Brazilian Group Activities in 2018

1. INSTITUTIONAL ACTIONS

The Brazilian Group of AIPPI (ABPI) has carried out the following institutional actions with authorities, public institutions and other entities:

Agreement with Mediare

The Brazilian Group and the Mediare System have signed a cooperation agreement in the field of dispute resolution. Under the agreement, Mediare will nominate ABPI’s Arbitration Chamber (CARb) for Intellectual Property cases and, in turn, The National Group will recommend Mediare for mediation services that do not involve IP.

Parliamentary Front

Among the priority projects for legislative follow-up, established on May 20 at the 1st General Assembly of the Joint Parliamentary Front in Defense of Intellectual Property and Combating Piracy, in Brasília, two NG proposals are presented: PDC (Project of Legislative Decree) 860/2017 (ABPI/ABAPI), which approves, under the Madrid Agreement, the texts relating to the Common Regulations of the International Registration of Marks; and PLS (Senate Bill) 173/2017 (NG), which amends the Industrial Property Law to reduce the deadlines foreseen in the patent application process. The meeting was attended by the Sectional Representative of Brasília, Alexandre Muller Viveiros and director Paulo Marques.

Madrid Protocol
The Board and Executive Committee of NG approved, on June 20, through ABPI Resolution No. 91, with some disclaimers, support for Brazil's accession to the Madrid Protocol.

The full resolution is available at:

http://www.abpi.org.br/materiais/resolucoes/resolucao91ABPI.pdf

Visit of CIPA

On August 16, NG’s president, Luiz Edgard Montaury Pimenta, received the Council Member & Chairman of CIPA (the Chartered Institute of Patent Attorneys) at the entity's headquarters in Rio de Janeiro. At the meeting, the two leaders discussed the activities and functioning of both entities, as well as the practices of the European Patent Office (EPO).

Chinese Delegation

Ten members of the China Trademark Association (CTA), led by Deputy Secretary General Wu Dongping, visited NG’s headquarters in Rio de Janeiro on November 9. They were welcomed by NG’s Vice President Gabriel Leonardos, and by board members Ricardo Boclin and Rodrigo Bonan de Aguiar.

Combating piracy

NG and the State Council for Combating Piracy of the state of Santa Catarina (CECOP-SC) signed, on September 18, a cooperation agreement to promote and coordinate actions to combat piracy, tax evasion resulting therefrom, and crimes against intellectual property.

Combating Audiovisual Piracy
National Group is represented by its president, Luiz Edgard Montaury Pimenta, in the Technical Chamber to Combat Piracy of Audiovisual Works (CTCP), of ANCINE (the National Cinema Agency), with first and second alternates, respectively, members José Henrique Werner and Marcelo Goyanes.

**Letter to the Presidential Candidates**

The Letter to the Presidential Candidates, with ten proposals for improvement of innovation was sent on October 2 to the candidates for President of the Republic. The document, referred back to President-elect Jair Bolsonaro, proposes, among other measures, to reduce the time of patent and trademark concession by the BPTO, as well as to grant financial autonomy to the institute, in order to increase its productivity and end the patent backlog.

The complete document is available at:


**Economic Study**

With analyses concerning the situation of Brazil in the IP world scenario, taking an economic approach, the study *Intellectual Property, Innovation and Development: Challenges for Brazil*, commissioned by the Brazilian Group to the economist Antonio Márcio Buainain, of Unicamp, has been presented to government authorities and other opinion leaders.

The full document is available at:


**Public Opinion to the ANP**
Through Public Opinion 07/2018, forwarded to the National Petroleum Agency (ANP), the Brazilian Group argued against the unconstitutionality of the proposal for the marketing of LPG in containers of other brands.

**Amicus Curiae**

The Brazilian Group has been acting as *amicus curiae* in the following actions:

- **Direct Action of Unconstitutionality nº 5529:** Referring to art. 40, sole paragraph of Law 9.279, which provides that the period of validity shall not be less than ten years for invention patent and seven years for utility model patent, from the date of grant.

- **Special Appeal nº 1.527.232 / SP:** Action to restrain the use of trademark c/c unfair competition.

- **Special Appeal No. 1.610.728 / RS:** Collective action proposed by several rural unions to recognize the right of small, medium and large Brazilian soybean farmers to reserve the product of transgenic soybean cultivars for replanting in their fields, and the right to sell this production as food or raw material with no additional payment for royalties, technology fee or indemnity.

- **Public Civil Action nº 0513584-06.2003.4.02.5101:** Initially proposed by the MPF (Public Federal Ministry) questioning the Opinion PROC / DICONS nº 07/2002 of the BPTO, which allowed for voluntary changes in patent applications formulated after the application for examination.

- **Public Civil Action nº 007660-18.2018.4.01.3400:** It aims the declaration of suspension and subsequent nullity of articles 4 and 5 of Joint Ordinance ANVISA (National Health Surveillance Agency) and BPTO nº 01/2017, which limited the institute of prior consent of ANVISA in patent applications of pharmaceutical products and processes.
Corporate Members Committee

Under the coordination of former BPTO president, Jorge Ávila, NG resumed the activities of the Corporate Members Committee, which already has about 60 member companies. Throughout the year, the Committee met four times, including a meeting during the Annual Congress, deliberating on issues relevant to the group and directing effective demands to the Study Committees and Board of Directors.

Study Committees

The Brazilian Group’s Study Committees held six meetings during the course of the year, in which the following themes were addressed:

• Biodiversity Law and the benefit-sharing agreement;

• The use of artificial intelligence (and other technological developments) for the solution of controversies.

• General Law for Protection of Personal Data: Bill and GDPR;

• Relevant IP issues related to the 2018 FIFA World Cup;

• Online Platforms Challenges - Copyright Regulation in Brazil;

• Ordinance No. JFRJ-POR-2018/00110, dated 04/24/2018 - signed jointly by the Federal Judges of the Federal Specialized Sections on social security and intellectual property of the Judiciary Section of Rio de Janeiro - which provides for the procedural position of the BPTO and applicable deadlines in actions for the annulment of patents, industrial design registrations, trademarks and related actions.
The debates organized by Study Committees at the pre-event of the Brazilian Group’s XXXVIII Congress resulted in many crowded halls, due to the audience’s great interest in the topics covered.

Domain Names

In six years since the beginning of its operations, The National Group’s Dispute Resolution Domain Name Chamber (CASD-ND) is already the main chamber used by parties to resolve their conflicts under the scope of the Administrative System of Internet Conflicts (SACI-Adm).

2. MEETINGS OF THE EXECUTIVE COMMITTEE AND THE BOARD OF DIRECTORS

In the 11 meetings held throughout the year, the Executive Committee and Board of Directors of NG approved budgets, resolutions and other important decisions in the institutional, administrative and financial field of the entity.

3. COMMUNICATION ACTIONS

NG increased its presence in the media, with the dissemination of its actions through its website, bulletin, Instagram, LinkedIn, the Migalhas portal and external media.

SOS PATENTS in the Valor Econômico Newspaper
On February 27, with an advertisement published in the *Valor Econômico* Newspaper under the title “S.O.S. PATENTS” followed by a full page manifest, NG drew attention to the waiting time to the granting of a patent by the Brazilian Patent and Trademark Office (BPTO), which ranges between 14 and 15 years. In the manifest, NG defends the BPTO's financial autonomy and also highlights the 230,000 patent applications pending analysis by the institute, the so-called backlog.

**Article in the *Valor Econômico* Newspaper**

Following the advertisement, the Brazilian Group published an article on the backlog problem signed by its president Luiz Edgard Montaury Pimenta.

**Partnership with the Migalhas Portal**

Since April 13th the partnership with the Migalhas Portal, one of the most active in the legal area, has provided NG with greater visibility.

**New Visual Identity**

At the opening of its Congress, on August 19, The Brazilian Group presented its new logo, with a cleaner and innovative look.

**New Communication**

With a new logo and entry into social media, NG began to redesign its communication strategy, with the development of a new website and social media actions for implementation in 2019.

**Bulletins**
In addition to the three daily bulletins published at the Congress, four more newsletters were published and distributed to members, with news from the Group and the IP area.

Journal

Five editions of NG’s Journal were published throughout the year.

Press office

NG's press and public relations activities resulted in 100 insertions in the Brazilian printed and online media, including issues related to Patents, Piracy and Copyright, among others.

Social media

The Brazilian has increased actions on social networks, especially Instagram and LinkedIn, with posts concerning its activities.

Daily Clipping

Clipping with news of the Intellectual Property area delivered to members 365 days a year.

4. PARTNERSHIP WITH THE BPTO

*NG has intensified its relationship with the BPTO through visits, specific meetings and the participation of representatives of the entity in its events (congress, lunch-lectures), with suggestions and criticisms to the system's improvement.*

Meeting at the BPTO
On February 28 the BPTO’s President, Luiz Otávio Pimentel hosted NG’s president Luiz Edgard Montaury Pimenta, the first vice-president, Gabriel Leonardos, and Maria Carmen de Souza Brito, member of the Association's Board of Directors. At the meeting NG expressed its support for the BPTO’s restructuring proposals, with emphasis on the financial autonomy of the institute.

**Technical Cooperation**

On April 6, a Technical Cooperation Agreement between the BPTO and NG was the subject of the meeting of NG’s president, Luiz Edgard Montaury Pimenta with civil servants of the institute - Leopoldo Nascimento Coutinho (Coordinator of International Relations), Felipe Augusto Melo de Oliveira (General Coordinator of Dissemination for Innovation) and Rafaela Di Sabato Guerrante (Coordinator of Articulation and Promotion of Intellectual Property and Innovation).

**US Consulate**

On June 11 NG’s president Luiz Edgard Montaury Pimenta attended the meeting of BPTO’s president Luiz Otávio Pimentel and Jimmy Story, US Consul in Rio de Janeiro, for a technical cooperation agreement.

**BPTO’s technical independence**

On September 25, the Brazilian Group was a signatory, along with Interfarma, ANPEI (National Association of Research and Development of Innovating Companies), ABAPI (the Brazilian Association of Industrial Property Agents) and OAB-RJ (Brazilian Bar Association - Rio de Janeiro), among other entities, of a Demonstration in Support of Technical Independence of the BPTO, published in social media.
Open Letter on the Chaos of Information Technology at the BPTO

On August 30 the NG published an open letter in social networks on the need for investment in the BPTO’s infrastructure and defended that user fees must be managed by the institute.

Public Hearing

On June 19 NG’s president Luiz Edgard Montaury Pimenta defended the strengthening and financial autonomy of the BPTO during a Public Hearing in the Human Rights Commission of the Federal Senate, in the debate on Bill 3406/2015 that proposes that the resources generated by the BPTO are reinvested in itself and not controlled by the Treasury.

Realignment of BPTO’s fees

On October 19 NG’s president Luiz Edgard Montaury Pimenta attended a meeting at CNI (the National Confederation of Industry) to discuss a potential realignment of the standard values of services rendered by the BPTO, considering the prices charged by equivalent institutes in other countries and the suggestions of the various entities present at the meeting.

5. OWN EVENTS

Lunch-lecture with the president of the BPTO

At the lunch-lecture held by NG on March 12 at the Prodigy Hotel in Rio de Janeiro, the BPTO’s president Luiz Otávio Pimentel detailed the proposal of the institute concerning the simplified patent examination to reduce the backlog of patents which is around 225,000 applications.
Lunch-lecture with Judge Lazzarini

At the lunch-lecture held on May 10 at the Dinho's restaurant in São Paulo, Judge Alexandre Lazzarini, member of the 1st Business Chamber of TJ-SP (Court of Justice of São Paulo) reported that, with about 40 cases in April, Intellectual Property already represented 58% of the lawsuits, holding second place in the ranking of cases distributed by the 1st and 2nd Corporate Courts of São Paulo.

Brunch-lecture with the president of the BPTO

The president of the BPTO Luiz Otávio Pimentel presented the strategic planning of the institute for the coming years at NG's brunch-lecture held on June 26 at the Prodigy Hotel in Rio de Janeiro.

Brazilian Group’s International Congress on Intellectual Property

With an opening speech by Minister Luis Roberto Barroso, ABPI’s XXXVIII International Congress gathered, from August 19 to 21, in São Paulo, about 800 participants, among which 120 coming from abroad. There were 3 plenary sessions and 16 panels, some unprecedented, such as the one that brought together representatives from foreign IP offices to exchange experiences on trademark applications, patent and backlog.

The Congress was reported in the main Brazilian newspapers, generating 50 insertions in the national media, including coverage of Rede Globo, Brazil's biggest television broadcaster.

Newsletters about the plenaries and panels were published during the event. Video streaming in real time showed the debates and the gathering of participants in the circulation areas, networking and exchanging professional experiences.
Full coverage of the event is available at:

End of year celebration

Annual celebration with the Brazilian Association of Industrial Property Agents - ABAPI at the Dell’Orso Restaurant in São Paulo.

6. THIRD PARTY EVENTS

The Brazilian Group was represented by its president, directors or members at the following events:

- **Ceremony in the Navy**
  
  Solemnity of Commencement of Integration of the Class Riachuelo Submarines of the Brazilian Navy, in Rio de Janeiro on February 20.

- **International Intellectual Property Day**
  
  "Round Table: Women in Innovation and Creativity", at the BPTO headquarters, in Rio de Janeiro on April 26.

- **Science and Innovation Day in the Navy**
  
  Commemorative ceremony in the Navy, at the Navy Command in Rio de Janeiro, on April 26.
• LESI 2018
Brazilian delegation in an event of the entity held in San Diego, California (April 27-29).

• CNI
NG was among the supporters of the 2nd Intellectual Property Seminar of the National Confederation of Industry (CNI), held in São Paulo on May 8.

• Latin America Liberty Forum 2018
At the event held by the entity in Santiago, Chile (July 14-15).

• WIPO
Opening of the Summer Course on Intellectual Property of WIPO-Brazil, in an event organized by WIPO in partnership with the BPTO and NG (July 16).

• AIPPI
AIPPI World Congress, attendance of the Brazilian Group in Cancun, Mexico (September 24-26).

• 2nd Biotic Dialogue
The event debated the impact of technological innovation in public administration in the coming years, in Brasília, Distrito Federal (September 25).
• **10th Global Network Summit**

Annual event of the entity held in Cancun, Mexico (September 27).

• **ABAPISUL**

Celebration of the 70th anniversary of the founding of the Brazilian Association of Industrial Property Agents - ABAPI, in Curitiba, Paraná (October 10).

• **ASIPI – XX ASIPI Congress**


• **OAB – the Brazilian Bar Association**

II National Meeting of the Commissions of Intellectual Property, Art, Culture, Entrepreneurship and Innovation of the Brazilian Bar Association (OAB), at the headquarters of the Pernambuco Section, in Recife (December 5-7).