

Newsletter Intellectual Property: April 2021

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Read the highlights from the area in April, month which is celebrated the International Intellectual Property Day (April 26).

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Significant Increase in Patent Grants in 2020 Reinforces Positive Impact of BPTO's Actions

Since the issuance of Resolutions Nos. INPI/PR 240/2019 and INPI/PR 241/2019, of July 9, 2019, which had set new procedures to reduce the backlog of pending patent applications, the results achieved by the Brazilian Patent and Trademark Office (BPTO) are impressive. Recently, the BPTO took a further step by issuing Resolution No. INPI/PR 21/2021, which provides for the use of results from searches carried out by foreign Patent Offices or International Organizations in the examination of Brazilian applications filed in 2017. Thus, the BPTO's efforts to restructure and optimize its services are evident, resulting in a significant improvement for users of the Brazilian patent system.

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Federal Supreme Court (STF) decides that the right to be forgotten is incompatible with the Brazilian Constitution

The Federal Supreme Court (STF) issued a ruling, by a majority of 9 to 1 Justices, in the sense that the idea of the "right to be forgotten" is not compatible with the Brazilian Constitution. The right to be forgotten is usually raised in court to censor the publicizing of facts and data relating to events that took place some time ago. According to the theory consolidated by the STF, "the idea of a right to be forgotten is incompatible with the Federal Constitution, being such right understood as the power to prevent, due to the time elapsed, the publicizing of truthful and lawfully obtained facts or data published in the media – either analogically or digitally".

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Changes in the Chinese Patent Law

After an announcement by the Chinese Patent Office (CNIPA), the new Chinese Patent Law will come into force on June 1st, 2021. The changes in legislation resulted from the fourth amendment to the Patent Law of 1984 and have the following purposes: strengthening and giving greater importance to the intellectual property system in the country; optimizing the enforcement of patent rights; and promoting the use of patents as well as the commercialization of inventions. The last change had been made in 2008.

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INPI starts video conference interviews

In yet another step towards improving communication with users, the Brazilian Patent and Trademark Office (INPI) incorporated a tool for scheduling interviews by videoconference in its service platform.

The so-called “Serviço de Atendimento Telepresencial” (“Telepresence Assistance Service”) was long awaited. In recent years, the INPI has progressively restricted telephone interviews, directing users to the “Fale Conosco” (“Contact Us”) channel. In addition to that, with face-to-face meetings discouraged or strictly forbidden, videoconferencing tools became popular over the past year.

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