

BRAZIL:

BRPTO issues a new Ordinance regarding Preliminary Examination procedures

BRAZIL



In an attempt to reduce the patent backlog, the Brazilian Patent Office (BRPTO) published in the Official Bulletin No. 2621 dated March 30, 2021, Ordinance 21/2021, which expands the preliminary examination procedures to encompass patent applications filed from January 01, 2017, to December 31, 2017.

This Ordinance applies to patent applications:

- not submitted to the first technical examination carried out by BRPTO;
- not subject to any type of priority examination by BRPTO;
- not containing third-party or ANVISA's observations;
- having a corresponding application with prior art searches carried out by foreign Patent Offices and International or Regional Organizations;
- with a filing date up to December 31, 2017.

Hence, a formal office action will be issued on these applications, containing the prior art documents cited during the examination proceedings carried out in other jurisdictions by foreign Patent Offices.

The first phase of the preliminary examination procedure, which encompassed patent applications with a filing date up to December 31, 2016, and launched in the second half of 2019, has already examined 90% of the backlog.

This new Ordinance came into force on April 01, 2021.