

Brazil – Trademark Opposition System

Gustavo Novis

General Coordinator of the Madrid Protocol

Geneve, November, 2023

- 1. Overview**
- 2. Statistics**
- 3. Perspectives – Opposition Notification**
- 4. Perspectives – Public Participation**

- **Trademark System**

Attributive (with exceptions)

- **Opposition System**

Prior to substantive examination

- **Opposition allegations**

Violation of prohibitions provided by law
(absolute and relative grounds)

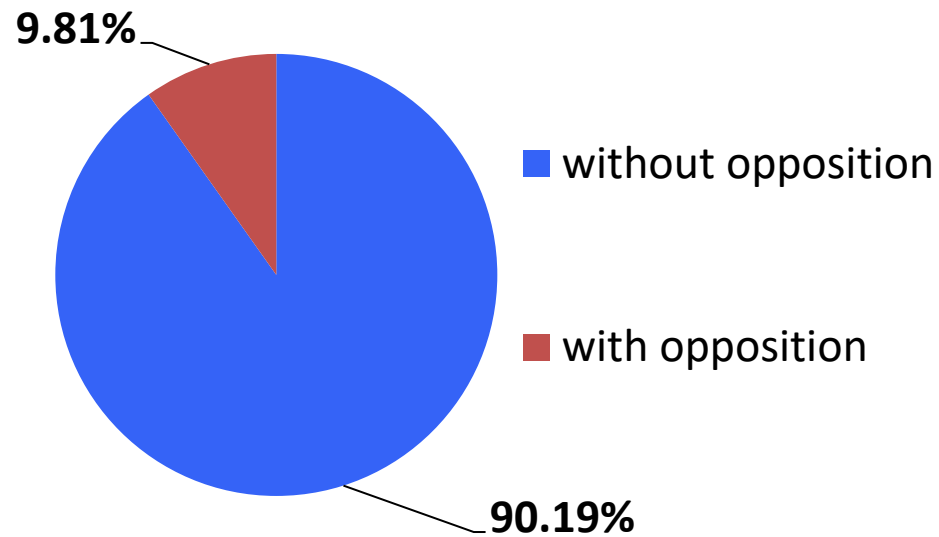
Opposition System



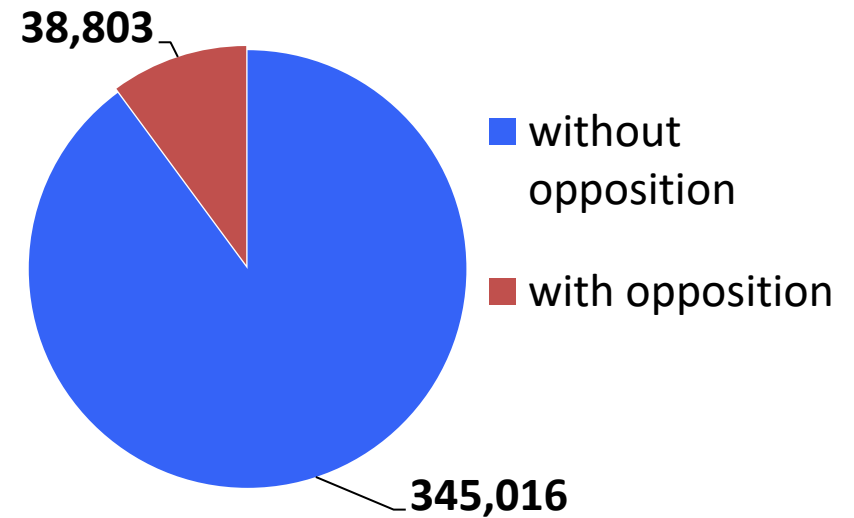
- ❖ Relevant Information:
 - Any person may file an opposition (in Portuguese)
 - Based on absolute and/or relative grounds
 - The holder may respond to an Opposition (in portuguese and through a local representative)
 - Response to an Opposition is not mandatory

Applications and Oppositions – Direct and Madrid

Percentage of applications (2019-2022)



Total of applications (2022)

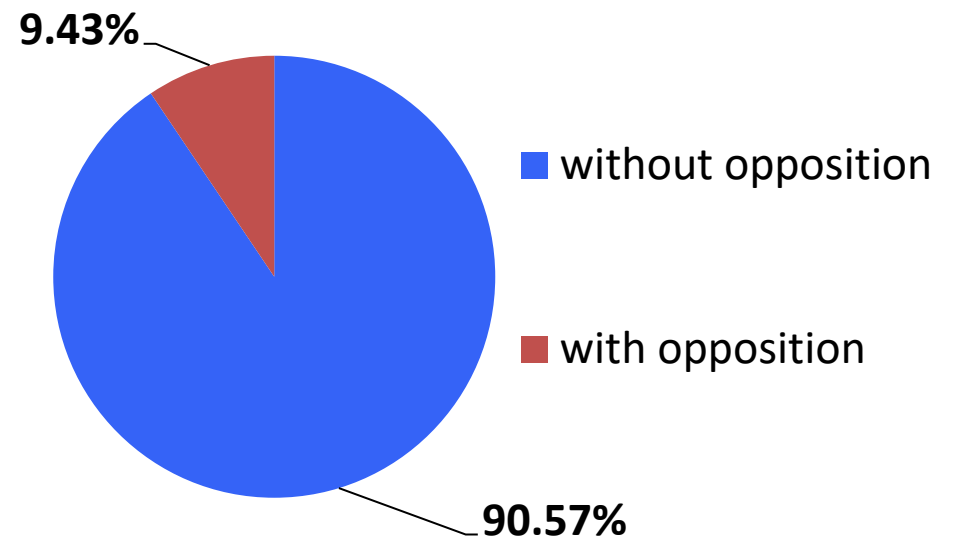


Applications and Oppositions – Madrid

**Madrid pending applications
(by September 2023)**

**Total designations to Brazil
(2022)**

12.102 designations



Opposition Notification

Today (both national e Madrid applications)

- publishing only in the brazilian gazette.

2024 - 2nd semester (for Madrid applications)

- publish in the brazilian gazette;
- communication to the holder via IB (Rule 23*bis*).

- Brazil uses IPAS System and sends only electronic communications to IB (via MOP or FTP server)

IT Developments – Brazil and WIPO

- Developing an Opposition Notification form – Rule23*bis* (machine-readable format, XML and PDF)
- Semi automatic sending when the Opposition Notification is published in the brazilian gazette
- Sent via FTP Server

Public Participation

2022

- Working Group with Interested Parties
 - Assessment of the IP Legal Framework

2023

- Final Report of the Working Group

Among other topics for trademarks:

- Possible Change of the Opposition System

Problem identified

The impact of opposition system on the time to the first decision



Causes identified

Waiting time after the publication of the application for opposition

60 days (for opposition) + 60 days (response)

Complexity of opposition examination

Time of examination of applications with opposition is 2,5 x higher.

Reduced number of trademark examiners

Opposition petitions are extensive

Opposition are based on subjects that are examined ex officio by INPI

2023 / 2024

- ❖ Brazil's IP Office will hold an online public consultation about the Opposition System
 - Main Purposes:
 - Publicize the matter;
 - Hear the interested parties opinion and understand different views;
 - Gather as much information as possible to support the decision makers.

➤ Regulatory alternatives on the public consultation

No intervention/do nothing

Infralegal change

Legal change

Post-exam and
Pre-registration

Post-
registration

Extinguish

Thank You!

Gracias!

Merci!

gustavo.novis@inpi.gov.br

www.gov.br/inpi/en

INPI NATIONAL
INSTITUTE OF
INDUSTRIAL
PROPERTY

BRAZILIAN GOVERNMENT

BRASIL

UNITING AND REBUILDING

WIPO FOR OFFICIAL USE ONLY