

## From trademark rejection to registration: Brazil's PTO shifts its position on advertising expressions

On October 31, 2024, the Brazilian Patent and Trademark Office (BRPTO) revised its interpretation of Article 124, item VII of the IP Law, which establishes the **grounds of refusal of trademarks considered to be purely advertising**. Under the new interpretation, a trademark will be refused if it cumulatively meets two conditions:

1. The mark, as a whole, serves a purely advertising function, and;
2. It does not serve a distinctive function.

This significant change in Brazil **opens the door to the registration of trademarks that, until recently, were considered inherently unregistrable due to their promotional tone.**

### INGETEAM ELECTRIFYING A SUSTAINABLE FUTURE: trademark successfully registered after initial refusal

Our local team of **trademark attorneys** successfully took advantage of this updated interpretation to overturn a prior refusal and **secure the registration** of the INGETEAM ELECTRIFYING A SUSTAINABLE FUTURE trademark, an **international designation** that had **initially been refused** in Brazil for allegedly functioning as an **advertising slogan**.

INGETEAM ELECTRIFYING A SUSTAINABLE FUTURE is now registered in Brazil **as a result of a well-based appeal** and Brazilian PTO's refined understanding of distinctiveness.

This outcome highlights the importance of a strategic approach that can turn an initial refusal into a successful registration.

## Need advice about international trademark registration?

At **UNGRIA** we have a team of **trademark attorneys** who can advise you and accompany you in the registration, prosecution and protection of your trademark at an international level as well as its surveillance and renewal.

Please contact us for more information.

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