

Brazil is getting ready for the Madrid Protocol: new procedures for Trademark Registration

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The Federal Senate has approved, last month, the Draft Legislative Decree 98/2019, that foresees Brazil's accession to the Madrid Protocol. The text, which had already been approved by the Legislative Chamber, was now forwarded to promulgation by the President of the Republic.

The Brazilian Patent and Trademark Office is already preparing itself to join the WIPO system, which enables the international registration of trademarks. In order to do so, it has issued 4 new resolutions, which aim to change, in the near future, the trademark registration procedure in the Brazilian PTO, changes that will become effective for all new trademark applications, even if they are not submitted via Madrid Protocol. In short, they discuss the following points.

- (i) It implements the registration of trademarks in a co-ownership system;
- (ii) It establishes the registration of trademarks in a multiclass system;
- (iii) It establishes the division of trademark registrations and applications in a multiclass system;
- (iv) It establishes the registration of trademarks under the Madrid Protocol.

The resolutions are still in the public consultation phase and may receive critics, suggestions and alteration proposals from the Industrial Property community. The final texts should be published shortly.

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