

## BPTO publishes new rules to request participation on Patent Prosecution Highway (PPH) programs

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The Brazilian Patent and Trademark Office (BPTO) published [Resolution 252/19](#) which institutes rulings on the pilot project for the Patent Prosecution Highway (PPH) shared examination. This resolution will become effective on December 1, 2019 and replaces all resolutions currently in force relating to previous PPH programs that the BPTO had established.

Essentially, a differential of this new Resolution regarding PPH programs in Brazil is that it eliminates all the technical restrictions initially imposed for a patent application to be eligible. The PPH Program in Brazil, as this Resolution enters into force, will contemplate patent applications claiming protection for innovations belonging to all areas of expertise.

To participate in this program, a patent application must comply with the following requirements:

- i) It must have been filed at least more than 18 months before the request to enter the program, or have its anticipated publication requested, or have been published by WIPO;
- ii) The examination fee must have been paid;
- iii) Its participation on another accelerated examination program cannot have been granted by the BPTO;
- iv) The technical examination cannot have been initiated;
- v) The applicant cannot amend or divide the application from the moment of the request and that of the decision from the BPTO allowing the participation on the program;
- vi) It must belong to a patent family wherein at least the oldest application was filed at the BPTO or at a Patent Office that has a PPH program with the BPTO, or wherein at least one of these offices was selected as receiving office under the PCT;
- vii) It must belong to a patent family wherein the patent office responsible for the first examination has examined the application and found that there is patentable subject matter;

viii) It must belong to a patent family wherein the patent office responsible for the first examination has issued a granting decision; and

ix) It must seek protection for a subject matter that is equal to, or more restrict than, the one considered as patentable by the office of first examination; the addition of any subject-matter not examined by the office of first examination being forbidden.

This pilot PPH program will receive 400 applications per yearly cycle, selected by their order of request, and requests will be accepted from December 01, 2019 to November 31, 2022. Each patent applicant may request the participation on this program only once per month.

Should you be interested in more details, have specific doubts or wish to apply for the program, please let us know. We will be delighted to assist you.

For more detailed information on this matter, please contact us via email through [mail@kasznarleonardos.com](mailto:mail@kasznarleonardos.com).