

IP News

The BPTO Issues Patent Forfeiture Manual

The BPTO has released the Patent Forfeiture Manual, providing technical guidance on the procedure established under Article 78 of the Brazilian Industrial Property Law. This procedure applies when a patent is not exploited in Brazil or its exploitation is interrupted for more than two consecutive years without legitimate justification.

Any interested party may file a request after three years from the grant of the patent. The patent owner is entitled to present a defense, demonstrating either use or a plausible justification. The manual details each stage of the process, applicable deadlines, and potential outcomes, including the loss of patent rights in Brazil, which would allow third parties to freely exploit the invention. The publication contributes to the uniformity of understanding, predictability, and legal certainty, reinforcing the importance of active and strategic management of industrial assets.

<https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/inpi-divulga-manual-sobre-caducida-de-de-patentes>

Comments:

This initiative provides greater clarity and transparency regarding patent forfeiture proceedings in Brazil. Patent holders should proactively monitor compliance with exploitation requirements to avoid challenges that could lead to the loss of rights. The manual underscores the relevance of strategic IP portfolio management to maintain exclusivity and protect market advantages.