

9h - 10h30

PANEL 7 – Access to Biodiversity Law – the New Legal Framework

The PANEL will discuss the main aspects of current legislation, including articulation with the intellectual property system, and the industry expectations regarding its implementation.

PANEL 8 – Legislative Innovations and Practical Aspects of using Mediation and Arbitration in IP

Experts will debate the more controversial issues that directly impact IP disputes resolutions under the New Civil Code of Arbitrage and Mediation legislation. The panel will also bring US experience in

disputes resolutions.

PANEL 9 - Compliance Management: Preventing Intangible Assets Deviation

Representatives from the Industry and Research Institutions will show practical cases that will help to update and clarify views on handling and protecting intangible assets.

PANEL 10 | - Civil Rights Framework for Internet

The PANEL will look into the more relevant aspects of the Civil Rights Framework for the Internet and its regulation, including how it encompasses intellectual property rights of contents made available

on the net.

11h - 12h30

PANEL 11 - Streaming – Copyright protection for Public Execution of Music Works

The panel will cover updates of this issue, how it is being considered and the Courts of Justice position on the matter.

PANEL 12 | Biosimilars – Characteristics and Patentability

Experts will present the current status of research and development, marketing and use of biosimilars, highlighting the features and challenges presented by biological drugs.

PANEL 13 - Design Protection in face of 3D Printing popularization

Speakers will show examples of how violations of industrial design patents and registrations are being handled in Brazil, Europe and the US.

PANEL 14 | -Sports, Transmission Rights & Intellectual Property

Exclusivity of transmission, access to content for journalistic purposes, and compensation values paid to event participants are the issues to be discussed by experts during this panel.

14h30 - 16h

**Plenary III
Technology Transfer in the Context of Innovation Incentives**

Representatives from different industry segments will bring their experience regarding obstacles and challenges for technology transfer in Brazil and their expectations to build a more productive scenario.

16h30 - 18h

**Plenary IV
Barring Generic Expressions from Tradename registration – current practices in Brazil and in the world**

The session will cover the impact of the new Resolution that specifically bars generic terms that are part of some trademarks and will discuss how other countries deal with this.



BPTO as a regulatory agency with financial autonomy

Turning BPTO into a regulatory agency, financially autonomous, was among the proposals presented by BPTO President Luiz Pimentel as a way to solve operational problems such as backlog and to give the office more agility. “Maybe we should upgrade BPTO’s status to become a regulatory agency with a regular administration”, he said during the plenary session on “20 years of IP Law – its legacy and positive results for effective industrial property protection”. Pimentel mentioned Article 239 of Industrial Property law 9.279/96 whereby the Executive may grant financial autonomy to the office.

As he reviewed the 20 years of IP legislation, Pimentel pointed out the significant increase in applications for trademarks, patents, industrial design, computer programs and geographical indications, while acknowledging that “unfortunately, the number of examiners did not increase accordingly”. The reason is that expenses also grew faster than income, he observed.

CNI representative João Emílio Padovan Gonçalves even stressed that the backlog issue would benefit from a dedicated structuring effort, separately from other BPTO activities.

Backlog is the main topic of Plenary discussions on IP

The issue of backlog of unexamined patent applications at Brazilian Patent & Trademarks Offices – BPTO dominated the debates during the first plenary session of the XXXVI Congress of Intellectual Property. The theme was “20 years of IP Law – its legacy and positive results for effective industrial property protection”, coordinated by ABPI President Maria Carmen de Souza Brito with participation of BPTO President Luiz Pimentel; João Emílio Padovan Gonçalves, executive director of Industrial Policies of CNI (Brazilian Industry Confederation) and Judge Alexandre Alves Lazzarini of the Court of Justice of São Paulo.

According to BPTO President, the most plausible solution to significantly reduce this backlog is none other than to increase the number of examiners. There are currently 240 examiners and a backlog of 220 thousand patent applications.

Speakers agreed that although minor adjustments may still be needed the Industrial Property Law 9.279/96 has been efficient to protect industrial property assets. “Problems lie rather in regulation”, said President Maria Carmen de Souza Brito. “We agree with ABPI”, observed CNI representative, “issues about the law are sectoral”.

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Brasil ranks 10th in the Global Innovation Index

“Patents are definitely viewed as the protection mechanism for innovation and the strategic business environment in any country”, said André Ferrarese, Director of the National Association of Research and Development Innovative Companies - ANPEI, during the Panel Innovation Protection as an Effective Tool for Competitiveness in the World Economic Scenario yesterday, at the XXXVI ABPI Congress of Intellectual Property in São Paulo.

Brazil ranks 10th in the global innovation index – with 31 thousand patents registered every year, much less than China and the US, who register 900 thousand and 600 thousand, respectively. However, unlike in the more developed economies, in Brazil less than 15%

of patents are deposited by native citizens.

According to ANPEI Director, most of the registered patent deposited in less dependent economies such as China, Japan, and Korea, come from residents who seek to protect their intangible assets. In the US, 50% of these deposits are made by American citizens and/or companies, while in Brazil of the 31 thousand annual deposits only 4,6 thousand are from native residents.

José Claudio Terra, Innovation Director of the Albert Einstein Israelite Benevolent Society, stated that the current scenario in the result of many years’ planning and the country invested first in basic education and high school education and later on in universities and

innovation’s turn came after. Terra said that for Brazil to build an environment of innovation, universities must negotiate with public institutions. “Unauthorized patent might merely mean costs”, he said.

To overcome concepts that are deeply entrenched in the Market and to develop new products and services requires much effort and human and financial resources. The results of these efforts have to be protected.

The Plenary also had the participation of Raphaella Gomes, Legal Manager of Raízen, Tim Loomis, VP & Legal Counsel, Intellectual Property Policy at Qualcomm and Antonella Carminatti, BMA – Barbosa Müssnich Aragão, acting as moderator.

Digital attacks are threats to the business

Talking about “Practical aspects of digital security when sending or saving confidential information”, speaker José Carlos Silva Neto, of CERMOB Tecnologia, projected a real-time image on the screen to emphasize the imminent risk of digital hacking of confidential data. “Insecurity in the digital environment is tremendous”, he said during the panel of the Congress on “Regulatory and IP Rights and its impact on the business environment”.

The table also had the participation of Sinclair Davidson, from RMIT University, and was mediated by Rodrigo Ouro Preto, of Ouro Preto Advogados. Neto referred to the last TCU Report of 2014, indicating that information vulnerability is due to failures in business follow-up (80%), access control (70%), incident management (75%) and information security management (75%).

The comeback of a trademark

The – intangible – value of a trademark may rescue a company involved in a legal proceeding, save jobs and make way for its return to the Market, provided its registry at the Brazilian Patent & Trademarks Offices – BPTO is updated. Two months ago, after a lawsuit that dragged for years, the court granted Casas Brasileiras the right to update at INPI the Mappin trademark, for which the bidding price had been R\$ 5 million.

“High value assets have to be protected”, said Alberto Luis Camelier da Silva, who despite the company’s bankruptcy made good use of the legal provisions and was able to secure the survival of Mappin trademark. With appellate judge Francisco Loureiro, of the São Paulo Court of Law and reporter of Mappin’s bankruptcy legal action, Marcos Chucralla Moherdau Blasi and Aires Vigo, Camelier took part in yesterday’s debate on “Preserving Intangible Assets under the Act of Debt Recovery and Bankruptcy”.

Celebration



Last night, the members of the Congress participated in the traditional celebration dinner at the restaurant L’Atelier, located in the hotel lobby and sponsored by the offices of IP.



Mediation for disputes resolution is growing

Mediation for disputes resolution is becoming more and more important in business segments where efficient, fast and accessible solutions are of the essence. “This technique involves a third party with no decision power, elected or accepted by the disputing parties to find and encourage adoption of a consensual solution for the controversy”, explained Claudia Grosman, Director of ABPI Mediation Chamber, in yesterday’s workshop I – Simulated Mediation in a Practical Case of Franchising, during ABPI XXVI Congress.

For the first time, the Congress adopted the workshop

format to demonstrate through role-playing the techniques of mediation procedures in a franchising case. The simulation was carried out by mediators Karin Klempf Franco, of Rothmann Sperling Padovan Duarte Advogados; and Rodrigo Azevedo, of Silveiro Advogados. Candida Caffé, of Dannemann Siemsen acted as the Franchiser, and Sandra Brandão, of BOG Advogados was the Franchisee, with her lawyers Wilson Pinheiro Jabur, of Salusse, Marangoni, Leite, Parente, Jabour, Klug and Perillier; and Marcelo Inglez de Souza, of Demarest Advogados.

BPTO is considering partnerships with Prosul

BPTO is considering partnerships with China, Japan, Europe and Prosul member countries – Brazil, Argentina, Colombia, Ecuador, Paraguay, Peru and Uruguay – in order to expedite the examination of patent applications, reported BPTO patents director Júlio César Castelo Branco Reis Moreira, during the ABPI XXXVI Congress of Industrial Property panel “Steps to accelerate Patents Examinations in Brazil and in the world”.

Backlog, however is not unique to Brazil. Counsel Raj Acharya says that backlog is common in developing countries, because

everyone wants to deposit patents there. In India, the average response time is 31 months.

By investing in IT, says Acharya, India was able to gain agility in the examination of patent applications. “We have recently developed an electronic certificate for trademarks and patents”, he said.

Next to Além de Achary and Moreira the panel also included Michael Wieser of Winter, Brandl, Furniss Polt Partnerschaft; Rachel Pioloff, of Hauptman Hamm, LLP, with Rana Gosain of Daniel Advogados acting as moderator.

