



HSM IP Trade Mark Client Guide

BRAZIL

Registration

A trade mark can be registered in Brazil pursuant to the *Industrial Property Law, No. 9.279 of May 14, 1996* as amended by *Law No. 10.196 of February 14, 2001* which provide for national trade mark applications.

The following information and documentation is required:

1. name of the trade mark
2. one copy of the mark (unless mark is word only)
3. class(es) and specification of goods
4. applicant's name and address
5. Power of Attorney
6. affidavit confirming the proprietor's activity under the mark (with Portuguese translation)
7. certified copy of priority document (if priority is claimed)

It usually takes about two years for the President at the National Institute of Industrial Property at the Ministry of Industry, Foreign Trade and Services (INPI) to process an application for registration. Paris Convention priority can be claimed. Once the registration is complete INPI will issue a Certificate of Registration.

Classes

The International Classification system is used. Multi-class applications are not allowed. A separate application is required for each class of goods and/or services.

Searches

In order to conduct a search the only documentation required is the name of the trade mark and one copy of the mark (unless mark is word only). The result can usually be provided within a week.

Renewal

A trade mark registration is valid for 10 years after which it can be renewed for like periods. Two months before the renewal date we will send you an Expiry Notice asking whether you wish us to renew the registration or allow the mark to lapse. If the registration is to be renewed the only documentation required is a Power of Attorney.

The application for renewal should be filed prior to the expiration date of the registration. A grace period of six months, however, is allowed for the filing of the application for renewal. After that time a new application for registration is required.

It usually takes about a year for INPI to process an application for renewal. Once the renewal is complete INPI will issue a Renewal Certificate.

If you do not wish to renew the mark please inform us so that we can advise INPI accordingly.

Abandonment

Please inform us as soon as possible if you wish to abandon your trade mark or allow it to lapse so that we can update our records and advise INPI accordingly. This will avoid us sending out unnecessary Reminder Notices.

Assignment

Please inform us as soon as possible if the trade mark has been assigned so that we can file an application to record the assignment in Brazil.

To record the assignment of a trade mark registration the only documentation required is the Deed of Assignment (notarised and legalised) and a Power of Attorney.

It usually takes about a year for INPI to process an application to record an assignment. Once the recording is complete INPI will issue a Certificate of Registration of Assignment.

Change of Particulars

Please inform us as soon as possible if there is any change to the registration so that we can file an application to record the change in Brazil.

To record a change of name and/or address for a trade mark registration the only documentation required is the document evidencing the change (notarised) and a Power of Attorney.

It usually takes about a year for INPI to process an application to record a Change of Particulars. Once the recording is complete INPI will issue a Certificate of Recording showing the change.

Our Firm

HSM IP Ltd. provides worldwide intellectual property services. Based in the Cayman Islands and independently owned and operated, our experienced team of attorneys and paralegals deliver first class service to a broad client base which includes major Fortune Global 500 brand owners, international law firms and other specialist IP practices. Our broad perspective, practical approach and international experience allow us to offer clients a unique insight into IP issues.

The success and growth of our firm is due to our keen understanding of our clients' needs for a comprehensive "one-stop shop" which encompasses a wide range of services from the initial consultation process to searches, registrations, annuity payments and monitoring and renewals. Our interactive database helps us to proactively manage each client's portfolio efficiently and cost-effectively in an environmentally friendly and substantially paperless workplace. It also allows us to fulfil our clients' specific reporting and invoicing requirements, including multi-currency invoicing and e-billing. We offer a competitive schedule of fixed fees, inclusive of both disbursements and official fees, which means we can provide clients with an accurate estimate of their project costs before embarking on a global filing programme for their portfolio.

As a leader in the field, HSM IP understands the value of long-term business relationships. We have a wealth of knowledge and specialise in the Caribbean, Central and Latin America and other offshore jurisdictions. Our staff regularly contribute to leading IP publications and we also publish a range of country-specific IP Client Guides which are available on our website.

Supported by HSM Chambers, an offshore law firm with experienced attorneys admitted in multiple jurisdictions, we have substantial experience in taking action to address the infringement of trade marks and patents and in the conduct of passing-off actions. We are also able to offer investigative services to identify the source of, and distributors of, infringing goods, working closely with police and customs officials as necessary.

Memberships: INTA, CITMA, MARQUES and IPCA.

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HSM IP Ltd. is a Law Firm recognised under the Legal Practitioners (Incorporated Practice) Regulations, 2006 (as amended).

Revised June 2022