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Trademark Office Updates, Law & Practice

BRAZIL: Extension of Phase I of Trademark Priority Examination Pilot Program

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The Brazilian Patent and Trademark Office (BPTO) has extended the deadline for Phase I of its Trademark Priority Examination Pilot Program until April 30, 2026, pursuant to Ordinance No. 39/2025, published in the Official Gazette on December 2, 2025. The extension revises the timetable set forth by Ordinance No. 29/2025, following limited uptake of the program, with only 112 priority requests filed out of 1,200 available slots.

Priority examination is a separate examination track for trademark applications and trademark-related petitions filed by applicants who meet specific eligibility criteria established by law or aligned with the BPTO's policies and strategic objectives. The mechanism aims to improve administrative efficiency by expediting the examination of cases that justify faster processing.

The Pilot Program covers the following priority examination modalities, applicable to trademark applications and petitions filed by applicants who qualify under one of the categories below:

1. An opponent invoking the right of prior use in opposition proceedings;
2. An applicant whose access to public financial resources depends on the grant of a trademark registration;
3. A party involved in judicial proceedings, excluding writs of mandamus, before federal or state courts, where the trademark sign is directly at issue;
4. An applicant whose product or service derives from a patent subject to priority examination by the BPTO;
5. A legal entity classified as a Scientific, Technological, and Innovation Institution (Instituições Científicas, Tecnológicas e de Inovação—ICT), as defined by Brazilian law;
6. An applicant individually mentored by the BPTO under a Technical Cooperation Agreement in force. The BPTO’s Mentorship Program supports individuals and organizations in developing and strategically managing their industrial property assets through expert-led guidance offered in individualized or group formats; and
7. Applicants covered by situations of public interest or national emergency formally declared by an act of the Federal Executive Branch.

As amended, Phase I of the Pilot Program will run from August 7, 2025, through April 30, 2026. The quotas allocated to the priority examination modality applicable to BPTO-mentored applicants will also be linked to mentorships carried out in 2024, 2025, and 2026, expanding access to the Pilot Program during this period.

The extension increases the availability of priority examination for eligible applicants seeking faster trademark prosecution in Brazil and aligns with the BPTO’s efforts to modernize procedures and optimize examination workflows.

Although every effort has been made to verify the accuracy of this article, readers are urged to check independently on matters of specific concern or interest. Law & Practice updates are published without comment from INTA, except where it has taken an official position.

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