

## **Law 10.196, of February 14, 2001**

Alters and adds provisions to Law No. 9.272, of May 14, 1996, which regulates rights and duties regarding industrial property and provides other measures.

**1.** Law No. 9.279, of May 14, 1996, will hereafter be in force with the following amendments:

“**43.**...

VII—to acts performed by non-authorized third parties, regarding patented inventions, which aim exclusively the production of information, data and test results directed to procure commerce registration, in Brazil or any other country, to allow the exploitation and commercialisation of the patented product, after the termination of the terms provided in article 10.”

“**229.** The provisions of this Law shall be applied to all pending applications, except with respect to the patentability of applications filed until December 31, 1994, whose object of protection comprises substances, matter or products obtained by chemical means or processes and alimentary and chemical-pharmaceutical substances, matter, blends or products and medicaments of any type, as well as the respective attainment or modification processes, and whose applicants have not used the right provided in Articles 230 and 231 of this Law, which shall be considered rejected for all purposes, the Brazilian Patent and Trademark Office being bound to publish the referred rejections.

Sole Paragraph. The criteria for patentability set in this Law shall be applied to applications connected with pharmaceutical and chemical products intended for agriculture, which were filed between January 1, 1995 and May 14, 1997, on the effective filing date of the application in Brazil or of the priority, where applicable, the protection being assured from the date when patent is granted, throughout the remaining term counted from the filing date in Brazil, limited to the term provided in the *caput* of Article 40.”

“**229.**—A. The patent applications of processes filed between January 1, 1995 and May 14, 1997, to which no protection was provided by Article 9, Subparagraph “c” of Law No. 5.772 of December 21, 1971, shall be considered rejected and the Brazilian Patent and Trademark Office shall provide the publication of the referred rejections.”

“**229.**—B. The patent applications of products filed between January 1, 1995 and May 14, 1997, to which no protection was provided in Article 9, Subparagraphs “b” and “c” of Law No. 5.772 of December 21, 1971, and whose applicants failed to avail themselves of the right provided in Articles 230 and 231, shall be decided until December 31, 2004, pursuant to this Law.”

“**229.**—C. The granting of patents on pharmaceutical products or processes shall depend on the prior consent of the National Sanitary Supervision Agency (ANVISA).”

**2.** The acts performed in pursuance of the Provisional Decree No. 2.105-14, of December 27, 2000, are confirmed.

**3.** This Law shall be in force from the date of the publication thereof.

National Congress, February 14, 2001; 180<sup>th</sup> Year of Independence and 113<sup>th</sup> Year of the Republic.

---