



FEDERAL PUBLIC SERVICE
MINISTRY OF ECONOMY
BRAZILIAN NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY
DIRECTORATE FOR PATENTS, COMPUTER PROGRAMS AND TOPOGRAPHIES OF INTEGRATED CIRCUITS

May 15, 2022

Note C. 9089
Standing Committee on the Law of Patents¹
Brazil
Updated Information on International Worksharing and Collaborative Activities for Search
and Examination of Patent Applications

BACKLOG COMBAT PLAN

in 2019, the Directorate for Patents, Computer Programs and Topographies of Integrated Circuits (DIRPA) presented the Backlog Combat Plan, designed to reduce by 80% the number of pending patent applications (total of 160,000) within 2 (two) years. The plan received support from the Ministry of Economy and, on July 3, 2019, was officially presented by Minister Paulo Guedes at a ceremony held in Brasilia.

In this plan, INPI decided to consider the use of the results of the search carried out by other offices as a promising measure to shorten the decision time. This strategy is the pillar of the Backlog Combat Plan, which was institutionalized by the Preliminary Requirement, and is applicable to patent applications with search carried out by Patent Offices of other countries.

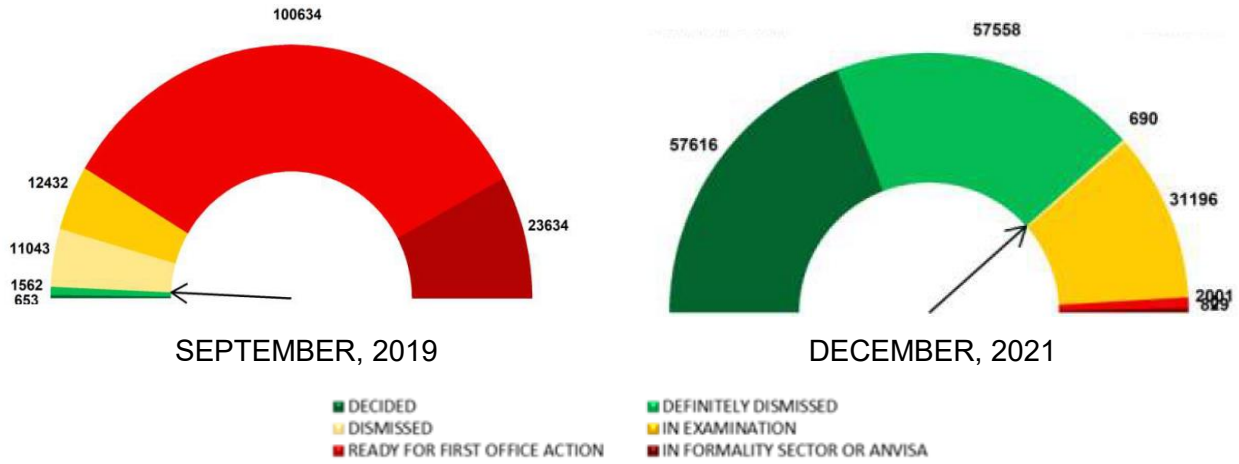
INPI faced some obstacles throughout the plan, but INPI had the support of society and, little by little, it gained the trust, credibility and engagement of all the actors involved. The most relevant obstacle, certainly, was the pandemic (COVID-19), but INPI maintained its determination and with great resilience overcame the difficulties in order to achieve the proposed results.

At the beginning of 2022, DIRPA presented the excellent results obtained with the end of the Backlog Combat Plan. In this context, the data available points to a 76.8% reduction in the total number of applications filed up to December 12, 2016, with exams required and pending decision. The final result is presented comparing the situation between the beginning and the end of the Backlog Combat Plan:

¹ The answers to this Note have been provided on behalf of Brazil by Brazilian National Institute of Industrial Property (INPI).



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The results obtained with the Backlog Combat Plan, as presented above, motivated the proposition of Ordinance No. 034, April 01, 2022, which regulates the preliminary requirement of the application for an invention patent filed after January 01, 2017 and pending examination, using the results of searches carried out by Patent Offices of other countries, as well as regional or international organizations. In this scenario, INPI is committed to improving its services, in order to build strong pillars for the Brazilian Intellectual Property System.



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PPH - Patent Prosecution Highway

On April 1, 2022, INPI launched the change in the definitions of Phase III of the PPH Program, governed by Ordinance No. 055, published in the Industrial Property Magazine (RPI) No. 2659. The main differences between the phases are as follows:

Phase I	Phase II	Phase III
Up to 400 total requests per year	Up to 600 total requests per year	Up to 800 total requests per year
Up to 100 requests per IPC Section per year	Up to 150 requests per IPC Section per year	Up to 150 requests per IPC Section per year
1 request per applicant per month	1 request per applicant per week	1 request per applicant per week
OFF = OEE (Patent Family has started at the Office of Earlier Examination)	OFF = Any Partner Office (Patent Family has started at any Partner Office)	OFF = Any Partner Office (Patent Family has started at any Partner Office)
Fee refund in standard cases only	Fee refund in standard cases and for requirements that exceed the stipulated limits	Fee refund in standard cases and for requirements that exceed the stipulated limits
Appeal (based on specific grounds)	No appeal is admitted in the event of refusing entry	No appeal is admitted in the event of refusing entry

Note: OFF designates "Office of First File"; OEE means "Office of Earlier Examination"

To date (04/07/2022), 346 requests have been submitted in the Phase III PPH Program (Figure 1). Most of PPH requests (almost 59%) are related to patent applications of the following technological fields: Digital Communications (43), Special Machines (22), Audiovisual Technology (22), Computer Technology (21), Organic Chemistry (20), Civil Engineering (17), Measurement (15), Transport (15), Biotechnology (14) and Medical Technology (14).



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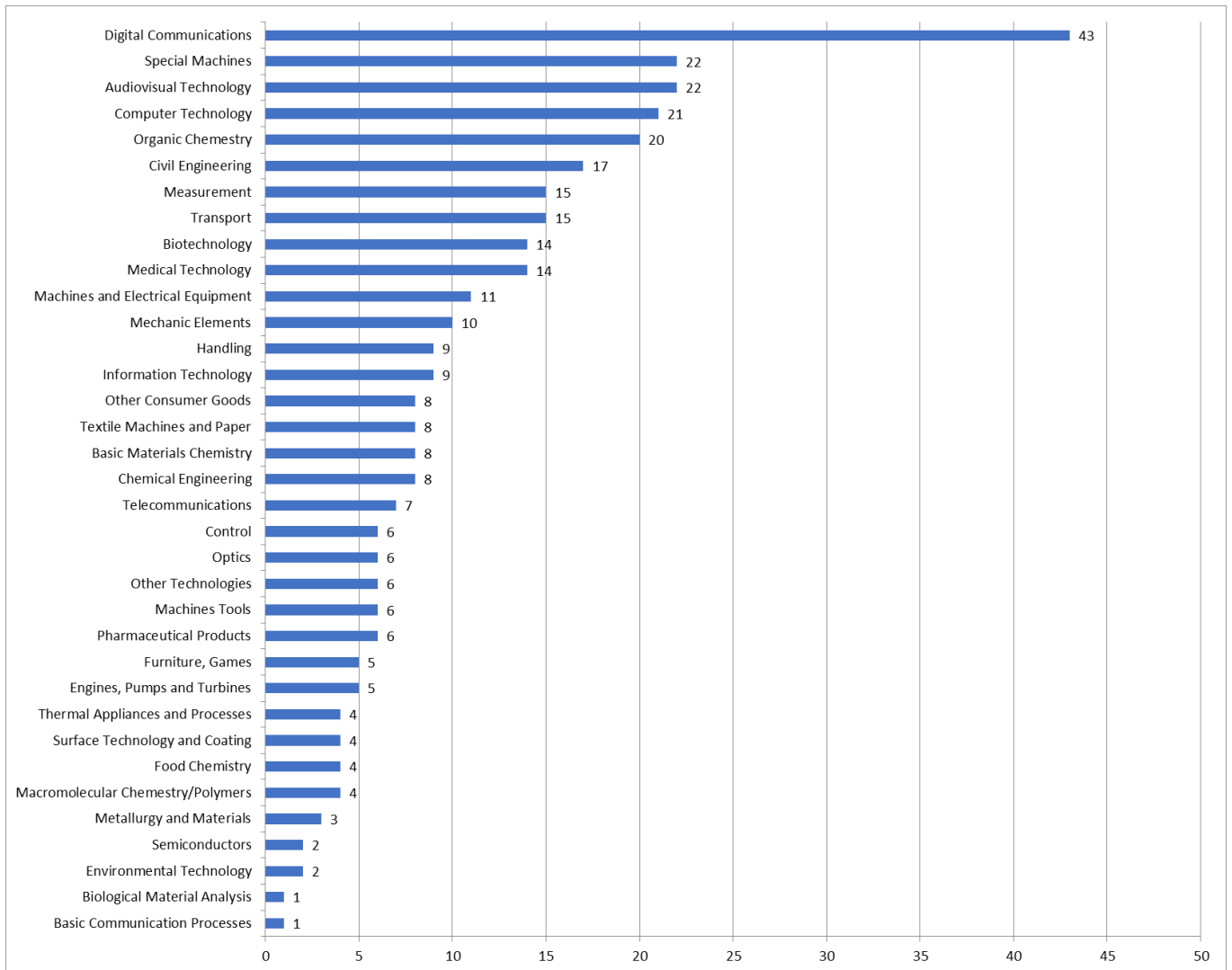


Figure 1 – Number of Phase III PPH requests per technological area.

Currently, INPI PPH Partner Offices are:

APO (Austria), CNIPA (China), KIPO (Republic of South Korea), DKPTO (Denmark), EPO (Europe - Regional), IPOS (Singapore), JPO (Japan), PRV (Sweden), PT (Portugal), USPTO (USA), and UKIPO (United Kingdom).

More details on the Phase III PPH Program can be found at:

<https://www.gov.br/inpi/pt-br/servicos/patentes/pph>