

## The Brazilian Patent Office (BPO) publishes Resolution No. 227/2018 regarding the use of the examination of other jurisdictions

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As an alternative to reduce the number of pending patent applications waiting for examination and expediting the technical examination, the Brazilian Patent Office (BPO) published Resolution INPI / PR No. 227/2018. This resolution defines the procedures for the analysis of pending patent applications by using the results of searches already carried out by Patent Offices from other countries, of International or Regional Organizations.

Resolution 227/2018 applies to patent applications that: i) have not yet undergone a first technical examination, ii) have not requested any type of priority examination before the BPO, iii) do not contain a petition for subsidies to the examination or ANVISA's opinion, and iv) have corresponding applications with searches in the state of the art already performed by other Offices or Organizations.

For patent applications that meet the conditions hereinabove, the BPO will publish a requirement under code 06.20, so-called a pre-examination office action, citing documents that were found during the prosecution of corresponding applications and requesting the presentation of amendments and / or arguments deemed as pertinent to the cited prior art. A period of 60 (sixty) days, counted from the publication of the pre-examination office action, will be provided for the applicant to submit a response.

Once the office action has been complied with, the examination of the application will follow its normal course. In this situation, if the application is amended, the conditions established by Industrial Property Law 9,279/96 must be respected regarding: subject matter not deemed an invention, non-patentable subject matter, unity of invention, sufficiency of disclosure, clarity and precision. Additionally, the amendments must be limited to the subject matter initially disclosed in the application, and the scope of protection cannot be broadened. If there is no response from the Applicant within this 60-day period, the patent application will be shelved.

After compliance with this office action, in case the application is in accordance with local rules at the time of the technical examination, the same will be granted.

For your further reference, [click here](#) to access an English translation of the Resolution 227/2018. Should you wish to receive more information on this subject, please do not hesitate to contact us by telephone (+55 21 2113-1919) or by email at [mail@kasznarleonardos.com](mailto:mail@kasznarleonardos.com).