

CWS/ATR/TM/2020/BR

Annual Technical Report on Trademark Information Activities in 2020 submitted by BRAZIL/INPI

I. GENERAL OVERVIEW OF RECENT DEVELOPMENTS IN TRADEMARK INFORMATION ACTIVITIES CARRIED OUT BY THE OFFICE

Outline of main policies and plans aimed at development of trademark information activities and expected time frames for their realization

Brazil has completed a year as a member of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. Therefore, most of the activities were carried out aiming to adapt and prepare the computer systems, procedures and regulations to receive international applications and to act as an office of origin.

In 2020 Brazil also started implementing a Quality Management System, to ensure consistency between decisions, and is preparing the IT systems to support multi-class applications.

New projects launched or resumed this year in the context of the policies and plans mentioned above, short description: aims, partners, tasks

INPI worked with WIPO to adapt the Brazilian version of IPAS to the Madrid System, and worked with partner offices that shared their experience with the Madrid Protocol to better understand how to best implement the system in Brazil, as well to improve the Quality Management System.

Main areas of trademark information activities and related information and communication technology (ICT) practices which were in the focus of attention last year

The Directorship of Trademarks, Industrial Designs and Geographical Indications focused on working with WIPO and other local partners to adapt the IPAS system to receive international applications from the Madrid System, as well as developing software that allows for the translation of international applications to Brazilian Portuguese. Also, the IPAS system is being adapted to support multi-class applications.

Statistics: changes in terms of application filings and registrations with respect to previous year; trends or areas experiencing rapid changes

In 2020, 275,585 trademark applications were filed in Brazil, presenting a 12.4% increase from the prior year. During this period, applicants from 106 different countries requested protection for their trademarks. Local residents represent 95% of the total applications; while international applications mostly came from the United States (2%), China (0.5%), Germany, France, Switzerland, United Kingdom and Japan (0.2% each).

There were 248,185 decisions made in 2019, which represent a 35.5% decrease in productivity when compared to the prior year. In the end, 141,775 trademarks were granted in 2020.

Brazil acted as an Office of Origin in the Madrid Protocol for 152 international applications in 2020, and has been designated for 10,890 applications.

Other matters and useful links (URLs): annual report of the Office, news page, statistics, etc.

Other statistics related to Brazilian trademarks applications are available at <https://www.gov.br/inpi/pt-br/composicao/estatisticas>

II. SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Information and support provided by the Office to applicants regarding filing on paper and/or e-filing (instructions, seminars, etc.) - URLs

To file an international application, users need to log in to the e-Marcas system (in Portuguese only, translation to English and Spanish will be available shortly). First time users need to create a user account. Information regarding filing applications and other trademark related requests are available online at the following address.

http://manualdemarcas.inpi.gov.br/projects/manual/wiki/Manual_de_Marcas

Availability of the application dossier in electronic form

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http://manualdemarcas.inpi.gov.br/projects/manual/wiki/Manual_de_Marcas

Matters concerning classifying

(i) Classification and reclassification activities; classification systems used, e.g., International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), International Classification of the Figurative Elements of Marks (Vienna Classification), other classification

(ii) Use of electronic classification systems and pre-defined terms of the classification applied

Since 2000 new trademark applications must be filed using the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) and the International Classification of the Figurative Elements of Marks (Vienna Classification).

There are pre-approved items for the applicant to select when filing applications. There is also the option to specify the goods and services in a free-form, which has a higher fee.

The Institute uses all three levels of the Vienna classification for all trademarks in the database for applications and registrations. The classification must be furnished initially by the applicant but is subject to review and corrections by the Institute.

The eMarcas e-filing system for applications and every other trademark related request is available at the following address.

<https://gru.inpi.gov.br/emarcas/>

Matters concerning processing of different types of non-traditional marks (e.g., three-dimensional, motion, hologram, color mark, etc.)

Three-dimensional trademarks are accepted in Brazil. More information is available online at the following address.

Other activities

n/a

III. SOURCES OF TRADEMARK INFORMATION PROVIDED BY THE OFFICE

Main types of publications in the field of trademark information, outline of the content and medium (on paper, on CDs, online - URLs)

The electronic Industrial Property Gazette (Revista da Propriedade Industrial — RPI) in PDF format posted on the Institute's website.

Official Gazettes: main types of announcements, frequency of publication, medium (on paper, on CDs, online, URL), etc.

The INPI extracts text and image data to generate the weekly publication of the electronic Industrial Property Gazette (Revista da Propriedade Industrial — RPI) in PDF format. The textual elements of these products are exported from the Institute's central database along with the representations of the marks which are extracted from a database of digitized and digital images, automatically inserted into the layout. The Gazette is posted on the Institute's website available at the following address.

<http://revistas.inpi.gov.br/rpi/>

The textual data published in the Gazette is also made available in a XML file.

A Push system is also available which sends an email alert each time an office action is published in the Gazette for the files chosen by the user.

<http://formulario.inpi.gov.br/Push/pages/login.jsf>

Information products (coverage, medium, etc.) available to examiners, including external documentation and databases

n/a

Information products (coverage, medium, etc.) and services available to external users; conditions of access (e.g., free of charge, subscription, etc.)

External users can search all of INPI's database for free on BuscaWeb, on the following link: https://gru.inpi.gov.br/pePI/jsp/marcas/Pesquisa_classe_basica.jsp

Legal status information (kind of information, coverage, medium, etc.)

Status information, processing histories and access to documents related to pending and registered trademarks are available online, free of charge, at the following address.

https://gru.inpi.gov.br/pePI/jsp/marcas/Pesquisa_classe_basica.jsp

Other sources

n/a

IV. ICT SUPPORT TO SERVICES AND ACTIVITIES RELATED TO TRADEMARK INFORMATION CARRIED OUT BY THE OFFICE

Specific software tools supporting business procedures within the Office: general description, characteristics, advantages, possible improvements

The Trademark Directorate currently use the following systems for trademarks administration and examination: » IPAS JAVA (Industrial Property Automation System) – Trademark examination system used since June 2013 to replace the previously used system, SINPI, which was developed in Delphi and used client-server technology. The IPAS was developed by WIPO, it uses web technology, was written using Java language and runs on an Oracle database. It has integration with all other systems used by the Trademarks Directorate. The IPAS uses a document management system named EDMS, which is based on the Nuxeo Platform. » eMarcas – Electronic online filing system for trademarks. The eMarcas system was built using web technology. It was developed using JAVA and runs on Oracle database. It has integration with IPAS and the payment system control, PAG. This system was developed internally at INPI. » PUSH – System that allows the customer to track the progress of his trademark application process, and informs electronically every time there is a publication in the journal. » PAG – It is the online payments system and is used for the reception of paper documents. Also developed internally at INPI using web technology. » pPI is a web based search engine for Trademarks, Patents, Industrial Design and Computer Program applications since 1986. This database is available through Internet and allows searching bibliographic text and viewing Trademark images.

Hardware used to supporting business processes of the Office

Hardware used to supporting business processes of the Office. In order to support business processes related to the IPO, the core ICT solutions are divided in the following levels:

(i) Information Security Infrastructure: Essentially, this environment guarantees that information is protected from intentional or accidental modifications, by using the Fortnet firewall (Fortigate 1000C) for filtering, VPN controlling and Spam controlling. This hardware also acts as an IDS agent to inspect the inbound and outbound network activity identifying suspicious patterns, including Internet traffic. The INPI uses another kind of firewall to isolate networks like PROSUR, where the support is obtained from the pfSense-br.org. To complement this structure, the FortiAnalyzer guarantees the integration of network logging, analysis and reporting into a system with the view to create knowledge of security events throughout the network.

(ii) Networking Infrastructure: The focus of this structure is to maintain connectivity between LAN and the server farm, employing the central switch Matrix N-7 from Enterasys. As this switch is located in the INPI's Datacenter, it has the function of concentrating all the incoming connections from the offices of INPI. This infrastructure is complemented by the SAN switches from Brocade to support connections in fiber channel to the Virtualization Infrastructure, Storage Infrastructure and Backup Infrastructure. A Wireless Internet network with 100 access points ensures that all floors of the two main buildings have Internet access. The Internet link consists on a High Load Balance through F5 Big IP System 2000S, two internet connection links with 300Mbps speed. The Central Data Center in Rio de Janeiro is interconnected with 12 branch regional offices with a MPLS connection with 64Mbps.

(iii) Virtualization Infrastructure: The DataCenter has HP Blade Servers with 16 Blades under two Intel Xeon Quad-core 2.83 Ghz processors and 32GB RAM and 4 Blades under two Intel Xeon Quad-core 2.83 Ghz processors and 512GB RAM. All hosts are built in virtual machines running operating systems over the virtualization platform from VMware mounted with vSphere 5.1 and vCenter 5.1. With more than 210 virtual machines, the operating systems are distributed through Windows Server 2012 and Red Hat Enterprise Linux for Virtual Datacenters.

(iv) Storage Infrastructure: To provide rapid response in all IT environments, INPI invested in the Hitachi High End VSP solution, that is responsible to maintain the information stored in 137 Terabytes with Raid 6 array ensuring availability required to the business process. The backup architecture is based on a tape robot storage.

(v) Desktop Infrastructure: The computers used to support the business process are based in the solution from Itautec Infoway ST4273 with two monitor with 21 inches per research.

Internal databases: coverage, updates, interlinks with external sources

n/a

Establishment and maintenance of electronic search file: file building, updating, storage, documents from other offices included in the search file

n/a

Administrative management electronic systems (register, legal status, statistics, and administrative support)

n/a

Other matters

RPI is a web based search engine for Trademarks, Patents, Industrial Design and Computer Program applications since 1986. This database is available through Internet and allows searching bibliographic text and viewing Trademark images.

V. PROMOTION ACTIVITIES AIMED TO SUPPORT USERS IN ACCESS AND EFFICIENT USE OF TRADEMARK INFORMATION

Office's library (if deals with trademark information): equipment, collection management, network of libraries in the country, cooperation with foreign libraries

The library catalog, designed in MARC format, is available for the general public through INPI's website (http://biblioteca.inpi.gov.br/sophia_web/index.html). The public can access the collection and other electronic resources in OPAC terminals, at the Library's Reading Room. As a WIPO Depository Library, the library staff catalogs the intellectual property publications and make it available for the general public by electronic catalog and alerts. Also, the library is a member of the Brazilian Bibliographical Exchange Program - COMUT, provided by the Ministry of Science, Technology and Innovation, which has more than 2,500 other partner libraries in Brazil and overseas.

The library's technical literature collection covers all aspects of intellectual property with its holdings of some 16,000 references, between monographs, articles, book chapters and over 34,000 electronic periodical titles, provided by Capes Consortia. In the scope of trademarks, the library has about 800 references. Also, the library has 113 titles in intellectual property and related areas, which include trademarks information. These materials can be consulted in the Library's Reading Room. Also, the library electronic catalog is available by Internet on the INPI website.

Publications related to different business procedures and trademark information sources available to users, for example, books, brochures, Internet publications, etc.

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Cooperation with universities, technology and innovation support centers, etc.

The library belongs to Capes Consortia, from the Ministry of Education, comprising 422 other libraries from Brazilian academic institutions. It allows INPI to have access to 'Portal Periódicos Capes', a great virtual library which contains more 34,000 electronic periodicals and 400 reference databases.

Education and training: training courses, e-learning modules (URLs), seminars, exhibitions, etc.

The library offers training courses for the use of electronic catalog and Portal Periódicos Capes, teaching users to search in different fields of knowledge, including technical literature in trademarks and related areas. Also, the Library offers the course "Intellectual Property for Librarians", that aims to teach Brazilian librarians to deal with different aspects of Intellectual Property information.

Other activities

n/a

VI. INTERNATIONAL COOPERATION ACTIVITIES IN THE FIELD OF TRADEMARK INFORMATION

International exchange of trademark information in machine-readable form (e.g., Official Gazettes)

Our Official Gazettes (Revista de Propriedade Industrial – RPI) are available on the Brazilian Patent Office website in PDF, XML and TXT format, at <http://revistas.inpi.gov.br/rpi/>, and all published official gazettes are stored in the library available to the public.

Participation in international or regional activities and projects related to trademark information

IP BRICS was held in Rio de Janeiro, on February 2020, being the first time trademarks were the main subject of the meeting.

Assistance to developing countries

n/a

Other activities

n/a

VII. OTHER RELATED MATTERS

Additional materials, including the Trademark User Manual and Examination Guidelines, which explain various aspects of the trademark system in Brazil, are also available at the Institute website.

<https://www.gov.br/inpi/pt-br>