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DIVISION OF COMPUTER PROGRAMS AND INTEGRATED CIRCUIT TOPOGRAPHS

User Guide for the Electronic Register of Computer Programs

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1 INTRODUCTION

Copyright is a branch of intellectual property that affects, among other intellectual works, literal expressions. It prohibits third parties from copying, altering, redistributing or selling them without the authorization of the right holder of the created intangible assets.

The Law of Copyright, Law nº. 9,610, of February 19, 1998, defines, in its article 7, which intellectual works are protected by the creation of spirit. In the item XII of this article are also inserted the computer programs, as protected work. The paragraph 1 rules that the computer program is the subject of specific legislation.

The protection of the intellectual property of computer programs is established by Law nº. 9,609 of February 19, 1998. According to this law, popularly known as "Software Law", in its article 1, "*Computer program is the expression of an organized set of instructions in natural or coded language, contained in physical support of any nature, of necessary employment in automatic data-processing machines, devices, instruments or peripheral equipment, based on digital or analog technique, to make them work in certain manner and for specific purposes.*"

In short, a program is a set of instructions or statements, written in proper language, to be used directly or indirectly by a computer in order to obtain a certain result. Copyright protection covers all (or parts of) the expressions in the computer program.

In contemporary society, the computer is increasingly present in all human activities, particularly in innovation, as occurs, for example, in the introduction of the smartphone. In a globalized world, this device is not only a communication tool, but a device that has an operating system, like other computers, which enables the development of applications, increasing the use of those devices.

In the 1970s and 1980s much was discussed[1] about the type of protection to be employed for the recent software industry, which is fundamental to the continuous improvement of computing. The main topic of the debates was the most appropriate type of protection for software: copyright law or industrial property law (patents). The copyright law was chosen. A number of countries today are signatories to the Berne Convention (protection of literary and artistic works), including Brazil since 1922, which adopts this form of intellectual protection in Law 9,609 / 98. Software law then became a branch of copyright law.

Software law and industrial property law (LPI) offer different modes of protection. The protection given by the first covers only the expressions contained in the code used, not the procedures or methods. These can be protected by LPI, considered a more comprehensive protection. The protection for computer program or software, according to the law nº 9,609 / 98 offers:

- Property obtained faster;

- Automatic protection for 176[2] countries;

- Assurance of property at the time of its creation;

- Record independent of examination;

- Validity term[3] longer than in patent law[4].

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[1] http://www.wipo.int/copyright/en/activities/software.html

[2] http://www.wipo.int/treaties/es/ShowResults.jsp?treaty_id=15n (2018, April)

[3] § 2º do art. 2º da Lei nº 9,609/98 ensure the safeguarding of the rights for 50 years, after its creation

It is worth mentioning that the protection of the rights related to the computer program is independent of registration. However, registering the program at INPI guarantees greater legal certainty to its holder, in case there is, for example, a lawsuit to prove the authorship or property of the program. In addition, the protection is not territorial as in the case of patents, but its coverage is international, comprising all 176 countries that are signatories to the Berne Convention (1886).

The protection by the LPI requires a technical examination to verify if the object of the patent application meets the legal conditions: if it has industrial application, novelty and has inventive activity, what makes the concession of the right less fast.

Thus, a good protection strategy would be to seek support in both legislations: to ensure the exclusive possession of the procedures or method by the patent system and to guarantee the authorship of the relevant passages of the code by the software registry. Both applications are filed with the National Institute of Industrial Property (INPI).

Computer program registration (CPR) is the mechanism to secure your property and obtain the necessary legal security in order to protect your business asset.

An application for registration of computer program at INPI contains three essential elements:

- A non-refundable deposit fee;

- A veracity declaration (VD) and Power of Attorney (where applicable), digitally signed;

- An electronic form[5] for the application for computer program registration, available exclusively online through the e-Software system

We recommend that the computer program be sufficiently finalized for its application in INPI; in this way, the maximum possible extension will be guaranteed for the protection of your source code. Thus, as new versions of the same software are developed, they can also be registered. There is no limitation to the amount of registrations filed on the same software in INPI.

We observe that the registration may include other copyright assets, such as music, screens, videos, animations, characters and other assets that integrate, together with the software, the work created.

Here is one caveat: mere ideas are not subject to copyright protection.[6]

1.1 VIDEO LESSON

Video explaining the importance of software intellectual property protection in the current scenario and how it can be obtained at INPI. The presentation is available on INPI's YouTube channel.: Watch it[7].

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[4] In Brazil the patent validity is 20 years.

[5] There is no paper application form.

[6] Item I of article 8º of Law nº 9.610/98.

[7] https://www.youtube.com/watch?v=R2qCAusRYCw

2 HOW TO REGISTER AND RECEIVE THE CERTIFICATE WITH LEGAL SAFETY

2.1 KNOWING THE LEGISLATION

The legislation governing the protection of computer programs is Law nº 9,609 of February 19th, 1998[8], and Decree nº 2,556 of April 20th, 1998[9], which make it possible to register in INPI. In addition, we also have Normative Ruling nº 099/2019[10] that establishes procedures related to the CPR.

2.2 CONDITIONS FOR USE AND FILLING IN THE E-SOFTWARE ELECTRONIC FORM

As a condition of access to the electronic form e-Software, it is necessary to access the INPI website and registering for qualification in e-INPI, under the terms of Resolution 25/13[11]. It will be generated login and password, which will be used for the issuance of the Union Collection Guide (GRU) in addition to other service requests to be executed by INPI (see sections 3.1 to 3.3).

It is recommended to check the registration information stored in this system (such as name, address). This data will be used upon access to the GRU system. If an irregularity is identified, it is prudent and important to update your registry before finalizing the GRU. You can update it accessing this address, in "Alteração de cadastro e emissão de recibo", available on the INPI website.

All the services[12] related to CPR shall be requested by the holder or his/her attorney to INPI and may be made only and exclusively by completing the e-Software electronic form, pursuant to § 2 of article 2nd of the IN nº 099/2019.

A right holder is the one who owns the patrimonial rights of the computer program and that will instruct the request of CPR in INPI. An attorney may be appointed.

2.2.1 APPLICATION REQUESTED BY THE HOLDER OF THE RIGHT

In the event that the holder of the right is a legal entity, both the GRU issuance (check section 3.3) and the digital signature in the VD document, must be made by the same legal entity, never by an individual natural person.

In case the holder of the right be a natural person, both the GRU (check section 3.3) and the digital signature in the VD document must be made by the same individual, never by a legal entity.

We note that the system will verify the validity of the digital signature of holder of right in the VD document (see section 2.6.3).

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8 http://legislacao.planalto.gov.br/legisla/legislacao.nsf/Viw_Identificacao/lei%209.609-1998?OpenDocument

9 http://legislacao.planalto.gov.br/legisla/legislacao.nsf/Viw_Identificacao/DEC%202.556-1998?OpenDocument

10 http://www.inpi.gov.br/sobre/legislacao-1/IN0992019.pdf

11 http://www.inpi.gov.br/legislacao-1/resolucao_25-2013_0.pdf

12 Table of INPI Services for CPR can be found on Annex II.

IMPORTANT (1)

The VD document, available in the GRU module or in the electronic form, digitally signed by INPI, should never be printed nor should a new PDF be generated as a copy of the original. If so, the system will not accept the document. You need to download the original document, digitally sign it and attach it to the electronic form. Similar care should be taken in the case of applications requested by the attorney, that is, the Specific Power of Attorney document should never be printed nor generated a new PDF document in order to sign it. The right thing to do is to download the Specific Power of Attorney a digitally sign it.

2.2.2 APPLICATION REQUESTED BY THE ATTORNEY

If there is an attorney, the holder of the right will act as grantor and it will be him or her to digitally sign the electronic power of attorney; the attorney, i.e., the granted, will digitally sign the VD electronic document. In this case, the attorney is responsible for generating the GRU (see section 3.3) using his own personal login and password, and identifying his customer by the time of the GRU`s generation

It is important to pay attention to these details because the system will verify the validity of the digital signature of the holder of the right (grantor) who signed the power of attorney, as well as the digital signature of the attorney (granted) who will sign the VD document.

IMPORTANT (2)

To sign the Veracity Declaration - VD, the attorney must use his or her **Digital Personal Certificate (e-CPF)**. If the signature is made from a Digital Corporate Certificate (e-CNPJ), for example, from an Intellectual Property attorneys' office, this VD document will be rejected by the e-Software electronic form and the registration request will not be able to be filed.

Remember: the CPF linked to the digital certificate used to digitally sign the VD must always be the same as the CPF detailed in the document (see section 2.6.3), which is the same CPF of the attorney logged in.

2.2.3 FORM INSTRUCTION

The system will use the previously registered information of both the holder of the right and the attorney in the generation of GRU and this information will be automatically transferred to the electronic form.

No paper documentation should be sent to the INPI, except for those presented by the judiciary, when applicable.

To request the application through the e-Software electronic form, you must enter the "our number" (found in the GRU) in the proper e-Software field. Thus, except in the case of services exempt from fees, the user must always pay the GRU before sending the request (see section 3.7).

Keep in mind that under no circumstances the payment can be scheduled, under penalty of the process being considered a "petition not known" and in such event the interested party do not receive back the amount paid.

For the CPR, the holder of the right or his attorney must attach the VD document and Electronic Power of Attorney to the e-Software electronic form. Those will be available in the e-Software and in the GRU module. They must be digitally signed (see section 2.4 a 2.6 and section 3.4).

The electronic form can be sent at any time. The date / time of its receipt will be the one indicated by the INPI provider, which is in the generated protocol.

The holder of the right of the registry is responsible for keeping the confidential information defined in item III, § 1, article 3 of Law 9,609 / 98. He is also responsible to generate the digital hash summary[13] from the computer program snippets and other data considered sufficient to identify and characterize its originality (source code) which will be the object of registration (see section 2.3).

2.3 HASH PROCEDURES

The hash cryptographic function is an algorithm used to ensure the integrity of an electronic document. So, a technical expert can verify if there has been any change in this document since the time it was transformed into a hash code (also named "hash summary", "digital hash" or simply "hash"). Thus, a simple change in this document will result in a change of the original summary, proofing the non-compatibility with the computer program registered.

In order to realize the CPR deposit it is necessary to generate the digital hash from the computer program snippets and other data that are considered sufficient and relevant to identify it. The holder of the right has the responsibility of safekeeping the object, as this is his or her intellectual property and must be preserved in its original form in a safe environment. The presentation of hash summary information in the e-Software electronic form, at the time of registration, will ensure that the object has not changed during its guard. This technical documentation is fundamental to characterize the originality of the computer program with the Judiciary, when applicable.

IMPORTANT (3)

The hash is an electronic proof that can be obtained from a single file (input file), such as files with extension ".PDF", ".TXT", ".ZIP", ".RAR", etc. This input file is transformed into a digital hash summary (output file, fixed size) using a hash function. Note that if there are many files, you can use a **file compressor** (e.g. WinZip, WinRAR, etc.). It is fundamental that this hash digital summary can be conferred by the judicial expert (in case of proof of authorship / property, for example) based on the source code (input file) kept confidential by the right holder.

Reinforcing: The safekeeping and maintenance of the integrity of the technical documentation will be made by the holder of the right and will be fundamental for future use as a digital proof. The hash summary information and the description of the algorithm in the e-Software electronic form will be fundamental for a validation in the judiciary, kept by the interested party. A technical expert can unequivocally assure the judiciary whether or not there has been a change in the document as well as the authorship of the software.

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13 Algorithms that map variable-length data to fixed-length data.

To prove the authorship of a computer program (software) it will be necessary to present the protected object, such as the source code or parts of this code, in court. Therefore, the Certificate of Registration issued by INPI will provide legal certainty to the business of the holder of right of the software.

In addition to the source code, the judicial expert may examine, in a copyright infringement identification process, the following matters that may be assessed in court:

- Functions and features;

- Technical characteristics:

  - Language;
  - Type;
  - Field of application;
  - Screens;
  - Reports;
  - Icons;
  - Colors;
  - Layout;

- Equipment in which to operate (app, NB, WS);

- Processing environment (mainframe, low platform);

- Complete documentation;

- Comments on the source code;

- File names;

- Descriptive memorial;

- Internal functional specifications;

- Diagrams;

- Flowcharts;

- Sounds, screens, videos, music, characters (widely used in games and apps);

- Other technical data;

- Authors' rights conveyance documents;

- Employment contracts.

When compressing the source code, do not skimp on the number of documents: try to add as much information as possible in order to increase legal certainty for copyright assets.

It is recommended to make backups on a storage device, of the holder of the right, suitable to maintain the longevity of the file.

The transformation of the computer program into digital hash summary will be done by the right holder[14] using public hash algorithms, and this information will compose the e-Software electronic form when applying for registration. It is recommended to use the SHA-512 algorithm or the latest algorithm to obtain the digital hash summary.

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14 Software developer or right holder.

On the Internet, you can find articles and websites dedicated to the explanation and use of such algorithms, for example "MD5", "SHA-1", "SHA-224", "SHA-256", "SHA-512", etc. There are libraries on the internet, such as "Bouncy Castle"[15], for example, which make this feature available.

Some of these algorithms are also found in Linux environment. For example, to run the **SHA-512** algorithm on **Linux**, simply run the following command line:

```
sha512sum nome_do_arquivo
```

Replace expression *nome_do_arquivo* by the name of the file, including the extension (e.g.: Codigo_fonte.pdf).

Another possibility for generating the hash is by using a native Microsoft Windows command.

For **Windows 7**, follow the steps below:

1) Copy the file that contain the source code to the desktop

2) Click on the "Start" button , found at the left hand corner of the main screen;

3) In the search field, type "cmd" and press "Enter";

4) In the open window (Command Prompt), enter the following command:

```
cd Desktop
```

5) Click "Enter";

6) Now enter the command line below, replacing the word "*name*" with the name of the source file, including the extension (e.g., source_code.pdf), and press "Enter":

```
CertUtil -hashfile name SHA512 | find /i /v "sha512" | find /i /v "certutil" >
                                temp.txt
```

7) Finally, copy and paste in the command prompt the two lines of code below:

```
powershell -Command "(gc temp.txt) -replace ' ', '' | Out-File resumo_hash.txt"
                        taskkill /IM notepad.exe
```

8) Open the generated text file on the Desktop, named "summary_hash.txt". The hash summary contained in this file is exactly the part that should be copied and pasted into the e-Software form.

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15 http://www.bouncycastle.org/

For **Windows 10**, the procedure is even simpler:

1) Copy the file from which you want to generate the hash summary to the desktop

2) Click on the "Start" button ▦ found at the left hand corner of the main screen;

3) In the search field, type the word "cmd" and press "Enter";

4) In the open window (Command Prompt), enter the following command:

```
cd Desktop
```

5) Click "Enter";

6) Now enter the command line below replacing the word "name" with the name of the source file, including the extension (e.g., source_code.pdf), and press "Enter".

```
CertUtil -hashfile nome SHA512 | find /i /v "sha512" | find /i /v "certutil" > resumo_hash.txt
```

7) Open the generated text file on the Desktop, named "summary_hash.txt". The hash summary contained in this file is exactly the part that should be copied and pasted into the e-Software form.

It should be noted that the options presented above must be evaluated by the right holder in order to choose the solution that is most convenient for him.

The hash summary is a fixed-length text and should only contain numeric information in the hexadecimal base (numbers 0-9 and letters A through F). Table 1 presents examples of digital hash summary (text output) of the text "The quick brown fox jumps over the lazy dog" (input text).

Hash function	Hash code	Hash code size
MD5	9e107d9d372bb6826bd81d3542a419d6	32
SHA-1	2fd4e1c67a2d28fced849ee1bb76e7391b93eb12	40
SHA-224	730e109bd7a8a32b1cb9d9a09aa2325d2430587ddbc0c38bad911525	56
SHA-256	d7a8fbb307d7809469ca9abcb0082e4f8d5651e46d3cdb762d02d0bf37c9e592	64
SHA-512	07E547D9586F6A73F73FBAC0435ED76951218FB7D0C8D788A309D785436BBB642E93A25 2A954F23912547D1E8A3B5ED6E1BFD7097821233FA0538F3DB854FEE6	128

Table 1 – Examples of Hash Code

2.3.1 GUARD OF THE TECHNICAL DOCUMENTATION

The digital document (file) may be stored in the most appropriate and convenient form for the right holder. It can be stored on a CD-ROM, DVD, Hard Disk, cloud, flash drive or other security storage medium of his or her trust for as long as the right holder deems necessary for the maintenance of his copyright. This period of time may be up to fifty years.

It should be noted that the holder of the right is the main and probably the most interested in this guard. Obviously, this asset (file) is his/her intellectual property and should be preserved as such.

We recommend that the right holder organize and document the storage of the file (keeping security copy), as well as the Certificate of Registration (which is also a file signed by INPI) in order to easily retrieve it when it is of his/her interest.

Each register issued by INPI will have a unique hash that will validate, when necessary, the authenticity of the software (file) stored by the right holder.

IMPORTANT (4)

> Just as the right holder must keep intact and organized the initial version of the software (file) registered by INPI, he or she may also save other files that represent future versions of this software. In this case, we recommend that each new version of the software be also registered at INPI for its greater security. The custody of the documents of the technical documentation will allow to prove the authorship of the software in actions of damage reparation by extra-contractual illegal act.

2.3.2 AUTHORIZED DERIVATION

Derivative work constitutes the new intellectual creation resulting from the transformation of the original work. Copyright in Brazil, provided for international treaties, defines that the use of the work depends on prior and express authorization of the author of the original work.

If the computer program that is the subject of the registration request is derived from another, the "Authorized Derivation" field must be filled with the necessary information regarding the software that originated it. The field is free to fill.

For example, when using GPL[16], you must enter in this field the information that identifies the license agreement that authorizes the use of the software for the corresponding purpose.

The prior authorization document (e.g., license agreement) should be under the responsibility and custody of the right holder for their legal certainty.

IMPORTANT (5)

> In the scope of the authorized derivation, the safekeeping of valid documents allows to prove the regularity of the use of the software, making it possible to avoid actions of damage reparation by an extra-contractual illegal act.

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16 https://pt.wikipedia.org/wiki/GNU_General_Public_License

2.4 VERACITY DECLARATION (VD) TO BE ATTACHED TO THE E-SOFTWARE FORM

The registrant, whether being the interested party (holder of the right) or his/her attorney, must digitally sign (electronic certificate ICP-Brazil) the electronic VD document, available for download in the GRU system or in the e-Software electronic form and available in full with the applicant's information.

After the digital signature (see section 2.6), this document must be attached (uploaded) to the e-Software electronic form.

The VD is specific to the requested service and this is related to the "our number" of the issued GRU, i.e. for each request of computer program service there will be a single DV.

The DV can be obtained through the "click aqui" (click here) link, under the "Adicionar Declaração de Veracidade" (Veracity Declaration) button in the electronic form or the "Declaração de Veracidade" button available in the GRU system. It must be signed by a natural person or legal entity.

IMPORTANT (6)

The VD document, available in the GRU module or in the electronic form, digitally signed by INPI, should never be printed, or generated a new PDF document as a copy of the original. In this case, the system will not accept the document. The correct way is downloading the original document, digitally signing it and attaching it to the electronic form.

2.5 ELECTRONIC POWER OF ATTORNEY TO BE ATTACHED TO ELECTRONIC FORM E-SOFTWARE

The electronic power of attorney is a private instrument in which the right holder grants powers to the attorney to use the *online* electronic form of e-*Software* at INPI.

The right holder must digitally sign (using ICP-Brazil) the electronic power of attorney with his e-CNPJ, if legal entity, or e-CPF, if natural person. After this signature, the granted (attorney) must sign the VD document with his or her e-CPF and submit both (power of attorney and VD) when completing the electronic form e-*Software*, by *uploading* the document (see section 2.6).

IMPORTANT (7)

In cases of applications requested by an attorney, the Specific Power of Attorney document should never be printed, nor a new PDF document generated as a copy of the original. In this case, the system will not accept the document. The correct procedure is downloading the original document, digitally signing it and attaching it to the electronic form.

2.5.1 GENERAL POWER OF ATTORNEY

The General Power of Attorney document, prepared by the grantor him/herself, should be attached to the e-Software electronic form by the granted, digitally signed by the grantor with his e-

CNPJ, if a legal entity, or e-CPF, if physical person. The administrative powers defined in this power of attorney must be indicated by the attorney at the time of filling out the electronic form.

The granted, when presenting the first time the broad powers attorney through the e-software *form,* may mark the administrative powers conferred by the attorney presented, which will allow the request of future CPR services in INPI:

- Computer Program Registration Application - CPR

- Change of name (natural person)

- Change of Corporate Name (legal entity)

- Change of address

- Revocation or Waiver of Power of Attorney

- Correction of data in the Certificate of Registration due to the fail of the interested party

- Waiver of Registration

- Transfer of Ownership

- Request for withdrawal of confidentiality

Once this power of attorney has been presented, the e-Software electronic form will not require the *upload* of new power of attorney for the same services previously mentioned, for the same grantor. The e-INPI system records this information in its database for internal control.

<div align="center">**IMPORTANT (8)**</div>

> The General Power of Attorney is not available for download. It must be digitally drawn up and signed by the right holder (grantor). For example, a university, by adopting this procedure of appointing an attorney (e.g. the Technological Innovation Center representative), will digitally sign the power of attorney with its e-CNPJ. The attorney may perform several acts at INPI using only his e-CPF, requesting any of the services granted by the powers of attorney. The attorney must indicate, in the first electronic form of deposit, the powers described in the power of attorney. In the other e-Software forms the system will not require the presentation of the Power of Attorney document, only the VD to be digitally signed by the attorney.

If the general power of attorney contains a **subdelegation**, there is no need of digitally sign the document of **subdelegation**. It may be attached to the e-Software electronic form in the proper field, for registration purposes only.

To reinforce, the digital signature of the grantor (holder of the right), with its e-CNPJ, in the case of a legal entity, or e-CPF, if a natural person, remains indispensable for the authorization of corresponding broad powers, to be attached to the form.

If there is a **subdelegation** chain instead of a single **subdelegation**, it is recommended the compilation of all **subdelegation** documents into a single PDF. It can then be uploaded into the electronic form field.

The right holder may at any time revoke the power of attorney, by electronic petition in the e-*Software*, informing "nosso número" (our number) of "Revogação ou Renúncia da Procuração "

(Revocation or Renunciation of Power of Attorney) GRU. It is also necessary to attach the digitally signed VD document (see section 4.4), which must be signed with the e-CNPJ, in the case of a legal entity, or e-CPF, if natural person. This procedure is free of payment.

The attorney granted may at any time renounce the power of attorney, by electronic petition in the e-Software, informing "nosso número" (our number) of "Revogação ou Renúncia da Procuração " (Revocation or Renunciation of Power of Attorney) GRU. It is also necessary to attach the digitally VD document, which must be signed with the e-CPF. This procedure is free of payment. In this case, the granted must immediately report the fact to the grantor and continue to represent him for 10 (ten) days more, if it is necessary to avoid him any damages (see section 4.4).

The grantor may appoint a new attorney at any time, submitting the power of attorney at the next service request in the e-Software, following the same procedures described above.

If the grantor does not wish to appoint a new attorney, he may request services as the holder of the CPR, presenting only the VD document digitally signed by him or herself with e-CNPJ, in the case of a legal entity, or e-CPF, if a natural person.

2.5.2 SPECIFIC POWER OF ATTORNEY

The holder of the right who wishes to request only one service from INPI through a single attorney may use a Specific Power of Attorney available for download. In this case it is important to check in the footer of the "Specific Power of Attorney" if the GRU number corresponds to the service that is being demanded by the right holder. The power of attorney can be obtained through the link "clique aqui", below the "Adicionar Procuração" (add power of attorney) button, in the electronic form.

2.6 DIGITAL SIGNATURE ON ELECTRONIC DOCUMENTS - VERACITY DECLARATION - VD AND POWER OF ATTORNEY

In the e-INPI system there are two user profiles that can access the system and demand services from INPI. These profiles[17] are defined in the initial process of user registration:

- The "próprio interessado" (interested person), right holder;
- The duly constituted "procurador" (attorney granted): lawyer, natural person or legal entity with the power of attorney to represent a client (grantor) for the services to be requested.

Now, consider a document that has legal value and it contains important information about the service to be done. This document is the e-Software electronic form, which contains all information considered true. In this process, in order to ensure the rights and duties of the right holder, it is essential to submit in the e-Software, the VD document and the Power of Attorney, described below:

- Veracity Declaration VD :

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17 http://www.inpi.gov.br/pedidos-em-etapas/faca-busca/cadastro-no-e-inpi

- If the user profile is the "próprio interessado" (interested person), this document must be signed by the right holder with his e-CNPJ, in the case of a legal entity, or e-CPF, if a natural person. Otherwise, in the profile of "procurador", the granted (attorney) or the substitute attorney must digitally sign this VD document using his e-CPF.

- Power of attorney:

    - This document must always be signed by the right holder with his e-CNPJ, in the case of a legal entity, or e-CPF, if he or she is the person granting the power of attorney.

The submission of one digitally signed document - or two, depending on the profile - guarantees the authenticity of the e-Software electronic form, not being permissible for the right holder or his attorney to deny the commitments made in these documents.

To be clearer: In the profile of the "próprio interessado" (interested person), the right holder must present only the VD document. This document in PDF[18] format is available at the time of issuance of the GRU or on the e-software form (see section 2.4). After downloading this document, the right holder should digitally sign it with his e-CNPJ, in the case of a legal person, or e-CPF, if natural person, and attach it to the e-Software electronic form.

In the second profile, that of "procurador", the document digitally signed by the grantor (holder of the right) with his e-CNPJ, in the case of a legal entity, or e-CPF, if a natural person, and also the VD digitally signed by the granted or the stablished attorney (with his/her e-CPF) who is legal responsible for completing the electronic form e-Software. Optionally, the system will also provide a power of attorney with specific powers, available for download.

IMPORTANT (9)

> If there is more than one holder, it is recommended that the document (VD or Power of Attorney) be signed only by the **first** holder of the right identified in the e-Software. However, the system may accept the digital signature of more than one holder, validating all signatures. In this case, if at least one of the signatures presents error, the system will refuse the document.

The VD document, the Power of Attorney (broad powers or specific) and the **subdelegation** (optional) are the only documents to be attached to the e-Software electronic form. VD documents and Power of Attorney will be checked and validated electronically by the system, ensuring its authenticity.

Without the use of the digital signature, these documents could be changed in a way:

- Voluntary, for example, changing document information;

- Involuntary, for example, due to a transmission error; or

- Deliberate, if someone wants to create a forgery of the original document.

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18 The PDF format is a standard specified in ISO / IEC 19005-1 for the creation of digital documents suitable for long-term preservation and is compatible with the electronic process.

In addition, these legal documents could be manipulated when sent by *e-mail*, viewed on a computer or stored in different mediums and environments, at any time.

In order to have the necessary legal security, in the digital age, we have evolved to digital certification, ensuring:

- The integrity of the document, with the guarantee that it has not changed at any time;
- The authenticity of the document, with the guarantee that the author of the document is signing it himself and not another person; and
- The non-repudiation, with the guarantee that the author cannot deny its authorship.

2.6.1 TEN REASONS TO USE DIGITAL CERTIFICATION

1. The system is automated and has legal certainty for those involved;
2. The non-submission of physical documentation to INPI;
3. All documentation that involves the CPR is under the responsibility and custody of the interested part in the event of a possible legal action;
4. The authorship, authenticity and integrity of the digitally signed documents will be ensured through digital certification issued under the Brazilian Public Key Infrastructure - ICP-Brazil;
5. The holder of the right not domiciled in Brazil may use a certificate not issued by ICP-Brazil, in accordance with § 2 of article 10 of Provisional Measure No. 2,200-2 of August 24, 2001:

   > *"Article 10. The electronic documents referred to in this Provisional Measure are considered public or private documents, for all legal purposes.*
   >
   > *(...)*
   >
   > *§ 2 The provisions of this provisional measure shall not preclude the use of other means of attesting the authorship and integrity of documents in electronic form, including those using certificates not issued by ICP-Brazil, provided that they are accepted by the parties as valid or accepted by the person to whom the document is opposed.. "*

6. The cost of acquiring a digital[19] certificate is equivalent to that of opening a firm in a notary's office, notarization, document authenticity, displacement, postal costs, etc. with the difference that the digital signature is valid for up to five years;

7. When submitting the VD document or a power of attorney, digitally signed, the interested part is ensuring that the information presented in the e-Software electronic form is at his sole responsibility, as provided in article 2 of Decree No. 2,556, of February 19, 1998;

   > *"Article 2. The veracity of the information referred in the previous article is sole responsibility of the applicant, without prejudice to any rights of third parties nor causing any responsibility of the Government. "*

8. The e-INPI system, upon receiving the e-Software electronic form *as* presented here, will automatically proceed the validation, performing a procedure for agreement on the payment of the

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19 Understanding the digital certification: http://www.iti.gov.br/

remuneration, digital signature of the VD and power of attorney, if it is still valid or if it has been revoked or renounced;

9.   Once these procedures have been automatically validated, in the case of a CPR request, the e-INPI system will publish the registration grant on the first available Industrial Property Magazine of INPI (RPI);

10.   The same procedure will occur in case of electronic petition of other services such as "name change", "change of corporate name", "change of address", "transfer of ownership", etc.. The e-INPI system will publish the act in the first available RPI, automatically updating the registration certificate in the INPI website, if the validation procedure has been validated.

2.6.2 HOW TO SIGN PDF DOCUMENTS: VERACITY DECLARATION - VD AND POWER OF ATTORNEY

To sign PDF documents, it is sufficient to have a digital certificate of individual (e-CPF) or legal entity (e-CNPJ), as the case may be. These certificates can be acquired through the certifying authorities (CAs) accredited by ICP-Brazil. The list of accredited ACs is available on this page of the National Institute of Information Technology (ITI) website. All of these provide information, support, and the certificate issuing service on their *sites*.

The necessary information about the importance and necessity of the digital certificate can be found in the ITI website at this link.

Regarding the digital signature standards, there are currently two: **CAdES (C**MS **Ad**vanced **E**lectronic **S**ignatures) and **PAdES (P**DF **Ad**vanced **E**lectronic **S**ignatures).

The first one, CAdES, can be used to sign any type of file, and generates a document that is a copy of the original file, named "**manifest document**" or "**protocol**", from which it is possible to validate the digital signature on the company website that generated the document.

The second standard, PAdES, is intended exclusively for the signature of PDF documents, so that this signature is included in the original PDF file, thus dispensing with the use of the "**manifest document**". In this pattern one can check the validity of the signatures in the original document itself. Especially for this reason, the standard used by the e-Software electronic form is the PAdEs.

IMPORTANT (10)

> The only standard of signatures accepted by the electronic form e-Software is PAdES. Documents signed using the CAdES standard will not be accepted because they generate a protocol document (or **manifest document**) that is a copy of the original document and does not contain the digital signatures incorporated and, therefore, cannot be validated by the form.

The tool to digitally sign a PDF document, free and available on the internet, is Adobe Acrobat Reader DC. Digital signature through Acrobat Reader is only possible in Windows environment.

This is free standard and global software for viewing, signing, printing and commenting on secure PDF documents. Access this link to get the tool in its most current version. To digitally sign a document, we recommend using Adobe Acrobat Reader DC.

To subscribe to a DV document or Power of Attorney using Adobe Acrobat Reader DC, the steps differ slightly if you are using a digital certificate of type A1 or type A3.

In the case of the A1 certificate, perform the following basic steps:

1. Access the item "*Tools*";
2. Go to "*Certificates*";
3. Go to "*Digitally Sign*";
4. An Acrobat message will appear: click on "*OK*";
5. With the mouse, click and drag to draw the area in which the signature will appear;
6. Another Acrobat message will appear: click the "*Set up new digital ID*" button;
7. Select the option "*Use a digital ID from a file*" and click "*Continue*";
8. Now, click on "*Browse*" and locate the file of your digital certificate A1;
9. Enter the digital ID password and click on "*Continue*";
10. The digital ID will appear on the screen. Click on it (to be selected, inside a blue rectangle) and "*Continue*";
11. A new window will show how the signature will be viewed in the document;
12. Re-enter the password and click on "*Subscribe*";
13. A Windows Explorer window will be displayed to indicate the name of the file to be signed;
14. Enter the name of the new signed file and click on "*Save*"; and
15. The document has been signed and is ready to be attached to the e-Software electronic form.

In the case of the A3 certificate, in turn, perform the following steps:

1. Connect your token[20] to the USB port of your device or, if applicable, insert the smart card into its corresponding reader;
2. Go to the "*Tools*";
3. Go to "*Certificates*";
4. Go to "*Digitally Sign*";
5. An Acrobat message will appear: with the mouse, click and drag to draw the area in which it will display the signature;
6. Click on "*OK*";
7. Select the area for signature information to be displayed;
8. A new window "***Signing with a digital ID***" will appear with the digital ID information: your name and CPF / CNPJ;

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20 Make sure token manufacturer driver is installed on your equipment
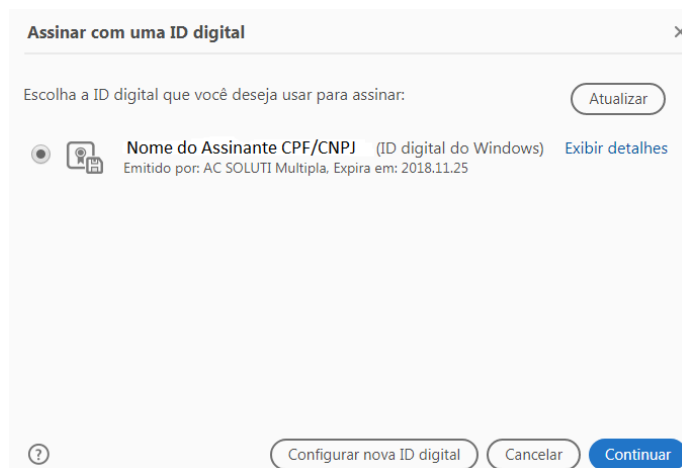
9.   Click on "*Continue*";

10.   A new window will show how the signature will be viewed in the document;

11.   Click on "*Subscribe*";

12.   A window in *Windows Explorer* will be displayed to indicate the name of the file to be signed;

13.   Enter the name of the new signed file and click on "*Save*";

14.   A token window will ask you for the password of this token;

15.   Type the password; and

16.   The document has been signed and is ready to be attached to the electronic form e-Software.

IMPORTANT (11)

Do not use the "Create new digital ID" option in the "Set up digital ID for subscription" window, where will be used **self-signature**. **Self-signed** document is not valid for e-Software. Only documents signed using an ICP-Brazil standard digital certificate are aligned with Provisional Measure No. 2,200/2001 and may be accepted by the system. If by mistake it is used the **self-signature**, e-Software will provide an error message, described below, and the registry will not be completed until the document is signed correctly:

"A Unidade certificadora da assinatura do documento não é confiável"
(The certification of the document signature unit is unreliable)

Instructions more detailed on how to sign a document using this tool can be obtained in this address.

2.6.3 VALIDATION OF THE SIGNATURE IN THE E-SOFTWARE ELECTRONIC FORM

The Digital Signature is an instrument that allows identifying and certifying the integrity of an electronic document, ensuring that it has not had any modification after being digitally signed.

When the author forwards a digitally signed DV and / or Power of Attorney document, e-Software internally asks five questions to validate the document:

1. Is the used digital certificate still valid? E.g.: Is it expired or revoked?

2. Has the document been changed after it was signed? That is, has its integrity been affected?

3. Does the certificate do the chaining to a listed certificate in the trusted identities list?

4. Does the identity of the holder (s) or attorney, declared in the e-Software, match to the digital signer certificate of the subscriber?

5. Has the DV document or Specific Power of Attorney been digitally signed by INPI and is it unique?

To answer to the first two questions, the system will check if both are handled by e-Software based on an analysis of the information contained within the digital certificate and the signed document itself.

To answer to the third question, the e-Software automatically checks the chain of Certificates of Registration, Certification and Root Authorities by accessing trusted addresses on the Internet (see Figure 1).
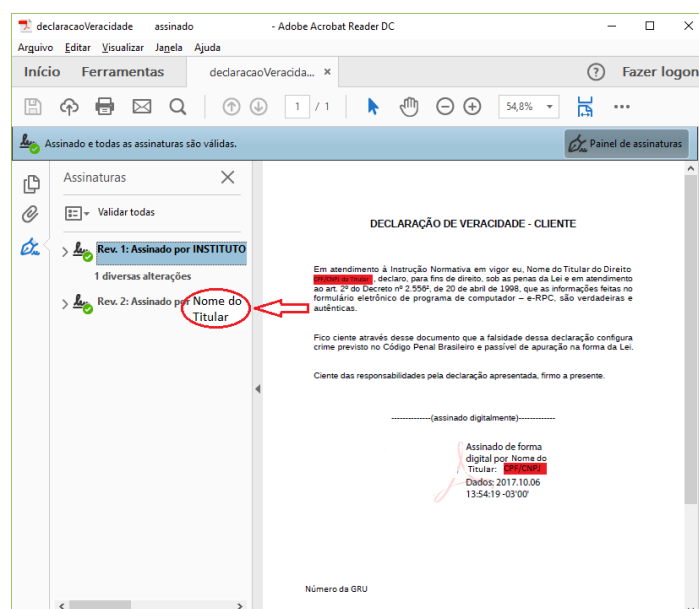
Figure 1 - Example of VD signature

In order to answer the fourth question, the e-Software automatically checks the CPF / CNPJ of the right holder with the CPF / CNPJ information contained within the signed VD document (see Figure 2). In the absence of the CPF / CNPJ, the e-Software will realize the validation by the name of the right holder. The same shall apply to the Power of Attorney document. In this case, when there is an attorney, the DV document must be signed by this attorney. Thus, e-Software *will* verify the validity of the attorney's CPF in the DV document and will likewise validate the power attorney document with the grantor's CPF / CNPJ.
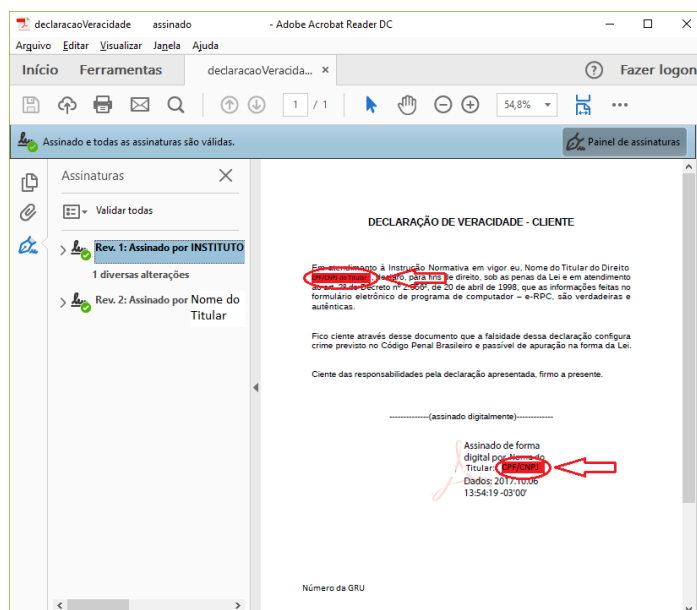
Figure 2 - Example of identity conference in VD

To answer the fifth question, the system will procedure a GRU verification number and the signature of INPI in the document (see Figure 3).

Figure 3 - Example of GRU number and the signing of the INPI in VD conference.
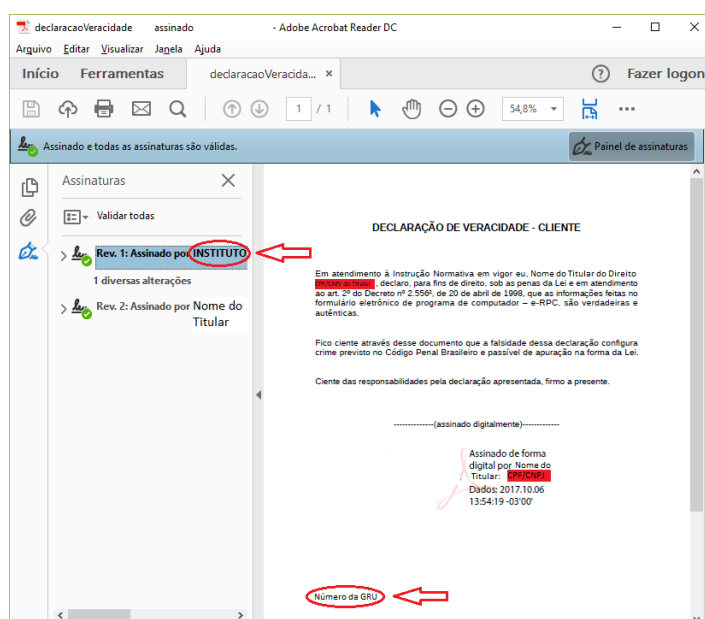
This information can be checked by the author (see Figure 4) opening the document with Adobe Acrobat Reader DC before performing uploading document in electronic form e-Software.
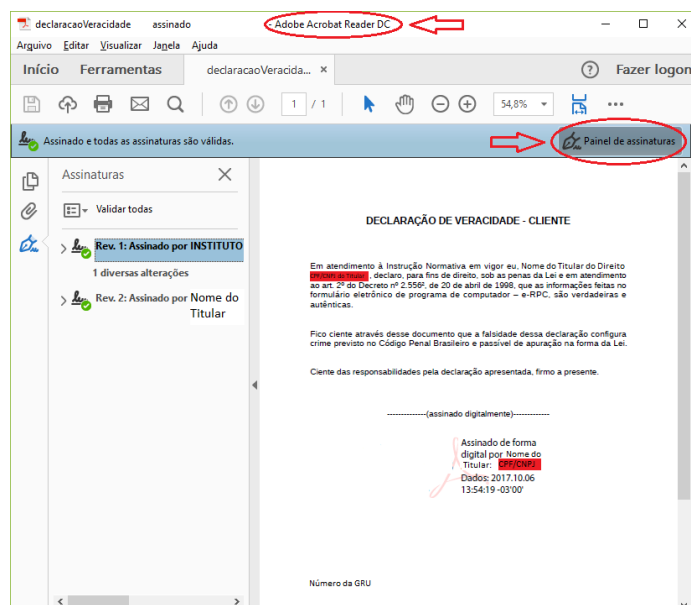
Figure 4 - Example of Conference of the information in VD

IMPORTANT (12)

If the e-Software provide the error message described below, the registry will not be completed until the document be correctly signed:

Erro ao validar arquivo | IllegalArgumentException: can'tdecode PKCS7SignedData object
(Error validating file | IllegalArgumentException: can'tdecode PKCS7SignedData object)

In this case the signature is invalid because it has formatting errors or contained information error. To resolve this problem, we recommend contacting the provider's technical support of your token.

2.7 INFORMATION OF THE E-SOFTWARE ELECTRONIC FORM

The applicant of the request, holder of the right or attorney, is responsible for the presentation of the following data into the e-Software form:

1. Data of the right holder: name, address, telephone, e-mail and CPF or CNPJ, from whom will be the patrimonial rights over the program;

2. Data of the author: name of the author, or authors, in addition to their addresses and CPF;

3. Date of publication[21] or creation[22] of the program;

4. Title;

5. At least one indication of the programming languages used in the development of the program[23];

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21 Date when the program became accessible to the public.

22 Date when the program became able to address the functions to which it was created.

6. At least one indication of the field of application[24];

7. At least one indication of the type of program[25];

8. Identification of the algorithm or hash function used to generate the digital hash summary;

9. Description of the hash summary of the excerpts from the computer program and other data that it considers sufficient and relevant to identify it;

10. Information regarding the authorized derivation by the right holder of the derivative work, when applicable;

11. The VD document (see section 2.4)

12. The Power of Attorney document (see section 2.5);

13. The **subdelegation** document, if any.

Note: When there is the power of attorney, the grantor of the power of attorney must digitally sign the VD document with the own e-CPF.

With regard to language, there must be at least one. If the language used is not available in the table, the interested part should click on "other" and edit at least one language used in the development of the program.

The Veracity Declaration document - VD and Power of Attorney must be attached to the e-Software in PDF format (Portable Document Format) digitally signed by the parties.

The veracity of the information presented in the e-Software form is entirely the responsibility of the right holder or his attorney, as provided in article 2 of Decree 2,556/98.

The holder of the right domiciled abroad must establish and maintain a duly qualified attorney domiciled in Brazil, with powers to represent him administratively, including receiving the notifications.

2.7.1 IDENTIFICATION OF THE AUTHOR IN THE E-SOFTWARE ELECTRONIC FORM

To guarantee the moral rights of the author of the software it is necessary to identify the author(s) in the e-Software. The moral rights involved shall belong to the author of the software and are inalienable and unenforceable, as defined in article 27 of Law 9,610 / 98. These rights were redefined in Law 9,609/98, remaining in paragraph 1 of article 2, the moral right to paternity and to oppose the unauthorized alteration:

"§ 1 The Provisions related to moral rights do not apply to the software program, except, at any time, the author's right to claim the authorship of the software and the author's right to oppose any unauthorized changes, when these result in the disfigurement, mutilation or any other modification to the software, which damages the author's honor or reputation."

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23 List of program languages accepted by the e-software form: Anexo I

24 List of application fields accepted by the e-software form: http://www.inpi.gov.br/menu-servicos/programa-de-computador/campo_de_aplicacao.pdf.

25 List of the program types accepted by the e-software form: http://www.inpi.gov.br/menu-servicos/programa-de-computador/tipos_de_programa.pdf.

"If the author is not the holder it is necessary to stablish a working contract between the company and the author (employee). Article 4 of Law 9,609 / 98 regulates this right:

"Article 4 Unless covenanted otherwise, will belong exclusively to the employer, service contracting party or public agency, the rights related to the computer program, developed and elaborated during the term of the contract or statutory bond, expressly intended for research and development, or in which the activity of the employee, service contractor or server is foreseen, or even arising from the nature of the duties pertaining to said

Paragraph 1. Unless covenanted otherwise, the remuneration for the work or service provided shall be limited to the agreed remuneration or salary.

Paragraph 2 - Will belong exclusively to the employee, the company's hired or the public servant the rights related to computer program generated with no connection to the employment contract, service agreement or by-law obligation, and without the use of resources, technological information, trade and business secrets, materials, facilities or equipment of the employer, the company or entity with which the employer has entered into a service agreement or other similar agreements, or the service contracting party or public body.

Paragraph 3. The treatment provided for in this article shall be applicable to the cases in which the software program is developed by scholarship students, trainees, or persons in similar circumstances."

IMPORTANT (13)

We recommend attention to the service contract in order to clarify the rights involved between the parties. Specially, pay attention to § 2 of article 4 of Law 9,609 / 98. Reinforcing: the safekeeping and maintenance of the integrity of the documentation will be made by the right holder and will be fundamental for future use if there is an objection as to the authorship of the computer program.

3 THE CPR IN SEVEN STEPS

1. Access the INPI website;
2. Make a registration, where will be created login and password;
3. Use the GRU module to issue the bill of payment;
4. Download the VD document and digitally sign it;
5. Pay GRU;
6. Access the e-Software electronic form in the INPI website, fill it and attach the VD document and power of attorney, if applicable, digitally signed. Check the information declared; and
7. Submit the e-Software electronic form. Then the number of application will be generated.

After these seven steps, if there are no irregularities in your request, the grant will be published in the first available Industrial Property Magazine (RPI). At this moment, the Certificate of Registration will be made available for download, in the INPI website, simply by accessing the system BuscaWeb.

These same steps may be adopted in case of electronic petitioning for new service requests other than the software registration application itself.

IMPORTANT (14)

The title of the *software* is not protected by computer program registration. To seek such protection, you may have ~~recourse~~ resort to [trademark registration](#) at INPI.

Each of the seven steps presented above will be detailed below.

3.1 ACCESS THE INPI WEBSITE

Access INPI [website](#), then click "Cadastro no e-INPI" (e-INPI Register), which is located at the top of the page, between the header and photo of the news.

If you are the "interested party", on the page that will open, select the profile where it appears "Cliente - Pessoa física ou jurídica domiciliada no país, que não possua um procurador" (Customer - Individual or legal person domiciled in the country, who does not have an attorney) that is available by clicking on [cadastre-se aqui](#).

If you are a "lawyer or a natural person with the power of attorney to represent a client in the services requested," click on [cadastre-se aqui](#) (register).

In the new screen, read the terms of adhesion to the e-INPI system and, if you agree, click on "Aceito" (I accept).

3.2 DOING THE REGISTER

Fill in the form on the new page.

The data of the petitioner, that is, the data of the person, natural or legal, that requests the CPR in the INPI, which must be included in the register, are:

Complete Name	The full name (natural person) or corporate name (legal entity) must be filled in without abbreviations. IMPORTANT: The name must be the same as the one in the digital signature of e-CPF or e-CNPJ, respectively. If you need to update your registration, follow the guidelines in section 3.2.1 of this manual.
Complete Address	The address must consist of street, number, neighborhood, complement, city, UF (State) and CEP (zip code); if the applicant is a resident abroad, the CEP is no longer necessary.
Legal nature of the applicant	Information of the natural or legal person.
CPF or CNPJ, depending on the case	The user must pay attention on the details of these fields: The CPF must have 11 digits, as the CNPJ must have 14 digits. Only one registration by CNPJ or CPF is allowed. During filling, it must be observed if the name or corporate name informed corresponds effectively to the CNPJ or CPF to be registered, in order to avoid the attachment of CNPJ to the name of a natural person or a CPF to the name of a legal entity.
E-mail	It is important that the user informs the correct email address. It is also important to frequently access the mailbox of the e-mail address informed. The INPI system can send status notifications to this e-mail address, if it has been registered in the "Meus pedidos" (My orders) (see [section 7](#)).

The login[26] and password fields[27], represent the identity with INPI, to issue Union Gathering Guide[28] (GRUs) on behalf of the interested party that compose the registration and demand the services using the e-Software electronic system. So, store them carefully and safely.

Pay attention to your password, it can be recovered if you forget it. The password is case sensitive, that is, it distinguishes between uppercase and lowercase letters. Thus, the password "EXTR123" is different from "extr123".

Also enter with a secret question and the answer to it. This tool will help in case of forgetting or losing the password.

Once you have registered, click on the declaration box below and save the registration.

If you want to make some changes to your registration, just enter the GRU module and click on the name of the customer. Once you have the update, click on "salvar" (see section 3.2.1).

The information presented in this step will be automatically migrated to the e-Software form, by identifying the applicant's login and password.

3.2.1 REGISTRATION DATA UPDATE

The registration data update, except for the cases described below, may be done directly by the right holder, in the GRU module, available on the INPI home page. Regarding the updates available to be done directly by the holder, the procedure is:

- Acess INPI website;

- in the right part of the screen, at "Acesso rápido" (quick access) , click on "Recuperar login e senha"(recover password on the login);

- Follow the steps described on the page.

When you log on again to the system, the register changes will be updated.

Any change may be done before the GRU issue. Only the data from the time of the GRU issue will migrate to the system (see section 3.3).

The registration changes will not affect the right holder regarding the applications requested before the modification. Changes of these applications concerning the name, corporate name and/or address of the right holder only can be done by specific application and the corresponding fee payment.

For the cases of fusion, incorporation or similar process, there is a specific procedure: "Transferência de Titularidade" (ownnership transfer).

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[26] **The password is personal and non-transferable**. It must not be given to third parties. The ideal is that the right holder has a password and his attorney or legal representative have another. It is not necessary for the legal representative to know the password of the right holder / grantor to issue a GRU. In addition, the transmission of your password may lead to future problems, such as unauthorized use after a proxy removal.

[27] **The user must keep the register updated**, once it is exclusively based on this information that the Institute can contact him or her.

[28] Federal Tax Liability Payment Forms

3.3 GRU GENERATION

The GRU issue is the moment for choosing the intended service. It can be done by the right holder or the attorney, using his own login and password. It must not be done by a third person.

With the previously registered login and password, access the homepage of the INPI portal. In the "Quick Access" menu on the right side of the screen, click on "Emita a GRU" (Issue GRU).

In the new page, fill in the corresponding fields with login and password. Then click on "Acessar" (Access).

If you have forgotten your password, there is an assistance tool just below the fill-in fields. Retrieve it using one of the options shown.

If your profile is the "procurador" (attorney), in order to select the client for which you want to generate the GRU, in the new page, click on the magnifying glass next to "Dados do Cliente" (customer data). You can search the client using the number of CPF / CNPJ / NINPI, or by the name or corporate name. Enter with the information you want and click on "Pesquisar" (search). All customers whose data matches with what you typed will be listed. Select the desired customer.

Then, select the service type "Registro de Programas de Computador"(CPR).

Then select the desired service.

Read and confirm the information displayed and click on "Finalizar Serviço" (finish service). In the new screen, on "Emissão da GRU" (GRU Issue), print the GRU.

In the case of a payment free service (there is no payment document), write down the "nosso número (our number)" of the GRU to use it in the section 3.6.

3.4 VERACITY DECLARATION – VD AND POWER OF ATTORNEY

In the e-Software or GRU modules, download the VD document. You must digitally sign it (see section 2.6).

The power of attorney can be specific to a particular service or broad powers for more than one service (see section 2.5). The Power of Attorney, like the VD, must be digitally signed (see section 2.6).

These documents should be attached to the electronic e-Software form (see sections 3.6 e 3.7).

3.5 PAYING THE GRU

After issuing the GRU, before doing your request through the INPI website, do the payment.

The payment of the GRU in the banking network must be carried out before sending the e-Software electronic form, otherwise the requested service will be not known.

INPI

For purposes of validity of the acts performed by the user which depends on payment of fee, the intended service will be considered as effectively paid only after the bank payment confirmation of the respective GRU, which may occur in up to 10 (ten) days.

There is no need of waiting the compensation. Scheduled payment is not accepted by INPI. Do the payment at the bank of your choice.

You do not need to present the proof of payment, as the system will automatically confirm the payment.

The "our number" on the GRU will be used to request the service on e-Software, including no payment services.

Payments on weekends or holidays will be admitted to the bank payment confirmation process until the first business day following payment.

3.5.1 FEDERAL PUBLIC AGENCIES USING THE SIAFI SYSTEM

In the case of payment by the federal government system INTRASIAFI (Payment of UNIÃO accounts - SIAFI), made directly to INPI's current account, it is necessary to inform in the field "OUR NUMBER / REFERENCE NUMBER" of this system (Collected Collection / Banking Order - RA / OB of SIAFI) the "Our Number" obtained in the INPI GRU system, as shown in Figure 5. This procedure must be performed by the federal institution for each service to be requested in the INPI.

i. Correctly fill in the UG / MANAGEMENT of the institute: 183038/18801

ii. Fill in the collection code correctly: 77000-0 (Computer Programs);

iii. Fill in the "Our Number / Reference Number" field correctly.

Figura 5 – Payment example via INTRASIAFI

Important notes:

• A single accounting entry is not allowed to pay for multiple GRUs. Each GRU must be paid individually;

• In the "Our Number / Reference Number" field, the "our number" of the GRU in question must be included.

• It is not allowed to fill in the "Our Number / Reference Number" field with the UG / MANAGEMENT

• If, at a later time, you wish to return the amount paid, the procedures for the return are the same as those used by the private user, with two differences:

• The payment receipt will be the SIAFI's own screen;

• When completing the tax return form, available on the INPI website (http://www.inpi.gov.br/representative-repayment-refund), in the "Banking Data of the Favored" field, it is necessary to complete with CNPJ, corporate name, bank, agency and UG / MANAGEMENT of the organ.

• In case of doubts about payment of GRUs, please refer them through the channel "Fale Conosco" (CONTACT US -"financeiro" option), available on the homepage of the INPI website.

3.6 E-SOFTWARE ELECTRONIC FORM

Access the homepage of the INPI WEBSITE, and in the Quick Access menu on the right side of the screen, click on "e-Software".

With login and password, previously registered, access the e-Software electronic form. Then, the "nosso número" (our number) from paid GRU will be requested. Enter it in the corresponding field and go on.

Fill in all fields of the e-Software electronic form and attach the VD document and / or the Power of Attorney digitally signed, if applicable. (See sections 2.4 to 2.6).

Insert the hash code in the proper field of the e-Software form (see section 2.3).

IMPORTANT (15)

Update the ICP-Brazil certification chain in your browser. Access the Institute of Information Technology (ITI) website and follow the installation instructions set for the browser of your choice. Run the update and then access e-Software.

3.7 APPLICATING YOUR REQUEST

After checking the data, to file the CPR request, click on "protocolar" (to protocol). If you prefer, the request can be sent at a later time, simply by clicking on "terminar outra vez" (finish later). Then, just enter the e-Software with the same GRU to continue your request. Then click on "Avançar" (next), check your request data again, and if you need to make any corrections, click on "Voltar" (back), make the corrections and then click on "protocolar"(to protocol).

As seen before, the CPR can be derivate from other CPR. Pursuant to article 5 of Law No. 9,609 of February 19, 1998, information regarding the derivation authorized by the right holder of the derivative work must be submitted by the holder of the new registration with the original computer program citation, the registration number, authors, etc., and the document containing the mentioned authorization must be under the responsibility and custody of the holder of the derived property rights.

Do not forget to attach the VD document and Power of Attorney signed digitally, where applicable.

The e-Software will generate the REQUEST number and a receipt.

Being the payment confirmed, the registration grant will be published in the first available RPI. The certificate will be in the INPI website and, in order to download it, just use the search tool by accessing the right menu on the homepage, clicking on "Faça uma busca".

Then, on the top of the new screen, to the right, click in login and use the password. Then click on "Programa de Computador" (computer program). Enter the previously generated request number. Your certificate can be downloaded on the next screen. This document is digitally signed by INPI. At this time, you can also register your process in "**meus pedidos"** (my applications) to receive an email whenever a dispatch in your process occurs (see section 7).

4 HOW TO REQUEST OTHER SERVICES THROUGH THE E-SOFTWARE ELECTRONIC FORM

4.1 REGISTRATION RENUNCIATION (CODE 709)

In order to request a renunciation of computer program registration, the steps described on sections 3.3 to 3.7 must be followed. In this case, being the act of renunciation published in the first RPI available, the registration certificate will be-removed from the INPI website.

If the request is made by the right holder, he or she must sign the VD document with e-CNPJ, if legal entity, or e-CPF, if natural person.

In the case where the right holder is represented by an attorney, he or she must digitally sign the power of attorney with e-CNPJ, if legal entity, or e-CPF, if natural person, and the attorney must digitally sign the VD document with e-CPF.

4.2 CHANGE OF NAME, CORPORATE NAME OR ADDRESS (CODES 731, 732 AND 733)

The change of name, corporate name or address must be linked to the same CPF (individual) or CNPJ (legal entity), as the case. This type of change should not be confused with Transfer of Ownership.

You cannot change the name of an individual to a legal entity. Likewise, it is not possible to change from corporate name to natural person.

If there is more than one right holder in the process, only the one who signs the VD may request changes.

In the event that the right holder is represented by an attorney, he must digitally sign the power of attorney with his e-CNPJ, if a legal entity, or e-CPF, if he or she is a natural person, and the power of attorney must digitally sign the VD document with e-CPF.

Repeat steps 3.3 to 3.7. If your request for change of cadastral data was made in the form of IN nº 099/2019, the e-INPI system will publish the act of change in the first available RPI, updating the Registration Certificate in the INPI portal (access in "Faça uma busca" (make a search).

4.3 - OWNERSHIP TRANSFER (CODE 704)

The computer program registered in INPI is an intangible asset that can be transferred, either voluntarily or by judicial decision. To do so, it is sufficient for the interested party to pay the corresponding GRU (code 704) and fill out the electronic transfer form.

IMPORTANT (16)

Given the declaratory character of the service request, in any case of ownership transfer it is no longer necessary to submit the property rights transfer valid documents of the computer program to INPI. On the other hand, it is vitally important that these documents are under the custody of the interested party for their safety.

4.3.1 TRANSFER FOR CESSION OR DEMERGER

When the transfer of ownership is due to a cession[29] or demerger[30], only the owner of the right, here called the transferor, or his attorney-in-fact with powers to perform such act, may request the transfer of ownership of the computer program registry.

If the request is made by the right holder, he must digitally sign the VD document with his e-CNPJ, if legal entity, or e-CPF, if natural person.

In the event that the holder of the right is represented by an attorney, he must digitally sign the power of attorney with his e-CNPJ, if a legal entity, or e-CPF, if he or she is a natural person, and the attorney must digitally sign the VD document with e-CPF.

4.3.2 TRANSFER FOR INCORPORATION OR MERGER

In case of transfer of ownership by incorporation or merger[31], the procedure must be carried out by the new company, here named the assignee, and on its behalf, since the incorporating company becomes the owner of the assets of the merged company. The new company is the one that must digitally sign the VD document or the Power of Attorney, when applicable.

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29 Transfer by cession applies where a natural or legal person, called a transferor, transfers the computer program registration rights by a cession instrument to another natural or legal person, named the transferee.

30 The demerger is the operation by which the company transfers portions of its assets to one or more companies, established for that purpose or already existing, extinguishing the demerged company, if there is a version of all its assets, or dividing its capital, if the split is partial (article 229 of Law 6,404/1976).

31 The incorporation occurs when one or more societies are absorbed by another, which succeeds to all rights and obligations, including computer program registrations right. Merge, in turn, is an operation that occurs when two or more societies unite to form a new society that also succeeds them in all rights and obligations.

It is imperative, at the time of filling out the electronic transfer form, that this new company select the checkbox "*Declaro que a presente solicitação de transferência é uma decorrência de incorporação ou fusão*" (I declare that this transfer request is a result of incorporation or merger), so that the system can automatically validate the petition. Otherwise, an unknown petition order will be generated, causing the loss of the GRU paid.

4.3.3 OTHER TYPES OF TRANSFER

In the case of other types of transfer of ownership, namely, by legal or testamentary succession, by bankruptcy, among others, involving the Judiciary, the transfer will be made by virtue of a decision or judicial determination. Therefore, INPI will execute the transfer as soon as it is communicated by the Court, via Official.

4.3.4 IMPORTANT INFORMATION ABOUT TRANSFER

The person responsible for altering the ownership transfer data shall be obliged to, in the electronic form, at least exclude one or more holders or add at least one or more new owners, that is:

- Exclude and add one or more right holder;
- Only exclude one or more right holders; or
- Only add one or more right holders.

Attention:

1. Keep in mind that an erroneous transfer only can be corrected by a new petition done by the new right holder(s);
2. When there is more than one right holder, it is prudent that the "assignment agreement" between the parties is signed by all parties involved and this document is kept by the assignee.
3. In the case described above, if there is more than one right holder, it is equally prudent that there is an authorization document between all right holders for that right holder who signs the VD.

Repeat steps 3.3 to 3.7. If your change of ownership request was made in the form of IN nº 099/2019, the e-INPI system will publish the act of change in the first available RPI, updating the Registration Certificate in the INPI website - access through "Faça uma busca" (make a search).

4.4 POWER OF ATTORNEY SURRENDER OR REVOCATION (CODE. 736)

The granter can request, free of cost and at any time, by petitioning, the power of attorney revocation, attaching the VD digitally signed document with e-CPF, if an individual person, or CNPJ, if a corporate person, repeating steps 3.3, 3.4, 3.6 and 3.7 above and communicating immediately the fact to the granted. It is only allowed one power attorney revocation per attorney-in-fact. Partial revocation is not allowed.

The granted can request, free of cost and at any time, by petitioning, the power of attorney surrender, attaching the VD digitally signed document with e-CPF, repeating steps 3.3, 3.4, 3.6 and 3.7 above and communicating immediately the fact to the granter. Partial surrender is not allowed.

In this case, during the next ten (10) days, the granted will continue to represent the grantor, if it is necessary to avoid harm.

The e-INPI system will register the request in a Power of attorney Revocation Table, ensuring the 10 (ten) days for the case of surrender.

4.5 CORRECTION OF DATA IN THE CERTIFICATE OF REGISTRATION DUE TO FAIL OF THE INTERESTED PARTY (CODE. 747)

If there is an error in filling out the electronic form by the user, the right holder or the attorney may request the correction of the Certificate of Registration. It is necessary to pay the fee and request the corrections via "Fale Conosco" (contact us), informing the number of the process and the "our number" of the GRU paid. This GRU must be issued in the name of the right holder.

Correctable information is listed below:

- Author(s) data;
- Inclusion or withdrawal of author
- Creation or publication date;
- Title;
- Language;
- Field of application;
- Program type; and
- Authorized derivation

Once the changes have been made, INPI will make available on its online website the updated certificate of registration

IMPORTANT (17)

> When the request for correction of data in the certificate of registration is motivated by fail of INPI, the error and the necessary correction may be communicated through "Fale Conosco" (contact us system), selecting option "Programa de Computador" (Computer program) the "Assunto / Área de Interesse" (subject / area of interest). It is free of cost. It should be informed the number of the process. Once the changes have been made, INPI will make available on its online website the updated certificate of registration.

4.6 SECRECY REMOVAL REQUEST (CODE. 719)

The registrant may request, at any time and upon petition, a copy of the technical documentation on CD / DVD or paper, held by INPI.

The technical documentation will be opened in the presence of the holder, its legal representative and / or judicial officer, if applicable, who will certify that the content has not been violated. After the copy, authenticated by INPI, the original technical documentation will be identified and sealed and then will returned to the security file under the stealth regime. In addition, such technical documentation may be transformed into a digital hash summary, which will be held by the parties. Following these procedures, will be generated a document that must be signed by the parties involved.

The content presented in the technical documentation is the sole responsibility of the right holder.

In the event that the technical documentation held by INPI has been dematerialized, a magnetic copy will be provided, in the presence of the holder and / or the representative of the court, if applicable.

If the application for a computer program registration has been made in accordance with the rules governing electronic filing, INPI shall provide to the court, upon demand, the certificate of registration containing the digital hash summary of the portions of the computer program and of other data considered sufficient and relevant to identify it, for a conference with the technical documentation sealed and held by the registry holder, as determined by IN 099/2019.

5 NULLITY

The nullity may be made administratively and judicially.

INPI will cancel the CPR, when existing errors that makes it illegal.

The CPR deprived of the effective payment of the retribution will invalidate it.

The nullity of the CPR, determined by the Judicial Branch or administratively, will be published in RPI.

INPI will not promote the nullity of the CPR raised by any interested party, when the impugnation is about authorship of the computer program. The concerned person shall have recourse to justice.

When an improper procedure is identified in the granting of the registration, INPI will take the necessary internal measures to promote its administrative nullity and the e-INPI system will

publish the act of nullity in the first available RPI, with the consequent withdrawal of the certificate of registration of the INPI website.

When INPI receives a communication about the legal process, it will be announced to RPI that the process is "sub judice".

When an interested party files a petition in process with status "sub judice", INPI will accept the petition and await the judicial decision.

If the court's decision is for the nullity of the process, the petitions that have entered will not be processed and will be considered "não conhecidas" (unknown), automatically.

If the court's decision is to keep the registry, the petitions that have entered will then be processed automatically.

When the judiciary notifies the judicial nullity of the registration by Official, INPI will take the internal measures to meet the suit and the system e-INPI will publish the act of nullity in the first available RPI, with the consequent withdrawal of the registration certificate of the INPI website.

6 JUDICIAL RESTORATION

The restoration of the registry of a computer program, determined by the Judicial Branch, will be published in RPI, with the consequent availability of the registration certificate in the INPI portal.

7 COMMUNICATION

All official communications of the acts and dispatches related to the CPR will be made through the Electronic Magazine of Industrial Property - RPI.

7.1 SEARCH FOR KEY WORDS - PEPI

INPI provides a tool for researching applications and computer program registrations. The research is available on "Faça uma busca", "Acesso rápido" of INPI Portal. In this tool, users can follow the dispatches published in RPI and obtain the "Certificado de Registro" (registration certificate) document in the icon next to the dispatches 730 or 120 (Expedition of the Certificate of Registration).

The researching can be done by:

- Process number:
  The administrative file number is the number given to the applicant. Example: "BR 51 2019000015-3" or "06966-5".

- Research Builder:
  You can easily perform dynamic searches by entering words in the dialog box in combination with the text boxes. Here is presented what each box does:

- "Todas as Palavras" (all words): the search result should contain all those words listed in the search box.

- "Expressão Exata" (exact expression): The search result should contain the words exactly in the order they are entered.

- "Qualquer uma das Palavras" (any of the words): the search result must contain at least one of the words that are typed.

- "Palavra Aproximada" (the approximate word): the search result may contain at least one of the words that are typed and also presents the approximate words to the typed term, finding variations in this term. The search system will provide the percentage or degree of accuracy between the typed term and the word found on the Search Result page.

- "Título do Programa" (program title): is a summary text (often a sentence) that describes the context of a computer program registration.

- "Nome do Titular do Direito" (name of the right holder): is the name of the individual or legal entity to which the application or registration is linked. Each request or registration may have one or more linked holders and the same may be the author of the request.

- "Nome do Autor" (author's name): is the name of the software author. This may be the right holder. There may be more than one author for a registration.

- "CPF/CNPJ do Titular" (right holder's CPF/CNPJ): is a CPF or CNPJ of the individual or legal entity, respectively, to which the application or registration is linked. Each request or registration may have one or more linked holders and the same may be the author of the request.

- CPF do Autor (author's CPF): CPF of the software developer. This may be the right holder. There may be more than one author for a Record.

– Avoid using a common name when searching for "Titular do Direito" or "Autor'; try to use the less common word between the surname and the first name.

–Wild Card Character - you can use the asterisk character "*" to truncate the searched word to the right. This word must be at least four characters long. This feature extends your search.

7.2 MY APPLICATIONS - PEPI

In order to assist in your process follow-up, INPI created "My applications" (my orders), a tool that notifies you by e-mail whenever there is any relevant fact in your computer program registration request, with publication of the dispatch in RPI:

- Access the INPI website ;
- On the Quick Access, to the right of the screen, click on "Faça uma busca" (make a search);
- On the next screen, click "Login" at the top right;
- Enter your login and password;
- Click on "Programa de Computador";

On the new screen, enter the process number in the corresponding field and click Search. On the next screen, click on the box on the left, next to the number field.
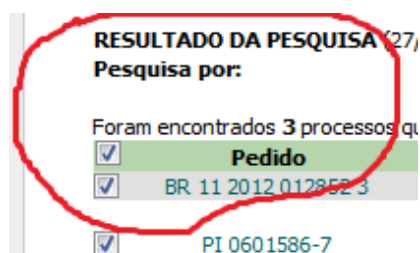
- There will be a message to confirm "Atualizando a lista de 'Meus Pedidos'" (Updating 'My application' list). Click on "OK".

Your order has been placed in "Meus pedidos" (my applications) and you will be notified by email whenever there is a change in the process. If you have more than one order, simply repeat the process for each one.

If they are registrations from the same holder, you can do a search by holder in the web tool and add them at the same time.

For this, just be logged in and have the necessary information - CPF or CNPJ of the right holder. When you search this way, you will see which processes are tied to that holder.

You can then add to the "Meus pedidos" (My applications) the processes of your interest by repeating the above procedure.

This time though, you will not need to make the request search on demand, which makes the procedure simpler.

It is also worth mentioning that whenever are logged in and using the Web Search tool, you will see the "Meus pedidos" (my applications) and "Meus pedidos da semana" (my applications of the week) option on the blue bar of the search screen.

By clicking on "Meus pedidos" (my applications), you get the information of the applications that have already been registered by the tool, i.e. , which requests will generate notifications via email.
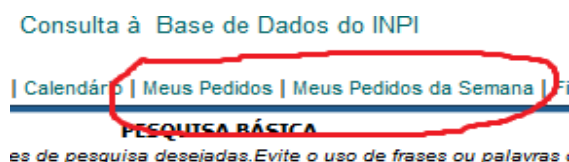
In the "Meus pedidos da semana" (my applications of the week) field you will have a list of "Meus pedidos" (my applications) that were published in the last RPI, that is the same list that the user receives by email from the system.

It is worth saying that if you have many requests in INPI, or want to follow many different processes, a tip: you can do searches and add them with the "Meus pedidos" (my applications) tool, performing the procedure described above.

In this way, you can even follow processes in which you are not the owner, but which are of your interest.

A copy of the formal documentation will be made available, free of charge, on the INPI Web Page.

Other requests, not foreseen in this manual, may be made using the "Fale Conosco" (contact us) channel. For example, in the case of paper processes, before the implementation of the e-Software electronic form, if the right holder or his attorney wants to remove, appoint or replace the attorney in a particular case, it is enough to make the request through this channel, informing the case number and attaching a declaration, in the case of dismissal, or a power of attorney, in the case of appointment or substitution, which will be inserted in the cited file.

APPENDIX

E-SOFTWARE ELECTRONIC FORM – PROGRAMMING LANGUAGES EXAMPLES

.NET	DOT NET	NATURAL
ACCESS	EXCEL	NCL
ACTIVE SERVER PAGES	FIREBIRD	NODEJS
ADVPL	FLASH	PASCAL
AJAX	FLEX	PERL
APEX	FORTRAN	PHP
ASP	FOX PRO	PL / SQL
ASSEMBLY	FRAMEWORK	POSTGREE SQL
AUTHORWARE	GENEXUS	POWER BUILDER
AUTOLISP	GROOVY	PROGRESS
BASIC	HTML	PYTHON
C	INTERBASE	QUICK BASIC
C#	IOS	R
C++	JAVA	RUBY
CENTURA	JAVA SCRIPT	SHELL SCRIPT
CGI	JQUERY	SIMULINK
CHILL	JSF	SQL
CLARION	JSON	SWIFT
CLIPPER	JSP	TOOLBOOK
COBOL	KYLIX	TRANSACTION SQL
COLD FUSION	LABVIEW	T-SQL
C-SHARP	LINGO	UNIFACE
CSS	LINQ	UNITY
DATAFLEX	LISP	VHDL
DBASE	LOTUS NOTES	VISUAL BASIC
DELPHI	LUA	XHTML
DHTML	MAKER	XML
DIRECTOR	MATLAB	ZIM
DJANGO	MXML	Others
DOCTRINE	MYSQL	

APPENDIX II

COMPUTER PROGRAM ELETRONIC REGISTRATION SERVICES (CPR) - fee table

(Resolution/INPI/PR nº 250, September/ 2019)

Code	Service Description	Fees in reais (R$)
730	Computer Program Register application – CPR	185,00
731	Name Change (Individual Person)	185,00
732	Corporate Name Change (Juridic Person)	185,00
733	Address Change	185,00
736	Power of attorney Surrender or Revocation	free
747	Correction of data in the Certificate of Registration due to the fail of the interested party	185,00
709	Registration Waiver	185,00
704	Ownership Transfer	185,00
719	Secrecy Removal Request	908,00

APPENDIX III

COMPUTER PROGRAM REGISTER SERVICES - DISPATCH CODES TABLE

730 - Expedition of the Certificate of Registration
The computer program registration certificate is available on INPI website.

731 - Change of name
The updated certificate of registration is available on INPI website.

732 - Change of Corporate Name
The updated certificate of registration is available on INPI website.

733 - Change of address
The updated certificate of registration is available on INPI website.

734 - Transfer of Ownership
The updated certificate of registration is available on INPI website.

709 – Registration Waiver
Article 7 of the IN nº 099/2019: Homologation of the waiver of computer program registration, with the withdrawal of the certificate of INPI website.

736 – Power of attorney
Surrender or Revocation Articles 5 and 8 of the Normative Ruling nº 099/2019: revoked or waived the power of attorney presented previously.

737 - Change of legal name or corporate name
The updated certificate of registration is available on the INPI website.

738 - Alteration of address by judicial order
The updated certificate of registration is available on INPI website.

739 - Change of address by judicial order
The updated certificate of registration is available on INPI website.

740 - Alteration of ownership by judicial order
The updated certificate of registration is available on INPI website.

741 - Notification of closing of the application sub judice
Judicial decision to the end of registration term interruption.

742 - Petition not known
§ 2 of article 4 of the Normative Ruling nº 099/2019: an irregularity in the validation process was identified, which prevented the execution of the service. The reason is in the complement.

743 - Administrative nullity
Administrative nullity of the Computer Program Registration was homologated, with the withdrawal of certificate of INPI website.

744 - Judicial nullity
Judicial nullity of Computer Program Registration was homologated, with the withdrawal of the certificate of INPI website.

745 - Judicial Restoration
The judicial restoration of the computer program registration has been approved. The updated certificate is available on the INPI website.

746 - Annulled Publication
The publication has been canceled because it was improper.

747 - Correction of data in the Certificate of Registration due to the failure of the interested party
The updated certificate of registration is available on INPI website.

108 - Registration sub judice
Notification of judicial procedure, observing the provisions of the supplement.

111 - Dispatch canceled
Cancellation of the dispatch referring to any of the previous items, for being unfair.

113 - Rectification
Rectification of the publication referring to any of the previous items, because it was made incorrectly.