

Madrid Protocol: Brazilian designations and oppositions

In order to clarify a few questions about the Madrid Protocol, INPI presents below relevant information for the applicant of a Brazilian Designation about Oppositions notified in the *Revista da Propriedade Industrial* (INPI's Gazette).

1 – Application Number and beginning of the publications in INPI's Gazette

The number of the Brazilian designations is composed of the number 50 plus the number of the international registration filed with WIPO (IRN) – 50+IRN. The publications of the Brazilian designations in INPI's Gazette started on May 12, 2020.

2 – Opposition and Notice of the Opposition in INPI's Gazette

Like in the case of national applications, third parties may file oppositions against a Brazilian Designation.

The **notice of the Opposition** will be posted in **INPI's Gazette**, in section <<*Notificação de oposição para manifestação*>> (**Notice of opposition pending response**).

The **standard wording** of the publication is available at the page of the Madrid Protocol in English and Spanish.

3 – Notice by Email in *Meus Pedidos* (My Applications) (Monitoring Applications)

To monitor an application, the Brazilian and foreign users may use the *Busca Web* (Web Search) system, by registering the applications they wish to monitor.

It is necessary to log into the system, search for the application, and check the box on the left of the application number. This will add the application to a list that can be found in the “*Meus Pedidos*” (**My Applications**) tab. When the user adds an application to that list, he starts receiving **notification emails** whenever a decision related to that application is published in INPI's Gazette.

Please note: in case of problems with the emails, INPI assumes no responsibility related to this support tool. The official mean of communication is INPI's Gazette, published on Tuesdays. Click here to access it.

4 – Response to the Opposition and Representative

In the Brazilian examination system, the response to the opposition **is not mandatory** and the analysis of the opposition follows the provisions of the Trademark Manual, Examination of Applications with Opposition.

If the holder of the international registration wishes to respond, he must appoint a Representative domiciled in Brazil. This is the case for any acts practiced before INPI. For more information, click here.

Please remember that, in case the opposition is accepted and that results in rejection, it will be possible to file an administrative appeal with relevant arguments. The appeal will be analyzed before the final decision on the application.

In case of rejection, like in case for any decision on the application or amendments, in addition to the publication in INPI's Gazette, INPI sends WIPO a notice of Provisional Refusal. This notice includes the reasons for the refusal and the data required for filing an appeal or response petition. In order to file such appeal or to respond to amendments, foreign applicants will need to appoint a representative domiciled in Brazil.

5 – Final Considerations

When INPI's systems and the communications systems of the Madrid Protocol of WIPO's International Bureau are integrated, we expect that it will be possible to check this information also in the Madrid Monitor.

This and further information is available at Brazil's profile in the Madrid Member Profiles and in the Trademark Manual, Publication for Opposition.

If you have any questions, please contact us through the *Fale Conosco* system.

If you have any problems using the *Fale Conosco* (Contact us), subject *Marcas – Protocolo de Madri* (Trademarks – Madrid Protocol), you may also contact us by email: Brazil.madrid@inpi.gov.br. We will respond in a few days.