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TAGS: EB, EIND, ETRD, BR
SUBJECT:INTELLECTUAL PROPERTY PROTECTION FOR BRAZIL

1. COMPLETE TEXT FYI. THIS CABLE ANALYZES PROVISIONS OF BRAZILIAN LAW RELEVANT TO THE ISSUE OF PROVIDING EFFECTIVE INTELLECTUAL PROPERTY PROTECTION IN BRAZIL AND FOCUSES ON PROBLEM AREAS IN THE LAW. THIS CABLE IS BASED ON AN ANALYSIS OF THE TEXT OF RELEVANT BRAZILIAN LAWS AND A SERIES OF CABLES FROM THE U.S. EMBASSY IN BRAZIL DISCUSSING INTELLECTUAL PROPERTY PROTECTION IN THAT COUNTRY.

2. BRAZILIAN LAWS

THE CODE OF INDUSTRIAL PROPERTY, PARTICULARLY LAW NO. 5772 OF DECEMBER 21, 1971, SETS FORTH THE BASIC

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PROVISIONS FOR OBTAINING AND MAINTAINING PATENTS AND TRADEMARKS IN BRAZIL. THE INTERACTION OF LAW NO. 5772 WITH NORMATIVE ACTS ISSUED BY THE NATIONAL INDUSTRIAL PROPERTY INSTITUTE (INPI) PERTAINING TO THE LICENSING OF TECHNOLOGY AND CERTAIN PROVISIONS OF THE BRAZILIAN

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UNITED STATES DEPARTMENT OF STATE
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TAX CODE PROVIDE THE FRAMEWORK FOR PARTICIPATION IN THE

BRAZILIAN MARKET FOR PATENTED OR TRADEMARKED GOODS. COPYRIGHT PROTECTION IS ADDRESSED IN LAW NO. 5988 OF DECEMBER 14, 1973 AND IS SUBJECT TO REGULATION BY A NUMBER OF DIFFERENT BRAZILIAN AGENCIES INCLUDING THE NATIONAL COPYRIGHT COUNCIL, THE NATIONAL CINEMA COUNCIL AND THE SPECIAL SECRETARIAT FOR INFORMATICS. BRAZIL IS ALSO A SIGNATORY OF THE PARIS CONVENTION ON PROTECTION OF INDUSTRIAL PROPERTY RIGHTS, THE BERNE CONVENTION, AND THE UNIVERSAL COPYRIGHT CONVENTION.

LAW NO. 5772 IS THE ENABLING STATUTE FOR THE BRAZILIAN CODE OF INDUSTRIAL PROPERTY. SECTION II OF THE LAW DEALS WITH PATENTABLE INVENTIONS, MODELS AND DESIGNS. ARTICLE 6 LIMITS THE PATENTABILITY OF INVENTIONS, UTILITY MODELS AND INDUSTRIAL DESIGNS TO THOSE THAT ARE CAPABLE OF INDUSTRIAL UTILIZATION. "AN INVENTION IS CONSIDERED CAPABLE OF INDUSTRIAL UTILIZATION WHEN IT CAN BE MANUFACTURED OR UTILIZED INDUSTRIALLY." ARTICLE 9 ENUMERATES NON-PATENTABLE INVENTIONS. AMONG THE ARTICLES THAT CANNOT BE PATENTED ARE THE FOLLOWING:
 (1) SUBSTANCES, MATERIALS OR PRODUCTS OBTAINED BY CHEMICAL MEANS OR PROCESSES, BUT NOT THE RESPECTIVE PROCESSES OF OBTAINING OR MODIFYING SUCH SUBSTANCES, MATERIALS OR PRODUCTS SHALL BE PATENTABLE;
 (2) FOOD AND CHEMICAL-PHARMACEUTICAL SUBSTANCES, MATTER ADMIXTURES OR PRODUCTS AND MEDICAMENTS OF ANY
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KIND, AS WELL AS THE RESPECTIVE PROCESSES FOR OBTAINING OR MODIFYING THEM;

(3) METALLIC ADMIXTURES AND ALLOYS IN GENERA, BUT THOSE WHICH; NOT BEING INCLUDED IN THE CATEGORY OF HE PRECEDING SUBCATEGORY OF THE PRECEDING SUBSECTION, HAVE SPECIFIC INTRINSIC QUALITIES (AND ARE) PRECISELY CHARACTERIZED BY THE NATURE AND PROPORTIONS OF THEIR INGREDIENTS OR BY SPECIAL TREATMENT TO WHICH THEY MAY HAVE BEEN SUBMITTED, SHALL BE PATENTABLE;

(4) USES OR EMPLOYMENT OF MEANS RELATED TO DISCOVERIES, INCLUDING THE DISCOVERY OF VARIETIES OR SPECIES OF MICROORGANISMS, FOR A SPECIFIC PURPOSE; AND

(5) SUBSTANCES, MATTERS, ADMIXTURES, ELEMENTS OR PRODUCTS OF ANY NAURE, AND ASO THE MODIFICATION OF THEIR PHYSIOCHEMICAL PROPERTIES AND THEIR RESPECTIVE

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METHODS OF BEING OBTAINED OR MODIFIED, WHEN THEY ARE THE RESULT OF TRANSFORMATION OF THE ATOMIC NUCLEUS.

THE PATENTABILITY OF AGRICULTURAL CHEMICALS IS AN OPEN ISSUE. CERTAIN AGRICULTURAL CHEMICALS MAY QUALIFY FOR PATENT PROTECTION UNDER THE "SPECIFIC INTRINSIC QUALITIES EXCEPTION" BECAUSE OF THE NATURE OF THEIR ACTIVE INGREDIENT. ALTHOUGH INPI REFUSED TO APPLY THIS

EXCEPTION IN A RECENT CASE THE BRAZILIAN COURT OVERRULED INPI IN A CASE CONCERNING THE INTRINSIC QUALITIES OF A PARTICULAR PESTICIDE.

ACCORDING TO EMBASSY REPORTS, THE PRIMARY AREA OF CONCERN IS THE CONTROLLED (NOW FROZEN) PRICE OF PHARMACEUTICALS.

THE PATENT TERM IN BRAZIL FOR A PATENT OF INVENTION IS 15 YEARS FROM FILING AND 10 YEARS FROM FILING FOR A UTILITY MODEL OR DESIGN PATENT. FORMALITIES CONNECTED

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WITH ISSUANCE OF A PATENT CAN TAKE FROM 24 TO 42 MONTHS. THUS THE EFFECTIVE LIFE OF A PATENT IS FROM 11 1/2 TO 13 YEARS.

BRAZIL REQUIRES A PATENT OWNER TO "WORK" OR "EFFECTIVELY EXPLOIT" ALL OF THE CLAIMS OF HIS PATENT IN BRAZIL. IMPORTATION DOES NOT CONSTITUTE EFFECTIVE EXPLOITATION OF THE PATENT. FAILURE TO EFFECTIVELY EXPLOIT A PATENT CAN RESULT IN EITHER ISSUANCE OF A COMPULSORY LICENSE OR LAPSE OF THE PATENT. A THIRD PARTY MAY REQUEST A COMPULSORY LICENSE IF A PATENTEE HAS FAILED TO EXPLOIT THE PATENT WITHIN 3 YEARS OF ISSUANCE OF THE PATENT OR IF EXPLOITATION HAS BEEN DISCONTINUED FOR MORE THAN 1 YEAR. FOR REASONS OF PUBLIC INTEREST INPI MAY UPON REQUEST GRANT A SPECIAL NON-EXCLUSIVE COMPULSORY LICENSE FOR THE EXPLOITATION OF A PATENT WHEN IT IS NOT BEING EXPLOITED OR WHEN, ALTHOUGH IT IS BEING "EFFECTIVELY" EXPLOITED SUCH EXPLOITATION DOES NOT MEET THE DEMANDS OF THE MARKET.

A REQUEST FOR A COMPULSORY LICENSE MUST INDICATE THE CONDITIONS WHICH ARE OFFERED TO THE PATENTEE. THE

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PATENT OWNER HAS 60 DAYS TO FILE A RESPONSE AND THE ABSENCE OF A RESPONSE INDICATES ACCEPTANCE OF THE OFFERED CONDITIONS. IF THE PATENT OWNER CONTESTS THE CONDITIONS OF THE COMPULSORY LICENSE, THE AMOUNT OF ROYALTY WILL BE BASED ON A REPORT OF A PANEL OF EXPERTS AND ANY OTHER INFORMATION DEEMED RELEVANT.

A PATENT WILL LAPSE IF AN INVENTION IS NOT EXPLOITED WITHIN 4 YEARS FROM THE DATE OF ISSUANCE OR IF A LICENSE HAS BEEN GRANTED WITHIN 5 YEARS FROM THE DATE OF ISSUANCE OF THE PATENT. LAPSE OF THE PATENT WILL

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ALSO OCCUR IF EXPLOITATION IS DISCONTIUED FOR MORE THAN TWO CONSECUTIVE YEARS. A PATENT CAN BE FOUND TO HAVE LAPSED EITHER "EX OFFICIO" OR UPON THE PETITION OF ANY INTERESTED PARTY.

A PATENT OWNER HAS THE BURDEN OF PROVING THAT HIS PATENT IS EFFECTIVELY EXPLOITED IN BRAZIL EITHER DIRECTLY OR BY A LICENSEE. ALTHOUGH NON-WORKING OR LACK OF EXPLOITATION IS EXCUSABLE ON THE GROUND OF FORCE MAJEURE, LIMITS ON IMPORTED MATERIALS NECESSARY AS INPUTS TO THE MANUFACTURING PROCESS DO NOT EXCUSE NON-WORKING.

3. LICENSING REGULATIONS ARE A SIGNIFICANT MEANS OF CONTROL ON THE EXPLOITATION OF PATENT AND TRADEMARK RIGHTS. INPI REVIEWS ALL AGREEMENTS CONCERNING WORKING PATENTS, USING TRADEMARKS, FURNISHING INDUSTRIAL TECHNOLOGY, TECHNICAL-INDUSTRIAL COOPERATION, AND SPECIALIZED TECHNICAL SERVICES. A SEPARATE AGREEMENT MUST COVER EACH TYPE OF LICENSE.

LICENSING AGREEMENTS MUST INCLUDE THE TERMS OF PAYMENT AND PAYMENT IS FIXED "IN ACCORDANCE WITH THE LAWS WHICH MAY BE IN FORCE AND WITH THE RULES AND REGULATIONS ISSUED BY THE MONETARY AND EXCHANGE AUTHORITIES." THE PURPOSE OF RECORDING A LICENSE IS TO, (1) LEGALIZE PAYMENTS DERIVING FROM THE AGREEMENT, (2) ALLOW TAX DEDUCTIONS, AND (3) EVIDENCE THE EFFECTIVE EXPLOITATION OF THE PATENTED INVENTION OR TRADEMARK.

THE TERMS OF A LICENSE CAN NOT RESTRICT THE COMMERCIALIZATION OR THE EXPORTATION OF THE PRODUCT COVERED

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BY THE LICENSE OR PLACE LIMITS ON THE IMPORTATION OF
 MATERIAS WHICH ARE NECESSARY FOR THE MANUFACTURE OF
 THE PRODUCT. MOREOVER, A LICENSE MUST INCLUDE "THE
 SUPPLY OF ALL TECHNICAL INFORMATION AND DATA, FORMULAE,
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SPECIFICATIONS, INCLUDING MATERIALS, DRAWINGS AND MODELS,
 PROCESSES, OPERATIONS AND OTHER SIMILAR ELEMENTS
 RELEVANT TO THE USE OF THE PROCESS AND/OR THE MANUFACTURE
 OF THE PRODUCT.

IN ESTABLISHING THE ROYALTY PAID FOR THE LICENSE, INPI
 TAKES INTO ACCOUNT THE TYPE OF PRODUCTION OR FIELD OF
 ACTIVITY, AND THE DEGREE TO WHICH THE TECHNOLOGY IS
 ESSENTIAL TO THE UNDERTAKING. ANY REMUNERATION MUST BE
 SPECIFICALLY LINKED TO THE SALE OF THE PRODUCT RESULTING
 FROM APPLICATION OF THE SUBJECT OF THE PATENT. THE
 AMOUNT OF ANY ROYALTY IS CALCULATED ON A PERCENTAGE
 BASIS OR AS A FIXED VALUE PER PRODUCT UNIT--NET SALES
 PRICE OR WHERE APPLICABLE PROFIT. NET PRICE IS DEFINED
 AS THE INVOICE VALUE, BASED ON ACTUAL SALES, AFTER
 DEDUCTION OF TAXES, CHARGES, INPUTS AND COMPONENTS
 IMPORTED WHETHER FROM THE LICENSOR OR FROM ANY SUPPLIER

DIRECTLY OR INDIRECTLY LINKED TO HIM, COMMISSION, RETURN
 CREDITS, FREIGHT, INSURANCE AND PACKAGING EXPENSES AND
 ANY OTHER DEDUCTIONS AGREED UPON BY THE PARTIES.
 RESEARCH AND DEVELOPMENT EXPENDIRES ARE NOT MENTIONED
 WITH REGARD TO DETERMINING THE APPROPRIATE ROYALTY FOR
 A PATENT LICENSE AND IN THE AREA OF TECHNOLOGY TRANSFER
 RESEARCH AND DEVELOPMENT ARE CONSIDERED IN TERMS OF THE
 CAPACITY FOR RESEARCH AND DEVELOPMENT IN THE FUTURE.

THE PAYMENT OF ROYALTIES FROM A SUBSIDIARY TO A PARENT
 COMPANY IS STRICTLY PROHIBITED UNDER FOREIGN INVESTMENT
 LAW NO. 4131. PAYMENTS FOR THE USE OF TECHNOLOGY MUST
 BE REMITTED IN THE FORM OF DIVIDENDS AND ARE THUS
 SUBJECT TO THE LIMITATION ON DIVIDEND REMITTANCES.

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4. CORRESPONDING PROVISIONS IN U.S. LAW

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UNDER U.S. LAW, THE BASIC REQUIREMENTS FOR ISSUANCE OF VARIOUS TYPES OF PATENTS ARE THAT THE ARTICLE, PROCESS, COMPOSITION OF MATTER, OR IMPROVEMENT THEREOF, DESIGN, OR PLANT BE NEW, USEFUL AND UNOBVIOUS. (THESE REQUIREMENTS ARE QUALIFIED IN SOME INSTANCES SUCH AS PLANT PATENTS.) PRINCIPLES OR LAWS OF NATURE, NATURALLY OCCURRING ARTICLES (OTHER THAN PLANT PATENTS), PRINTED MATTER, METHODS OF DOING BUSINESS, MENTAL PROCESSES, AND ANY INVENTION OR DISCOVERY WHICH IS USEFUL SOLELY IN THE UTILIZATION OF SPECIAL NUCLEAR MATERIAL OR ATOMIC ENERGY IN ANY ATOMIC WEAPON IS NOT PATENTABLE. MAN-MADE MICROORGANISMS AND APPLICATION OF MATHEMATICAL EQUATIONS TO OTHERWISE PATENTABLE MATTER ARE PATENTABLE. SPECIAL REQUIREMENTS SUCH AS ORNAMENTATION APPLY TO DESIGN PATENTS.

THE PATENT TERM IN THE UNITED STATES IS 17 YEARS FOR UTILITY AND PLANT PATENTS AND 14 YEARS FOR A DESIGN PATENT. RECENT LEGISLATION WOULD EXTEND THE LIFE OF A PHARMACEUTICAL PATENT TO ACCOUNT FOR ANY PERIOD SPENT OBTAINING REGULATORY APPROVAL FOR MARKETING OF THE PATENTED ARTICLE. BILLS ARE NOW PENDING TO EXTEND SIMILARLY THE PATENT TERM FOR AGRICULTURACHEMICALS.

THERE IS NO "WORKING" REQUIREMENT UNDER U.S. PATENT LAW.

THE PATENT AND TRADEMARK OFFICE OR ANOTHER RELEVANT AGENCY MUST APPROVE EXPORT OF TECHNICAL DATA FOR FILING FOREIGN PATENT APPLICATIONS. ANTITRUST CONSIDERATIONS PROVIDE LIMITS ON THE CONTENTS OF LICENSE AGREEMENTS.

TRADEMARKS

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TRADEMARK PROVISIONS ARE CONTAINED IN ARTICLES 59 THROUGH 101 OF THE CODE OF INDUSTRIAL PROPERTY. MANY OF THE SAME PROVISIONS PERTAINING TO LICENSING OF PATENTS ALSO APPLY TO TRADEMARK LICENSES. THE TERM FOR A TRADEMARK IN BRAZIL IS 10 YEARS FROM DATE OF ISSUE OF CERTIFICATE OF REGISTRATION AND MAY BE RENEWED FOR LIKE PERIODS. A TRADEMARK LICENSE EXPIRES WITH THE EXPIRATION OF THE REGISTRATION OR AFTER 10 YEARS.

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BRAZIL FOLLOWS THE FIRST TO FILE PRINCIPLE AND THEREFORE BRAZILIAN FIRMS CAN REGISTER FOREIGN TRADEMARKS THAT HAVE NOT BEEN REGISTERED IN BRAZIL. GENERALLY, APPLICATIONS COVER ONLY PRODUCT LES THAT HE OWNER PRODUCES.

ARTICLES 64 AND 65 COVER REGISTRABLE AND UNREGISTRABLE MARKS. NAMES, WORDS, DENOMINATIONS, MONOGRAMS, EMBLEMS, SYMBOLS, FIGURES AND ANY OTHER DEVICES WHICH ARE DISTINCTIVE AND WHICH ARE NOT ANTICIPATED BY OR DO NOT CONFLICT WITH PRIOR REGISTRATIONS AND WHICH ARE NOT PROHIBITED BY LAW CAN BE REGISTERED.

THE LIST OF ITEMS IN ARTICLE 65 THAT MAY NOT BE REGISTERED AS TRADEMARKS IS EXTENSIVE AND INCLUDES, AMONG OTHER ITEMS: TRADE NAMES; CRESTS; IMMORAL OR RELIGIOUSLY OFFENSIVE; GENERIC NAMES OR EXPRESSIONS USED TO INDICATE, CLASS, SPECIES, NAJRE, NATIONALITY, DESTINATION, WEIGHT, VALUE AND QUALITY; SHAPES AND PACKAGES OF GOODS OR PRODUCTS; NAMES OR INDICATIONS OF PLACES OF ORIGIN AND IMITATIONS WHICH ARE LIKELY TO CAUSE CONFUSION; DESCRIPTIVE MARKS; TECHNICAL TERMS RELATED TO THE PRODUCTS, GOODS OR SERVICES. IN ADDITION, IMITATIONS AND REPRODUCTIONS EITHER WHOLLY OR IN PART, OR WITH
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ADDITIONS, OF MARKS WHICH ARE REGISTERED IN THE NAME OF THIRD PARTIES TO IDENTIFY IDENTICAL OR SIMILAR PRODUCTS, GOODS, OR SERVICES OR WHICH BELONG TO THE SAME OR RELATED BRANCH OF ACTIVITY, AND WHICH ARE LIKELY TO CAUSE ERROR, DOUBT OR CONFUSION MAY NOT BE REGISTERED. HERE IS, HOWEVER, AN EXCEPTION FOR TRANSLATIONS OF SUCH REGISTERED MARKS WHICH ARE NOT 'EXPLOITED' IN BRAZIL.

ARTICLE 67 ACCORDS SPECIAL PROTECTION FOR WELL-KNOWN TRADEMARKS. THE ARTICLE PREVENTS A THIRD PARTY FROM REGISTERING THE TRADEMARK IN ANY PRODUCT CATEGORY WHEN THE TRADEMARK

WNER HAS OBTAINED A CERTIFICATE OF NOTORIETY. A CERTIFICATE OF NOTORIETY, HOWEVER, REQUIRES THAT THE TRADEMARK BE RECOGNIZED THROUGHOUT BRAZIL BY DIVERSE SOCIAL CLASSES. AN YVES-ST-LARENT APPLICATION WAS

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DENIED BECAUSE IT WAS KNOWN ONLY TO SOPHISTICATED CONSUMERS. THIS HAS CREATED PROBLEMS BECAUSE BRAZILIAN FIRMS HAVE REGISTERED TRADEMARKS IN UNRELATED LINES SUCH AS PEPSI FOR A LINE OF CLOTHING. APPLICATIONS ARE PENDING FOR BRAZILIAN REGISTRATIONS OF WELL-KNOWN FOREIGN TRADEMARKS.

UNDER BRAZILIAN LAW THE LICENSEE HAS THE OPTION OF USING HIS OWN MARK TOGETHER WITH HE LICENSED MARK.

ARTICLE 94 PROVIDES FOR CANCELLATION FOR NON-USE IF USE IS NOT INITIATED IN BRAZIL WITHIN TWO YEARS AFTER REGISTRATION OR WHEN USE HAS BEEN DISCONTINUED FOR TWO CONSECUTIVE YEARS. USE IS DEFINED AS THE ACTUAL MARKETIG AND SALE IN BRAZIL OF THE PRODUCT BEARING THE MARK IN QUANTITIES DEEMED SUFFICIENT TO SATISFY MARKET DEMAND. THE LAW CONTAINS AN EXCEPTION TO THE USE REQUIREMENT FOR REASONS OF FORCE MAJEURE. IMPORT
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RESTRICTIONS DO NOT CONSTITUTE FORCE MAJEURE. INPI BELIEVES THAT LICENSING A THIRD PARTY IS PREFERABLE TO IMPORTATION IN AVOIDING CANCELLATION FOR NON-USE. BRAZILIAN COURTS, HOWEVER, HAVE HELD THAT IMPORT RESTRICTIONS DO CONSTITUTE FORCE MAJEURE AND THAT TRADEMARK OWNERS CANNOT BE FORCED TO ENTER INTO LICENSING AGREEMENTS WITH THIRD PARTIES TO AVOID CANCELLATION OF HEIR REGISTRATION.

6. CORRESPONDING PROVISIONS IN U.S. LAW

A TRADEMARK MUST BE USED IN COMMERCE WHICH CAN BE REGULATED BY CONGRESS BEFORE IT CAN BE REGISTERED. THIS REQUIREMENT CAN BE WAIVED WHEN THE APPLICANT HAS REGISTERED THE MARK IN HIS COUNTRY OF ORIGIN. REGISTRATION IS FOR 20 YEARS AND IS RENEWABLE FOR LIKE PERIODS WITH PROOF THAT THE MARK IS STILL IN USE. MARKS, WHEN APPLIED TO THE GOODS OR SERVICES OF THE APPLICANT, WHICH CAUSE CONFUSION, MISTAKE OR DECEPTION OF THE CONSUMING PUBLIC BECAUSE THEY RESEMBLE REGISTERED MARKS OR MARKS OR TRADENAMES PREVIOUSLY USED IN THE UNITED STATES THAT HAVE NOT BEEN ABANDONED, CAN NOT BE REGISTERED.

THE OWNER OF A TRADEMARK REGISTERED ON THE PRINCIPAL

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REGISTER CAN RECORD THAT REGISTRATION WITH THE U.S. CUSTOMS SERVICE AND BAR THE IMPORTATION OF GOODS BEARING A

MARK WHICH COPIES OR SIMULATES THE REGISTERED MARK.

NON-USE OF A MARK FOR 2 CONSECUTIVE YEARS CREATES A PRESUMPTION OF ABANDONMENT WHICH IS A GROUND FOR CANCELLATION OF THE REGISTRATION. IF THE OWNER OF THE

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MARK CAN JUSTIFY NON-USE, HOWEVER, THE REGISTRATION WILL NOT BE CANCELLED.

7. COPYRIGHT

THE MAJOR AREAS OF CONCERN ARE LACK OF COPYRIGHT PROTECTION FOR COMPUTER SOFTWARE AND SCREEN TIME AND INVENTORY REQUIREMENTS RELATING TO MOTION PICTURES AND VIDEO CASSETTES. BOTH OF THESE ISSUES HAVE BEEN ADDRESSED IN THE CONTEXT OF EITHER ONGOING SECTION 301 INVESTIGATIONS OR POSSIBLE CANDIDATES FOR SELF-INITIATION OF A SECTION 301 INVESTIGATION.

THERE ARE NO RESTRICTIONS ON THE REMITTANCE OF ROYALTIES FOR COPYRIGHTS SIMILAR TO THOSE IMPOSED ON THE LICENSING OF PATENTS AND TRADEMARKS. IN PRACTICE, HOWEVER, THE CENTRAL BANK WILL NOT APPROVE ROYALTY PAYMENTS THAT IT CONSIDERS EXCESSIVE. IT IS ESTIMATED THAT 16-18 PERCENT OF SALES REPRESENTS THE MAXIMUM ROYALTY THAT CENTRAL BANK WILL APPROVE.

A BRAZILIAN COURT HAS RECENTLY HELD THAT RENTING A VIDEO CASSETTE WITHOUT THE AUTHORIZATION OF THE COPYRIGHT HOLDER CONSTITUTES COPYRIGHT INFRINGEMENT. LAW NO. 5988 STATES THAT A PARTY NEEDS THE PERMISSION OF THE COPYRIGHT HOLDER TO COPY A VIDEO CASSETTE, AND THIS IS NOW EXPANDED TO RENTAL OF A VIDEO CASSETTE.

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