

IPG - Newsletter 2000/07

Brazilian (BR) pipeline patents and certificates of addition

From week 4/2000 onwards we included the Brazilian pipeline patents, starting with the frontfile data, number 1100127.

On 14.5.1996 new patent law was passed in Brazil which entered into force on 14.5.1997. The main change in patent law concerns the protection of chemicals, pharmaceuticals and foodstuff. They were not receivable in the past but are patentable now. The new patent law refers to this change in articles 230 and 231. In the transitional period between passing the law and its entry into force it became possible to file "pipeline patents" for older pharmaceutical patents valid abroad, but not exploited in Brasil. It is expected that there will be around 1200 of these cases. The term of these patents will be 20years from the disclosure in the country of origin.

The new patent law also provides for the grant of certificates of addition for improvements or developments of the basic invention.

The new law introduced longer terms of protection for patents (20 years from filing against 15 years under the old law), and utility models (15 years from the filing against 10 years under the old law).

BR C1 Certificate of addition
BR A3 pipeline patent

By the way, legal status for BR A3 and BR C1 are covered in PRS since October 1997.

Directorate 5.4.1 Co-operation Programmes
& INPADOC

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