



**FEDERAL PUBLIC SERVICE  
MINISTRY OF DEVELOPMENT, INDUSTRY, TRADE AND SERVICES  
BRAZILIAN NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY  
DIRECTORATE OF PATENTS, COMPUTER PROGRAMS AND TOPOGRAPHIES OF INTEGRATED CIRCUITS**



















March 12, 2024

**Note C. 9199  
Standing Committee on the Law of Patents<sup>1</sup>  
Brazil**

**Information relating to the expedited examination programs of IP offices**

INPI continues to offer several types of fast-tracks for processes involving the protection of industrial property rights through the use of patents, such as:

**Figure 1 – Fast-tracks types.**

|   |                                    |   |  |   |                            |
|---|------------------------------------|---|--|---|----------------------------|
|  | Elderly applicant                  |  | Request for funding to explore the invention |  | Green technology           |
|  | Applicant with serious illness     |  | Applicant accusing thirty party infringement |  | Healthy technology         |
|  | Handicapped applicant              |  | Third party accused of infringement          |  | COVID-19 technology        |
|  | SMEs                               |  | Prior use                                    |  | [SUS or public interest]   |
|  | Science and technology Institution |  | Technology resulting from public funding     |  | First filed in Brazil      |
|  | Startups                           |  | Technology made available on the market      |  | Patent Prosecution Highway |

On December 27, 2022, INPI launched Phase IV of the PPH Program, governed by Ordinance No. 78, of December 16, 2022, published in the Industrial Property Magazine (RPI) No. 2712. The main features of phase IV are as follows (Table 1):

<sup>1</sup> The answers to this Note have been provided on behalf of Brazil by Brazilian National Institute of Industrial Property (INPI).



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Table 1 – Phase IV of the PPH.

| Phase IV (*)  |
|---|
| Up to 800 total requests per year   |
| Up to 250 requests per IPC Section per year   |
| 1 request per applicant per week  |
| Fee refund in standard cases and for requirements that exceed the stipulated limits |
| No appeal is admitted in the event of refusing entry                                |

(\*) - acceptance of positive opinion on patentability for inclusion of application in the PPH.

Ordinance No. 78 can be accessed by the link below:

<https://www.gov.br/inpi/pt-br/servicos/patentes/legislacao/legislacao/portaria-ndeg78-16-12-2022.pdf>

In the context of the PPH, INPI signed two Memorandums of Understanding (MOUs) in 2023. The first was with the Finnish Patent and Registration Office (PRH) and the second with the Canadian Intellectual Property Office.

Figure 2 shows details of the decision for the PPH modality in 2023.

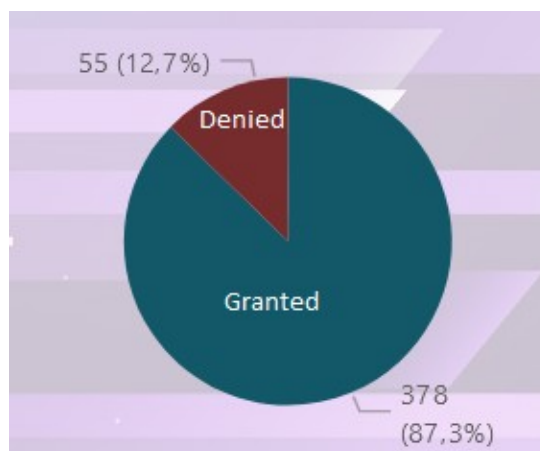


Figure 2 – Decision for the PPH modality in 2023.



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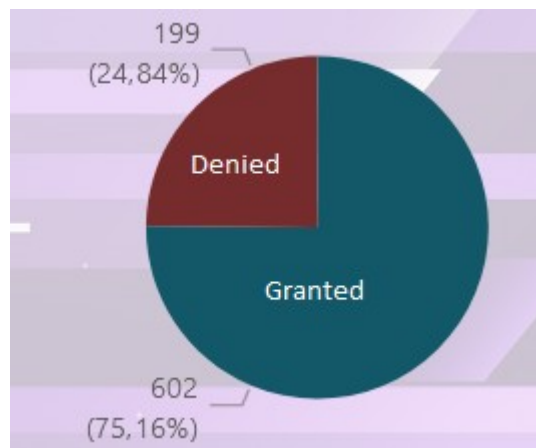
Furthermore, on December 27, 2022, INPI also published Ordinance No. 079 (Industrial Property Magazine (RPI) No. 2712) that governs the priority processing of patent applications in Brazil.

<https://www.gov.br/inpi/pt-br/servicos/patentes/legislacao/legislacao/portaria-79-16-12-2022.pdf>

The main information regarding the objectives, qualification, procedures and fees can be reached by the link below:

<https://www.gov.br/inpi/pt-br/servicos/patentes/tramite-prioritario/modalidades-de-tramite-prioritario-de-patentes>

Finally, Figure 3 presents data relating to the decision for all priority types in 2023:



**Figure 3 – Decision for all modalities of priority in 2023.**

More details can be found at:

<https://www.gov.br/inpi/pt-br/servicos/patentes/tramite-prioritario/estatisticas-gerais>

or

<https://www.gov.br/inpi/pt-br/servicos/patentes/pph/estatisticas-de-pph>