

New procedures regarding Software Registration in Brazil

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As it is known, software protection follows the Copyright System, and a registration which is optional and of a declaratory nature can be sought in order to guarantee the copyright. In Brazil, such registration must be done with the Brazilian Patent and Trademark Office (BPTO).

The BPTO issued on September 1st, 2017, the [Normative Instruction N° 074](#), which came into force on the last September, 12th. The Instruction establishes the new procedures regarding Software Registration and the electronic form called *e-RPC*.

Concerning the changes occurred in the registration system, we can highlight the following: completely electronic process, implementation of hash digital summary as a safer way to protect the software, electronic signature of documents and changes in the Official Taxes Schedule for software services.

The cryptographic function hash is an algorithm normally used to guarantee the fully integrity of an electronic document. Therefore, a technical expert can prove there was no modification in the document, since it was turned from source code into hash. Previously, the applicant had to send the entire software's source code, but now the BPTO requires only a hash digital summary of its most relevant and important parts, in order to identify the computer program.

The new electronic process consists, basically, in the issuance of an Official Tax Receipt (“GRU” – *the Guia de Recolhimento da União* is a document which was established by the Brazilian Treasury Department used in order to make payments to organizations, funds, autarkies, foundations and others entities) that will generate a Declaration of Veracity. Said Declaration must be electronically signed and, subsequently, the electronic form must be completely filled (kindly note that this form follows the same standard of the previous one, requiring information about the title holder of the software, about the author and the software itself), and submitted along with the Power of Attorney.

Hence, from now on all documentation must be electronically signed, being mandatory the obtaining of a digital Certificate for Brazilian applicants. In case of applicants domiciled abroad, it will be necessary to constitute and maintain a suitable qualified attorney domiciled in Brazil, duly empowered to represent such applicant – including the power to receive judicial summons.

Finally, is important to emphasize that BPTO also changed its Official Tax Schedule, reducing its scope of services and standardizing the rates of all software services – except for the item “lifting of confidentiality request”, which Official Tax was increased.

Kasznar Leonardos is at your entire disposal to provide the service of software registration. If necessary, please contact your usual contact in our office, or send an e-mail to thereza.abranches@kasznarleonardos.com.