

## **BRAZIL: IP Office Now Examining Position Mark Applications**

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On November 16, 2022, the Brazilian Patent and Trademark Office published Ordinance No. 71, which finally enabled the filing of petitions relating specifically to position marks.

Although the Office issued the regulation on the registrability of position marks in 2021, applicants for such marks had to use the application form available for 3D marks. The Office had also suspended examination of such applications until it could complete necessary updates to its IT systems.

Having implemented these technical updates, the Office started examining applications for position marks in December 2022.

In cases where the marks appear to be position marks, but the applicants have not requested their conversion to position marks in a timely fashion, the Office issues office actions requesting that the applicants confirm the type of mark for which they are seeking protection.

Since the Office had yet to render any decision on the merits of an application for a position mark at the time of this article's publication, practitioners and others are now eagerly awaiting examination of these applications to see how the Office views potential controversial points and how it will interpret the regulation.

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