Licks
ATTORNEYS

Patent Prosecution Workflow in Brazil

Abbreviated Organizational Chart of the Brazilian
Patent and Trademark Office

Current as of November, 2026

Patent Prosecution Workflow

- Notice of allowance, grant or issuances
- Intermediate steps
- Abandonment or nullity
- Attention required
- Main steps
- Post-grant review

Federal Statute and BRPTO Rules

Articles of Statute 9.279/96
Articles of Ordinance 39/2021

PCT - Patent Cooperation Treaty
PC - Paris Convention

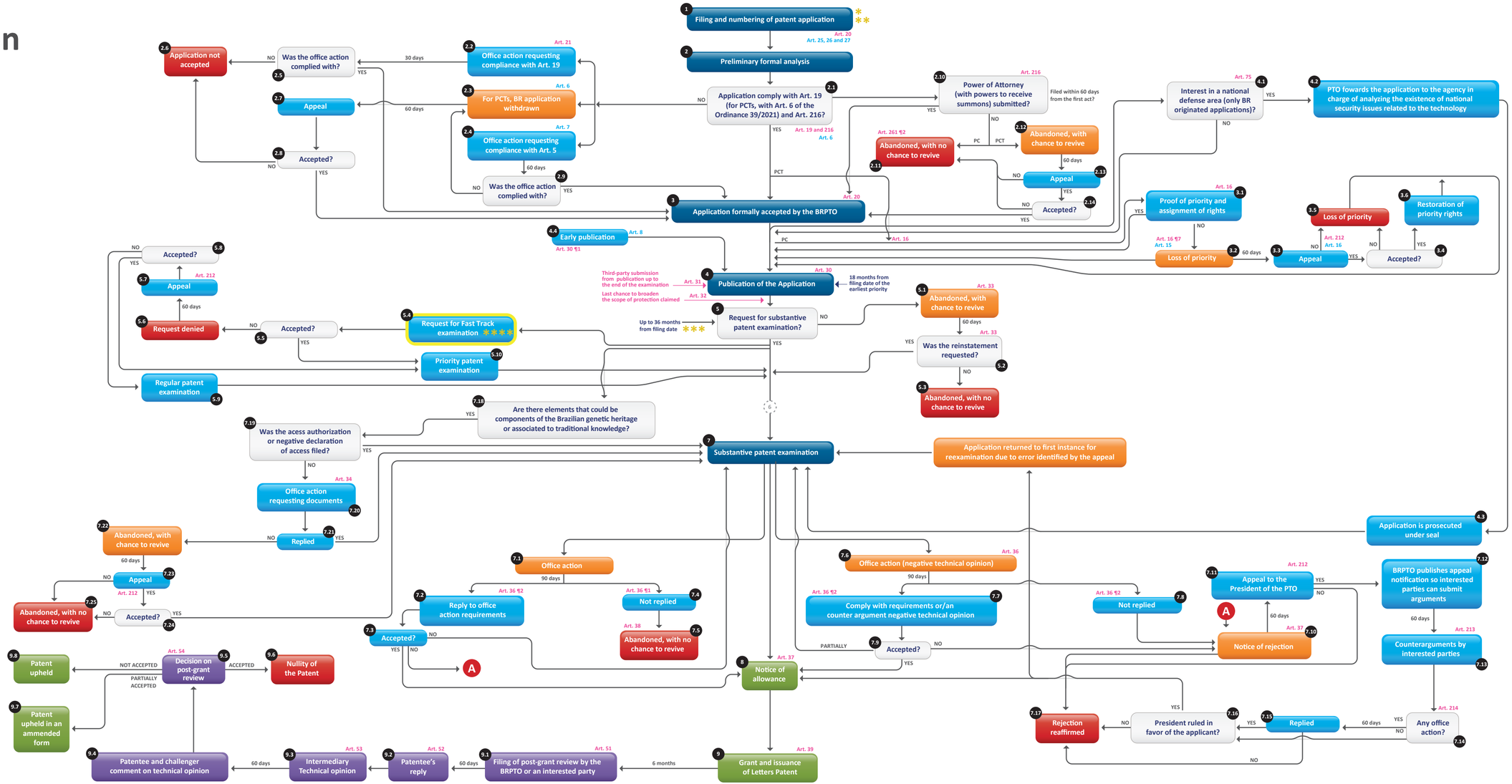
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* For further information on the term for entering the national phase in Brazil, please contact us at patents@lickslegal.com.

** Annual maintenance fees are due from the third year on.

*** For further information on Article 32, please contact us at patents@lickslegal.com.

**** For further information see Fast Track possibilities chart



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BRPTO Filing Requirements

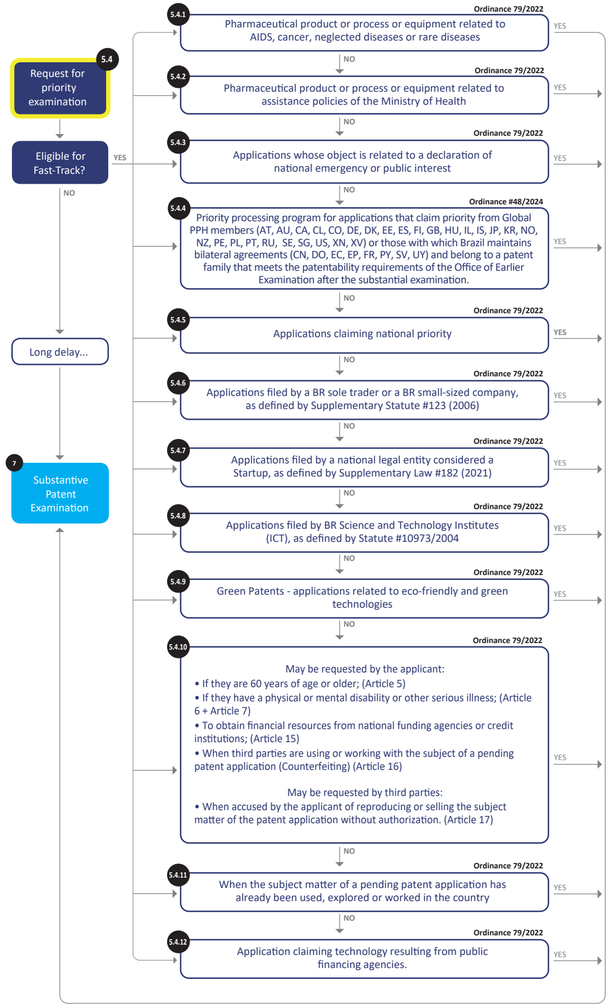
If the following documents are not provided upon filing and if not indicated otherwise, they must be submitted as per terms below, calculated from the filing date in Brazil.

DOCUMENT	BR APPLICATION (UNDER PARIS CONVENTION)	PCT NATIONAL PHASE*
Specification in Portuguese	**30 days** from BRPTO Office Action	**60 days**
Claims in Portuguese	**Must be submitted upon filing**	**Must be submitted upon filing**
Abstract in Portuguese	**30 days** from BRPTO Office Action	**60 days**
Drawings in Portuguese	**30 days** Office Action	**60 days**
Certified copy of the priority document	**180 days**	**60 days** **If the copy is available at the WIPO's database, a simple copy will fulfill this requirement**
Translation of the priority filing certificate	**180 days**	**60 days**
Translation of the priority document*	**180 days****	**60 days****
Assignment document	**180 days**	**60 days**
POA	**60 days**	**60 days**

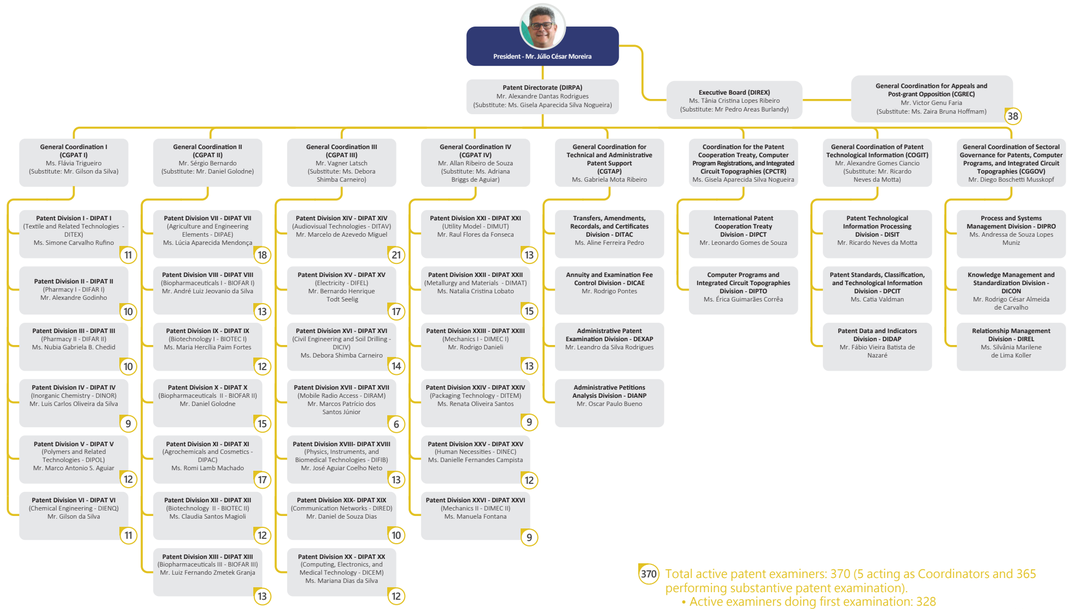
*Deadline to Enter the Brazilian National Phase: Despite important modifications made into the PCT Treaty in 1984 and 2001, Brazilian Executive Order #81,742 – the Executive Order enacting the PCT – has never been amended. Under said Executive Order, applicant has a 20-month term from the priority date to enter the national phase. In addition, if applicant filed a demand for an international preliminary examination within 19 months from the priority date (Chapter I of the PCT), the national phase entry deadline is extended to 25 months (Article 39). On that account, although the BRPTO currently accepts entries within 30 months from the priority filing date, we recommend our clients to file their applications within the 20-month term established in the Executive Order #81,742.

**Priority translation remarks: According to section 16, ¶2 of the Brazilian IP Statute and the current interpretation of the statute sustained by the Brazilian PTO, the priority document must be accompanied by a simple translation of the filing certificate or equivalent document containing data identifying the application. However, according to ¶5 of §16 of the Brazilian IP Statute, when a source document contains the Brazilian-filed application in its entirety, "a declaration made by applicant in this respect will make up for simple translation." Because the "simple translation" phrase in paragraph 5 is not clear, as it may refer to the filing certificate or to the entire priority document, including the specification, we recommend our clients to provide a translation of the priority document when it not fully contained in the Brazilian application.

Fast Track possibilities



Abbreviated Organizational Chart of the Brazilian Patent and Trademark Office best available information as of November, 2026



370 Total active patent examiners: 370 (5 acting as Coordinators and 365 performing substantive patent examination).
- Active examiners doing first examination: 328
- Active examiners working on appeals and post-grant oppositions: 37

There is 1 active examiner working in regional BRPTO unit who was not clearly assigned to an art unit yet

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