



**MINISTRY OF DEVELOPMENT, INDUSTRY AND FOREIGN COMMERCE
BRAZILIAN PATENT AND TRADEMARK OFFICE
PRESIDENCY**

[ACT] # _____, OF _____ OF 2017

Determines the simplified procedure for the allowance of patent applications.

Article. 1 – This [ACT] determines the simplified procedure for the allowance of patent applications.

Single Paragraph. The simplified procedure does not apply to the application for certificates of addition of invention, divisional applications and applications for pharmaceutical products and processes.

Article. 2 – The admissibility of the patent application in the simplified procedure will be notified through the BRPTO's Official Gazette – RPI when the following conditions are met:

I – Filing protocol of the patent application or the request to enter into the national phase, dated until the date of publication of this [ACT];

II – Applications published or with a request of anticipated publication submitted within thirty days of the date of publication of this [ACT];

III – Request for patent application examination submitted within thirty days from the date of publication of this [ACT];

IV – Payment of annuities on time;

V - There's no publication of technical opinion, in accordance with art. 35 of law #9,279 of 1996.

Article. 3 – The publication of admission for the patent application in the simplified procedure begins the period of ninety days for the publication of its allowance.

Article. 4 – The application that received third party submissions within the term of art. 3 of this normative or before the publication of admission will be excluded from the simplified procedure.

Single Paragraph. The patent application can be excluded from the simplified procedure at the request of the applicant itself within the term of art. 3.

Article. 5 – The patent application will be granted in accordance with the publication or notification of the entry into the national phase.

Article. 6 – The Letters patent will be issued with exceptions to the prohibitions of arts. 10 and 18 of law #9,279 of 1996.

Article. 7 – The Brazilian Patent and Trademark Office will issue rules to establish the simplified procedure for the allowance of a patent application.

Article. 8 – This [ACT] shall enter into force on the date of its publication.