

BRAZIL: BPTO Releases 2026–2028 Regulatory Agenda with Key Trademark Initiatives

Published: May 26, 2026



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The Brazilian Patent and Trademark Office (BPTO) has issued Ordinance No. 49/2026, approving its Regulatory Agenda for 2026–2028. The agenda is noteworthy because it identifies the trademark-related rulemaking and regulatory review projects that may shape Brazilian practice over the next three years. It also flags an update to the rules governing practitioner representation, scheduled for 2026–2027. The Ordinance was published on January 22, 2026.

For trademark practitioners, one of the most relevant items is the planned introduction of the concept of “family of marks” into the Trademark Manual, scheduled for the second half of 2026. The agenda indicates that this topic will be developed through public consultation, suggesting that the BPTO intends to build a more formal and participatory framework around a concept that may affect examination arguments and portfolio strategies.

The agenda also includes a regulatory results review scheduled for the second half of 2026 and a review of the current rules on prioritization categories for trademark examination. This review of prioritization categories follows recent prioritization adjustments and may lead to normative refinement.

In addition, the BPTO plans to assess, in the second half of 2028, the effects of three important recent trademark developments:

- The normative change recognizing slogans as registrable trademarks;
- The simplified opposition procedure introduced in 2025; and
- The framework governing the examination of acquired distinctiveness.

These items indicate that the Office is not only introducing reforms, but also formally measuring their practical results.

Although the agenda does not itself change substantive trademark law, it provides an important roadmap of the BPTO's regulatory priorities.

Brand owners and practitioners should monitor the announced consultations and reviews closely, as these initiatives may lead to adjustments in examination practices, prosecution strategies, and the treatment of increasingly important issues in Brazilian trademark practice. Early engagement can help shape draft norms and provide insights into evolving examination standards.

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