

Contribution from Brazil concerning technical and procedural aspects relating to the registration of certification and collective marks

Certification mark registrations can be applied for by any entity that has no direct commercial or industrial interest in the certification of the product or service specified. Such requirement is subject to examination and may establish grounds for refusal under article 128, paragraph 3.

Such applications must also be accompanied by the specifications to which the distinguished products or services must comply with and the measures of control to be employed by the applicant. The absence of these documents ensues the shelving of the application, while deficiencies in the provided documents may be subject to supplementation requirements made by the Institute.

The registration of a collective mark may only be applied for by a legal person representing a group and this person could be able to exercise an activity different from that of its members. Such capability is subject to examination and can establish grounds for refusal under article 128, paragraph 2.

Such applications must also be accompanied by the regulations regarding the use of the collective mark. The absence of the said regulations ensues the shelving of the application, and any deficiency in the provided documents may be subject to supplementation requirements made by the Institute.