

Brazil

Priority examination requests for computer-implemented inventions



The Brazilian Patent and Trademark Office (BRPTO) announced on June 30, 2026, that **it will begin accepting requests for priority examination for patent applications classified under IPC Class H04** (Electric Communication Technique).

The measure was formalized through Ordinance No. 5/2026, published in the Official Intellectual Property Gazette (RPI) No. 2,895.

Under the new rules, each applicant may submit only one priority examination request per month. This restriction applies across all priority examination mechanisms available for H04 patent applications.

The Ordinance also provides for two temporary exceptions:

- First, applicants will be allowed to submit a second request during July 2026.
- Second, **under the Patent Prosecution Highway (PPH) program, BRPTO will accept requests for applications that have already received a Preliminary Office Action Code 6.23.**

Although the measure represents a slight improvement over the previous complete suspension of new requests, its practical impact is expected to be limited.

By allowing only one request per applicant each month, the new framework does little to address the ongoing lack of access to accelerated examination, an issue of particular importance for innovation-driven sectors such as telecommunications and information technology.

The Ordinance also maintains existing exceptions for:

- Elderly applicants.
- Applicants with disabilities.
- Applicants with serious medical conditions.
- Startup applicants.

In addition, the **annual cap of 3,200 PPH requests** will remain in effect throughout 2026.

Filing and prosecution patents in Brazil

If you would like to discuss how these changes may affect your **patent portfolio or filing strategy in Brazil**, please do not hesitate to contact our Intellectual Property team.

We would be pleased to assist you.

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