

BRAZIL:

BRPTO Joins GPPH – Phase V of the PPH Pilot Project to begin in 2025

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The Brazilian Patent and Trademark Office (BRPTO) has published Ordinance No. 48, dated November 29, 2024 (Official Bulletin 2814 on December 10, 2024). **This Ordinance officially launches Phase V of the Patent Prosecution Highway (PPH) Pilot Project, set to commence on January 1, 2025, following BRPTO's accession to the Global Patent Prosecution Highway (GPPH) on July 6, 2024.**

The Global Patent Prosecution Highway (GPPH) enables expedited examination of patent applications among participating Offices. Under this framework:

- The initial search and examination are conducted by the Office of Earlier Examination (OEE).
- Examination results identifying patentable subject matter (including PCT outcomes) can be used to request prioritized prosecution at other participating Offices, known as Offices of Later Examination (OLE).
- For GPPH requests, applicants must align claims with those deemed patentable by the OEE.
- Applicants may file a request to any participating OLE, regardless of whether the first patent application filing was made with a GPPH participant.

The newly adopted GPPH phase introduces significant updates to the existing framework. **BRPTO will recognize any examination results indicating patentable subject matter (meeting the requirements of novelty, inventive step, and industrial applicability) issued by a Partner Office, whether as a national, regional, or international authority. Up to 3,200 requests for PPH participation will be accepted per annual cycle. A maximum of 1,000 requests per IPC Section (International Patent Classification) will be allowed, including applications filed under the PCT framework.**

These changes significantly increase the flexibility and accessibility of patent applications. The enlarged breadth, together with BRPTO's involvement in the GPPH network, open up new possibilities to speed patent prosecution across worldwide jurisdictions.