



Development of IP Human Resource
Experience of Brazil
February 5th and 6th 2018



Brazil

Basic facts

Brazil is the 5th largest country in the world (larger than the contiguous U.S. and almost 23 times the size of Japan).

It has the 5th largest population (209 million).

The **world's 7th largest economy by nominal GDP, USD \$1,42T** in 2015.

Brazil has been a republic since 1889 with a legislature called National Congress.

Democratic changes in government impact the business landscape.

Brazil has **the world's 4th largest number of internet users.** Over 139 million, only behind China, India and the US.



Brazil Legal/IP System

Basic facts

The **Brazilian legal system took shape under the influence of the main European civil codes**, especially those of France, Italy and Germany.

The legal system adopted in Brazil is codified, usually referred to as Civil Law tradition, and **statutes are issued by the Federal Union (IP matters), States and Municipalities.**

Judicial precedents are not applied under the principle of stare decisis, but precedents may exercise an important role in supporting the courts' decisions.

Brazil has over **1,000,000 (one million) lawyers.** (CFOAB)

The Brazilian Patent System started in 1809. Brazil is a **founding Member of the 1883 Paris Convention** and became a Member of the **Berne Convention** in 1922.

The **Patent Cooperation Treaty** came into force in 1978 and Brazil signed the **WTO TRIPS Agreement** in 1994 (in force since 1995). **The new TRIPS compliant IP Statute was enacted in 1996**, coming into force in 1997.

Brazil adopts a **broad judicial review of administrative decisions** and the Government is by far the most frequent defendant in Brazil.

Judicial review is so common that Brazil has a special court system mainly to decide such cases. the **Federal Courts**. There are currently **more than 10,000 lawsuits pending against the INPI.**

IP Professionals

Lawyer/Judges

The lawyer profession is very popular among Brazilians.

Requirements:

- Get a **Graduation Degree in Law** (J.D.)
- Pass the **National Bar Examination**.

Law students **must also develop complementary activities**, and an internship is highly recommended to fill that obligation.

Law firms, companies and any other organization that provides practical activities related to the law profession are the most recommended for the students.

To become a Judge, a **lawyer with at least 3 years** of experience in the profession **must be approved on a public contest** to be appointed on the court the person in aiming to work at.

IP Professionals

Patent Attorney / Patent Examiner

The Patent Attorney examination was **prepared and supervised by the Brazilian PTO**

However, a Public Civil Action filed in 2009 (Ação Civil Pública nº 0020172-59.2009.403.6100) was judged in 2014 and forced **the Brazilian PTO to suspend the existence of the qualification as a Patent Attorney in Brazil.**

Brazilian Industrial Property Law – Art. 217 : A person domiciled abroad must maintain permanently a duly qualified attorney resident in the country, with powers to represent him administratively and judicially, including for receiving summons.

To become a patent examiner, it is necessary to be approved by a Public Contest that is organized by the Federal Government. A **Master Degree in the specific area is minimum requirement** for taking the test. All examiners are considered special public employees.

Active Entities related to IP

High Level Associations are Necessary for Human Resources

Brazilian Intellectual Property Association (ABPI)	Innovation Agency of the Catholic University of Rio de Janeiro (PUC-Rio)
Sao Paulo Intellectual Property Association (ASPI)	Campinas Technology Park
Brazilian Association of Intellectual Property Agents	INOVA University of Campinas (UNICAMP)
National Association of Inventors	University of São Paulo (USP) Agency for Innovation
National Industries Confederation (CNI)	Innovation Agency of the Federal University of São Carlos (UFSCAR)
Federation of Industries of the State of Rio de Janeiro (FIRJAN)	INOVA Catholic University of Rio Grande do Sul (PUC-RS)
Industries Federation of the State of Sao Paulo (FIESP)	Innovation Agency of the Federal University of Rio de Janeiro (UFRJ)
National Association of R&D Activities of Innovative Enterprises (ANPEI)	Technology Transfer Office (TTO) of the Federal University of São Paulo (UNIFESP)
National Service for Industrial Apprenticeship (SENAI)	Technology Innovation Agency of the São Paulo Estate University (UNESP)
Forum of University Technology Managers (FORTEC)	Technology and Innovation Research Center of the Federal University of Rio Grande do Sul (UFRGS)
(INOVA)	Federal University of Bahia (UFBA)
Brazilian Agricultural Research Corporation (EMBRAPA)	Northeast Innovation Technology Unit (NIT) Network (APPITTe)
Oswaldo Cruz Foundation (FIOCRUZ)	Technology Development Park (Padetec) of the Federal University of Ceará (UFC)

Universities with IP related programs

Important for high level development

[Federal University of the State of Rio de Janeiro \(UFRJ\)](#)

[Catholic University of Rio de Janeiro \(PUC-Rio\)](#)

[Catholic University of Rio Grande do Sul \(PUC-RS\)](#)

[Federal University of Rio Grande do Sul \(UFRGS\)](#)

[University of Campinas \(UNICAMP\)](#)

[Federal University of Bahia \(UFBA\)](#)

[Federal University of Ceará \(UFC\)](#)

[Intellectual Property and Innovation Academy of The National Institute of Industrial Property \(INPI\) of Brazil](#)

[Rio de Janeiro State University \(UERJ\)](#)

Long Term Activities

Universities with IP related programs

The first postgraduate activity related to intellectual property of the INPI initiative was with a technical school to CEFET-RJ, began in 2001.

Based on this experience, INPI started to establish partnerships that would allow the preparation of studies with the aim of promoting a better understanding of IP matters. A Cooperation Agreement with UFRJ was created, creating a **Laboratory for Teaching and Research in Innovation and Management of Intellectual Property**.

Regarding the development of human resources at the postgraduate level, the implementation of the “**Professional Master's Degree in Intellectual Property and Innovation**” by the Brazilian PTO in 2006 was a milestone, since it was the first course promoted and approved by the Ministry of Education. the forecast of at least 25 seats / year. **Between 20-25% of the students are Brazilian PTO Examiners.**

In 2012, once again by suggestion from the Ministry of Education, the Brazilian PTO “IP Academy” submitted a proposal for **a new PhD course in Intellectual Property and Innovation**, which was approved and began in the second half of 2013, offering 10 seats / year. **40% of the of the students are Brazilian PTO Examiners.**

Long Term Activities

Awareness Campaigns

There are very few institutionalized long term campaigns of IP awareness. The most relevant one **lasted 10 years** and it is organized by the Union of the employees from the Federal Revenue (SINDIRECEITA).

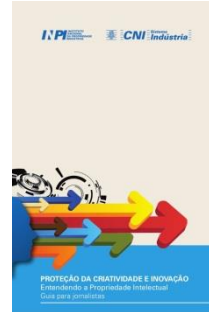
In 2017, some TV channels have created programs aiming to raise awareness in kids for IP.



Long Term Activities

Manuals and multimedia

A cooperative project between the **Brazilian PTO (INPI)** and the **National Industries Confederation (CNI)** from 2010 to develop a series of comprehensive manuals tailor made to different professionals (e.g. teachers; journalists; businessmar



Also, besides the re



YouTube has been quite

used.



Short Term Activities

For basic instruction and focused education

The plurality of associations dealing with intellectual property allows for a huge variety of seminars and short term courses to be delivered all over the country.

The development of **online courses is also very importante** (in Brazil, the support of WIPO was essential).

- Considering activities done by the Brazilian PTO and WIPO, in total, between 2005 and June 2016, 444 face-to-face and 11 distance-learning courses were promoted, **training a total of 23,146 people**.

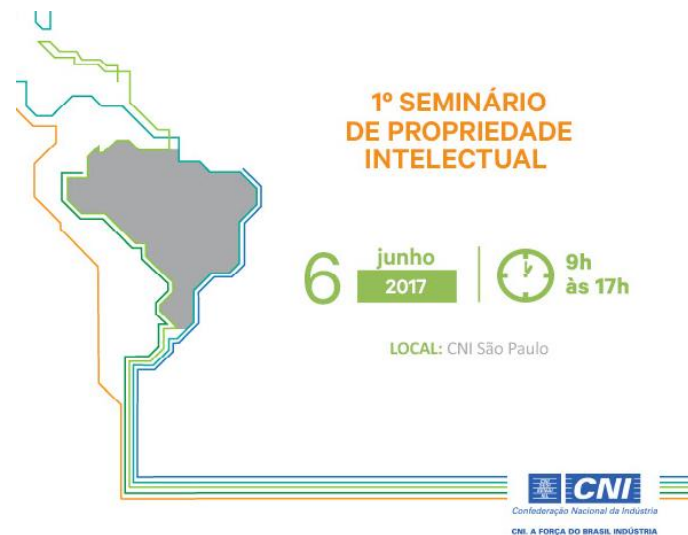
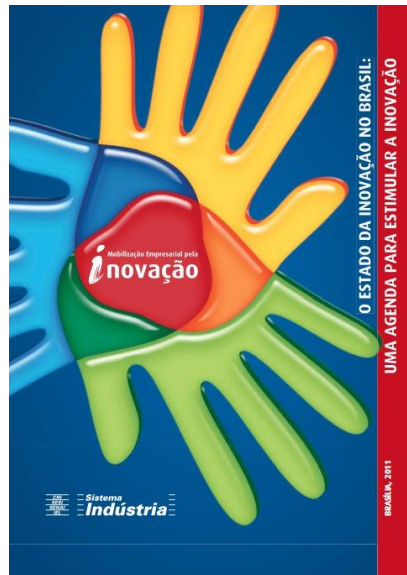
Annual events and congresses also plays a significant role. In Brazil, the Brazilian Intellectual Property Association (ABPI) 's Annual Congress will reach its **34th edition** with 1000+ attendees.

Short Term Activities

The Necessary Support of Industry Related Players

The **National Industries Confederation (CNI)** has become an important and active player in the past few years.

The Entrepreneurial Mobilization for Innovation (MEI) is a movement led by the National Industries Confederation (CNI) that builds solutions to promote Brazil's technological development through innovation. In 2011, **the collective of business leaders defined its strategic agenda**, which **highlights the importance of intellectual property to protect knowledge and make business viable.**



Public-Private Activities

The Necessity of Cooperation

The **National Council against Piracy and Intellectual Property Crimes (CNCP)**, a public/private body created **within the framework of the Ministry of Justice** in October 2004.

The CNCP is composed of **eleven representatives of public bodies and also seven representatives of organized civil society**, mainly from the private sector.

They are very active not only in raids and effective fight against piracy, but they have an intelligence to use news in order to spread the idea that **piracy does not pay and will not go unpunished**.

Another interesting initiative was the development of the National Award of Anti Piracy (Prêmio Nacional de Combate à Pirataria – PNCP), that already had 5 editions.



International Exchange

Necessary both inside and outside the country

IP Attaché – US, GE, JP

Chambers of Commerce

Exchange Programs:

- The **Brazilian PTO IP Academy** has exchange programs with foreign universities.
- The UERJ program also have exchanges with George Washington and European universities

Participation in programs offered by foreign entities (like the JPO sponsored ones)

WIPO Brazil Office (WBO) was opened in 2009 to support the implementation of intellectual property (IP) projects and activities in Brazil.

Brazil on the route of **big IP events** (e.g. AIPPI Annual Congress in 2015)

Thank you very much for your attention.

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