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User Guide for the Electronic Register of Integrated Circuit Topographies

Rio de Janeiro
2019



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I59m National Institute of Industrial Property (Brazil).

User guide for the electronic register of integrated circuit topographies. / National Institute of Industrial Property. Directorate of Patents, Software, and Integrated Circuit Topographies. General Coordination of Studies, Projects, and Dissemination of Technological Information. Software and Integrated Circuit Topographies Division. Rio de Janeiro: INPI, 2019.

38 pages; illustrations; attachments. Version 1.0. Date: 10/25/2018.

1. INPI – Integrated circuit topographies. 2. Integrated circuit topographies – Electronic register. 3. INPI – Guides and procedures. I. National Institute of Industrial Property (Brazil).

Universal Decimal Classification (UDC): 347.77:621.382(81)=690

User Guide for the Electronic Register of Integrated Circuit Topographies	Version 1.0
	Date: 10/25/2018

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1 INTRODUCTION

Over the last few years, the Brazilian integrated circuits industry has been strongly boosted by the CI-Brasil Program.¹ Launched in 2005, the program is the result of a joint action between the federal government, companies, and the academia, and establishes three fronts: to encourage economic activity related to integrated circuit projects, to expand design education, and to promote the creation of a national semiconductor industry. With this, more than twenty Design Houses (DHs), companies that operate in the development of integrated circuit projects, were established throughout the Brazilian territory. Among them, there are profit and nonprofit entities involving, in the former's case, national and multinational private companies or local startups and, in the latter's case, mostly corporate spin-offs of universities or public research institutions.

Additionally, integrated circuit factories, such as the National Center of Advanced Electronic Technology – CEITEC,² in Porto Alegre/RS, and the HT Micron factory,³ located at the Tecnosinos complex, in São Leopoldo/RS, could also be established in the country. Both have already manufactured major components for society, such as, for example, the “Ox Chip”, used to identify the animal, by CEITEC, and capsuled chips for bank cards and mobile phones, by HT Micron. CEITEC also forecasts the supply of chips for Brazilian passports and for the National Identification Document (DIN).⁴

In 2018, the American company Qualcomm and the Chinese company USI announced a partnership⁵ for the construction of a factory and a center of development of semiconductors in the Campinas/SP region aimed at the “Internet of Things” (IoT) and smartphones, which is the result of a US\$200 million investment over five years.

These actions are extremely relevant, since they enable the reduction of imports of these products, moving the economy, the domestic market, and strengthening the national industry.

This transformation in the Brazilian market, in the semiconductor industry, reflects an intense, increasing technological development around the world, especially boosted by the recent IoT idea, which boosted the new industrial revolution, the Industry 4.0 in formation. These changes need to be supported by advanced electronics, through the development of electronic circuits with the capacity of performing more and more functions in less space, which will require massive investment in the industry of projects and chip manufacturing.

Therefore, it is necessary to implement intellectual property policies aiming at safeguarding, to the relevant holders, the rights related to the topography of the integrated circuits developed, in light of the high investment and technologic level required for the project and manufacturing.

1 CI Brasil Program: <http://www.ci-brasil.gov.br/>

2 National Center of Advanced Electronic Technology – CEITEC: <http://www.ceitec-sa.com/>

3 HT Micron: <http://www.htmicron.com.br/>

4 http://jcrs.uol.com.br/_conteudo/2017/04/especiais/dia_da_industria_2017/558253-chips-abrem-portas-paratecnologias-futuristas.html

5 <https://g1.globo.com/economia/tecnologia/noticia/qualcomm-anuncia-fabrica-de-chips-para-smartphones-e-internet-das-coisas-no-brasil.ghtml>

2 HOW TO REGISTER AND RECEIVE THE CERTIFICATE WITH LEGAL SECURITY

2.1 UNDERSTANDING THE LAWS AND REGULATIONS

The protection to the intellectual property of the integrated circuit topography was then established in Brazil by Law No. 11,484⁶ of May 31, 2007. This law provides for the incentives to manufacturers of Digital TV equipment and semiconductor electronic components, establishing the criteria and requirements for protection to the intellectual property of the integrated circuit topography in its Chapter III.

In this chapter, it is possible to verify the application of the conditions established by the TRIPS⁷, in its Section 6, articles 35 to 38, for the protection of such topographies. Those conditions were, in fact, mostly incorporated from the IPIC Treaty⁸ (also known as Washington Treaty), of 1989, which never even became effective.

It is important to highlight that such protection depends on the registration⁹, which is a responsibility of the National Institute of Industrial Property (INPI)¹⁰.

The form of protection conferred by Law No. 11,484/2007 is also known as *sui generis*, so called due to its peculiar and distinctive character when compared to the other forms of protection of intellectual property, such as copyright¹¹, as an example for software, and industrial property¹², for patents and industrial designs. It is possible to notice in the wording of the law¹³ that some of the concepts used in these fields, such as unit, novelty (“original”), and inventive step (“common or ordinary”) in patents, are used in addition to definitions and concepts specific to integrated circuit topographies, which results in the law suitable for this object.

It is worth highlighting that the matter of protection claimed through this law is not the integrated circuit itself, but the images of its topography, given that the protection of the topography is ensured regardless of its fixation¹⁴, so that it does not need to be actually manufactured in an integrated circuit for its protection to be requested.

Hence, the protection is restricted to the topography itself, and the techniques, the systems, manufacturing processes, and devices implemented in an integrated circuit, for example, are subject to protection by patents¹⁵, and the information stored by the topography are subject to protection by Copyright, for example, through the Software Law, which protects the rights to source code excerpts¹⁶.

These different laws, that is, the Brazilian IP Law (LPI), the Software Law, and the “Topography Law”, offer different forms of protection. Below is the comparative table in Table 1.

⁶Law No. 11,484/2007 (“Topography Law”): http://www.planalto.gov.br/ccivil_03/_ato2007-2010/2007/lei/111484.htm

⁷Agreement on Trade-Related Aspects of Intellectual Property Rights – TRIPS: https://www.wto.org/english/tratop_e/trips_e/trips_e.htm

⁸Washington Treaty on Intellectual Property in Respect of Integrated Circuits – IPIC: <http://www.wipo.int/treaties/en/ip/washington/>

⁹Law No. 11,484/2007, art. 30.

¹⁰Basic Guide to Integrated Circuit Topography at INPI’s portal: <http://www.inpi.gov.br/menu-servicos/topografia/guia-basico-de-topografia>

¹¹Law No. 9,610/1998 (Copyright Law): http://www.planalto.gov.br/ccivil_03/leis/L9610.htm

¹²Law No. 9,279/1996 (Brazilian IP Law); http://www.planalto.gov.br/ccivil_03/leis/L9279.htm

¹³Law No. 11,484/2007, art. 29.

¹⁴Law No. 11,484/2007, art. 29, paragraph 3.

¹⁵Basic Guide to Patents at INPI’s portal: <http://www.inpi.gov.br/menu-servicos/patente/guia-basico-de-patente>

¹⁶Law No. 9,609/1998 (Software Law): http://www.planalto.gov.br/ccivil_03/leis/19609.htm

	Patente (PI)	PC	TCI
Objeto	Características técnicas	Expressão literal (código-fonte)	Imagens da topografia
Exame	Formal e técnico	Formal	Formal
Vigência	20 anos	50 anos	10 anos
Sigilo	18 meses	50 anos	6 meses (opcional)
Proteção	Depende do depósito/concessão	Independente do registro	Depende do registro
Decisão	± 10 anos	< 10 dias	< 10 dias
Abrangência	Nacional	Internacional	Nacional

Legend:

Patente (PI) = Patent (PI)

PC = PC

TCI = TCI

Objeto = Object

Características técnicas = Technical characteristics

Expressão literal (código-fonte) = Literal expression (source code)

Imagens da topografia = Topography images

Exame = Examination

Formal e técnico = Formal and technical

Formal = Formal

Vigência = Effectiveness

20 anos = 20 years

50 anos = 50 years

10 anos = 10 years

Sigilo = Secrecy

18 meses = 18 months

50 anos = 50 years

6 meses (opcional) = 6 months (optional)

Proteção = Protection

Depende do depósito/concessão = Depends on the filing deposit/granting

Independente do registro = Regardless of registration

Depende do registro = Depends on registration

Decisão = Decision

±10 anos = ±10 years

<10 dias = <10

Abrangência = Coverage

Nacional = National

Internacional = International

Table 1 – Table comparing patents (invention patent (PI)), software (PC), and integrated circuit topography (TCI)

Based on this chart, we realize that each intellectual property asset has advantages and disadvantages.

The patent (for invention, in this case) is a stronger protection, for 20 years, encompassing the technical specifications of the invention. Obviously, this requires, by the applicant, a more elaborate documentation, containing a clear and accurate specification, a well-defined patent

claim scope, in addition to other technical and formal characteristics and, for this reason, requires not only a formal requirements examination, as well as a deep technical examination of the application, which can make the decision on this application take longer.

The software registration, on its turn, although not mandatory for protection (as all copyrights, the right is enforced upon creation of the work), is a proof of authorship, for example, in cases of lawsuits regarding software. Even though the protection is not as strong as the patent, for having effects only on the literal expression of the source code object of the creation, it has quite relevant positive features: it is international, encompassing all 176 countries signatory to the Berne Convention (1886);¹⁷ it is effective for 50 years after January 1 of the year following its publication or, in its absence, of its creation, during which they remain in secrecy; and, as a result of the mandatory Formal requirements examination, which, since September 12, 2017, was entirely automated¹⁸ by INPI, the registration is granted in less than 10 days of the date of deposit. These features ensure legal protection for the holder of the rights.

The registration of integrated circuit topography, as observed herein, unlike the software and similar to the patent, is mandatory to ensure protection of topography and is territorial. The effectiveness of the protection of the topography images is of 10 years of the date of deposit or the first exploration of the topography, whichever occurs first. Also as a result of the formal examination, the registration proceedings could be simplified and made less bureaucratic, with the granting of registration and issuance of the respective certificate in less than 10 days from the date of deposit.

Besides the lack of requirement for a technical examination for topography and software, enabling the quick granting of the certificate of registration, another

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

18 Basic guide for Software at INPI's portal: <http://www.inpi.gov.br/menu-servicos/programa-de-computador/guia-basico-programa-de-computador>

feature that differentiates these two assets from the patent asset is the lack of need for payment of the annual fees of the registration, which considerably benefits the user of the system.

Accordingly, considering the characteristics of each law, a good protection strategy would be, based on the type of object to be protected, to seek protection in all three: to safeguard the rights to the images of the integrated circuit topography developed through the Topography Law, to ensure the exclusive possession of the processes, technologies, or methods through the patent system, and to guarantee the authorship of the relevant excerpts of the code through software registration. All applications are filed with the National Institute of Industrial Property – INPI.

As shown before, the law that regulates the protection of intellectual property of integrated circuit topographies in Brazil is Law No. 11,484 of May 31, 2007, whose procedures figure in Normative Instruction No. 109 of October 1, 2019.

In brief, an application for an integrated circuit topography registration in INPI has three essential elements:

- A filing fee, non-reimbursable;
- A Veracity Declaration (DV) and a Power of Attorney (when applicable), signed digitally;
- An electronic form¹⁹ for the integrated circuit topography application, available exclusively online through the e-Chip at <https://gru.inpi.gov.br/peticionamentoeletronico/>.

2.1.1 WHO MAY APPLY FOR REGISTRATION?

Law No. 11,484/2007 is very clear when defining who is ensured the rights to topographies.²⁰ Namely: individuals or entities of public or private law that are:

I - Brazilian citizens;

II - foreigners domiciled in Brazil;

III - domiciled in a country that reciprocally grants Brazilians or persons domiciled in Brazil the same or equivalent rights; and

IV - applicants of a registration from abroad deposited in Brazil that have a protection of the integrated circuit topographies ensured by a treaty in effect in the Country.

Additionally, it also clarifies²¹ important matters regarding the ownership of the rights in cases of applicants who are not the creators of the topography, as well as cases of several creators, of a topography developed under an employment contract, among others. Therefore, it is worth checking those excerpts of the law before filing an application with INPI.

¹⁹ There are no paper application forms.

²⁰ Law No. 11,484/2007, arts. 24 and 25.

²¹ Law No. 11,484/2007, arts. 27 and 28.

IMPORTANT (1)

The applicant domiciled abroad shall appoint and keep an attorney, duly identified and domiciled in Brazil, with powers to represent him administratively and judicially, including to be served process.²²

2.1.2 RIGHTS CONFERRED BY THE PROTECTION

This aspect is also well-defined by the law: the holder of the integrated circuit topography shall be the holder of the proprietary rights to exploit it, and he may prohibit third parties from reproducing, importing, selling, or distributing it, including an integrated circuit that incorporates it, or a good that incorporates this integrated circuit.²³

It is worth mentioning that such rights shall be granted to the holder for ten (10) years of the date of deposit of the application or the first commercial exploitation of the topography, whichever has occurred first.²⁴

Additionally, the law also defines situations in which such protection does not apply, such as, for example, actions of analysis, assessment, education, and research of the topography protected, carried out by unauthorized third parties, among others.²⁵

2.1.3 CONCEPT OF INTEGRATED CIRCUIT TOPOGRAPHY VS. PRINTED CIRCUIT BOARD LAYOUT

The Topography Law also includes the applicable definitions both for integrated circuit and topography.²⁶

Regarding such definitions, so that there is no room for uncertainty, it is important to clarify the fundamental differences between two types of object: the integrated circuit and the printed circuit.

It is worth commenting that this matter was also addressed by CIPO,²⁷ the Canadian intellectual property office, in its web portal, at the section regarding integrated circuit topographies. There, they warn that people frequently confuse printed circuit boards with integrated circuits (chip or microchip), and define that a printed circuit board includes several elements, and one or some of them may be integrated circuits. This definition is further clarified in the example of Figure 1.

²² Law No. 11,484/2007 art. 56.

²³ Law No. 11,484/2007 arts. 36 and 37.

²⁴ Law No. 11,484/2007 art. 35.

²⁵ Law No. 11,484/2007 art. 37.

²⁶ Law No. 11,484/2007 art. 26.

²⁷ Canadian Intellectual Property Office – CIPO:
<http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/wr00822.html#no6>



 Circuito integrado

Legend:

Circuito integrado = Integrated circuit

Figure 1 – Integrated circuits assembled in a printed circuit board²⁸

It is known that the differences between both technologies are big: the printed circuit is, generally speaking, much simpler, both from a design point of view and from a manufacturing point of view, and it may even be manufactured by individuals in domestic environments, without large resources. Integrated circuits, on the contrary, demand considerable specialization by their designers, and their manufacturing process is composed of dozens of stages that depend on high-technology equipment and, consequently, high costs.

Thus, and according to the discussion already presented,²⁹ it is understood that, for this type of matter, the Topography Law does not apply.³⁰

In fact, there are still practically no forms of direct protection specific to printed circuit board layouts around the world, so there is a gap in the intellectual property laws that precludes this object from being satisfactorily protected.

Although there is not a well-defined solution for this matter in Brazil, a possibility to seek this form of protection is through the Industrial Design,³¹ registration of which is also applied for in INPI. It is worth mentioning that, similarly to the case of integrated circuit topography, the techniques, the systems, manufacturing processes, and devices implemented in a printed circuit are also subject to protection by patents, and the source code excerpts, as the case may be, that implement such method/process/system may have their protection claimed through the Software Law.

2.2 CONDITIONS OF USE AND COMPLETION OF THE E-CHIP ELECTRONIC FORM

As a condition to access the e-Chip electronic form, it is necessary to access the portal www.inpi.gov.br, sign up for habilitation in e-INPI, pursuant to Resolution No. 25/2013.³² There, a username and password will be generated, and they will be used to issue the Brazilian

²⁸ Image retrieved from *cp2studio* at FreeDigitalPhotos.net.

²⁹ We recommend for whoever is interested in further details about this discussion to read the article “*A Proteção à Propriedade Intelectual das Topografias de Circuitos Integrados do Brasil*” (The Protection of the Intellectual Property of the Brazilian Integrated Circuit Topographies): <http://www.abpi.org.br/biblioteca1a.asp?Ativo=True&linguagem=Portugu%EAs&secao=Biblioteca&subsecao=Revista%20da%20ABPI&id=156>

³⁰ Normative Instruction No. 109/2019, art. 2.

³¹ Basic guide to Industrial Design in INPI’s portal: <http://www.inpi.gov.br/menu-servicos/desenho/guia-basico-de-desenho-industrial>

³² INPI Resolution No. 25/2013: http://www.inpi.gov.br/legislacao-1/resolucao_25-2013_0.pdf

Federal Revenue collection slip (GRU) – in addition to other requests for services to be provided by INPI (see sections 3.1 to 3.3).

It is recommended that, by accessing the GRU system, registration information such as name, address, among others stored in this system are verified and subsequently used. If any inadequacy is identified, it is prudent and important to update your registration before finalizing the GRU, by accessing the link ([click here](#)) and clicking “*Alteração de cadastro e emissão de recibo*” (Change in registration and issuance of receipt), available at INPI’s portal.

All services related to the registration of integrated circuit (see Annex I) shall be requested by the candidate for holder or his representative to INPI and can be made solely and exclusively upon completion of the electronic form e-Chip, pursuant to art. 3 of Normative Instruction No. 109/2019

The candidate for holder is the one who, pursuant to section 2.1.1 of this guide, has the rights to the integrated circuit topography and will instruct the application with INPI, and a representative can be appointed to do so.

For the purposes of this guide, we will agree to name “right holder” the candidate for holder of the integrated circuit topography registration, i.e., the applicant for the registration, regardless of the appointment of a representative.

2.2.1 APPLICATION BY THE HOLDER OF THE RIGHT

If the holder of the right is a legal entity, the issue of the GRU (see section 3.3) and the digital signature of the DV document must be done by the same legal entity, never an individual.

If the holder of the right is an individual, the issue of the GRU (see section 3.3) and the digital signature of the DV document must be done by the same individual, never a legal entity.

We emphasize that the system will verify the validity of the digital signature of the holder of the right in the DV document (see section 2.4.3).

IMPORTANT (2)

The DV document, available at the GRU module or the electronic form, signed digitally by INPI, must never be printed, and a new PDF document must not be generated as a copy of the original one. That way the system will not accept the document. The right thing to do is to download the original document, sign it digitally, and attach it to the electronic form.

The same warning must be observed for applications requested by a representative, i.e., the Specific Power of Attorney must never be printed, and a new PDF document must never be generated for subsequent digital signature, the right thing to do is to download the Specific Power of Attorney and sign it digitally.

2.2.2 APPLICATION BY THE REPRESENTATIVE

If there is a representative, the holder of the right will act as a grantor, and he will sign the electronic power of attorney digitally; the representative, i.e., the grantee will sign the electronic document Veracity Declaration (DV). In this case, the representative is responsible for issuing the GRU (see section 3.3) by using his username and password, defining, in the instruction of the GRU the identification of the client.

It is important to pay attention in these details, as the system will verify, in this case, 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 representative (grantee) who will sign the DV document with his e-CPF.

IMPORTANT (3)

To sign the Veracity Declaration (DV), the representative will use the Digital Certificate for Individual (e-CPF). If the signature is from a Digital Certificate for Legal Entity (e-CNPJ), for example, of an Intellectual Property office, this DV document will be refused by the electronic form e-Chip, and the application will not be filed. Remember: the CPF linked to the digital certificate used to digitally sign the DV document shall always be equal to the CPF shown in this document (see section 2.4.3), which, on its turn, is the same CPF of the representative logged in the system.

2.2.3 FILING THE FORM

The system shall use previously registered information, both on the holder and the attorney, to generate the GRU, and this information shall be automatically transferred to the electronic form.

No paper documents shall be forwarded to INPI, except those submitted by the Judiciary Branch, when applicable.

To make an application using the e-Chip electronic form, it is necessary to enter “Nosso Número”(Our Number) (informed in the GRU) in the e-Chip’s proper field. Therefore, except for fee-exempted services, the user shall always pay the GRU before filing the application (see section 3.7). If the payment is made after the application is filed, the applicant will not have the right to receive a refund for the amount paid.

It is worth mentioning that under no circumstances the payment may be scheduled, otherwise the process will be deemed a “**petition not known**” and the interested party will not have the right to receive the refund for the amount paid.

To register integrated circuit topographies, the holder or its attorney, mandatorily, shall attach the electronic DV and Power of Attorney available in e-Chip and in the GRU module to the e-Chip electronic form. These documents shall be digitally signed (see sections 2.3.5 and 2.3.6 and section 3.4).

The e-Chip electronic form may be sent at any time, and the date/hour of its receipt is the one indicated by INPI’s provider, which appears in the protocol generated.

2.3 INFORMATION THAT SHALL BE INCLUDED IN THE E-CHIP ELECTRONIC FORM

The applicant shall be required certain important information when filling the electronic form. Namely:

1. Information on the applicant(s) (holder of the right): name, address, phone number, email, citizenship, and CPF, or CNPJ, of who shall hold the rights to the topography;
2. Information on the creator(s): name, address, phone number, email, qualification, and CPF;
3. Date on which the prior exploitation started, when applicable (see section 2.3.1);
4. Title;
5. Topography description (see section 2.3.2);
6. Topography designs (see section 2.3.3);
7. Information regarding an authorized incorporation, when applicable (see section 2.3.4);
8. Veracity Declaration – DV (see section 2.3.5);
9. Information on the attorney, when applicable: name, address, and CPF;
10. Electronic Power of Attorney, when applicable (see section 2.3.6);
11. Subdelegation document, when applicable (see section 2.3.7); and
12. Request for secrecy, when applicable (see section 2.3.8).

It is worth emphasizing that the application shall refer to a single topography. Applications that refer to different integrated circuit topographies, for example, shall have their applications filed separately.

IMPORTANT (4)

All information filled and all documents attached to the e-Chip electronic form shall be in Portuguese.³³

Part of this information is detailed below.

2.3.1 DECLARATION OF PRIOR EXPLOITATION

If the topography has already been commercially exploited, in Brazil or abroad, the applicant shall select the corresponding checkbox in the electronic form and inform the date on which such exploitation started in the date field that will appear in the form.

³³ Law No. 11,484/2007, art. 31, sole paragraph.

IMPORTANT (5)

The date on which the informed prior exploitation started may not be more than two (2) years before the date of deposit.³⁴ If that occurs, the e-Chip system will not allow the form to continue to be completed.

It is important to highlight that, once the date on which the exploitation started has been informed, the registration shall become effective as of that date, instead of the date of deposit.³⁵

2.3.2 TOPOGRAPHY DESCRIPTION

It will also be necessary to attach to the e-Chip electronic form a document containing the description of the topography and its corresponding function. This document attached shall be in PDF format.

Information in this document are under the responsibility of the topography creator and aim at constituting an additional document to inform the main characteristics, components, applications, among other relevant information, of the topography

2.3.3 TOPOGRAPHY DESIGNS

As mentioned previously, the object of the protection, to which the applicant will hold rights upon registration, are the images of the topography, which represent the layers of the integrated circuit.

In the e-Chip electronic form, such images shall be required in the format of the designs created in Computer-Aided Design (CAD) software for integrated circuits. The formats established by Normative Instruction No. 109/2019 are GDS/GDS-II (extension .gds) or OASIS (extension .oas), and these files shall be attached to the form when it is being filled out. No other file formats shall be accepted.

2.3.4 AUTHORIZED INCORPORATION

If the integrated circuit topography object of the application incorporates, with due authorization, protected topographies owned by third parties,³⁶ the “*Incorporação autorizada*” (Authorized Incorporation) field shall be filled in with the information required with respect to the topography(ies) incorporated. This field may be freely completed.

In these cases, it is recommended to refer to the registration of the original integrated circuit topography, which was incorporated, by indicating the application number, date of deposit, holder(s), and title, and the holder of the right is responsible for the document including the mentioned authorization, for his legal protection.

³⁴ Law No. 11,484/2007, art. 33, sole paragraph.

³⁵ Law No. 11,484/2007, art. 35.

³⁶ Law No. 11,484/2007, art. 29, paragraph 1.

2.3.5 VERACITY DECLARATION (DV)

Another essential document for the correct completion of the electronic form is the Veracity Declaration (DV). The applicant of the registration, whether he is the interested party itself (holder of the rights) or his representative, shall digitally sign (digital certificate of the Brazilian Public Key Infrastructure – ICP-Brasil) the electronic DV document, available for download in the GRU system or in the e-Chip electronic form, and it shall be made available in full with the applicant's information.

After it is digitally signed (see section 2.4.2), this document shall mandatorily be attached (upload) to the e-Chip electronic form.

The DV is specific to the required service, and it is related to the “*Nosso Número*” (Our Number) of the GRU issued, that is, there will be a unique DV for each integrated circuit topography service request.

The DV may be obtained through the “*clique aqui*” (click here) link below the “*Adicionar Declaração de Veracidade*” (Add Veracity Declaration) button in the electronic form, or in the “*Declaração de Veracidade*” (Veracity Declaration) button available at the GRU system, and it must be signed by an individual or legal entity, as the case may be.

IMPORTANT (6)

The DV document, available at the GRU module or the electronic form, signed digitally by INPI, must never be printed, and a new PDF document must not be generated as a copy of the original one. That way the system will not accept the document. The right thing to do is to download the original document, sign it digitally, and attach it to the electronic form.

2.3.6 ELECTRONIC POWER OF ATTORNEY

If the holder of the right is appointing an attorney to represent him in the application, he must also submit the power of attorney when filling out the e-Chip electronic form. The electronic power of attorney is a private instrument through which the grantor (holder of the right) grants powers for the grantee (representative) to use the online system of the e-Chip electronic form in INPI.

The grantor (holder of the right) shall digitally sign (ICP-Brasil) the electronic power of attorney with his e-CPF, if he is an individual, or with its e-CNPJ, if it is a legal entity. After this signature, the grantee (representative) shall mandatorily sign the DV document with his e-CPF and submit both the Power of Attorney and the DV when filling out the e-Chip electronic form, by uploading the document (see section 2.4.2).

IMPORTANT (7)

In the cases of applications filed by a representative, the Specific Power of Attorney shall never be printed and a new PDF document shall never be generated to be digitally signed later; the right thing to do is to download the Specific Power of Attorney and sign it digitally.

2.3.6.1 POWER OF ATTORNEY WITH EXTENSIVE POWERS

The Power of attorney with extensive powers document, prepared by the grantee himself, shall be attached by him to the e-Chip electronic form, digitally signed by the grantor. The representative shall indicate in the e-Chip electronic form the administrative powers defined in this power of attorney.

The grantee, when first submitting the power of attorney with extensive powers³⁷ through the e-Chip electronic form, shall indicate the administrative powers of the power of attorney submitted, which will allow requesting future integrated circuit topography registration services in INPI:

- Integrated circuit topography application;
- Change in name (individual);
- Change in corporate name (legal entity);
- Change in address;
- Ownership transfer;
- Data correction in the certificate of registration due to applicant's mistake;
- Revocation or renunciation of power of attorney;
- Lift of secrecy;
- Surrender of registration.

Once this power of attorney with extensive declared administrative powers has been submitted, the e-Chip electronic form will not require another upload of a new power of attorney for the same services indicated above for the same grantor. The e-INPI system will record such information on its database for internal control.

IMPORTANT (8)

The power of attorney with extensive powers is not available for download. It must be prepared and signed digitally by the Holder of the Right (grantor). For example, if a University adopts this procedure of appointing a representative (for example, the representative of the Technological Innovation Center (NIT)), it shall digitally sign the power of attorney with extensive powers with its e-CNPJ. The representative may practice several acts in INPI using only his e-CPF, requesting any of the services authorized by the power of attorney. The representative must indicate the powers described in the power of attorney in the first electronic application form. In the other e-Chip forms, the system will not require the submission of the Power of Attorney, only of the DV, which must be digitally signed by the representative with his e-CPF.

³⁷ Private model of power of attorney used by the Representative.

The holder granting the power of attorney may, at any time, revoke the power of attorney, upon electronic petition in e-Chip, informing “*Nosso Número*” (Our Number) of the GRU for “*Revogação ou renúncia da Procuração*” (Revocation or waiver of the Power of Attorney), exempted from payment, attaching the DV document, digitally signed (see section 4.4).

The representative appointed may, at any time, waive the powers of the power of attorney previously submitted, upon electronic petition in e-Chip, informing “*Nosso Número*” (Our Number) of the GRU for “*Revogação ou renúncia da Procuração*” (Revocation or waiver of the Power of Attorney), exempted from payment, attaching the DV document, digitally signed. In this case, the representative must immediately communicate the fact to the grantor and continue representing him for another ten (10) days, as long as it is necessary to prevent losses (see section 4.4).

The grantor may appoint a new representative at any time, simply by submitting the power of attorney in the first use of the service in e-Chip, following the same procedures previously described.

If the grantor does not wish to appoint a new representative, he may request services as holder of the registration of the integrated circuit topography, presenting only the DV document signed digitally by him.

2.3.6.2 SPECIFIC POWERS OF ATTORNEY

The holder of the right who wishes to request only one service to INPI, through a single representative, 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 requested by the holder of the right. The power of attorney can be obtained from the link “*clique aqui*” (click here), below the button “*Adicionar Procuração*” (Add Power of Attorney), in the electronic form.

2.3.7 DOCUMENT ELECTRONIC POWER OF ATTORNEY WITH SUBDELEGATION

If the Power of Attorney with extensive powers has subdelegation of powers, the subdelegated attorney must also attach to the electronic form e-Chip, in addition to the digitally signed Power of Attorney, mentioned in section 2.3.6, the Power of Attorney containing such delegation of powers.

2.3.8 REQUEST FOR SECRECY

At the discretion of the holder of the right, he may request, upon completion of the electronic form e-Chip, that the application remains in secrecy for six (6) months³⁸ of the date of deposit, being examined only after this period.

Additionally, up to one (1) month before the end of the secrecy term, i.e., by the last day of the first five (5) months of deposit, the application can be withdrawn by the holder or his representative, with no effect.³⁹ To do so, the submission of the petition for “*Retirada do pedido em sigilo*” (Lift of secrecy) will be required.

³⁸ Law No. 11,484/2007, art. 32 .

³⁹ Law No. 11,484/2007, art. 32, sole paragraph.

2.4 DIGITAL SIGNATURE IN THE ELECTRONIC DOCUMENTS VERACITY DECLARATION (DV) AND POWER OF ATTORNEY

It is important to clarify that, in the system e-INPI, there are two profiles of users who can access the system and request services to INPI. These profiles⁴⁰ are defined in the initial process of user registration:

- The “interested party itself”, holder of the registration rights;
- The duly appointed “representative” (grantee): attorney, individual, or legal entity with the power of attorney to represent a client (grantor) in the services to be requested.

Now, consider a document with legal value that contains important information on the service to be provided. This document is the e-Chip Electronic form, which contains all information deemed true. In this process, to ensure the rights and duties of the holder, it is essential to submit the DV and the Power of Attorney, described below, in the e-Chip electronic form.

- Veracity Declaration – DV:
- If the user profile is the “interested party itself,” this document shall be signed by the holder of the right, with his e-CPF, if it is an individual, or its e-CNPJ, if it is a legal entity. Otherwise, in the “representative” profile, the grantee (representative) or the subdelegated attorney shall digitally sign this DV, which shall mandatorily have his e-CPF; and
- Power of attorney:
- This document shall always be signed by the holder of the right, with his e-CPF, if it is an individual, or its e-CNPJ, if it is a legal entity, as this is the grantor of the power of attorney.

The submission of one or both documents, depending on the profile, digitally signed, ensures the authenticity of the e-Chip electronic form, and the holder of the right or its representative are prohibited from denying the commitments made in these documents.

To make it clearer, in the profile of the “interested party itself”, the holder of the right shall submit only the DV. This document, in PDF⁴¹ format, is made available when the GRU is issued or in the e-Chip electronic form itself (see section 2.3.5). After downloading this document, the holder of the right shall sign it digitally and attach it to the e-Chip electronic form.

In the second profile, that of the “representative”, the Power of Attorney digitally signed by the grantor (holder of the right), with its e-CPF, if it is an individual, or its e-CNPJ, if it is a legal entity, shall be submitted, as well as the DV digitally signed by the grantee or the subdelegated attorney and mandatorily have his e-CPF, legally responsible for

⁴⁰ <http://www.inpi.gov.br/pedidos-em-etapas/faca-busca/cadastro-no-e-inpi>

⁴¹ The PDF format is a standard specified in standard ISO/IEC 19005-1, intended for creating digital documents suitable for long-term preservation and is compatible with the electronic process.

filling the e-Chip electronic form. Optionally, the system shall 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 (DV or Power of Attorney) is signed only by the **first** holder of the right identified in the e-Chip form. Nonetheless, 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 has problems, the system rejects the document.

The documents DV and Power of Attorney shall be electronically verified and validated by the system, ensuring their authenticity.

Without a digital signature, these documents could be modified:

- Voluntarily, if someone amends pieces of information in the document, for example;
- Involuntarily, due to a transmission error, for example;
- Deliberately, if someone wants to forge the original document.

Additionally, these legal documents could be manipulated while being sent by email, viewed in a computer, or stored in different means and environments, at any time.

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

- The integrity of the document with the guarantee that it has not been modified at any time;
- The authenticity of the document with the guarantee that the author of the document is the person who has signed it and not someone else;
- Non-repudiation: guarantee that the author cannot deny his authorship.

2.4.1 TEN REASONS TO USE DIGITAL CERTIFICATION

1. The system is automated and ensures legal protection to the parties involved;
2. There is no need to physically send documents to INPI;
3. All documents regarding the integrated circuit topography registration remain under the responsibility and possession of the applicant in case of any judicial claims;
4. The authorship, authenticity, and integrity of the documents signed digitally shall be ensured by a digital certification issued in the scope of the Brazilian Public Key Infrastructure (ICP-Brasil);⁴²

⁴²List of certifying authorities, by state/city: <https://mapa.iti.gov.br/>

5. The holder of the right who is not domiciled in Brazil may use a certificate that was not issued by the ICP-Brasil, pursuant to paragraph 2 of art. 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, for all legal purposes, public or private documents.

(...)

Paragraph 2. The provisions of this Provisional Measure do not prohibit the use of other means to evidence the authorship and integrity of electronic documents, including those that use certificates that were not issued by the ICP-Brasil, provided that the parties consider them as valid or that they are accepted by the person receiving the documents.

6. The cost to obtain a digital certificate is equivalent to a signature registration in a Registry Office, a signature notarization, a document authentication, commuting, costs with post offices, etc., and the difference is that the digital signature⁴³ is valid for up to five years;

7. When the applicant files a DV document or a power of attorney signed digitally, he is ensuring that the information in the e-Chip electronic form is under his full responsibility.

8. When the e-INPI system receives an e-Chip electronic form pursuant to the provisions herein, it shall proceed automatically with its validation, verifying the payment of the fee, the digital signature of the DV document and the power of attorney, if it is still valid or if it has been revoked or renounced;

9. Once such procedures have been automatically validated, for integrated circuit topography applications, the e-INPI system shall publish the grant of the registration in the first *Revista da Propriedade Industrial* – RPI (INPI's Gazette) available.

10. The same procedure shall be adopted in case of electronic petitioning of other services, such as "change in name", "change in corporate name", "change in address", "ownership transfer", etc., and, once the verification procedure has been validated, the e-INPI system shall publish the act in the first *Revista da Propriedade Industrial* – RPI (INPI's Gazette) available, automatically updating the certificate of registration in INPI's portal.

2.4.2 HOW TO SIGN THE PDF DOCUMENTS VERACITY DECLARATION (DV) AND POWER OF ATTORNEY

To sign PDF documents, it is enough to have a digital certificate for individual (e-CPF) or a digital certificate for legal entity (e-CNPJ). These digital certificates can be acquired through certifying authorities (AC) accredited by ICP-Brasil. The list of accredited ACs is available at the National Information Technology Institute – ITI.⁴⁴ They make information, support and issuance of certificates available in their websites.

Information required on the importance and need for the digital certificate can also be found in ITI's portal.⁴⁵

43 Understanding the digital certification: <http://www.iti.gov.br/>

44<http://www.iti.gov.br/icp-brasil/57-icp-brasil/77-estrutura>

45http://www.iti.gov.br/certificado_digital

The tool to digitally sign a PDF document, which is free and available on the internet, is “Adobe Acrobat Reader DC”. The digital signature through Adobe Acrobat is only possible in the Windows operational system.

This is a global, standard, and free software to view, sign, print, and comment PDF documents reliably. Visit <https://get.adobe.com/br/reader/> to obtain the updated tool.

To sign a DV or Power of Attorney using Adobe Acrobat Reader DC, the steps are slightly different if you are using an A1 or A3 digital certificate.

For the A1 certificate, follow these basic steps:

- 1) Access the item “*Ferramentas*” (Tools);
- 2) Access “*Certificados*” (Certificates);
- 3) Access “*Assinar Digitalmente*” (Sign Digitally);
- 4) A message will appear in Acrobat: with the mouse, click and drag to draw the area in which the signature will be displayed;
- 5) Click OK;
- 6) Select the area in which the signature information will appear;
- 7) Another message will appear in Acrobat: click the button “*Configurar ID digital*” (Setup Digital ID);
- 8) Select “*Usar uma ID digital de um arquivo*” (Use a digital ID from a file) and click “*Continuar*” (Continue);
- 9) Now click “*Procurar*” (Search) and find the file of your A1 digital certificate;
- 10) Insert the password of the digital ID and click “*Continuar*” (Continue);
- 11) The digital ID will appear in the screen. Click on it (to select it, inside a blue rectangle) and then click “*Continuar*” (Continue);
- 12) A new window will show how the document signature will appear;
- 13) Click “*assinar*” (sign);
- 14) A Windows Explorer window will appear with the name of the file to be signed;
- 15) Type the name of the new file signed and click “*salvar*” (save);
- 16) A “*token*” window will request the password for this “*token*”;
- 17) Type the password; and
- 18) The document was signed and is ready to be attached to the e-Chip electronic form.

For the A3 certificate, follow the steps below:

- 1) Access the item “*Ferramentas*” (Tools);
- 2) Access “*Certificados*” (Certificates);

- 3) Access “*Assinar Digitalmente*” (Sign Digitally);

- 4) A message will appear in Acrobat: with the mouse, click and drag to draw the area in which the signature will be displayed;
- 5) Click OK;
- 6) Select the area in which the signature information will appear;
- 7) A new window will appear with the digital ID information: your name and CPF;
- 8) Click “*continuar*” (continue);
- 9) A new window will show how the document signature will appear;
- 10) Click “*assinar*” (sign);
- 11) A Windows Explorer window will appear with the name of the file to be signed;
- 12) Type the name of the new file signed and click “*salvar*” (save);
- 13) A “*token*” window will request the password for this “*token*”;
- 14) Type the password; and
- 15) The document was signed and is ready to be attached to the e-Chip electronic form.

Further instructions on how to sign a document using this tool can be obtained in the following electronic address: <https://helpx.adobe.com/br/acrobat/using/signing-pdfs.html>.

2.4.3 VALIDATION OF THE SIGNATURE IN THE ELECTRONIC FOR E-CHIP

The Digital Signature is an instrument that enables the identification and verification of the integrity of an electronic document, ensuring it has not suffered changes after being signed digitally.

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

- 1) Is the digital certificate signing the document still valid? For example, has it expired or been revoked?
- 2) Has the document been changed since the signature? That is, has its integrity been affected?
- 3) Does the certificate make the linkage to a certificate listed in the list of reliable identities?
- 4) Does the identity of the Holder(s) or the Representative declared in the e-Chip form, match the one in the digital certificate of the signatory?
- 5) Was the DV or Specific Power of Attorney document digitally signed by INPI and is it unique?

The answer to the first two questions is that both are processed by the e-Chip based on an analysis of the information in the digital certificate and of the signed document itself.

As for the third one, the e-Chip system automatically verifies the linkage of the Certification of Registration Authorities, both the Certification Authority and the Root Certificate Authority, by accessing reliable addresses on the internet (see Figure 2).

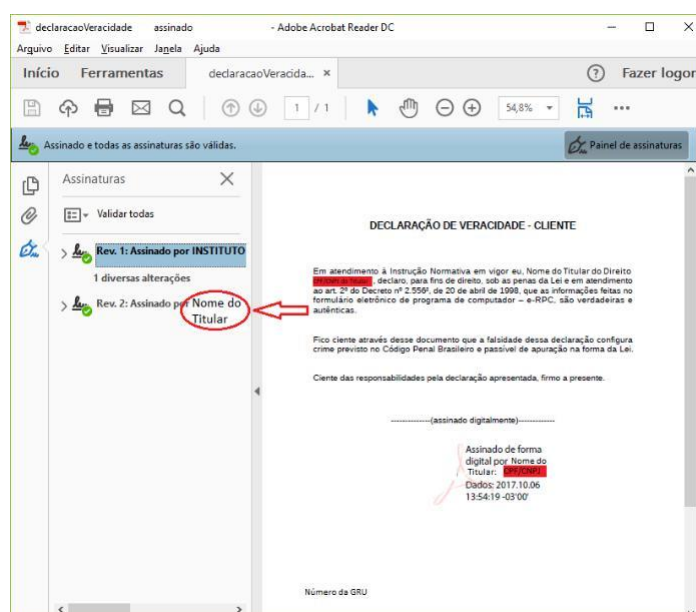


Figure 2 – DV signature example

As for the fourth question, the e-Chip system automatically compares the CPF/CNPJ of the Holder of the Right with the CPF/CNPJ included in the signed DV document (see Figure 3). In the absence of the CPF/CNPJ, the e-Chip will carry out the validation based on the name of the Holder of the Right. The same applies for the Power of Attorney. In this case, whenever there is an appointed representative, the DV document shall be signed by this representative. Thus, the e-Chip will verify the validity of the representative's CPF in the DV document and validate the Power of Attorney with the CPF/CNPJ of the grantor (Holder of the Right).

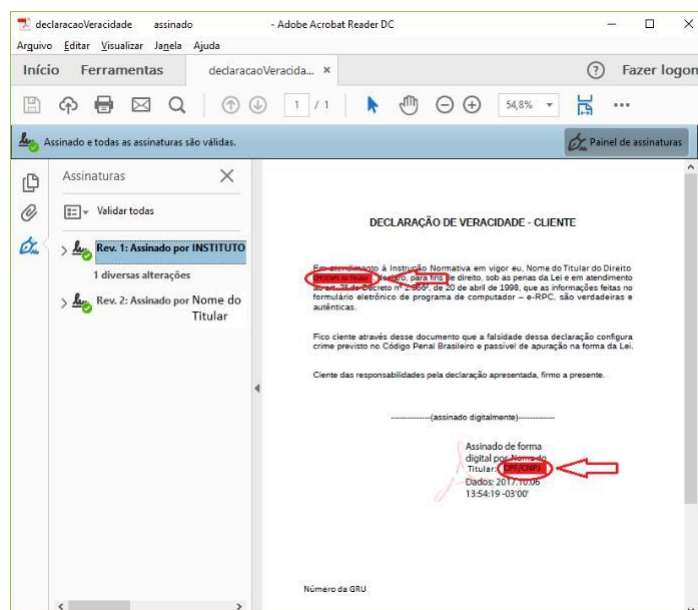


Figure 3 – Example of verification of identity in the DV

The answer to the fifth question is based on the verification of the number of the GRU and INPI's signature in the document (see Figure 4).

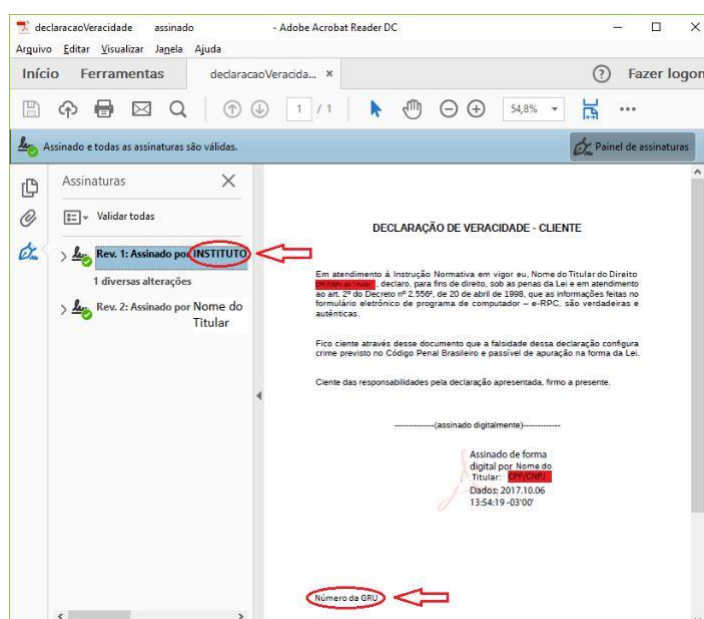


Figure 4 – Example of verification of the number of the GRU and of INPI's signature in the DV

The author may check such information (see Figure 5) by opening the document with Adobe Acrobat Reader DC before uploading it to the e-Chip electronic form.

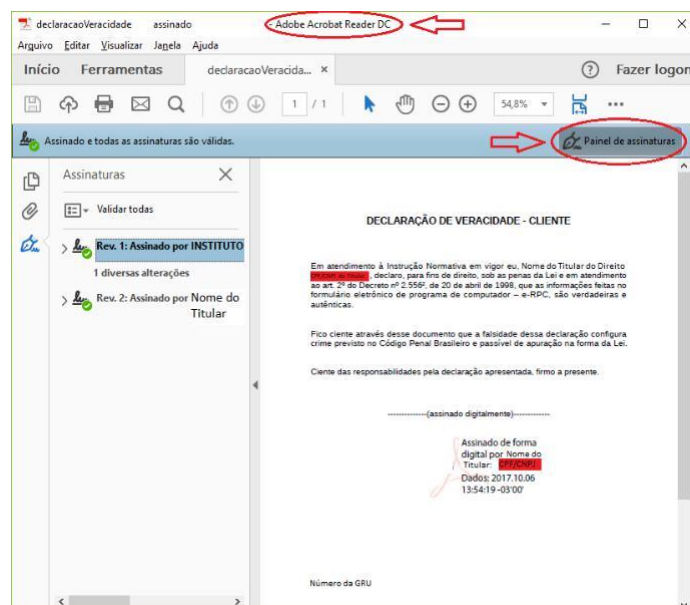


Figure 5 – Example of verification of the information in the DV

3 REGISTRATION OF INTEGRATED CIRCUIT TOPOGRAPHY IN SEVEN STEPS

1. Access INPI's portal.
2. Register, creating a username and a password.
3. Use the GRU module to issue the payment **bill**.
4. Download the document DV and sign it digitally.
5. Pay the GRU.
6. Access the e-Chip electronic form in INPI's portal, fill it out, and attach the DV document and the Power of Attorney, if that is the case, digitally signed by the authorized parties. Check the declared information.
7. Submit the e-Chip electronic form, after which the application number will be generated.

After these seven steps, if no irregularities have been found in your application, the grant will be published in the first *Revista da Propriedade Industrial* – RPI (INPI's Gazette) available. At that moment, the certificate of registration shall be made available for download in INPI's portal.

The same steps shall be taken in case of electronic petitioning when requesting services that are not the application itself.

3.1 ACCESSING INPI'S PORTAL

Access INPI's portal at www.inpi.gov.br, then click "*Cadastro no e-INPI*" (Registration in e-INPI), which is located at the upper part of the home page, between the header and the news photo.

Select the profile: if it is the “*próprio interessado*” (applicant himself), in the page that will appear, where it is written *Cliente - Pessoa física ou jurídica domiciliada no país, que não possua um procurador* (Client - Individual or legal entity domiciled in the country who does not have a representative), click “*cadastre-se aqui*” (register here). In case of an attorney or individual with the power of attorney to represent a client in the services requested, click “*cadastre-se aqui*” (register here).

In the new page, read the adhesion forms of the e-INPI system and, if you agree, click “*aceito*” (I accept).

3.2 REGISTERING

Fill out the form in the new page. The e-INPI system will help you to fill out the registration.

The applicant’s information, i.e., the data of the individual or legal entity that is applying for the registration of an integrated circuit topography with INPI, that must be included in the registration is the following:

Nome completo (Full name)	The name (individual) or corporate name (legal entity) shall be complete and have no abbreviations. IMPORTANT: Both the name and the corporate name shall be the same name and corporate name used in the digital signature of the e-CPF and e-CNPJ, respectively. If you need to update your registration, please follow the instructions of item 3.2.1 of this guide.
Endereço completo (Full address)	The address shall include street, number, neighborhood, supplement, city, state, and zip code; if the applicant lives abroad, the zip code is no longer necessary.
Natureza jurídica do solicitante (legal nature of the applicant)	Information on individual or legal entity.
CPF ou CNPJ (CPF or CNPJ), as the case may be	The user must pay attention when filling these fields: The CPF must have 11 digits and the CNPJ must have 14 digits. Only one registration is allowed per CNPJ or CPF. During the filling, the user must check if the informed name or corporate name effectively correspond to the CNPJ or CPF to be registered, in order to prevent a CNPJ from being linked to the name of an individual or a CPF to the name of a legal entity.
E-mail (Email address)	It is important for the user to inform its email correctly. Accordingly, it is essential for the user to access this email often enough, as the e-INPI system shall send messages reporting the status of the service.

The fields username and password^{46, 47} represent your identity with INPI to issue Brazilian Federal Revenue Collection Slips (GRUs) on behalf of the interested parties included in the registration and request the services using the e-Chip electronic system. Thus, keep them carefully and safely.

Pay attention to your password, it may be recovered if you lose it. This is a case sensitive password, i.e., it distinguishes between uppercase and lowercase letters. Thus, the password “EXTR123” is different from “extr123.”

You can also register a secret question and its answer. This tool shall help you if you forget or lose your password.

After the registration is done, click on the checkbox below and save the registration.

If you want to make any changes allowed in your registration, just enter the GRU module and click on the customer’s name. After the updates are done, click on “*salvar*” (save) (see section 3.2.1).

The information submitted at this stage is automatically transferred to the e-Chip electronic form through the identification of the applicant’s username and password.

3.2.1 CHANGING DATA IN THE REGISTRATION

Changes in data of the registration may be made directly by the holder of the right, in the GRU module, available at the portal’s home page.

In order to make these changes, please follow the following steps:

- ☐ Access INPI’s portal;
- On the right side of the screen, under “*Acesso rápido*” (Quick access), click on “*Recupere login e senha*” (Recover username and password); and
- Follow the procedures described in the website.

When reentering the system, the changes made to the registration will be updated.

Any changes must be made before the GRU is issued. Only the data used at the time the GRU was issued will migrate to the e-Chip electronic form (see section 3.3).

The changes in the registration of GRU module do not affect the data of the right holder, contained in the applications deposited prior to the modification of the registration.

The applications or registrations that have been filed before the changes in the e-INPI system and before the GRU was issued may only have the name, corporate name, and address of the holder of the right changed by submitting a specific petition and the corresponding payment of the fee.

⁴⁶ The password is personal and non-transferable, and must not be passed on to third parties. Ideally, the holder of right has a password and its representative or legal representative has another. The legal representative does not need to know the password of the holder of the right/grantor to issue a GRU. Moreover, passing on his password may cause future problems, such as unauthorized use after a representative is dismissed.

⁴⁷ The user must keep his registration with INPI always updated, as the Office will be able to contact him exclusively by using the information registered.

If a merger, incorporation, or similar processes have occurred, there is a specific service for this procedure (Ownership Transfer), applicable to applications for registration of integrated circuit topographies.

3.3 ISSUING THE GRU

The issuance of the GRU, which corresponds to the stage of selection of the intended service, shall be mandatorily carried out by the holder of the right or by his representative, using his personal username and password, never by third parties.

With the previously registered username and password, access the home page of INPI's portal, and in the "*Acesso Rápido*" (Quick Access) menu, on the right side of the screen, click "*Emita a GRU*" (Issue the GRU).

In the new page, insert your username and password in the corresponding fields. Then click "*Acessar*" (Access).

If you have forgotten your password, there is a support tool right below the fields. Recover it using one of the options provided.

In the new page, select the "*Registro de Topografia de Circuito Integrado*" (Integrated Circuit Topography Registration) unit.

Then select the intended service.

Read and confirm the information provided and click "*Finalizar Serviço*" (Complete Service). In the new screen, in "*Emissão da GRU*" (Issuance of the GRU), print the GRU document.

In the case of a service exempted from payment (the payment document does not appear), write down the "*Nosso Número*" (Our Number) of the GRU to use it in section 3.6.

3.4 VERACITY DECLARATION (DV) AND POWER OF ATTORNEY

In the GRU or e-Chip modules, download the DV document. It must be digitally signed (see section 2.4.2).

The power of attorney may be specific to a certain service or have extensive powers for more than one service (see section 2.3.6). The Power of Attorney, like the DV, must be digitally signed (see section 2.4.2).

These documents shall be attached to the e-Chip electronic form (see sections 3.6 and 3.7).

3.5 PAYING THE GRU

After the GRU has been issued, before filing your application in INPI's portal, make the payment.

The payment of the GRU in the banking network must be mandatorily made before the submission of the e-Chip electronic form, under penalty of the requested service being disregarded.

For purposes of validity of the acts performed by the user that depend on the payment of a fee, the service sought shall be deemed effectively paid off only after the banking conciliation of the relevant GRU, which can occur within ten (10) days.

It is not necessary to wait for the bank clearing, and it is not recommended to schedule the payment, as INPI does not accept scheduling. Make the payment in your preferred bank.

It is not necessary to submit the proof of payment, because the conciliation in the system is automatic.

The “*Nosso Número*” (Our Number) in the GRU shall be used to request the intended service in the e-Chip electronic form, even for the services exempted from payment.

Payments made during weekends or holidays shall be accepted in the banking conciliation process up to the first subsequent business day after the payment.

To make the payment through the federal government’s INTRASIAFI system (Payment of FEDERAL GOVERNMENT bills - SIAFI), directly into INPI’s checking account, the “*Nosso Número*” (Our Number) obtained in INPI’s GRU system shall be informed in the “*NOSSO NUMERO/NUMERO REFERENCIA*” (OUR NUMBER/REFERENCE NUMBER) field of this system (Payment Collected/Bank Order – RA/OB of the SIAFI), as illustrated in Figure 6. This procedure must be carried out by the federal institution for each service to be requested in INPI.

STIAFI2015-DOCUMENTO-CONSULTA-CONGRU (CONSULTA GUIA DE RECOLHIMENTO DA UNIAO)

USUARIO : [REDACTED]

TIPO : 1 - PAGAMENTO NUMERO : [REDACTED]

UG/GESTAO EMITENTE : [REDACTED]

UG/GESTAO FAVORECIDA : 183038 / 18801 - INSTITUTO NACIONAL DA PROPRIEDADE INDU

RECOLHEDOR : [REDACTED]

CODIGO RECOLHIMENTO : 72200 - 6 COMPETENCIA: [REDACTED] VENCIMENTO: [REDACTED]

DOC. ORIGEM: [REDACTED] PROCESSO : [REDACTED]

RECURSO : 1

(=) VALOR DOCUMENTO : [REDACTED]

(-) DESCONTO/ABATIMENTO:

(-) OUTRAS DEDUCOES :

(+) MORA/MULTA :

(+) JUROS/ENCARGOS :

(+) OUTROS ACRESCIMOS :

(=) VALOR TOTAL : [REDACTED]

NOSSO NUMERO/NUMERO REFERENCIA : [REDACTED] ← Usuário deve preencher o campo Nosso Numero/Numero de Referência com o Nosso Numero impresso na GRU

CODIGO DE BARRAS : [REDACTED]

OBSERVACAO

Usuário pode preencher o campo observação, com outras informações que julgar importantes, como número do processo.

LANCADO POR : [REDACTED]

PF1-AJUDA PF3-SAI PF2=DADOS ORC/FIN PF4=ESPELHO PF12=RETORNA

Legend:

Usuário deve preencher o campo *Nosso Numero/Numero de Referência* com o *Nosso Numero* impresso na GRU = The user must fill in the *Nosso Numero/Numero de Referência* (Our Number/Reference Number) field with the *Nosso Numero* (Our Number) printed in the GRU

Usuário pode preencher o campo observação, com outras informações que julgar importantes, como número do processo = The user may fill in the *observação* (note) field with other information he deems relevant, such as the application number

Figure 6 – Payment of the GRU using the INTRASIAFI

3.6 ELECTRONIC FORM E-CHIP

Access the home page of INPI’s portal and, in the menu *Acesso Rápido* (Quick Access), to the right side of the screen, click “e-Chip”.

With the previously registered username and password, access the electronic form e-Chip. Then, the “*Nosso Número*” (Our Number) of the GRU paid will be requested. Insert it in the relevant field and proceed.

Complete all fields in the e-Chip electronic form and attach the digitally signed DV and the Power of Attorney, as the case may be (see sections 2.3.5 e 2.3.6).

IMPORTANT (10)

Refresh the certifying chain ICP-Brasil in your browser. Access the website of the Information Technology Institute – ITI and follow the instructions for the installation in you preferred browser. Run the update and access e-Chip.

3.7 MAKING YOUR APPLICATION

After verifying the data and if you still wish to file the integrated circuit topography application, click “*Protocolar*” (File). If you do not wish to proceed, the application can be submitted at another time, just click “*terminar outra vez*” (finish later). Afterwards, log in e-Chip with “*Nosso Número*” (Our Number) of the same GRU to proceed with the application. Then, click “*Avançar*” (Next), check the data on your application once again and, if you need to make any correction, click “*voltar*” (back), make the corrections and safely click “*Protocolar*” (File).

Do not forget to attach the DV and the Power of Attorney, as the case may be, digitally signed.

e-Chip will generate the application number and a receipt. Write it down and keep such information.

Upon confirmation of the payment, the granting of the application will be published in the first INPI’s Gazette available. The certificate will be available at INPI’s portal.

4 HOW TO REQUEST OTHER SERVICES THROUGH THE ELECTRONIC FORM E-CHIP**4.1 – CHANGE IN NAME, CORPORATE NAME OR ADDRESS (CODES 671, 672, AND 673)**

The change in name or corporate name must be related to the same CPF (individual) or CNPJ (legal entity), as the case may be. Do not confuse this change with Ownership Transfer (cession of rights).

It is not possible to change the name of the individual to a legal entity. It is also not possible to change the corporate name from a legal entity to an individual.

If there is more than one holder of the right in the process and one of them is a legal entity, only the one signing the DV can request the change.

If the holder of the right is represented by a representative, he must sign the power of attorney digitally, and the representative must digitally sign the DV with his e-CPF.

Repeat the steps from sections 3.3 to 3.7.

After filing the request for change, the system e-INPI will publish the recording of change in the first INPI’s Gazette available, updating the certificate of registration in INPI’s portal.

4.2 OWNERSHIP TRANSFER (CODE 674)

The rights to the integrated circuit topography may be the object of a full or partial cession,⁴⁸ which must be requested upon a petition called “Ownership Transfer”. In order to do so, the applicant must pay the applicable GRU and complete the electronic form for ownership transfer.

IMPORTANT (11)

Pursuant to Normative Instruction No. 109/2019, for any cases of ownership transfer, it is no longer necessary to submit to INPI the documents for the cession of rights to the integrated circuit topography. On the other hand, it is extremely important that these documents are kept by the applicant for safety.

4.2.1 TRANSFER BY CESSION OR DEMERGER

When the ownership transfer arises from cession⁴⁹ or demerger,⁵⁰ only the holder of the right, here called **transferor**, or his representative with powers to perform such act, may request the ownership transfer of the registration of the integrated circuit topography.

If the application is submitted by the holder of the right, he must digitally sign the DV.

If the holder of the right is represented by a representative, he must sign the power of attorney digitally, and the representative must digitally sign the DV with his e-CPF.

4.2.2 TRANSFER BY INCORPORATION OR MERGER

In case of ownership transfer by incorporation or merger,⁵¹ the procedure must mandatorily be carried out by the new company, here called **transferee**, and on its behalf, considering that the merging company becomes the holder of the assets of the merged company, and that new company is the one that shall digitally sign the DV document and the power of attorney, if that is the case.

4.2.3 OTHER TYPES OF TRANSFER

For other types of ownership transfer, namely, by legal or testamentary succession,⁵² by bankruptcy, among others, involving the Judiciary Branch, the transfer shall occur due to a court order or decision. Therefore, INPI shall proceed with the transfer as soon as it is informed by the Court, by means of an Official Letter.

⁴⁸ Law No. 11,484/2007, art. 41.

⁴⁹ The transfer by cession applies in cases in which an individual or legal entity, referred to as transferor, transfers the rights to the integrated circuit topography registrations through a cession instrument to another individual or legal entity, referred to as transferee.

⁵⁰ Demerger is the operation through which the company transfers portions of its assets and liabilities to one or more companies, organized for this purpose or already existent, and the demerged company is dissolved, if there is a transference of all its assets and liabilities, or its capital is divided, in case of partial demerger” (article 229 of Law No. 6,404/1976).

⁵¹ Incorporation is an operation that occurs when one or more companies are absorbed by another, which succeeds them with respect to all rights and obligations, which include the rights to integrated circuit topography registrations. Merger, on its turn, is an operation that occurs when two or more companies unite to form a new company that also succeeds them with respect to all rights and obligations.

⁵² Transfer by legal or testamentary succession occurs when the registration is transferred due to a court decision regarding distribution of property.

4.2.4 IMPORTANT INFORMATION ABOUT THE TRANSFER

The person responsible for changing the data in an ownership transfer shall have the obligation to, in the electronic form, at least remove one or more holders or add at least one or more new holders; in other words, the possibilities are, in summary:

- To remove and add one or more holders;
- To simply remove one or more holders; or
- To simply add one or more holders.

Please note:

1. Remember that a mistaken transfer may only be corrected through a new petition for transfer that must be requested by the new holder(s) of the right;
2. In case there are two or more holders of the right (transferor), it is recommended that the “instrument of cession” executed between the parties is signed by all persons involved and that this document stays in the possession of the transferee;
3. In the case described above, when there are two or more holders of the right, it is also recommended that there is a document of authorization among all holders of the right to the holder who signs the DV.

Repeat steps 3.3 to 3.7. If your request for ownership transfer has been made pursuant to Normative Instruction No. 109/2019, the e-INPI system shall publish the act of change in the first *Revista da Propriedade Industrial* – RPI (INPI’s Gazette) available, updating the Certificate of registration in INPI’s portal.

4.3 DATA CORRECTION IN THE CERTIFICATE OF REGISTRATION DUE TO APPLICANT’S MISTAKE (CODE 675)

The holder of the right and/or its representative may request the correction of information incorrectly included in the certificate of registration, due to applicant’s mistake when filling the electronic form, by paying a fee and requesting corrections through *Fale Conosco* (Contact Us),⁵⁴ informing “*Nosso Número*” (Our Number) of the GRU paid.

The following information may be corrected:

- Information on the creator(s);
- Date on which the prior exploitation started;
- Title;

⁵³ Integrated circuit topography registrations are assets that may be included in the assets and properties of the bankrupt estate and may be transferred upon court decision.

⁵⁴ <http://faleconosco.inpi.gov.br/faleconosco/> – area of interest “*Topografia de Circuito Integrado*” (Integrated Circuit Topography)

- Topography description; and
- Authorized incorporation.

After the relevant corrections, INPI shall provide the updated certificate of registration in its portal.

4.4 REVOCATION OR RENUNCIATION OF POWER OF ATTORNEY (CODE 676)

The grantor may request, without any cost and at any time, the revocation of the power of attorney previously submitted through a petition, by attaching the DV, repeating steps 3.3, 3.4, 3.6, and 3.7 above. Only one revocation is allowed for each appointed representative and partial revocations are prohibited.

The grantee may request, without any cost and at any time, the renunciation of the powers of the power of attorney previously submitted through a petition, by attaching the DV, repeating steps 3.3, 3.4, 3.6, and 3.7 above, and promptly notifying the grantor about it. Partial renunciation is prohibited.

In this case, the grantee shall continue to represent the principal for the next ten (10) days, as long as it is necessary to prevent losses.

The e-INPI system shall register the request in a Power of Attorney Revocation Table, ensuring the ten (10) days in case of renunciation.

4.5 LIFT OF SECRECY (CODE 677)

Pursuant to section 2.3.8 of this guide, the holder of the right, or its representative, who chose to keep its application in secrecy for six (6) months when filing the application for an integrated circuit topography, may request to lift it up to one (1) month before the end of the secrecy term, i.e., by the last day of the first five (5) months of deposit, with no effect.⁵⁵

In order to do so, the submission of the petition for “*Retirada do pedido em sigilo*” (Lift of secrecy) will be required, and the steps described in sections 3.3 to 3.7 of this guide must be performed.

The lift of secrecy shall be published in the first *Revista da Propriedade Industrial* – RPI (INPI’s Gazette) available.

If the request is made by the holder of the right, he must sign the DV.

If the holder of the right is represented by a representative, he must sign the power of attorney digitally, and the representative must digitally sign the DV with his e-CPF.

4.6 SURRENDER OF REGISTRATION (CODE 678)

In order to request the surrender of registration of integrated circuit topography, the steps described in sections 3.3 to 3.7 of this guide must be performed. In this case, after the surrender is published in the first *Revista da Propriedade Industrial* – RPI (INPI’s Gazette), the certificate of registration shall be removed from INPI’s portal.

⁵⁵ Law No. 11,484/2007, art. 32, sole paragraph.

If the request is made by the holder of the right, he must sign the DV.

If the holder of the right is represented by a representative, he must sign the power of attorney digitally, and the representative must digitally sign the DV.

IMPORTANT (12)

As provided by law,⁵⁶ the surrender of registration results in its expiration and the object of the protection falls under **public domain**.

5 PUBLICITY OF REGISTRATIONS

Registrations of integrated circuit topographies filed with INPI must be published in full⁵⁷ and made available at INPI's portal for consultation.

6 EXPIRATION OF THE REGISTRATION

The registration of integrated circuit topography is extinguished⁵⁸ due to the expiration of its term or due to waiver by the holder. In both cases, the object of the protection, i.e., the drawings of this topography, will be in public domain.

The expiration of the registration will be subject to publication in the first INPI's Gazette available after its date of expiration.

7 NULLITY OF THE REGISTRATION

The nullity can be filed administratively or judicially.

In the first case, INPI can annul the registration of integrated circuit topography upon evidence of defects that make it illegal. The registration of integrated circuit topography with no effective collection of fees will entail administrative nullity.

Once an undue procedure is identified in the granting of the registration, INPI will take the due internal measures to promote its administrative nullity, and the system e-INPI will publish the nullity act in the first INPI's Gazette available, with the consequent withdrawal of the certificate of registration from INPI's portal.

In the second case, the registration of integrated circuit topography will be deemed judicially null if it has been granted in disagreement to the provisions of the law.⁵⁹

⁵⁶ Law No. 11,484/2007, art. 38, sole paragraph.

⁵⁷ Law No. 11,484/2007, art. 34.

⁵⁸ Law No. 11,484/2007 art. 38.

⁵⁹ Law No. 11,484/2007 art. 39.

When INPI receives a notice on a lawsuit, it shall publish in INPI's Gazette that the process is "*Sub judice*".

When an applicant files a petition in a process with the status "*Sub judice*", INPI will accept the petition and wait for the court decision.

If the court decides for the nullity of the process, the petitions filed will not be processed and will be deemed automatically "not known".

If the court decides to maintain the registration, the petitions filed will be processed automatically.

When the Judiciary Branch notifies the legal nullity of the registration through an Official Letter, INPI will take the internal measures to meet the demand, and the system e-INPI will publish the nullity act in the first INPI's Gazette available, with the subsequent withdrawal of the certificate of registration from INPI's portal.⁶⁰

8 JUDICIAL RESTORATION

The restoration of registration of integrated circuit topography, determined by the Judiciary Branch, will be subject to publication in INPI's Gazette, with the subsequent availability of the certificate of registration in INPI's portal.

9 COMMUNICATION

All official communication of acts and decisions related to the registration of integrated circuit topography will be made through the electronic version of INPI's Gazette.

Other requests, not provided for in this guide, can be made with the use of the tool "*Fale Conosco*" (Contact Us) with the submission of the applicable reason.

⁶⁰ Law No. 11,484/2007, art. 40.

ANNEX I

**TABLE OF FEES AND SERVICES OF ELECTRONIC REGISTRATION OF
INTEGRATED CIRCUIT TOPOGRAPHIES**

INPI/PR Resolution No. 250 of September 26, 2019

Code	Description of the service	Fee in Reais
670	<i>Pedido de registro de topografia de circuito integrado</i> (Application for integrated circuit topography)	550.00
671	<i>Alteração de nome (pessoa física)</i> (Change in name (individual))	40.00
672	<i>Alteração de razão social (pessoa jurídica)</i> (Change in corporate name (legal entity))	40.00
673	<i>Alteração de endereço</i> (Change in address)	40.00
674	<i>Transferência de titularidade</i> (ownership transfer)	65.00
675	<i>Correção de dados no certificado de registro devido à falha do interessado</i> (Data correction in the certificate of registration due to applicant's mistake)	40.00
676	<i>Revogação ou renúncia da procuração</i> (Revocation or renunciation of power of attorney)	No charge
677	<i>Retirada do pedido em sigilo</i> (Lift of secrecy)	No charge
678	<i>Renúncia do registro</i> (Surrender of registration)	No charge

ANNEX II

LIST OF CODES OF DECISIONS FOR INTEGRATED CIRCUIT
TOPOGRAPHIES REGISTRATIONS**665 – Publication of the application**

The application has been filed.

670 – Grant of the registration

The certificate of registration is available at INPI's portal.

671 – Change in name

The updated certificate of registration is available at INPI's portal.

672 – Change in corporate name

The updated certificate of registration is available at INPI's portal.

673 – Change in address

The updated certificate of registration is available at INPI's portal.

674 – Change in ownership

The updated certificate of registration is available at INPI's portal.

675 – Data correction in the certificate of registration due to applicant's mistake

The updated certificate of registration is available at INPI's portal.

676 – Revocation or renunciation of power of attorney

Articles 10 and 11 of Normative Instruction No. XXX/2018: the power of attorney submitted before has been revoked or renounced.

677 – Lift of secrecy

The secrecy in the application has been lifted with no effects, pursuant to the sole paragraph of art. 5 of Normative Instruction No. XXX/2018.

678 – Surrender of registration

Art. 12 of Normative Instruction No. XXX/2018: The surrender of the registration has been homologated, the certificate has been removed from INPI's portal, and the object of the protection has fallen into the public domain.

679 – Change in legal name

The updated certificate of registration is available at INPI's portal.

680 – Change in legal corporate name

The updated certificate of registration is available at INPI's portal.

681 – Change in legal address

The updated certificate of registration is available at INPI's portal.

682 – Change in legal ownership

The updated certificate of registration is available at INPI's portal.

683 – Sub judice registration

Notice of legal proceeding, as provided for in the supplement.

684 – Notice of end of sub judice registration

Court decision for the end of the suspension of the effectiveness of the registration.

685 – Petition not known Sole paragraph of art. 7 of Normative Instruction No. XXX/2018: an irregularity has been identified in the validation process, which precluded the service from being provided. The reason is explained in the supplement.

686 – Administrative nullity The administrative nullity of the registration has been homologated, and the certificate has been removed from INPI's portal.

687 – Judicial nullity The judicial nullity of the registration has been homologated, and the certificate has been removed from INPI's portal.

688 – Judicial restoration The judicial restoration of the registration has been homologated. The updated certificate is available at INPI's portal.

689 – Expiration of the registration The registration has expired because its term has elapsed, and the object of the protection has fallen into the public domain, pursuant to the sole paragraph of art. 17 of Normative Instruction No. XXX/2018.

690 – Publication cancelled The publication has been cancelled for being invalid.

691 – Decision cancelled Cancellation of the decision related to any of the preceding items for being invalid.

