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Impact of covid-19 pandemic on industrial property field in Brazil

Brazil - [Luiz Leonardos & Advogados](#)

- **The PTO's latest statistics show a drop in the number of patent, trademark and industrial designs applications**
- **The National Health Surveillance Agency has issued an alert regarding the increase in counterfeit medicines in the first months of 2020**
- **However, the new reality brought about by the pandemic may spur the creation of new markets and drive companies to reinvent themselves**

Recent data released by Brazil's Ministry of Economy stated that business activities will be severely impacted this year by the restrictions adopted due to the pandemic. The Brazilian gross domestic product is expected to fall by 4.70% in 2020.

In the field of industrial property, this new reality has been confirmed by a drop in the number of patent, trademark and industrial designs applications, as shown by the latest statistics bulletin released by the Brazilian Patent and Trademark Office (PTO) in March 2020.

In February 2020 industrial property applications amounted to 1,926 for patents, 17,657 for trademarks, 426 for industrial designs, 158 for computer programs, 77 for technology contracts and one for geographical indications, representing a reduction in relation to the previous month: -13.9% for patent applications, -0.9% for trademarks, -2.7% for industrial designs, -22.5% for computer programs, -2.5 % for technology contracts and one geographical indication application in February compared to two applications in January 2020.

Another factor that has caused concern is the increase in counterfeiting, as well as in the number of cases of trademark and patent infringement and unfair competition. The National Health Surveillance Agency (Anvisa) issued an alert in June regarding the increase in counterfeit medicines in Brazil in the first months of 2020. In 2018 three cases involving counterfeit medicines were identified, in 2019 there were four cases and, in 2020, eight cases have been identified so far. Among the counterfeit products are medicines used to treat hepatitis C, flu vaccines and medicines for growth disorders, obesity and diabetes. On reason for this could be the rise of online purchases of counterfeit products during the new coronavirus pandemic and the increase in oversight.

On the other hand, this new reality spurs advances in technology, innovation and entrepreneurship, as companies and entrepreneurs identify the need to invent new market opportunities and seek to meet new expectations through innovation. The federal government has created special lines of credit for companies and entrepreneurs to maintain their activities and minimise the impact of the pandemic, which will certainly assist in maintaining the development of new technologies and expanding business opportunities in terms of industrial property.

In this sense, the Brazilian PTO, together with to the Ministry of Economy, has instituted the priority examination of patent applications related to covid-19 treatments, diagnosis and prevention technologies. Further, the Ministry of Health has requested the PTO to expedite the examination of patent applications that are considered to be covered by the new resolution, which will undoubtedly provide advances in the analysis of similar cases in the future. In addition, it is expected that the Madrid Protocol, which came into effect in Brazil in October 2019, will also help to reduce the timeframe for the grant of trademark registrations, and boost development, innovation and the Brazilian economy.

It is undeniable that the covid-19 pandemic will be detrimental in terms of technological development, the protection of industrial property and economic growth. However, this new reality may allow the creation of new markets and drive companies and entrepreneurs to reinvent themselves, as well as making them aware of the need to protect their new assets and defend themselves against infringement, whether by piracy, unfair competition or the unauthorised use of industrial property rights.

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