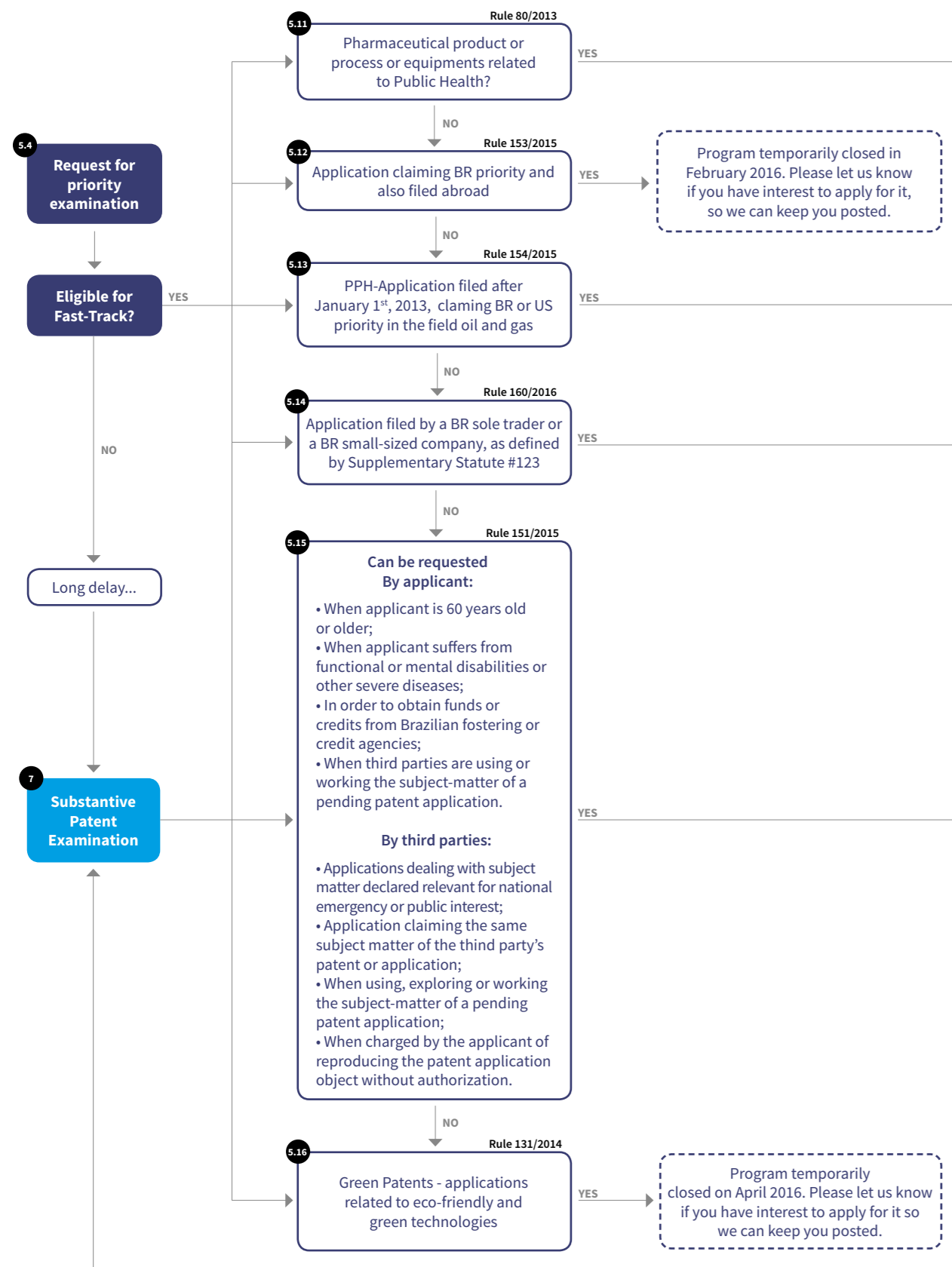
If the following documents are not provided upon filing and if not indicated otherwise, they must be submitted as per terms below, calculated from the filing date in Brazil.

DOCUMENT	BR APPLICATION (UNDER PARIS CONVENTION)	PCT NATIONAL PHASE*
Specification in Portuguese	30 days from BRPTO Office Action	60 days
Claims in Portuguese	Must be submitted together with the filing	Must be submitted upon filing
Abstract in Portuguese	30 days from BRPTO Office Action	Must be submitted upon filing
Drawings in Portuguese	30 days from BRPTO Office Action	60 days
Certified copy of the priority document	180 days	If the copy is available at the WIPO's database, a simple copy will fulfill this requirement
Translation of the priority filing certificate	180 days	60 days
Translation of the priority document*	180 days**	60 days**
Assignment document	180 days	60 days
POA	60 days	60 days

*Deadline to Enter the Brazilian National Phase: Despite important modifications made into the PCT Treaty in 1984 and 2001, Brazilian Executive Order #81,742 – the Executive Order enacting the PCT – has never been amended. Under said Executive Order, applicant has a 20-month term from the priority date to enter the national phase. In addition, if applicant filed a demand for an international preliminary examination within 19 months from the priority date (Chapter I of the PCT), the national phase entry deadline is extended to 25 months (Article 39). On that account, although the BRPTO currently accepts entries within 30 months from the priority filing date, we recommend our clients to file their applications within the 20-month term established in the Executive Order #81,742.

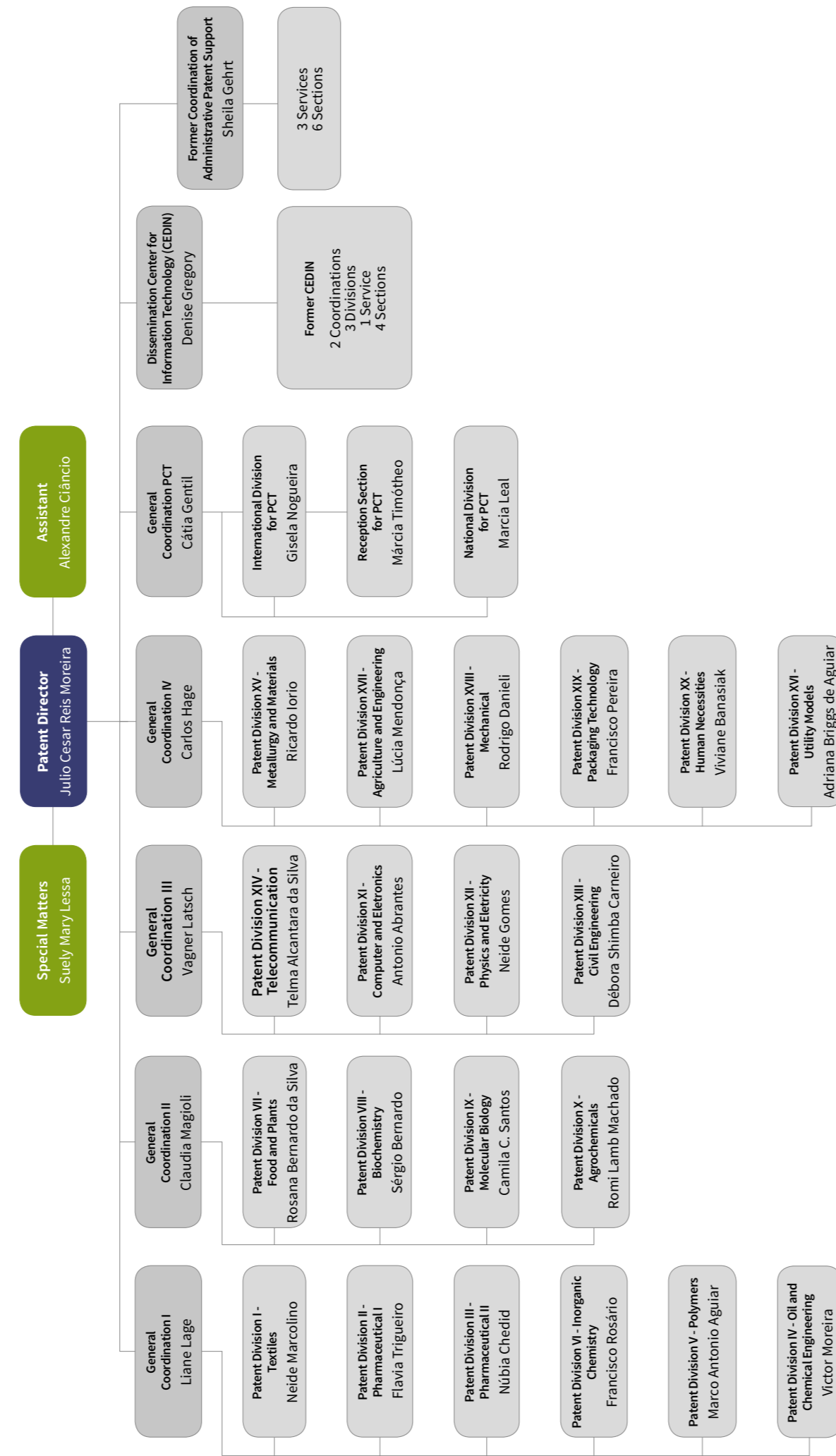
**Priority translation remarks: According to section 16, ¶2 of the Brazilian IP Statute and the current interpretation of the statute sustained by the Brazilian PTO, the priority document must be accompanied by a simple translation of the filing certificate or equivalent document containing data identifying the application. However, according to ¶5 of §16 of the Brazilian IP Statute, when a source document contains the Brazilian-filed application in its entirety, “a declaration made by applicant in this respect will make up for simple translation.” Because the “simple translation” phrase in paragraph 5 is not clear, as it may refer to the filing certificate or to the entire priority document, including the specification, we recommend our clients to provide a translation of the priority document when it is not fully contained in the Brazilian application.

Fast Track possibilities



PRELIMINARY PATENTABILITY OPINION (RULE 123/2013) — The preliminary patentability opinion program is available for applications having BR priority. The BRPTO will provide the applicant a prior art search report and a preliminary technical report, similar to ISR and WOISA. However, said program does not change the application analysis during the BRPTO's examination.

ABBREVIATED ORGANIZATIONAL CHART OF THE BRAZILIAN PATENT AND TRADEMARK OFFICE BEST AVAILABLE INFORMATION AS OF MAY 2, 2016



Licks Attorneys is a top tier Brazilian law firm recognized as a successful law firm handling large and strategic Intellectual Property, Life Sciences, Food & Drug, Regulatory, Internet Law, Data Privacy and Cyber Crime projects in the country. Over the last 20 years, our attorneys have handled complex patent prosecutions, litigations, policy making and regulatory matters, representing and giving advice to companies seeking to protect blockbusters and strategic interests in Brazil.

Our firm has the largest patent litigation practice and can offer the complete range of services involving the acquisition, procurement, prosecution, enforcement and licensing of Intellectual Property rights in Brazil. In addition, we have extensive expertise in industries like Telecommunications, Oil & Gas and the Auto Industry. We have been growing steadily, while expanding into areas of practice closely associated with our core capabilities.

Our success rate stands above competitors' and we are involved in the most significant lawsuits in Brazil. Licks Attorneys is the most proactive firm assisting clients to successfully expedite patent examinations before the Brazilian Patent and Trademark Office.

With offices in Rio de Janeiro, Sao Paulo, Porto Alegre and Tokyo, we offer a comprehensive range of legal services. While aggressively investing in technical and human resources to provide a unique blend of technical and legal expertise. Our firm has a number of foreign-trained attorneys and partners and a motivated multi-lingual team with the background and capabilities to advise companies of all sizes from across the globe. Our client portfolio includes Fortune 500 companies as well as several global companies.

AWARDS



For immediate assistance with application filings or additional information please contact us at: patents@lickslegal.com

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Patent Prosecution Workflow in Brazil

Abbreviated Organizational Chart of the Brazilian Patent and Trademark Office

Current as of June, 2016