

---

 Save & file |  Forward |  Print |  Share |  Ask Lexy

---

You have been granted complimentary access to this guide courtesy of Murta Goyanes

03 November 2023



## Murta Goyanes

By Antonio Murta Filho, Luiza Duarte Pereira and Camila Rodrigues Casali

---

## Introduction

Brazilian law provides that all visually perceptible distinctive signs, not included under legal prohibitions, can be registered as trademarks. Based on this concept, registration of sound, olfactory, tactile or taste marks is not yet possible.

The National Institute of Industrial Property (INPI), which is the entity responsible for trademark registration, does not recognise secondary meaning, which is the reason why only inherently distinctive trademarks are easily registered. Trademarks that have acquired distinctiveness over time may need to evidence this secondary meaning before courts to be granted a registration.

As of the date of writing, INPI accepts neither series marks nor the registration of isolated colours. The registration of colours and their names as trademarks is not acceptable by INPI, except when arranged or combined in an unusual and distinctive manner. Position marks have been acceptable since 1 February 2022.

As mentioned in Section IV, there are two routes for obtaining a Brazilian trademark registration: by means of an application filed before INPI; or via the Madrid Protocol (i.e., by means of an application filed before the World Intellectual Property Organization (WIPO) to obtain an international registration designating Brazil).

To challenge a final decision issued by INPI, it is necessary to file a lawsuit before the federal courts within five years counted from the date of publication of the corresponding decision.

Civil and criminal trademark infringement lawsuits must be filed before state courts.

## Year in review

It is worth mentioning some relevant cases concerning trademark matters decided in Brazil in the past year.

The first and sole registration for a position mark, which involved an unusual sequence of three eyelets on sneakers between the toe tip and the tongue, was granted by INPI in 2023.<sup>2</sup>

As at the date of writing, INPI has rejected 22 other applications for position marks, including the application for Louboutin's famous red sole.<sup>3</sup>

The French footwear brand filed a lawsuit seeking the nullity of the INPI's rejection decision arguing lack of reasoning and incorrect interpretation of applicable trademark legislation, as well as breach of the 'telle quelle' principle provided by the Paris Convention. Furthermore, according to the plaintiff, the red sole has become distinctive owing to its successful and effective, prolonged and consistent use, which should result in INPI's acknowledgment of secondary meaning of the mark. On 8 August 2023, the 13th Federal Court of Rio de Janeiro upheld the plaintiff's arguments and, in a preliminary decision, ordered the suspension of the INPI's decision.<sup>4</sup> This decision is still subject to appeal.

Furthermore, within the administrative context, INPI recognised the packaging of Yakult fermented milk as a well-known mark, which affords protection in all market sectors, regardless of the class covered by the registration. According to INPI, the company has evidenced that the Yakult bottle was widely recognised by Brazilians; it had a reputation and prestige among consumers, along with a sufficient degree of distinctiveness and exclusivity in the market. In the decision, INPI highlighted that even without the label, consumers associated the packaging with the product.<sup>5</sup>

The Fourth Chamber of the Superior Court of Justice (STJ) found unfair competition in the conduct of a company that used a competitor's trademark as a keyword in Google Ads to obtain privileged search results and direct customers to its services.<sup>6</sup> In this case, a travel agency claimed that a competing company had been using the search engine to obtain views when searching for its trademark 'Braun'. In defence, the defendant confirmed that it had contracted the advertising service, but that it did not intend to divert customers. The rapporteur, Minister Luis Felipe Salomão, emphasised that, although the defendant did not acquire the service using the term 'Braun' in isolation, it did so in conjunction with the word 'turismo' (tourism), which would constitute improper use of the trademark and parasitic competition practice, diverting clientele and harming the business of the trademark holder.

The Third Chamber of the STJ decided that the use of the trademark 'Vogue' as part of the trade name of the luxury shopping centre 'Vogue Square Life Experience' did not amount to infringement of the famous magazine's trademark rights.<sup>7</sup> The Court held that the use of signs as names of buildings and real estate developments do not constitute use as a trademark and, therefore, no infringement was found.

## Legal framework

### i Legislation

The following legislation is the most relevant concerning trademark protection in Brazil:

- a. Law No. 9,279 of 14 May 1996 (Brazilian Industrial Property Law);
- b. the Paris Convention for the Protection of Industrial Property (Brazilian Decree Law No. 75,572 of 8 April 1975);
- c. the World Trade Organization TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual Property Rights);
- d. Decree No. 10,033 of 1 October 2019, which enacts the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks; and

e. resolutions and administrative decrees issued by INPI with emphasis on the Trademark Guidelines, incorporated by INPI's Ordinance No. 08/2022, last updated on 17 January 2023.

## ii Authorities

The authority responsible for the administration of the Brazilian trademark register is INPI, which grants protection for trademarks, patents, utility models, industrial designs, geographical indications and software, and records licensing agreements and technology agreements.

The commercial boards of trade are the authorities responsible for registering company names, companies' by-laws and any and all amendments thereof. Each state has a commercial board of trade, and a company must be registered in the state or states in which its head offices and affiliates (if any) are located. The jurisdiction of each commercial board of trade is restricted to its state.

As for copyrights, although registration is not mandatory for protection, it is possible to register these rights before the National Library, Fine Arts National School and notary offices, among others.

The authority responsible for registration and maintenance of domain names with the extension '.br' is Registro.br. It is also responsible for executing the service of distribution of IPv4 and IPv6 addresses, as well as numbers of autonomous systems (ASN) in Brazil.

## iii Substantive law

The legal basis for the protection of trademarks (including collective or certification marks) and geographical indications is the Industrial Property Law.

Brazil is a first-to-file system, and trademark rights arise from registration granted by INPI. This notwithstanding, applicants of pending applications may defend the material integrity and reputation of their marks.

In general, unregistered trademarks are protected under unfair competition claims.

If the owner of an unregistered trademark wishes to object to a third party's trademark application before INPI, it must prove:

- a. that its trademark has been used in Brazil for at least six months prior to the opposed application's filing date. However, if the senior applicant also evidences use of its mark for at least six months prior to the application's filing date, INPI will grant preference to the party who first filed its application in Brazil;
- b. the well-known status of the trademark among Brazilian consumers before or at the time the opposed application was filed; or
- c. that the other party undoubtedly had knowledge of the mark when it filed the opposed application.

Oppositions based on any of the above grounds will only be recognised if the owner also files an application for its mark in Brazil and submits evidence of this filing along with the opposition or within 60 days counted from the opposition's filing date.

The Industrial Property Law also affords a distinctive level of protection to 'famous marks', which are trademarks that have acquired a high level of recognition among Brazilian consumers, deserving protection in all classes of goods and services. To obtain this special protection, the owner must have a trademark registration granted by INPI and follow a specific procedure that includes the submission of several documents supporting the fame of the mark, including market research. Once granted, the trademark will

have the famous status for 10 years. To extend this period of special protection for an additional 10 years, the owner must reapply and follow the same procedure to evidence that the notoriety of the mark has been maintained over the years.

This Law also affords protection to company names and trade and business names against third parties that attempt to register identical or similar expressions as trademarks, when capable of causing consumer confusion or association. Other than that, the protection for these types of intellectual property rights is stated in the Brazilian Civil Code and may be covered by unfair competition claims.

Regarding domain names, they follow the provisions set forth by Registro.br. Domain names do not afford trademark protection per se, but may be cited as grounds for unfair competition claims.

## Registration of marks

The trademark registration procedure before INPI begins with the filing of an application. Once the trademark application is filed, a formal examination is conducted in which the conditions necessary for the continuity of the process are verified.

If the application does not comply with all formalities, INPI will issue an office action. The applicant must comply with the office action within five days of its publication in the Official Gazette. If the applicant does not satisfactorily comply with the office action, the application will be considered non-existent.

If all formalities are complied with, the trademark application is published in the Official Gazette for third parties' knowledge and opposition purposes. After the publication, third parties have 60 days to file oppositions.

If no opposition is filed, or after the submission of a reply to the opposition (which is optional), the application will be examined by INPI. It is important to mention that INPI carries out an independent analysis and may reject trademark applications due to the issue of likelihood of confusion with hindering registrations, regardless of oppositions that have been filed. The application will be examined on absolute grounds and on relative grounds.

Once the examination is concluded, INPI may issue an office action, reject or allow the application.

In the event of an office action, the applicant has a 60-day term to file a reply. Lack of reply will cause the dismissal of the application. If the office action is duly complied with or is successfully challenged, INPI will resume examination.

In the event of rejection, the applicant has a 60-day term to file an appeal, under the penalty of having the application permanently dismissed.

If the application is allowed, the applicant will have a 60-day term to pay the final registration fees for issuance of the certificate of registration. This payment can also be done within an additional 30-day term, upon additional fees. The corresponding certificate of registration will be valid for 10 years, subject to renewal for successive 10-year periods at the registrant's request in the last year of each term of duration.

If a trademark application proceeds smoothly, the cost of official fees amounts to 1,160 reais, and a decision is usually issued within 12 to 18 months. Individuals, small companies, educational entities, non-profit entities and public offices are granted a discount of 60 per cent over official fees for some services performed before INPI.

The same time frame applies to the registration proceeding via the Madrid system. In this case, applicable costs are charged and paid directly to WIPO. If the applicant is required to adopt any measures directly before INPI (such as filing an appeal), it will be required to engage a Brazilian legal representative.

## **i Inherent registrability**

The Industrial Property Law does not distinguish absolute from relative grounds of refusal, and INPI does not take into consideration, at the time of examination of trademark applications, claims of distinctiveness acquired through use.

However, Brazilian courts tend to accept this form of acquired distinctiveness.

## **ii Prior rights**

When analysing the registrability of a trademark application, INPI takes into consideration all grounds of refusal foreseen in the Industrial Property Law.

INPI carries out an independent search of prior trademark rights, and may reject trademark applications based on the issue of likelihood of confusion, regardless of the filing of oppositions.

However, it is advisable for right holders to constantly monitor trademark applications and registrations applied for and registered before INPI in order to object and draw the examiner's attention to any infringement of its rights.

Priority rights based on the Paris Convention can be claimed if the Brazilian application is filed within six months counted from the filing date of the priority application. It would also be necessary to submit a copy of the priority document with the respective Portuguese translation. It is possible to file these documents within four months counted from the application's filing date in Brazil, upon payment of additional fees.

As mentioned in Section III.iii, any person who was using in Brazil, in good faith, on the date of the priority or the filing of an application, an identical or similar mark for at least six months to distinguish or certify a good or service that is identical, similar or akin, shall have the right of preference in registering this mark.

If the senior applicant also evidences use of its mark for at least six months prior to the application's filing date, INPI will grant preference to the party who first filed its application in Brazil.

According to INPI, the good faith prior user must invoke this right in an opposition or in an administrative nullity proceeding, and file a trademark application to support his or her claim. INPI recognised the possibility to invoke the good faith prior use argument in an administrative nullity proceeding on 3 November 2021. Before this date, INPI only accepted prior-user rights if invoked in an opposition proceeding. The Superior Court of Justice, on the other hand, accepts that prior-user rights can be invoked even in nullity lawsuits, within five years from the registration date.

There are other prior rights that can be claimed against a third-party trademark application or registration other than prior trademark rights, such as prior company, trade or business names and prior copyrights, among others.

## **iii Inter partes proceedings**

### **Opposition**

Trademark applications may be opposed on any of the grounds for refusal foreseen in the Industrial Property Law.

The opponent must file the opposition within 60 days counted from the publication of the application in the Official Gazette. The notice of opposition will be published in the Official Gazette within approximately 60 to 90 days after the date of filing of the opposition. The applicant may file a reply to the opposition within 60 days after the date of publication of the notice of opposition in the Official Gazette. After that, the application will be examined and the allowance or rejection decision will be published within 12 to 18 months.

In addition, INPI carries out an independent analysis, and may reject trademark applications based on the issue of likelihood of confusion, regardless of whether an opposition has been filed or not.

The official fee for filing an opposition is 355 reais, and for filing a reply to an opposition, 280 reais.

### **Administrative invalidity actions and administrative nullity proceedings**

A trademark registration shall be declared null and void if granted in violation of the law, including all grounds for refusal foreseen in the Industrial Property Law. Any third party with legitimate interest can file an administrative nullity proceeding (PAN).

A PAN may be filed by INPI *ex officio* or by any person with legitimate interest within 180 days counted from the registration's granting date. The registrant will be able to file a reply within 60 days of the publication of the notice of the invalidity action in the Official Gazette. INPI decisions on administrative invalidity actions are usually rendered within 18 to 24 months. This decision is final and ends the administrative sphere, but may be challenged before the federal courts within five years counted from the final decision's date.

Once the registration is declared invalid, the invalidation effects retroact until the date of filing of the corresponding application.

The official fee for filing a PAN is 590 reais, and 280 reais for filing a reply to a PAN.

### **Revocation actions and non-use cancellation actions**

A trademark registration may be cancelled or revoked by request of any person with a legitimate interest if, after five years having elapsed since it was granted, on the date of the request:

- a. the use of the mark in Brazil has not begun;
- b. the use of the mark has been interrupted for more than five consecutive years; or
- c. within the same time limit, the mark has been used with a modification that implies a significant change in the registered sign.

The trademark registration will not be cancelled or revoked if the owner justifies the lack of use for legitimate reasons. Once the non-use cancellation action is published in the Official Gazette, the registrant has 60 days to file proof of use of its trademark in Brazil within the five-year investigative period (counted retroactively from the filing date of the non-use cancellation action), or justify the disuse for legitimate reasons.

Evidence may be presented by all means of proof accepted by law, provided that it is dated, and the evidence is written in Portuguese or translated into Portuguese. The use of the mark by licensees or authorised third parties is also accepted, irrespective of a formal licence agreement recorded before INPI.

On 28 December 2022, INPI released Technical Note 03/2022, which updates the procedures for analysing non-use cancellation requests, including the examination of evidence of use, the legitimate interest of the petitioner and the justification of non-use.

Among other clarifications, INPI's updated Trademark Guidelines outlined criteria for assessing whether certain modifications to a mark materially change its distinctive nature, providing examples of modifications to main and secondary elements, phonetic changes and colour differences.

Examples of acceptable and not-acceptable reasons for legitimising the non-use of the trademark were also included in the Guidelines. For instance, actions and decisions within the trademark owner's control, for reasons such as economic difficulties, will not be accepted as valid reasons to justify the non-use. On the other hand, legal impediments, such as the suspension of imports of inputs owing to government decisions and the existence of actions questioning the validity of the trademark, for example, were cited as legitimate reasons to justify such non-use.

INPI decisions on non-use cancellation actions are usually rendered within 12 months and are appealable to the President of INPI within a 60-day deadline counted from their publication in the Official Gazette. The timescale for a final decision by INPI is approximately six to eight months.

The INPI decision on the appeal is final and ends the administrative sphere. To challenge this final decision, it is necessary to file a lawsuit before the federal courts within five years counted from its publication in the Official Gazette.

The official fee for filing a non-use cancellation action is 590 reais, and 280 Brazilian reais for filing a reply to a non-use cancellation action.

## **iv Appeals**

All refusal decisions are subject to appeal to the President of INPI within a 60-day deadline counted from its publication in the Official Gazette. A decision on such appeal, usually rendered within six to eight months, is final and ends the administrative sphere.

The official fee for filing an appeal is 475 reais.

To challenge this final decision, it is necessary to file a lawsuit before the federal courts within five years of its publication in the Official Gazette.

## **Civil litigation**

### **i Forums**

Trademark infringement lawsuits must be filed before state courts.

Applying for a preliminary injunction is advisable in cases where the plaintiff has strong arguments to prove that there is an immediate and irreparable risk to its rights due to the defendant's actions.

Lawsuits challenging INPI decisions must be filed before the federal courts within five years of the publication of the challenged decision in the Official Gazette.

### **ii Pre-action conduct**

Brazilian legislation does not require pretrial formalities for trademark claims to be admissible in court.

Nevertheless, as a general rule, it is recommended that claimants send cease and desist letters to infringers (whether an individual or a company) and try to settle the matter amicably before considering a lawsuit. This is due to practical and financial issues: courts are severely backlogged and trademark infringement actions

can last for many years, resulting in high costs to claimants, especially if the engagement of experts is required during the procedure.

Concerning online infringement, trademark owners may also send a notice and takedown request to online hosts and service providers, asking for the takedown of an infringing content. In this sense, Law No. 12,965/2014 establishes principles, guarantees, rights and obligations for the use of the internet in national territory.

According to this Law, internet providers cannot be held liable for damage from content created by third parties that infringes a trademark right. However, if there is a court order to remove certain content and the provider does not act accordingly, within the technical limits of its service, it can be held accountable.

Court orders must contain undeniable and specific identification of the alleged infringing content (by means of indicating the corresponding URLs), permitting clear tracking of the material.

Nevertheless, in reality, service providers have been removing material regarding trademark infringement without the need of a court order in cases in which the claimant's rights are easily verifiable through a registration certificate issued by INPI and the violation is unquestionable.

If the parties in conflict have previously entered into an agreement that provides for the resolution of disputes via arbitration, the claimant is obliged to initiate the procedure before the appropriate body. In Brazil, arbitration procedures are becoming increasingly common, and some of the most sought-out arbitration chambers are the Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CCBC) and the Business Mediation and Arbitration Chamber – Brazil and International Arbitration Congress, among others.

Alternative dispute resolution concerning domain names is regulated by SACI-Adm, which is the administrative system for internet conflicts regarding domains with extension '.br', registered after October 2010. Such proceeding can be brought before any of the authorised arbitration chambers in Brazil (notably, the Brazilian Association of Intellectual Property, CCBC and WIPO). These disputes are not subject to the Uniform Domain-Name Dispute-Resolution Policy (UDRP) (general rule for .com domains).<sup>8</sup>

### **iii Causes of action**

According to Articles 129 and 130 of the Industrial Property Law, the ownership of a trademark is acquired via a validly issued registration granted by INPI. Trademark owners, including of pending applications, have the right to look after the reputation and material integrity of their marks.

In addition to unfair competition claims, trademark holders (including authorised licensees and sublicensees, provided that the licence agreement is recorded before INPI) may also adopt measures against those who:

- a. reproduce, without the owner's authorisation, the whole or part of a registered mark, or imitate it in such a way that might lead to confusion;
- b. alter another's registered mark already posted on a product on the market; and
- c. import, export, sell, offer or display for sale, hide or stock:
  - a product identified by the mark of another that is illegally reproduced or imitated, either totally or partially; or
  - a product of industry or commerce contained in a vessel, recipient or package containing the legitimate mark of another.

All these types of claims may be brought before the court in the same lawsuit, provided that the parties in dispute (plaintiffs and defendants) are the same.

However, trademark rights are not absolute. The owner of a mark may not:

- a. prevent free circulation of a product put on the domestic market, either by him or her or others with his or her consent;
- b. prevent traders or distributors from using distinctive signs that belong to them, together with the mark of the product, in its promotion and commercialisation;
- c. prevent manufacturers of accessories from using the mark to indicate the destination or use of the product, provided they obey fair competition practices; and
- d. prevent a reference to the mark in speeches, scientific or literary works or in any other type of publication, provided that it is made without any commercial connotation and without prejudice to its distinctive character.

#### **iv Conduct of proceedings**

It is important to note that Brazil does not have a discovery system, as the Brazilian Constitution states that no one is compelled to produce evidence against himself or herself. Therefore, the parties are allowed to withhold evidence that is damaging to their case.

Civil proceedings before court are very straightforward and commence with the plaintiff filing a written statement of claim detailing all relevant facts, claims, legal basis and pleas, as well as attaching all available written evidence. The case will then be randomly directed to a court where the judge will:

- a. receive it and analyse the formal requirements;
- b. decide on preliminary injunctions (if any);
- c. order the service of summons to be served upon the defendant; and
- d. schedule a mandatory mediation hearing (although many judges do not schedule the hearing for various reasons).

If the mediation is not successful or skipped, the defendant will have a 15-business day deadline to file its defence, under penalty of being deemed in default and the allegations raised by the plaintiff being presumed to be true. After the defendant files its defence, the plaintiff is summoned to file a response within the same deadline. The judge then orders the parties to present their evidence and, if witness statements are needed, a hearing is scheduled. After that, the case is submitted to resolution. In most patent, industrial design, trade dress and copyright-related cases, the judge orders a technical examination by a court-appointed expert, whose fees are usually borne by the party who requested the evidence. The parties have the right to appoint technical assistants to assist the expert in his or her examination. This is less common in trademark lawsuits.

It usually takes around 18 to 24 months for the lower court (first instance) to render a final decision on the merits of a trademark case.

#### **v Remedies**

According to Brazilian law, remedies may be ordered as a result of civil and criminal actions. Owners of trademarks regularly pursue civil actions to request the cessation of the use of the infringing mark and compensation for material and moral damages.

In general, the following remedies are available as a result of a successful civil trademark infringement action: damages, injunctive relief and account of profits; an order for delivery of infringing goods, materials and articles; and an order for disposal of infringing goods, materials and articles outside of trade channels.

The successful party of an infringement case will be entitled to full recovery of its court fees, in addition to attorneys' fees, which vary from 10 to 20 per cent over the amount attributed to the case or over the amount granted by the judge.

## Other enforcement proceedings

### i Criminal actions

The Industrial Property Law states that private criminal actions may also be filed in cases of unauthorised:

- a. reproductions or imitations of trademark registrations;
- b. alterations of registered trademarks already attached to products on the market; and
- c. importation, exportation, sale, advertisement or exposure, or having stock of products or packaging with, illicitly reproduced trademarks.

There are also provisions concerning crimes against patents, industrial designs, geographical indications and practices of unfair competition.

These actions may result in the payment of fines or the imprisonment of the defendant from three months to one year, even though the latter option is rarely applied. In the course of criminal proceedings, infringing products may also be seized and ultimately destroyed.

### ii Customs seizures

Brazil does not have a formal registration system before customs. Thus, to avoid the import or export of counterfeit goods, or the import of grey goods, trademark owners may:

- a. request the inclusion of the trademark owner's information in the internal system of the Brazilian Federal Revenue, to which customs agents have access. It is recommended to provide the following information:
  - representatives' information;
  - trademark registrations granted by INPI on behalf of the owner;
  - through which ports original goods are imported;
  - the names of the authorised importers, if any; and
  - a catalogue with a list and images of goods;
- b. send a letter with all the information under item (a) to the Smuggling and Embezzlement Repression Division. Its agents are responsible for operations against the import of counterfeit goods in Brazilian borders; and
- c. register the trademark owner and its representatives in the National Directory to Combat Trademark Counterfeiting, which is a partnership between INPI and the Council for Anti-Piracy and Intellectual Property Crimes.

Besides the above measures, it is highly recommended to perform training sessions before customs, which helps customs agents to identify counterfeited goods.

In cases where customs seize goods, it will notify the trademark holder to submit an administrative complaint within 10 business days, extendable for a further 10-day period, requesting the judicial seizure of the goods. Therefore, it is extremely important to have the trademark owner's and its representatives' contact information registered and updated in the Brazilian customs and Federal Revenue systems.

Depending on the circumstances of each case, it is possible to adopt administrative, civil and criminal measures, such as requesting the destruction of seized products.

If the trademark owner does not adopt any measure, customs may release the goods, provided that all other conditions to import or export goods required by the Brazilian Federal Revenue are met. The same procedure applies to copyright-infringing goods.

## Outlook and conclusions

The INPI is undergoing a substantial shift towards recognising secondary meaning trademarks, also known as trademarks with acquired distinctiveness. According to INPI, this change of mindset is now possible because of the positive results from measures taken to reduce the backlog of accumulated work and increased capacity to address other concerns.

According to INPI, the acceptance of secondary meaning trademarks does not require legislative changes. Upcoming actions include a regulatory impact assessment, guidelines for substantiating secondary meaning, regulatory drafting and public consultation. Revised Trademark Guidelines, incorporating secondary meaning trademarks, are expected at the end of 2023.

In addition, owing to difficulties in making the necessary adjustments to its internal system, INPI has not yet implemented the multi-class system for national applicants and the division of multi-class applications and registration for all applicants, including those demanded by the accession to the Madrid Protocol.

The multi-class system is currently available only to international registrations filed via the Madrid Protocol, while the division of applications is not available under any circumstances. There is still no estimated date for these implementations to occur.

## Footnotes

<sup>1</sup> Antonio Murta Filho and Luiza Duarte Pereira are partners and Camila Rodrigues Casali is an associate at Murta Goyanes Advogados.

<sup>2</sup> The granting of application No. 830621660, in international class 25, was published in Official Gazette No. 2731 on 9 May 2023.

<sup>3</sup> The rejection of application No. 901514225, in international class 25, was published in Official Gazette No. 2731 on 30 May 2023.

<sup>4</sup> Lawsuit No. 5082257-22.2023.4.02.5101.

<sup>5</sup> The granting of high reputation of Registration No. 820924989, for the three-dimensional trademark, in Brazilian class 31/10 was published in Official Gazette No. 2736, on 13 June 2023.

<sup>6</sup> Special appeal No. 1.937.989.

<sup>7</sup> Special appeal No. 1.874.635.

<sup>8</sup> For more detailed information concerning the differences between UDRP and SACI-Adm, see <https://www.wipo.int/amc/en/domains/cctld/br/index.html>.