



## BRAZIL:

PPH available for all technical fields

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A new Patent Prosecution Highway (PPH) Pilot Project became effective in Brazil on December 1, 2019. Resolution No. 252/2019 encompasses all PPH Programs available as a single Patent Prosecution Highway Project.

The main purpose of the aforementioned Resolution is to expedite the examination of patent applications belonging to any field of technology, unifying the procedures adopted for all PPHs in force and making the process faster and less complicated.

This PPH program is limited to a maximum of 400 requests per year and the application for participating must be filed in the period from December 1, 2019, to November 30, 2022.

The following Offices have confirmed their participation in this new PPH program: JPO (Japan), USPTO (United States), EPO (Europe), CNIPA (China), UKIPO (United Kingdom), DKPTO (Denmark) and PROSUL (Argentina, Chile, Colombia, Costa Rica, Ecuador,

Paraguay, Peru, Uruguay). The Brazilian PTO is keeping negotiations with other offices, allowing for the addition of new jurisdictions.

This new PPH Program is accepting applications belonging to patent families whose earliest application has been filed at the BRPTO or at the Offices cited above and has already been examined by the Earlier Examination Office. The Applicant must submit a request for the fast-track examination through PPH, and include a table indicating the correspondences between the Brazilian application claims and claims considered as allowable by the Earlier Examination Office, as well as a copy of non-patent literature considered as prior art by the Earlier Examination Office.



Claims submitted with the PPH request cannot have additional subject matter when compared with claims considered allowable by the Earlier Examination Office, and should have the same scope of protection.

Furthermore, patent applications must meet the following requirements to be eligible for the new PPH Project:

- the Brazilian patent application must have been filed for at least 18 months or have a request for anticipated publication or, in the case of international applications, the application must have been published by the World Intellectual Property Organization (WIPO);
- all the prescribed fees (including the examination fee) must have been paid;
- the First Examination Report must not have been issued by the Brazilian PTO;
- the Brazilian patent application must not have been accepted under any other accelerated examination program created by the Brazilian PTO.

Voluntary amendments or divisional applications made by the applicant between the PPH request submission and the decision of the PPH procedure will cause the application to be withdrawn from the PPH Pilot Project and returned to the ordinary examination procedure.

This new PPH, as well as other modifications implemented by the Brazilian PTO during 2019, are part of the modernization of the Brazilian PTO.

[www.ungria.es](http://www.ungria.es)

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