

BRAZIL:

BRPTO establishes new criteria for PPH requests in 2025

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The Brazilian Patent and Trademark Office (BRPTO) has announced updated criteria for receiving PPH requests in 2025 (Ordinance 26/2024, published in Official Bulletin No. 2816 on December 24, 2024). This new criterion outlines the procedure for Phase V of the Patent Prosecution Highway (PPH) Pilot Project in Brazil.

Key aspects of the Ordinance include:

1. Application requests and timeline

- 800 PPH application requests will be available starting January 1, 2025.
- 800 additional requests will be available each quarter, on April 1, July 1, and October 1, 2025, totaling 3,200 requests for the year.

2. Priority allocation

- Requests will be accepted on a first-come, first-served basis, according to the filing date.
- All requests will count towards the limit, regardless of acceptance.

3. Restrictions on specific IPC classifications

- Requests for patents classified under IPC H04 will not be accepted in the first quarter of 2025.
- Acceptance of requests for IPC H04 and other classifications will be reviewed and updated quarterly.

4. Inadmissible requests

- Inadmissible PPH requests will revert to regular examination proceedings; any amendments filed with the PPH request will not be considered.
- Applicants may request a refund of fees for inadmissible PPH requests. They may also resubmit their requests with updated documentation.

5. Transparency measures

- The BRPTO will publish weekly updates on the total number of PPH requests filed during the year on its official website.