

Ministry of Development,  
 Industry and Foreign Commerce  
 Brazilian Patent and Trademark Office Presidency

Comments on proposal of act for simplified procedure for the allowance of patent applications issued by BRPTO on July 27, 2017

AIPPI Japanese Group would like to submit our comments as below;

Article of the draft act	Proposal	Reason
Other	The term for filing a request for a trial for patent invalidation against patents allowed through simplified procedure should be indefinite or extended significantly.	<p>The term for filing a request for a trial for patent invalidation is not mentioned in the current draft act, but taking into consideration about the influence of the simplified procedure, we would like to make this proposal for the below reason.</p> <p>Under the current law, the term for filing a request for a trial for patent invalidation is defined to be filed within 6 months from the date of patent grant. However, if the draft act is enforced, it is expected that a large number of patent applications will be allowed through simplified procedure all at once.</p> <p>We believe it will be practically impossible for other parties to study such a number of patents and make a decision to file a request for a trial for patent invalidation within 6 months. That may lead to abuse of patent rights.</p> <p>Therefore, the term for filing a request for a trial for patent</p>

		invalidation against patents allowed through simplified procedure should be indefinite or extended significantly.
Other	We wish that it is clearly mentioned(shown) in the patent publication whether it is a patent allowed through simplified procedure or a patent granted through normal examination, in order for users to be able to clearly distinguish the difference.	When considering whether to file a request for a trial for patent invalidation or not, the study approach completely differs whether it is a patent allowed through simplified procedure or a patent granted through normal examination. . Therefore, we wish that it is clearly mentioned(shown) in the patent publication so the user can clearly distinguish the difference.