MADRID PROTOCOL: NOW IN BRAZIL

BPTO'S RESOLUTIONS CAME INTO FORCE YESTERDAY

Brazil has finally adhered to the Madrid Protocol—the international treaty that facilitates the registration of trademarks in multiple jurisdictions around the world—and three of its resolutions regulating the new procedures came into force yesterday, October 2, 2019. Therefore, it is now possible to file international trademarks with Brazil as the Home Office. However, it is worth noting that the BPTO's electronic systems for joint ownership and multiclass will not be available until March 9, 2020. Please find below some of the relevant aspects of the BPTO's main resolutions.

BPTO'S

RESOLUTIONS

MADRID PROTOCOL

The Madrid protocol is now in full force in Brazil, following the international standards. Our team can assist with international trademark registrations and answer questions on the implemented changes.

In force

Electronic System Available

JOINT OWNERSHIP

Joint ownership will also be possible (**except for collective trademarks**) as long as the applicants are involved in activities related to the products or services, direct or indirectly. Assignments of jointly owned trademarks must have the consent of all owners except if determined otherwise in a legal or arbitral decision.

In force

Electronic System Available in March 2020

DIVISIONAL APPLICATIONS/REGISTRATIONS

Divisional application is now possible. The division of an application will create a new application, which can also occur for stayed administrative procedures. It is also worth noting that divisions can be made for trademark assignment purposes as long as the respective requirements are fulfilled.

Will enter in force in March 2020

MULTICLASS SYSTEM

In the multiclass system, the registrability of the trademark will be analyzed separately, per international class, and the trademark will only be fully granted once there is no legal obstacle in any of the classes. The allowance can be partial if the prohibition is given in part or if the specification changes. Furthermore, if there is an appeal, against the partial concession, the registration will only be granted after a final decision and proof of the corresponding payments.

In force

Electronic System Available in March 2020



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