

**INTELLECTUAL
PROPERTY ANNUAL
REPORT
BRAZIL 2025**



EDITORIAL

Dear readers,

It is with great pleasure that the Dannemann Siemsen Institute (IDS) publishes the second edition of its Intellectual Property Annual Report on Brazil.

The aim of this publication is to present the most relevant data and information for Brazil in 2025 in the field of intellectual property law.

The report is divided into four chapters, covering the following aspects: figures and statistics from the Brazilian Patent and Trademark Office (BPTO), the main legislative developments, a yearbook of case law, and noteworthy news regarding to intellectual property and related topics.

The first chapter presents patent, trademark, and industrial design data and statistics from the BPTO, including examination decision times, numbers of filings and grants, main countries of origin, as well as information on appeals and invalidations.

The second chapter provides information on Brazilian federal laws and international treaties considered relevant to Brazil in 2025 in the field of intellectual property and related topics.

The third chapter comments on significant decisions handed down, for the most part, by the Brazilian Superior Court of Justice and the Brazilian Federal Supreme Court in the field of intellectual property and related topics over the past year.

Finally, the fourth and last chapter brings together a selection of relevant news on intellectual property and related topics, such as artificial intelligence and personal data protection.

This work reflects IDS' mission to promote the study of intellectual property and foster the debate on the subject. IDS would like to thank all those involved in the preparation and publication of this work and wishes you all an excellent read!

Cordially,



Filipe
Fonteles Cabral



Felipe
Dannemann Lundgren



Patricia
Carvalho da Rocha Porto



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Author: Fernanda Salomão Mascarenhas

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CHAPTER 1

BPTO NUMBERS AND STATISTICS

2025



CHAPTER 1

BPTO NUMBERS AND STATISTICS – 2025

This chapter compiles key indicators and statistics on trademarks, patents, and industrial designs, based on official publications and institutional presentations of the Brazilian Patent and Trademark Office (BPTO). The tables and charts presented were prepared exclusively from this set of data.

Among the data analyzed, particular emphasis is given to the examination decision times for patents, trademarks, and industrial designs at the BPTO for the year 2025, as well as projections for 2026.

This section also presents, among other information, the number of trademark, industrial design, and patent applications filed in 2025, as well as the number of trademark, industrial design, and patent grants.

In addition, the chapter presents decision times for appeals and administrative nullity proceedings in trademark and industrial design matters.¹

1.1 PATENTS

1.1.1 Patent examination decision times

Regarding decision times in patent applications examination, the BPTO data indicates a steady reduction in the analysis periods between 2022 and 2025, reflecting, according to the Office, an improvement in the services provided to BPTO users. In 2025, the decision time for technical examination of patent applications, calculated from the filing date with the BPTO², was 4.3 years. For 2026, the target established is 3.5 years (BPTO, 2026, p. 13).

With respect to patent applications under prioritized examination, the time indicator showed continuous growth from 2023 onward; however, in 2025 a significant reduction was observed, with the examination decision time for patent applications subject to prioritized examination, calculated from the date of the prioritization request, set at 6.3 months, and a further reduction expected in 2026, with a projected timeframe of 6 months (BPTO, 2026, p. 13).³

In order to optimize patent examination processes, the BPTO is implementing an automated examination compliance review system, which will enable objective measurement of quality, identification of areas for improvement, and assurance of decision conformity, in addition to developing exploratory artificial intelligence projects aimed at increasing the efficiency of technical examination (BPTO, 2025b, 1:58:35–2:02:52).

¹It should be noted that, in contrast to the IP Annual Report published by the Dannemann Siemsen Institute in the previous year, statistics relating to administrative appeals and patent invalidation proceedings are not included within the scope of this chapter, as the BPTO did not publish, in 2025, the reports issued by the Technical Coordination Units for Appeals and Administrative Invalidation Proceedings. Such data were likewise not included in the 2026 Action Plan released by the BPTO. Although the BPTO made available, on its official website, raw datasets relating exclusively to the patent area, such information was not accompanied by analytical reports or methodological explanations that would allow for reliable and comparable interpretation.

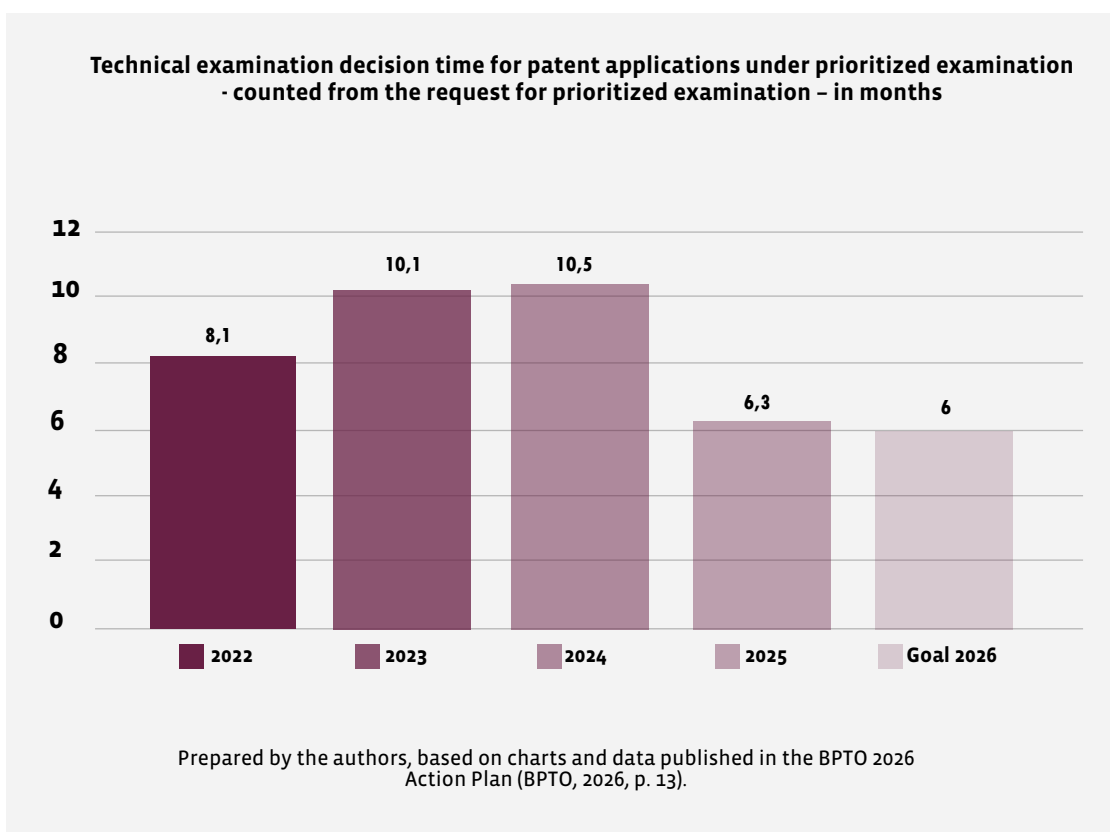
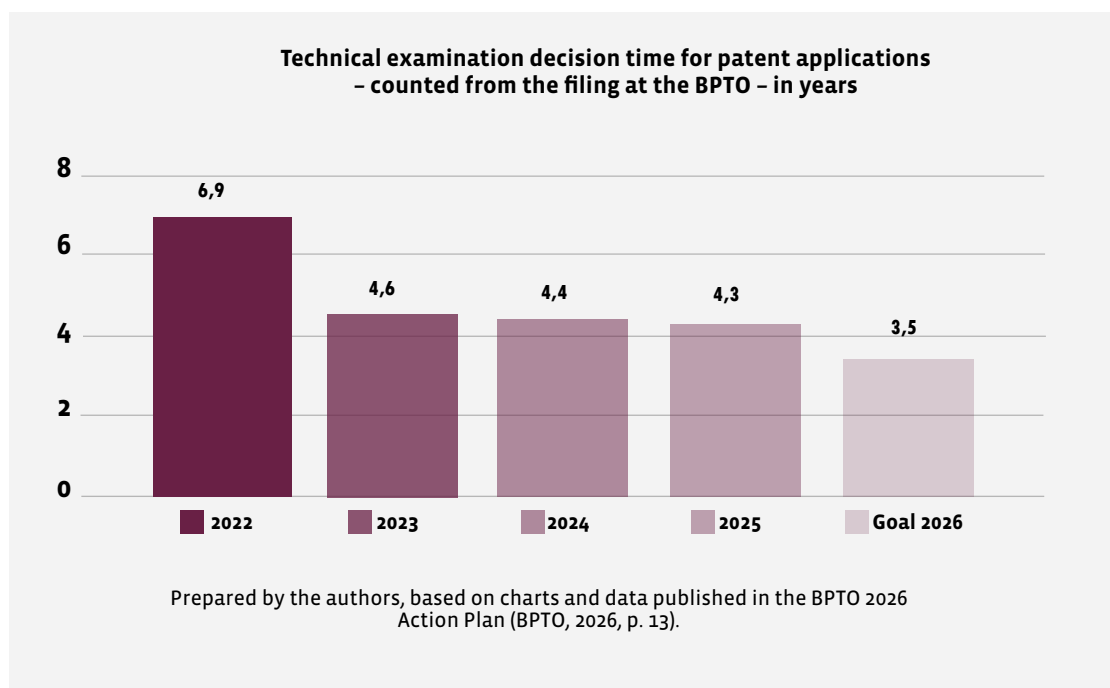
Statistical reports relating to administrative appeals and invalidation proceedings for previous years are available at: [Administrative Appeals and Invalidation Proceedings — Brazilian Patent and Trademark Office](#).

For the years 2024 and 2025, exclusively with respect to the patent area, the datasets, without institutional analysis, are available at: [Patent Applications Pending Final Decision — Brazilian Patent and Trademark Office](#).

²With respect to the examination decision times for patents calculated from the date of the request for examination, the consolidated results for 2025 and the corresponding target for 2026 had not been disclosed as of the preparation of this report.

³The BPTO makes available raw datasets, without institutional analysis, relating to prioritized patent examination at: [General Statistics — Brazilian Patent and Trademark Office](#).

Evolution of patent examination decision times



1.1.2 Patent applications

In 2025, a total of 29,557 patent applications were filed, representing an increase of 6.7% compared to the previous year (BPTO, 2025a, p. 4). The number of patent applications between 2020 and 2025 is shown in the table below.

Number of patent applications per year (2020-2025)

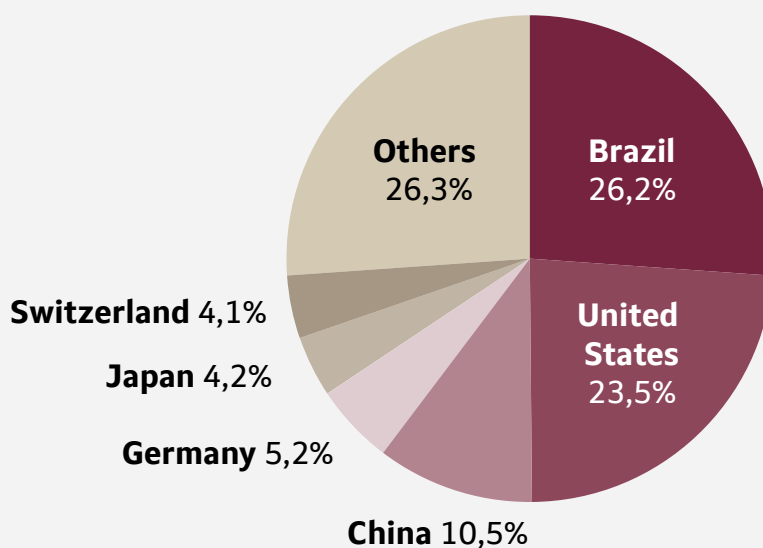
Year	Patents
2020	27.091
2021	26.921
2022	27.139
2023	27.918
2024	27.701
2025	29.557

Prepared by the authors, based on data from the Monthly Industrial Property Bulletin – Preliminary Statistics. December 2025 Results (BPTO, 2025a, p. 4).

1.1.2.1 Patent application's country of origin

In 2025, applicants from 89 countries filed patent invention applications with the BPTO. The countries with the highest numbers of patent invention applications are Brazil (26.2%), the United States (23.5%), China (10.5%), Germany (5.2%), Japan (4.2%) and Switzerland (4.1%) (BPTO, 2025a, p. 5).

Country of origin of Patent Invention applications filed in 2025



Prepared by the authors, based on the data published in the Monthly Industrial Property Bulletin – Preliminary Statistics. December 2025 Results (BPTO, 2025a, p. 5).

1.1.3 Patent grants

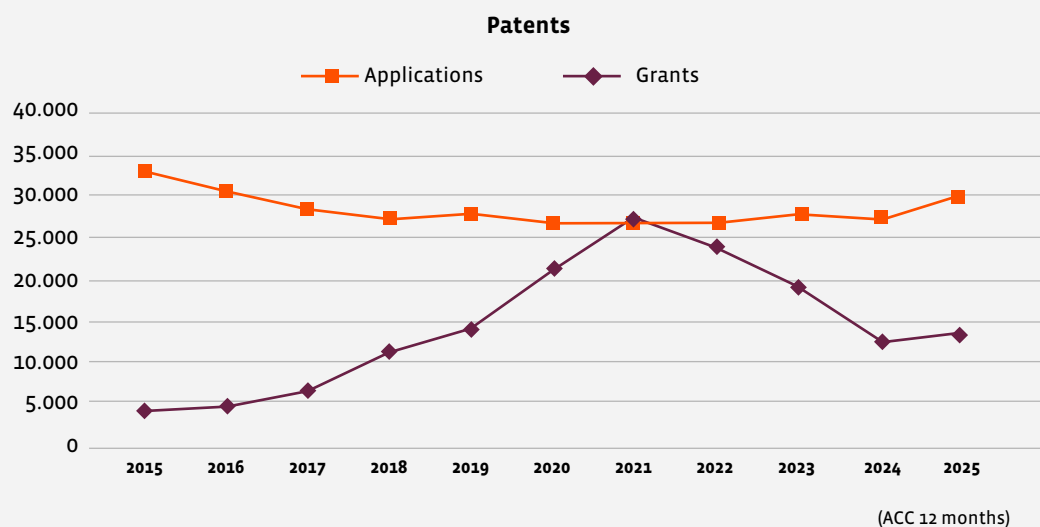
In 2025, a 5.5% increase in patent grants was observed, with 13,624 patents granted, compared to 12,914 grants in 2024. The table below presents the figures for the period between 2020 and 2025 (BPTO, 2025a, p. 6).

Number of patent grants per year (2020-2025)

Years	Patents
2020	21.309
2021	27.644
2022	24.354
2023	19.204
2024	12.914
2025	13.624

Prepared by the authors, based on the data and the structure of the chart published in the Monthly Industrial Property Bulletin – Preliminary Statistics. December 2025 Results (BPTO, 2025a, p. 6).

Evolution of patent applications and grants: Annual results between 2015 and 2025 in absolute values



Prepared by the authors, based on the data and the structure of the chart published in the Monthly Industrial Property Bulletin – Preliminary Statistics. December 2025 Results (BPTO, 2025a, p. 8).

1.2 TRADEMARKS

1.2.1 Trademark examination decision times

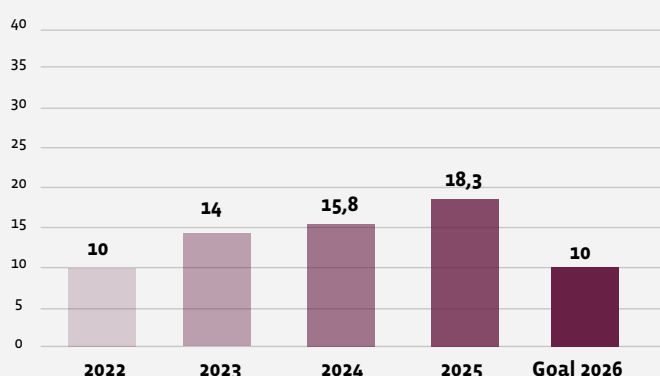
With respect to trademark applications, indicators relating to examination decision times have shown a steady increase since 2022. In 2025, the decision time for the technical examination of trademark applications without opposition was 18.3 months. However, the BPTO reports that the target for 2026 is 10 months, with an expected reduction of 8.3 months in examination time compared to 2025 (BPTO, 2026, p. 14).

In cases involving opposition, the examination decision time in 2025 was 34.4 months. The expectation for 2026 is that this timeframe will be approximately 36 months. Examination decision times for trademark applications with opposition increased significantly as of 2024, with a continued upward trend in 2025 and 2026 (target). According to the BPTO, this increase is attributable to the significant growth in the number of trademark applications, which exceeded the Office’s examination capacity (BPTO, 2026, p. 14). Despite the incorporation of new examiners in 2024 and 2025, the BPTO reports that this increase was insufficient to balance demand and productive capacity (BPTO, 2026, p. 14).

The use of artificial intelligence in the trademark examination process is one of the initiatives adopted to increase productivity in this area (BPTO, 2026, p. 14). In parallel, the “Opposition 2.0” (simplified opposition) project seeks to streamline the decision-making process for trademarks with opposition, which currently represent one of the main bottlenecks in the examination system (ASPI, 2025, 1:15:17).

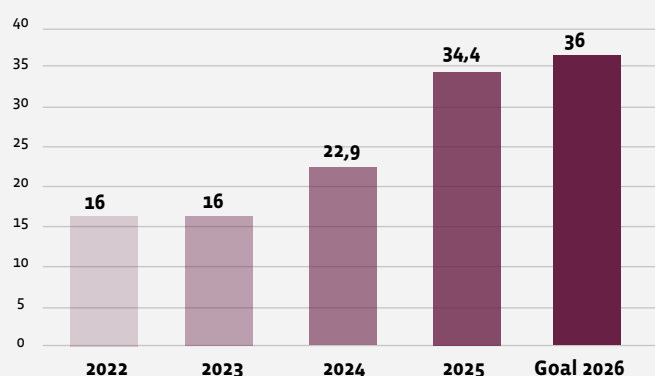
Evolution of trademark examination decision times

Decision time for technical examination of trademark applications – applications without opposition – in months



Prepared by the authors, based on charts and data published in the BPTO 2026 Action Plan (BPTO, 2026, p. 14).

Decision time for technical examination of trademark applications – applications with opposition – in months



Prepared by the authors, based on charts and data published in the BPTO 2026 Action Plan (BPTO, 2026, p. 14).

1.2.2 Trademark applications

In 2025, there was an increase in the number of trademark applications (+7.9%), totaling 504,461 applications (BPTO, 2025a, p. 4). The numbers of trademark applications between the years 2020 and 2025 are also indicated in the table below.

Number of trademark applications per year (2020-2025)

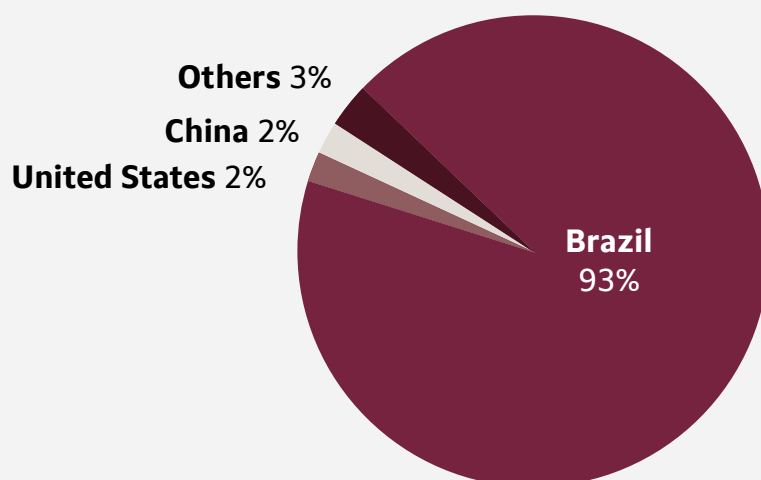
Year	Trademarks
2020	293.502
2021	386.845
2022	398.811
2023	402.460
2024	467.624
2025	504.461

Prepared by the authors, based on the table published in the Monthly Industrial Property Bulletin – Preliminary Statistics: December 2025 Results (BPTO, 2025a, p. 4).

1.2.2.1 Trademark application's country of origin

In regard to trademarks, the majority of applications (93%) were filed by applicants from Brazil (BPTO, 2025a, p. 5).

Country of origin of the trademark applications in 2025



Prepared by the authors, based on the data and the structure of the chart published in the Monthly Industrial Property Bulletin – Preliminary Statistics: December 2025 Results (BPTO, 2025a, p. 5).

1.2.3 Trademark grants

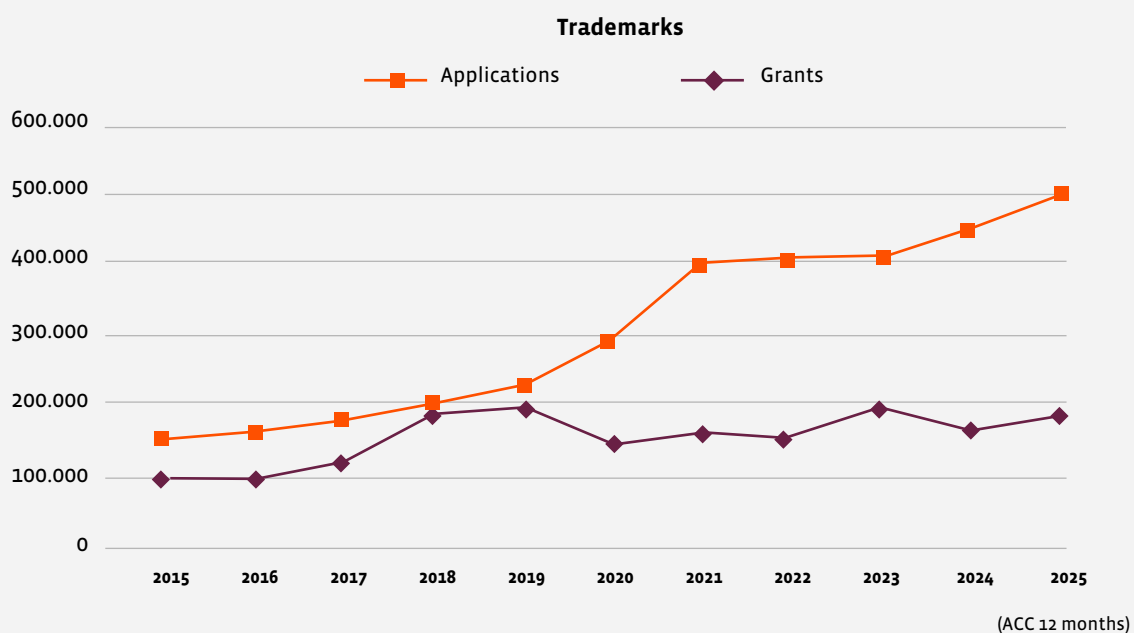
In 2025, the BPTO granted 176,559 trademarks, compared to 166,063 in the previous year, representing a 6.3% increase in grants (BPTO, 2025a, p. 6). The table below presents the figures for the period between 2020 and 2025.

Number of trademark grants per year (2020-2025)

Years	Trademarks
2020	141.775
2021	168.413
2022	163.225
2023	210.987
2024	166.063
2025	176.559

Prepared by the authors, based on the table published in the Monthly Industrial Property Bulletin – Preliminary Statistics: December 2025 Results (BPTO, 2025a, p. 6).

Evolution of trademark applications and Grants: Annual results between 2015 and 2025 in absolute values

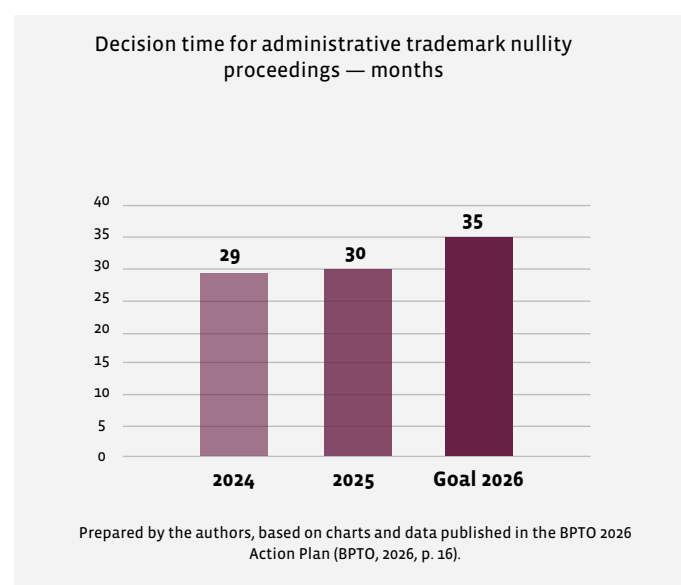
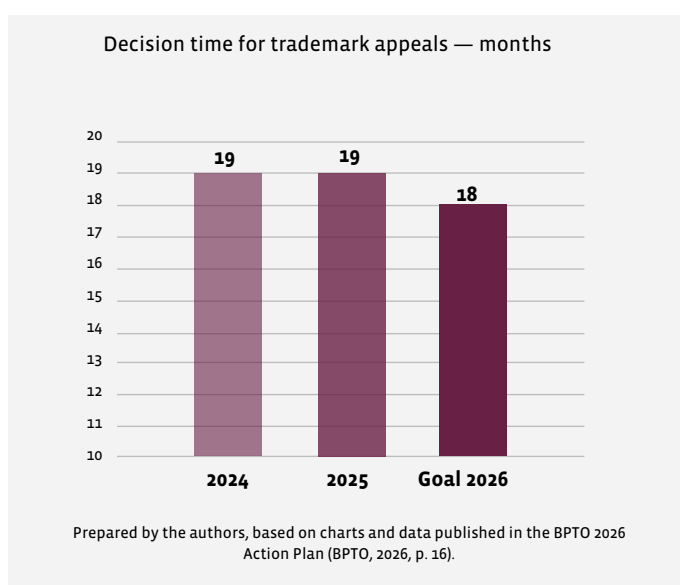


Prepared by the authors, based on data from the Monthly Industrial Property Bulletin – Preliminary Statistics: December 2025 Results (BPTO, 2025a, p. 8).

1.2.4 Trademark appeals and nullities

As of 2024, the decision time for appeals and administrative trademark nullity proceedings has been calculated based on the full interval between the filing date—whether of the appeal petition or the nullity request—and the publication of the final decision in the *Industrial Property Gazette (RPI)* (BPTO, 2026, pp. 16, 41–42).

In 2025, the decision time for trademark appeals was 19.0 months, while the target established for 2026 is 18.0 months. As for trademark nullity proceedings, the decision time reached 30 months, with a target set at 35 months for 2026 (BPTO, 2026, p. 16).

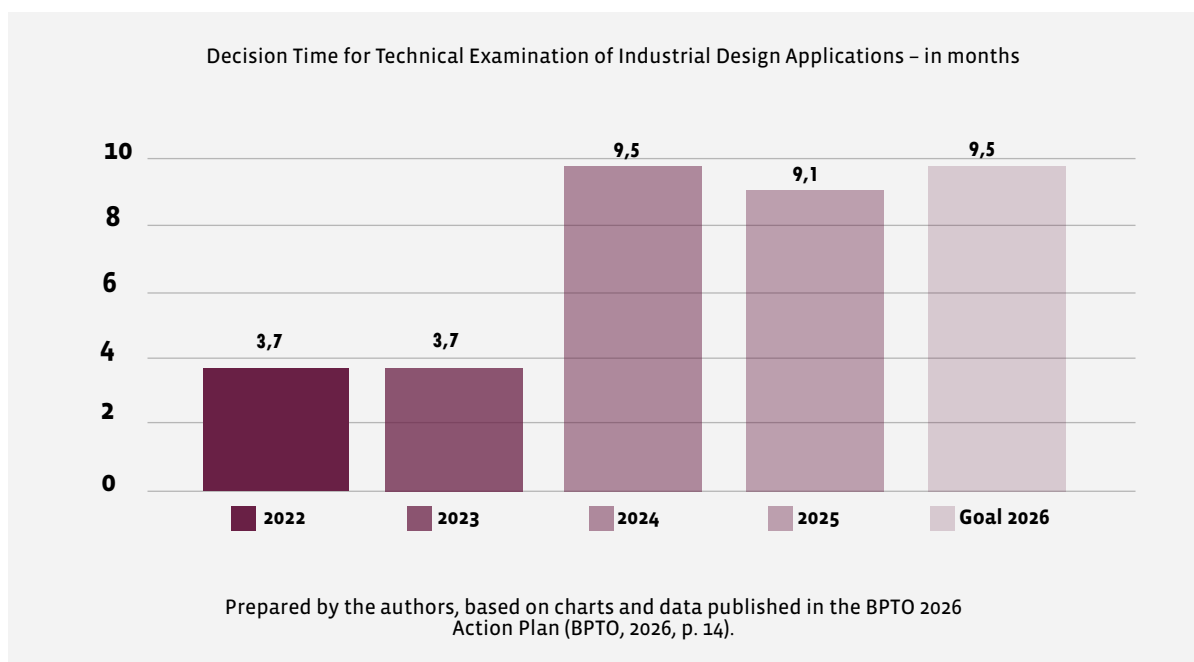


1.3 INDUSTRIAL DESIGN

1.3.1 Industrial design examination decision times

With respect to industrial design applications, the decision time for technical examination in 2025 was 9.1 months, with an expected increase to 9.5 months in 2026 (BPTO, 2026, p. 14). This scenario resulted from the impact observed in 2024, when the execution of the BPTO’s activities was affected by the concentration of efforts on the strategic IPAS-DI project, aimed at automating the industrial design workflow. In 2025, staff training for the implementation of the new system was conducted, along with database cleansing and the maintenance of operational routines—measures which, according to the agency, are essential for consolidating the improvements and achieving efficiency gains in subsequent periods (BPTO, 2026, pp. 14–15).

Evolution of industrial design examination decision time



1.3.2 Industrial design applications

In 2025 there was an increase in applications for industrial designs (+35.7%), totaling 9,872 applications (BPTO, 2025a, p. 4). The numbers of industrial design applications from 2020 to 2025 are also indicated in the table below.

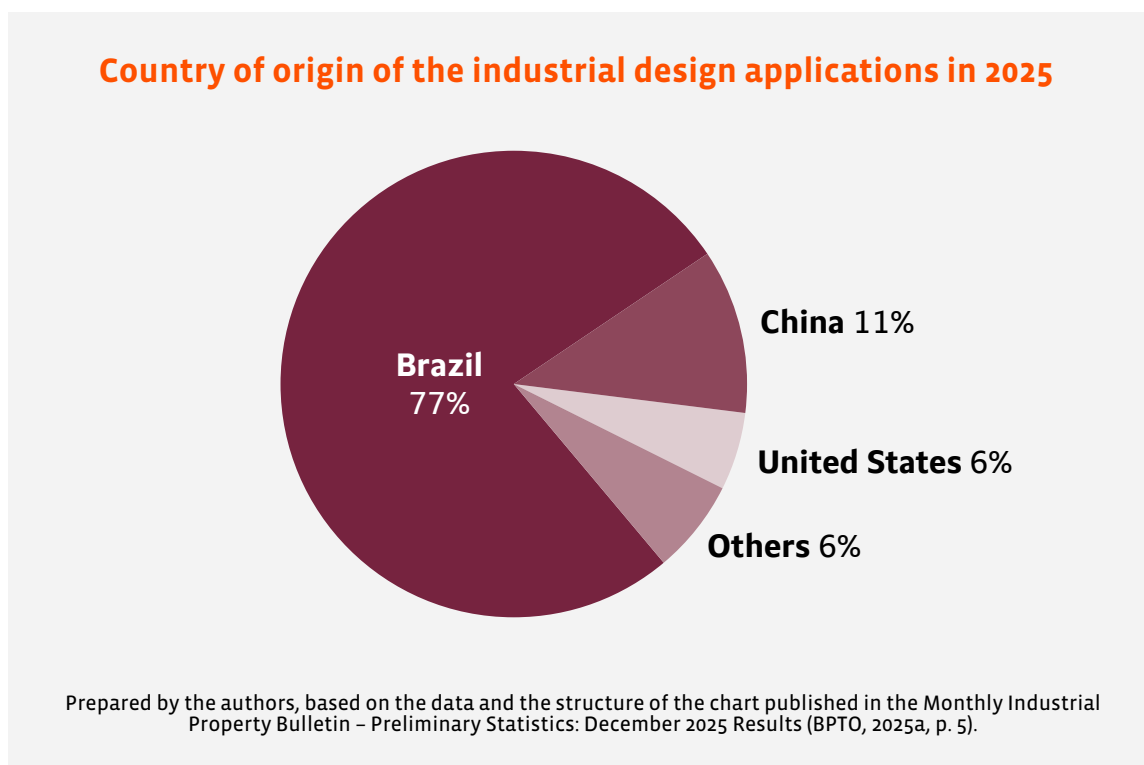
Numbers of industrial design applications per year (2020-2025)

Year	Industrial Designs
2020	6.263
2021	6.711
2022	7.196
2023	7.054
2024	7.276
2025	9.872

Prepared by the authors, based on the data and the structure of the chart published in the Monthly Industrial Property Bulletin – Preliminary Statistics: December 2025 Results (BPTO, 2025a, p. 4).

1.3.2.1 Industrial design application's country of origin

In regard to industrial designs, the majority of applications (77%) were filed by applicants from Brazil (BPTO, 2025a, p. 5).



1.3.3 Industrial design grants

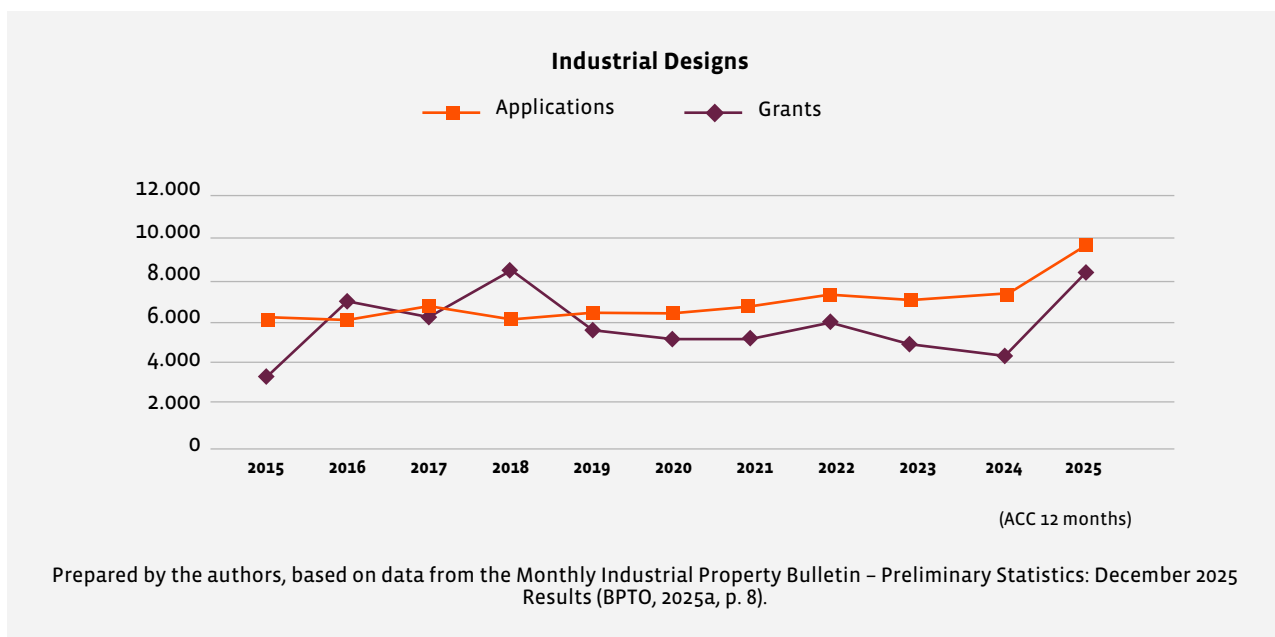
In 2025, the number of industrial design grants increased by 106.6% compared to 2024, reaching 8,456 (BPTO, 2025a, p. 6). The table below presents the figures for the period between 2020 and 2025.

Number of industrial design grants per year (2020-2025)

Years	Industrial Designs
2020	5.391
2021	5.468
2022	6.052
2023	4.758
2024	4.093
2025	8.456

Prepared by the authors, based on the table published in the Monthly Industrial Property Bulletin – Preliminary Statistics: December 2025 Results (BPTO, 2025a, p. 6).

Evolution of industrial design applications and grants: Annual results between 2015 and 2025 in absolute values

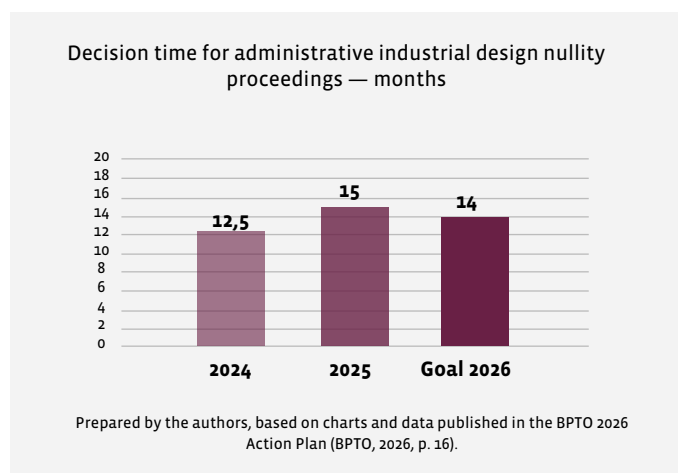
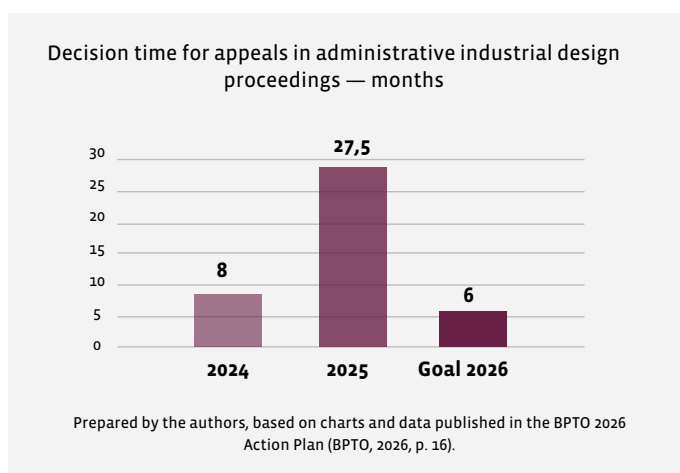


1.3.4 Industrial design appeals and nullities

As of 2024, the decision time for administrative industrial design proceedings relating to appeals and nullity has been calculated based on the full interval between the date of notification of the institution of the administrative nullity proceeding or the notification of the appeal and the date of publication of the decision order in the Industrial Property Gazette (RPI) (BPTO, 2026, pp. 16, 42).

In 2024, the decision time for appeals in administrative industrial design proceedings was 8 months. In 2025, the time for deciding industrial design appeals reached 27.5 months, while the target established for 2026 is 6 months. According to the BPTO, the increase observed in 2025 resulted from the impact of the database cleansing process, a set of measures that will continue during the first months of 2026 (BPTO, 2026, p. 16).

With respect to administrative industrial design nullity proceedings, the decision time in 2025 reached 15 months, with a target set at 14 months for 2026 (BPTO, 2026, p. 16).



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CHAPTER 2

LEGISLATION UPDATES

2025



CHAPTER 2

Legislation updates – 2025

This chapter provides an overview of the principal federal statutes and international treaties considered relevant to Brazil in 2025 in the field of intellectual property and related matters.

For more detailed information, previously published texts on the legislation listed below can be accessed via the links provided at the end of each section.

2.1 National Congress approves the Budapest Treaty on the International Deposit of Microorganisms for the Purposes of Patent Procedure

On June 23, 2025, the National Congress approved, through Legislative Decree No. 174/2025, the texts of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, as well as its Regulations.

The Budapest Treaty provides that the deposit of biological material with a single International Depositary Authority recognized by WIPO shall be deemed valid for the purpose of supplementing patent applications in all Contracting States, thereby simplifying the protection of biotechnological inventions and aligning the country with international standards. In October 2025, Brazil deposited its instrument of accession to the treaty with WIPO.

Legislative Decree No. 174/2025 can be accessed here: [Legislative Decree No. 174/2025](#)

An article on the subject can be found at the following link: [Circular n9](#)

2.2 Digital Child and Adolescent Statute (ECA Digital) (Law No. 15,211/2025): Legal Framework for the Protection of Children and Adolescents in Digital Environments

On September 17, 2025, President Luiz Inácio Lula da Silva enacted Law No. 15,211, which establishes guidelines for the protection of children and adolescents in digital environments. The law applies to information technology products and services intended for, or likely to be accessed by, this population, with the aim of ensuring the safety, privacy, and healthy development of these age groups. This Law enters into force six months after the date of its publication.

Decree No. 12,622/2025 regulates the statute, designating the National Data Protection Authority (ANPD) as the authority responsible for safeguarding the rights of children and adolescents in the digital environment. The law establishes parental supervision mechanisms, assigns legal responsibilities to technology providers, provides for administrative oversight, and sets forth graduated sanctions in cases of noncompliance.

The ECA Digital and the Decree can be accessed at: [Law No. 15,211/2025](#) and [Decree No. 12,622/2025](#)

An article on the subject can be found at the following link: [Brazilian Digital ECA Law Enacted: Technology Companies Must Comply with Rules to Protect Minors Online – IDS – English](#)

2.3 Law enacted increasing penalties for crimes of violence against women involving the use of artificial intelligence

On April 24, 2025, President Luiz Inácio Lula da Silva enacted Law No. 15,123, which amends Article 147-B of the Brazilian Penal Code to establish a sentence enhancement of one-half for the offense of psychological violence against women when committed through the use of artificial intelligence or any other technological resource that alters the victim's image or sound.

Law No. 15,123, of April 24, 2025, can be accessed at: [Law No. 15,123, of April 24, 2025](#).

2.4 Free Trade Agreement between Mercosur and EFTA includes provisions on intellectual property

The MERCOSUR States Parties (Brazil, Argentina, Paraguay, and Uruguay), together with the EFTA States (Iceland, Liechtenstein, Norway, and Switzerland), signed a Free Trade Agreement (FTA) on September 16, 2025, in Rio de Janeiro, Brazil, containing provisions related to intellectual property. The agreement will enter into force two months after ratification by at least one MERCOSUR country and one EFTA country.

Among its provisions, the Agreement establishes accelerated examination of patent applications, guarantees applicants the right to submit amendments, corrections, and responses to office actions relating to the patent application, provided that such amendments and corrections do not extend beyond the subject matter of the application as filed. In addition, the Agreement confirms the protection of inventions relating to products and processes in all fields of technology, permits exclusions from patentability—such as on grounds of public order, diagnostic, therapeutic, and surgical methods for the treatment of humans, and plants and animals other than microorganisms, as well as essentially biological processes for the production of plants or animals, except for non-biological and microbiological processes—and maintains the Bolar exception, which authorizes, in exceptional circumstances, acts necessary to obtain regulatory approval for generic medicines during the term of a patent without constituting infringement.

The Agreement may be accessed at the following link: [Free Trade Agreement between MERCOSUR and EFTA](#).
The annex on intellectual property may be accessed at the following link: [Annex XVII](#)

2.5 The European Union and Mercosur sign a Partnership Agreement with a specific chapter on intellectual property

On January 17, 2026, the EU and MERCOSUR signed an agreement aimed at making trade and cooperation between the blocs more predictable, including relevant rules on intellectual property (IP). The arrangement was structured into two instruments: the Association Agreement, subject to ratification by all EU and MERCOSUR Member States, and the Interim Trade Agreement (iTA), focused on trade disciplines and intended to enter into force more rapidly — with essentially the same IP provisions in both. On March 4, 2026, the Brazilian Senate approved the iTA through Legislative Decree Bill No. 41/2026, completing the Congressional approval process, pending promulgation of the Legislative Decree by the President of the National Congress and subsequent ratification and promulgation by the President of the Republic.

In the field of intellectual property, the agreement strengthens the protection of geographical indications, prohibiting imitations, translations, and evocative uses, while preserving the acquired rights of producers who were already using certain terms, provided that conditions of transparency and good faith are met. It also consolidates standards for trademarks, copyright, industrial designs, and trade secrets, and reinforces enforcement mechanisms, including civil measures, evidence-gathering procedures, damages, and border controls against counterfeiting and piracy. For businesses and rights holders, this framework enhances regulatory predictability and calls for particular attention to labeling and trademarks associated with geographical indications. The new rules are expected to take effect upon the entry into force of the iTA, while the Association Agreement will follow a longer ratification process.

The texts of both agreements can be accessed at: [EU-MERCOSUR Association Agreement](#) and [Interim Trade Agreement](#)
An article on the subject will be available at the following link: [Brazilian Federal Senate approves EU-Mercosur Interim Trade Agreement with intellectual property provisions](#)



Dannemann
Siemsen
Institute

CHAPTER 3

CASE LAW YEARBOOK, KEY DECISIONS 2025



CHAPTER 3

Case Law Yearbook, Key decisions – 2025

This section comments on a selection of judicial decisions relevant to Intellectual Property and related matters, rendered primarily by the Brazilian Superior Court of Justice (STJ) and the Brazilian Federal Supreme Court (STF) throughout 2025.

The commentary covers decisions concerning patents, industrial designs, trademarks, and copyright, as well as issues involving contracts, IP taxation, and civil procedure. The project curators selected the decisions based on the legal relevance of the matters addressed, the diversity of topics, the novelty of the issues discussed, and their impact on society.

3.1 PATENTS

3.1.1 Appellate Federal Court for the 2nd region reaffirms the possibility of filing divisional patent applications after a rejection by the BPTO

Appeal in petition for writ of Mandamus No. 5048018-55.2024.4.02.5101/RJ, Reporting Justice Wanderley Sanan Dantas, Second Specialized Panel of the Appellate Federal Court for The 2nd Region, unanimously, judged on September 9, 2025. DJe September 15, 2025



Author: Bernardo Marinho Fontes Alexandre

Field of law: Patents

Topic: Divisional application. Timing of filing. Rejection of the patent application. Interpretation of Article 26 of the Brazilian Industrial Property Law

Summary

“(…) The division of a patent application may be requested up to the end of the examination, which occurs with the final decision on the merits by the BPTO. However, the filing of a divisional application after a rejection is permissible as long as it occurs within the statutory period for filing an administrative appeal, or while the administrative appeal is still pending. This interpretation ensures the applicant’s right to fully explore the inventive core disclosed in the original application, provided that the divisional application does not exceed the scope of the parent application. (...) 7. In the case at hand, the court upheld the judgment that annulled the Brazilian PTO’s decision to shelve a divisional application filed after the rejection of the parent application, reinforcing the understanding that the administrative examination is only concluded after the expiration of the deadline for an administrative appeal or the final decision thereof.”

Brief History of the Litigation

The case originated from a petition for writ of mandamus filed by the Icahn School of Medicine at Mount Sinai and King’s College London against the Brazilian Patent and Trademark Office (BPTO).

The applicants sought to overturn the BPTO’s decision to reject their divisional patent application (BR122023013692-6). The BPTO’s justification for the non-acceptance was that the divisional application had been filed after the parent application had already been rejected in the first instance, i.e., by the BPTO’s examining division.

The first-instance judge granted the order, recognizing the filing as timely, which led the BPTO to appeal to the Appellate Federal Court for the 2nd region, arguing that the rejection of the parent application would constitute the “end of the examination” and, therefore, it should not be accepted under Article 26 of the Brazilian Industrial Property Law.

The Controversy and Relevance of the Topic

The controversy lies in the precise definition of the “end of the examination” (Article 26 of the Brazilian Industrial Property Law).

For years, the BPTO has enforced a restrictive interpretation through its internal guidelines, claiming that a notice of allowance or rejection would immediately bar the possibility of filing a divisional application.

This creates a “procedural trap” for innovators: if a rejection is published, the applicant would lose the right to present a divisional application even if they intended to appeal the merits of that rejection.

The relevance of this topic is paramount for the genuinely innovative industry, as divisional applications are essential for protecting distinct inventive embodiments and adjusting claims in response to the volatile administrative landscape of the BPTO.

The Understanding Set Forth by the TRF2 and Its Impacts

The Appellate Federal Court for the 2nd region unanimously (3 v. 0) denied the BPTO’s appeal, reaffirming that the examination only truly concludes when the decision becomes final.

- **Impact on Due Process:** The Appellate Court established that as long as the statutory 60-day period for filing an administrative appeal is running, or while an appeal is pending, the parent application is legally under examination.
- **Impact on Patent Strategy:** This precedent prevents the BPTO from using procedural technicalities to curtail substantive property rights. It allows applicants to use the appeal period to strategically file divisionals, ensuring that the full scope of the invention is protected even if the primary claims face initial resistance.
- **Impact on Legal Certainty:** By aligning the interpretation of the Brazilian Industrial Property Law with the broader principles of the Brazilian Administrative Procedure Law (Federal Law No. 9,784/99), the Appellate Federal Court for the 2nd region curbs the BPTO’s attempt to create “procedural islands” that ignore the applicant’s right to a full defense and administrative review.

This decision serves as a vital shield for innovation, guaranteeing that the path to protection remains open as long as the merits are still subject to dispute within the Office.

[Link to the full text of the decision: Appeal No. 5048018-55.2024.4.02.5101/RJ](#)

3.2 CONTRACTS

3.2.1 STF establishes a binding precedent on the constitutionality of the Contribution for Intervention in the Economic Domain (CIDE) on remittances abroad, instituted by Law 10.168/2000

Brazilian Federal Supreme Court (STF). Extraordinary Appeal No. 928.943/SP. Reporting Justice Luiz Fux, decided by majority, judged on August 13, 2025, DJe October 16, 2025.



Author: Alberto Ferreira Filho

Fields of law: IP Contracts and IP Taxation

Topic: Extraordinary Appeal – General Repercussion Theme 914

Summary

Holding: Settled Thesis: I – Theme 914: The Contribution for Intervention in the Economic Domain (CIDE), intended to finance the University-Enterprise Interaction Stimulation Program for Innovation Support, instituted and governed by Law No. 10.168/2000 and its amendments is constitutional; II – The revenue from CIDE must be fully applied within the Science and Technology sector, pursuant to the law.

Theme 914 concerns the constitutionality of the CIDE levied on remittances abroad, an issue that has been debated in Brazilian courts for many years. By majority decision, the Brazilian Federal Supreme Court (STF) upheld the constitutional validity of the CIDE as instituted by Law No. 10.168/2000, as well as of the subsequent legislative amendments that expanded its material scope, confirming the levy on remittances abroad even in the absence of a direct link to a specific transfer or importation of foreign technology. The binding thesis was fixed pursuant to the vote of Justice Flávio Dino (Redactor for the ruling), with Justices Luiz Fux (Rapporteur), Dias Toffoli, Cármen Lúcia, André Mendonça, and Nunes Marques partially dissenting. The judgment was rendered by the Plenary of the STF, presided over by Justice Luís Roberto Barroso, on August 13, 2025.

In Extraordinary Appeal No. 928,943 (Theme 914 of general repercussion), the STF, by majority vote, upheld the constitutionality of the CIDE levied on remittances abroad, as instituted by Law No. 10.168/2000 and later amended by Laws No. 10.332/2001, 11.452/2007 and 12.402/2011. The Court further established that the revenue collected from the CIDE must be fully allocated to the Science and Technology sector, pursuant to the statutory framework. The ruling consolidated the understanding that CIDE is an extra fiscal contribution linked to a constitutionally legitimate state intervention in the economic domain, even in the absence of direct referability between the taxpayer and the funded activities.

Brief History of the Litigation

The dispute arose from writ of mandamus filed by Scania Latin America Ltda. challenging the collection of CIDE on remittances made to its foreign headquarters in connection with research, development, technical services, and technology-related agreements. At the outset of the controversy, in the underlying writ of mandamus filed in 2002, the Federal Court initially granted a preliminary injunction suspending the enforceability of the CIDE, pursuant to Article 151, IV, of the Brazilian National Tax Code, in view of the alleged unconstitutionality of the

contribution and the risk of significant financial harm should the amounts be later deemed unduly collected. This interim relief reflected the legal uncertainty that marked the early application of Law No. 10.168/2000.

However, when ruling on the merits, the trial court dismissed the taxpayer's claims and expressly revoked the preliminary injunction previously granted, holding that the contribution was validly instituted under Article 149 of the Brazilian Constitution and did not require a complementary law. This shift illustrates the legal uncertainty surrounding the early application of Law No. 10.168/2000 and highlights the protracted nature of the dispute, which remained unresolved for more than two decades until STF's final decision on the case. Subsequently, the Federal Regional Court of the 3rd Region denied the taxpayer's claim on the merits, holding that the contribution was constitutionally valid and properly instituted. After unsuccessful Motions for Clarification, Scania filed an extraordinary appeal before the STF, invoking alleged violations of several provisions of the Brazilian Constitution. In September 2016, the STF recognized the existence of general repercussion, registering the controversy as Theme 914. After extensive debate, including the participation of several amici curiae from the technology and energy sectors, the case was ultimately decided by the Plenary in August 2025.

The Controversy and Relevance of the Topic

The central controversy in Theme 914 concerned the constitutional profile of the CIDE levied on remittances abroad, particularly whether the contribution complied with the requirements set forth in Article 149 of the Brazilian Constitution. In essence, the dispute focused on two interrelated issues: (i) whether contributions for intervention in the economic domain must be linked to specific state intervention measures, rather than being instituted with a merely fiscal purpose aimed at financing general public services; and (ii) whether the validity of the CIDE would depend on the existence of direct referability, that is, a concrete and individualized benefit accruing to the respective taxpayers.

Given the widespread use of cross-border technology licensing, technical assistance, and royalty agreements in Brazil, the outcome of Theme 914 is particularly relevant for companies engaged in IP-intensive activities and multinational groups operating in the country, as it directly affects the tax treatment of such remittances. Beyond its practical implications, the decision is also constitutionally relevant, as it clarifies that contributions for intervention in the economic domain are not subject to a strict earmarking logic or to a requirement of direct referability, and that their validity rests on the existence of a legitimate state intervention purpose under Article 149 of the Brazilian Constitution.

The Understanding Set Forth by the STF and Its Impacts

The majority opinion, written by Justice Flávio Dino as Redactor for the ruling, reaffirmed the extra fiscal nature of the CIDE. The Court emphasized that contributions for intervention in the economic domain are characterized primarily by their finalistic element, namely, the purpose of funding a constitutionally legitimate state intervention, rather than by a requirement of direct benefit to the taxpayer.

According to the STF, the University–Enterprise Interaction Stimulation Program for Innovation Support, financed by CIDE revenues, is fully aligned with constitutional objectives such as the promotion of scientific and technological development, reduction of regional inequalities, and strengthening of national innovation capacity. In this context, the absence of direct referability between the contributor and the funded activities does not compromise the validity of the contribution.

The Court also validated the legislative amendments that expanded the material scope of CIDE to include not only traditional technology transfer agreements, but also payments for technical services, administrative assistance, and royalties remitted abroad. This expansion was deemed consistent with the extra fiscal goals of the contribution and with Brazil's economic and innovation policies.

From a practical standpoint, the ruling brings long-awaited legal certainty to taxpayers and public authorities alike. It consolidates the STF's understanding on the constitutionality of CIDE-Technology and limits the scope for future challenges based on lack of referability or alleged fiscal misuse. For IP-driven businesses, the decision confirms that remittances abroad related to technology and technical services remain subject to CIDE, reinforcing the importance of tax planning and compliance in cross-border IP transactions.

Additionally, as the case was decided under the general repercussion regime, the thesis fixed in Theme 914 is binding on Judiciary and must be observed by all lower courts when deciding pending and future cases involving the same constitutional issues. This feature significantly amplifies the practical impact of the decision, as it tends to standardize the treatment of CIDE-related disputes nationwide, reducing litigation uncertainty and fostering greater uniformity in judicial outcomes.

It should be noted, finally, that a motion for clarification was filed seeking clarification of the decision discussed herein, and that, as of February 10, 2026, this motion remained pending adjudication before the Brazilian Federal Supreme Court (STF). Although such a motion is procedurally admissible, the likelihood of any substantial modification of the outcome of the judgment appears remote, in light of the clarity of the legal thesis established in Theme 914 and the consolidated majority position of the Court's Plenary.

Link to the full text of the decision: [Extraordinary Appeal No. 928,943 \(SP\), Plenary of the Brazilian Federal Supreme Court, judgment rendered on August 13, 2025.](#)

3.3 TRADEMARKS AND COPYRIGHTS

3.3.1 STJ recognizes copyright protection for non-utilitarian database and applies the three-step test to online use, distinguishing between copyright and trademark protection

Brazilian Superior Court of Justice (STJ). Special Appeal No. 2.143.010/SP. Reporting Justice: Minister Ricardo Villas Bôas Cueva, Third Panel of the STJ, unanimously, judged on June 11, 2025, DJe June 23, 2025



Author: Fernanda Salomão Mascarenhas

Fields of law: Copyright and Trademark Law.

Topic: Database protection. Three-step test. Fair use. Trademark dilution. Online media use.

Summary

“(…) For the purposes of non-utilitarian databases, a database, in order to be protected as an intellectual work, must display originality; that is, the selection and organization of the information must reflect a certain degree of creation or creative effort, corresponding to a unique arrangement or a proprietary method of organization, and mere collection or compilation of data is insufficient. (...) Based on these elements, it is verified that the selection or arrangement of the models in association with football clubs contained a minimum level of originality, as it did not consist of the mere reproduction of a pre-existing selection from contests already held, but rather corresponded to a unique arrangement or a proprietary method of organization, distinguishable from other works of the same genre, and therefore did not constitute a mere compilation, contrary to what the appellant alleges in its special appeal. (...) The Three-Step Test, under the Doctrine of Consistent Interpretation, defines the scope of copyright limitations and their

application in each concrete case, leading to a conclusion as to lawful use (fair use) or unlawful use (unfair use), and establishing criteria to determine unfair use and to balance the rights of rightholders with the needs and interests of users. (...) In the present case, the use of the database of the contest promoted by the respondent satisfies the three-step test and therefore constitutes a form of fair use under copyright law, dispensing with the need for authorization from the rightholder and the corresponding remuneration for the use of the work. (...) In the case under examination, it can be inferred from the factual framework of the appealed judgment, in the portion not contradicted by the reasoning of the prevailing votes, that the use of the database of the contest promoted by the respondent involved intellectual creation, as it occurred in a context in which there was news reporting referencing the authorship of the contest, which demonstrates that the partial reproduction of the database was not the primary objective of the contested publication.”

Brief History of the Litigation

The dispute arose from a lawsuit filed by the Federação Paulista de Futebol against Universo Online S.A. (UOL), alleging unauthorized reproduction, dissemination, and transmission of images and data from the contest “Gata do Paulistão 2011” as well as misuse of the corresponding trademark.

The first instance court dismissed the claims. On appeal, however, the Court of Justice of São Paulo partially reversed the decision, recognizing copyright infringement and unfair competition, and awarding damages.

In Special Appeal, UOL argued, inter alia:

- (i) absence of originality in the alleged database;
- (ii) lawful journalistic use under article 46, VIII, of the Brazilian Copyright Act (Law no 9.610/1998 – LDA);
- (iii) lawful use of the trademark under article 132, IV, of the Industrial Property Law (Law no 9.279/1996 – LPI);
- (iv) errors regarding damages.

The Third Panel of the STJ, by majority, granted the appeal, restoring the first-instance judgment.

The Controversy and Relevance of the Topic

The central issues were: (i) whether the selection of candidates and their association with football club emblems constituted a protected database under article 7, XIII, of the LDA; (ii) whether the online use of that database by UOL met the requirements of the three-step test and article 46, VIII (fair use); and (iii) whether the mere mention and exposure of the “Gata do Paulistão” trademark in an online publication amounted to trademark infringement or dilution.

The decision is highly relevant for three reasons, namely, (i) consolidating criteria for copyright protection of non-utilitarian databases in Brazil, (ii) deepening the application of the “three-step test” as a methodological tool in domestic adjudication and (iii) clarifying the structural distinction between copyright and trademark protection in digital environments.

The Understanding Set Forth by the STJ and Its Impacts

The Court reaffirmed that database protection requires originality in the selection or arrangement of content; mere compilation is insufficient. In the case, associating selected models with football clubs revealed minimal creative effort, satisfying the threshold.

Adopting the “distinguishability” criterion, the Court clarified that originality need not amount to patent-like novelty but must transcend triviality, aligning domestic law with article 5 of the WIPO Copyright Treaty (WCT). Importantly, the ruling avoided over-expansion: protection was recognized without converting ordinary commercial formats into monopolized informational structures.

The decision’s most sophisticated feature is its structured application of the three-step test under the Doctrine of Consistent Interpretation (Berne, art. 9(2); TRIPS, art. 13).

The Court assessed whether the use:

- (i) had reproduction as its main objective;
- (ii) conflicted with normal exploitation; and
- (iii) unreasonably prejudiced legitimate interests.

Concluding that UOL’s use was accessory and journalistic — not substitutive — and absent proof of market harm, the STJ deemed it legitimate. Notably, it rejected the notion that commercial context alone implies illegitimacy, focusing instead on functional substitution and economic impact.

Still, the thin line between reporting and competitive appropriation remains fact-sensitive and doctrinally delicate.

Moreover, the ruling firmly separated copyright from trademark protection. Copyright safeguards creative structure; trademark law protects economic function, distinctiveness, and reputation.

Citing Articles 130(III) and 132(IV) of the LPI, the Court held that media exposure of a mark is lawful absent proof of material or moral harm. The reference to dilution by tarnishment was interpretative, not constitutive of an autonomous claim.

The decisive factor was the absence of reputational or economic damage — reaffirming that trademark law does not grant absolute control over public references.

The ruling in REsp 2.143.010/SP achieves a nuanced equilibrium between protection and public interest. By recognizing database copyrightability while validating its journalistic use, the STJ avoided both overprotection and under-enforcement.

Methodologically rigorous and constitutionally attentive, the decision stands as a significant precedent for disputes at the intersection of intellectual property, digital platforms, and freedom of communication.

Link to the full text of the decision: [REsp 2143010](#)

3.4 COPYRIGHTS

3.4.1 STJ dismisses copyright infringement based on the ancillary use of graffiti permanently displayed in a public space

Brazilian Superior Court of Justice (STJ). Special Appeal No. 2,174,943/SP. Reporting Justice: Minister Ricardo Villas Bôas Cueva, Third Panel of the STJ, unanimously, judged on May 20, 2025, DJe May 28, 2025.



Authors: Patricia Porto and Marcela Schmidt

Field of Law: Copyright

Topic: Indirect and ancillary use of graffiti in audiovisual work produced by a third party.

Summary

“1. Indemnification action (...) seeking compensation for alleged moral and material damages purportedly arising from the dissemination of an audiovisual advertising piece of the video platform ‘TikTok,’ filmed in front of a plastic artwork (graffiti) created in a public place (Beco do Batman), without the prior authorization or remuneration of its author. 2. The appellate controversy is limited to determining whether the indirect and merely ancillary representation, in an advertising piece, of graffiti created in a public place, when carried out without the prior authorization of its creator, constitutes copyright infringement, thus justifying compensation for moral and material damages. (...) 7. (...) it was not demonstrated in the case file that such representation caused any unjustified prejudice to the legitimate interests of the graffiti author, it being recorded, by both instances of full cognition, that there was no commercial exploitation of the work in question, which, moreover, was displayed in a merely accidental and ancillary manner (...). 8. Special appeal denied.”

Brief history of the litigation

In May 2022, an artist filed an action for moral damages combined with an obligation to do against Bytedance Brasil Tecnologia Ltda., the company responsible for operating the TikTok platform in Brazil, alleging that a graffiti artwork of his authorship, painted in the “Beco do Batman” (a public and touristic location in the city of São Paulo), appeared without authorization in a promotional video advertising the application. According to the plaintiff, the inclusion of the graffiti in the commercial, together with the alleged absence of attribution of authorship, would amount to counterfeiting and justify civil liability. Accordingly, he sought compensation for material damages (BRL 18,000.00) and moral damages (BRL 15,000.00), as well as measures ordering the removal of the content from circulation and the disclosure, by the defendant, of the authorship of the painting used.

In its defense, Bytedance argued that there was no appropriation of the artwork, but merely the audiovisual capture of a real urban setting. According to the defendant, the graffiti appeared in the video only in a secondary manner, as an element of the surrounding landscape and as a backdrop to the performance of a hired dancer, which constituted the central focus of the advertising piece. It further maintained that there was no reproduction of the artwork, but rather a mere audiovisual representation of a good permanently located in a public space. On that basis, it argued the absence of material damages, due to the lack of economic exploitation of the work, and of moral damages, due to the inexistence of an unlawful act, adding that the requirement to disclose authorship would be unnecessary, given that the advertisement was inactive and the artist’s signature was visible in the images.

The court of first instance dismissed the plaintiff’s claims in their entirety. The judgment emphasized that the analysis of the video evidenced the accidental and ancillary nature of the display of the graffiti, which was used solely as a setting for the central performance, thus excluding the characterization of direct or autonomous exploitation of artistic work.

Upon appeal, the Court of Justice of the State of São Paulo, by majority, upheld the dismissal. The appellate decision acknowledged that visual works are, as a rule, protected by copyright and that the reproduction of works of fine art normally requires written authorization, pursuant to Articles 77 and 78 of the Brazilian Copyright Law (Law No. 9,610/1998). However, it stressed that Law No. 9,610/1998 itself establishes limitations on such rights. According to the Court, the case simultaneously fell within Article 46, item VIII, which excludes unlawfulness when the work does not constitute the main objective of the new creation nor harms its normal exploitation, and Article 48, which authorizes the audiovisual representation of works permanently located in public places. Accordingly, it concluded that, although protected, graffiti was used as part of the urban landscape, without prominence or direct economic exploitation, which precluded a finding of infringement of patrimonial rights.

Following the rejection of the appeal, which was succeeded by motions for clarification, the plaintiff filed a special appeal. He alleged conflicting case law and violation of several provisions of Law No. 9,610/1998, including Article 7, item VIII, which recognizes paintings and drawings as protected works; Article 24, items I, II, and IV, concerning the author's moral rights; and Articles 28 and 29, which address the exclusive right to use the work and the requirement of prior authorization for its inclusion in an audiovisual production. He further invoked Article 4(b) of the Berne Convention, which ensures protection for authors of works of graphic or plastic art incorporated into immovable property located in member countries of the Union, arguing that the use of the graffiti in advertising would require express consent and attribution of authorship, regardless of its location in a public space.

The controversy and relevance of the topic

The controversy submitted to the Brazilian Superior Court of Justice consisted in determining whether the indirect and ancillary representation of graffiti permanently located in a public place, inserted into an audiovisual advertising piece without the prior authorization of the author, is sufficient to characterize copyright infringement and give rise to compensation for moral and material damages. In legal terms, the discussion concerned whether, by maintaining the dismissal of the indemnification claim, the lower court had violated the provisions of Law No. 9,610/1998 and, in particular, Article 4(b) of the Berne Convention for the Protection of Literary and Artistic Works.

The case is relevant because, in the context of digital advertising and the use of culturally recognized urban settings, it addresses the balance between works protected by copyright and the statutory limitations that allow their representation when permanently located in a public place especially where there is debate regarding commercial purpose and the degree of centrality of the work within the content.

The understanding set forth by the STJ and its impacts

In examining the special appeal, the Brazilian Superior Court of Justice proceeded from a premise shared by all instances: graffiti is, as a rule, an intellectual work protected by copyright. Such recognition, however, does not imply the attribution of an absolute right immune from limitations, particularly when the work is permanently exposed in a public space. In this regard, the STJ referred to Law No. 14,996/2024, which recognizes graffiti as a manifestation of Brazilian culture and imposes upon the State a duty to value and preserve this artistic expression, without, however, displacing the legal regime of copyright limitations already established in the legislation.

On that basis, the Court focused its analysis on the interpretation of Article 48 of the Brazilian Copyright Law, which permits the free representation, by means of paintings, drawings, photographs, or audiovisual procedures, of works permanently located in public places. The STJ emphasized that this rule did not arise in isolation within Brazilian law, but rather directly dialogues with the Berne Convention and with the so-called three-step test, according to which States may provide exceptions to the author's exclusive right, provided that such exceptions are confined to certain special cases, do not conflict with the normal exploitation of the work, and do not unreasonably prejudice the legitimate interests of the rights holder. In this context, it was highlighted that the Brazilian legislature chose to authorize the representation of such works—rather than their full reproduction—when integrated into the urban environment, acknowledging that the coexistence of the work with the public space naturally entails a certain degree of exposure and capture by third parties.

Applying this theoretical framework to the case at hand, the STJ emphasized that both the court of first instance and the Court of Justice of the State of São Paulo were categorical in stating that the graffiti did not constitute the central element of the audiovisual piece. As recorded by the lower courts, the artwork appeared in a merely accidental and ancillary manner, as part of the surrounding landscape, serving solely as a backdrop for the performance of the dancer hired for the advertising video. There was no demonstration that

the artistic panel had been exploited as an independent attraction of the advertisement, nor that its presence had affected the normal exploitation of the work or caused unjustified prejudice to the author's interests.

In light of this scenario, the STJ observed that the appellant's claim would require a reexamination of the factual and evidentiary record, particularly to redefine the degree of relevance of the graffiti within the video and to recognize the existence of direct commercial exploitation of the work. Such a measure, however, is incompatible with the special appeal mechanism, due to the prohibition imposed by Precedent (Súmula) No. 7 of the STJ. Accordingly, the Court upheld the conclusions of the lower courts and denied the appeal, reaffirming that the copyright protection of graffiti does not, by itself, preclude the application of statutory limitations to works located in public places when they are represented in an indirect and ancillary manner.

The decision consolidates a relevant understanding for audiovisual productions and advertising in urban environments: the mere fact that a work is protected by copyright does not prevent its incidental capture in videos recorded in public spaces. For a duty to indemnify to arise, it tends to be decisive to demonstrate that the work was used as a central element of the content or economically exploited in an autonomous manner. The precedent thus contributes to greater predictability in the application of copyright limitations in contexts of digital advertising and the use of culturally significant urban settings. Therefore, the limitation must be respected, always observing the duty to disclose the authorship of the work when the author is known.

Link to the full text of the decision: [REsp 2174943](#)

3.5 DIGITAL LAW

3.5.1 – Partial unconstitutionality of Article 19 of Law No. 12,965, of April 23, 2014 (Civil Rights Framework for the Internet)

Brazilian Federal Supreme Court. Extraordinary Appeal No. 1.037.396. Reporting Justice Dias Toffoli, and **Extraordinary Appeal No. 1.057.258**, Reporting Justice Luiz Fux, judged on June 26, 2025, Dje November 5, 2025.



Authors: Rodrigo de Assis Torres e Juliana Nogueira de Sa Cardoso Coelho

Field of Law: Digital law

Topic: Civil liability of digital platforms. Content generated by third parties. Constitutionality of Article 19 of the Brazilian Civil Rights Framework for the Internet. Exceptional liability without prior court order.

Summary

In Themes 987 and 533, the Federal Supreme Court examined the constitutionality of Article 19 of the Brazilian Civil Rights Framework for the Internet and the civil liability regime for digital platforms for illegal content generated by third parties. The Court recognized the existence of insufficient protection of fundamental rights when the requirement of a prior court order for liability is applied in an absolute manner, declaring the provision partially unconstitutional. It was established that platforms may be held liable, on an exceptional basis, in cases of manifestly illegal content or serious violations of personality rights, provided that criteria of proportionality, diligence, and prohibition of prior censorship are observed.

Brief history of the litigation

Lourdes Pavioto Correa filed a lawsuit against the Facebook platform before the São Paulo State Court on November 17, 2014. The lawsuit was initiated due to the creation of a fake profile in the plaintiff's name by third parties, who began to misuse her identity and image to publish offensive messages. The plaintiff alleges that she never had an account on the platform and that, despite her complaints, Facebook did not take effective measures to stop the practice, allowing the posts to continue. The court was asked to remove the fraudulent account, require the platform to provide the IP address and other technical data linked to the profile, and order the payment of compensation for moral damages.

In the first instance, the requests were partially granted, with only the claim for compensation for moral damages being dismissed. The deletion of the fake profile and the provision of the IP address were ordered. The appellate court upheld the ruling regarding the removal of the profile, but revoked the obligation to provide the IP address, recognizing that the measure had become impossible due to the expiration of the legal period for keeping records, in the absence of a request for data preservation. Furthermore, it understood that the compensation requested by Lourdes would be appropriate, also reversing the decision on this point. The defendant company then appealed to the STF, arguing that, according to Article 19 of the Civil Rights Framework for the Internet, compensation was not applicable because the court order had been complied with. The appeal gave rise to Theme 987, since the Extraordinary Appeal (RE 1.037.396, reported by Minister Dias Toffoli) was recognized as having general repercussions.

Another lawsuit was filed by Aliandra Cleide Vieira, a teacher, against Google, before the State Court of Minas Gerais, on January 19, 2010. The lawsuit began after the creation of a community on Orkut called "I hate Aliandra," in which derogatory and offensive comments about the plaintiff were posted, including the use of her photograph without authorization. The plaintiff reports that she tried to resolve the issue out of court, but Google refused to do so, arguing that the content did not violate its internal policies.

The first-instance ruling upheld the lawsuit in its entirety, recognizing that the content posted on Orkut went beyond the mere exercise of freedom of expression and constituted a direct offense to the plaintiff's honor and image, especially due to the misuse of her photograph and the dissemination of derogatory comments in a widely circulated environment. Although recognizing that the content was created by third parties, the judge understood that the company that owned the platform contributed significantly to the perpetuation of the damage by remaining inert even after being formally notified. Google appealed, but the Appeals Panel upheld the judgment in its entirety, rejecting an argument of lack of standing to be sued, recognizing that the provider is liable for the risks inherent in the activity it performs. The company appealed to the STF through Extraordinary Appeal 1.057.258, reported by Minister Luiz Fux, whose general repercussion was also recognized (Theme 533). Google's argument was that the community was removed after the court order.

The judgment of these two themes will be addressed here.

The controversy and relevance of the topic

The STF sought to determine whether Article 19 of the Civil Rights Framework, which requires a prior court order to hold digital platforms liable for damages caused by third-party content, is constitutional. In addition, it aims to define the liability regime for platforms, considering the need to protect the fundamental rights and democratic values provided for in the 1988 Constitution in the digital environment.

The relevance of the issue lies in the direct impact that the definition of the liability regime for digital platforms has on the protection of fundamental rights in the virtual environment, especially the honor, image, privacy,

and dignity of the human person, as opposed to freedom of expression and the prohibition of prior censorship. The judgment of Themes 987 and 533 by the STF goes beyond the subjective interests of the parties involved, as it establishes structural parameters for the activities of internet application providers in Brazil, influencing the way in which illegal content is prevented, removed, and repaired. It is, therefore, a central controversy for defining the balance between technological innovation, civil liability, and effective protection of rights in the context of the digital society.

The understanding set forth by the STF and its impacts

Preliminarily, the STF recognized the existence of a relevant constitutional controversy with general repercussions, also understanding that the conditions for the joint judgment of the extraordinary appeals were present, given the close relationship between the legal arguments discussed in both cases. This is because, on the one hand, Facebook upheld the constitutionality of the legislative option enshrined in Article 19 of the Brazilian Civil Rights Framework for the Internet, while Google argued, in summary, that the solution that was subsequently adopted by the same legal provision was constitutionally imperative – the impossibility of civil liability of the legal entity managing social media applications for the publication of offensive content by third parties without a prior court order for its removal.

In examining the merits, the STF emphasized that social networks, and internet applications in general that allow users to create content on a large scale, can easily be directed, and reality shows that they are, to the violation of fundamental individual and collective rights. It pointed out as a challenge, therefore, their balance in light of the constitutional requirement of sufficient protection of fundamental rights. It was thus established as an essential assumption that the colossal volume of content made available around the globe on a daily basis, and its immense potential speed of dissemination, mean that any adequate calibration of conflicting interests depends on the imposition of legal obligations on digital communication intermediaries (internet application providers).

In recognizing this assumption, the Court also emphasized that the choice of the appropriate measure for imposing these obligations must be made with caution, so as not to sacrifice the economic viability of social networks and the freedom of expression of users. In light of this perspective, the STF considered that there is an unconstitutional insufficiency in the civil liability regime established by Article 19 of the Brazilian Civil Rights Framework for the Internet, as it provided civil immunity capable of creating a situation of lack of protection for fundamental rights that are susceptible to violation in the digital environment.

First, because the provision resulted in a total absence of legal incentives for providers to adequately moderate the content that third parties publish on their platforms. Immunity from civil liability tends to cause the beneficiary to fail to take any precautions to prevent damage to third parties, the decision points out. Second, because there is no denying the inherent and inevitable delay in legal proceedings. This circumstance, coupled with the speed with which information spreads on social media, renders traditional means of controlling offensive speech, such as the right of reply and subsequent liability, obsolete.

The decision then established parameters for the platforms' actions and for possible civil liability, allowing for flexibility in the requirement for a prior court order in specific cases, such as those involving manifestly illegal content, serious violations of personality rights, repeated practices, or systemic failures in moderation. It was emphasized that such exceptions should be interpreted restrictively, in order to preserve freedom of expression as the rule and liability as a qualified exception.

It was also emphasized that the analysis of platform liability must take into account elements such as the provider's degree of knowledge about the illegality of the content, the predictability of the damage, the adoption (or not) of diligent moderation measures, and the existence of effective reporting and response

mechanisms. The Court made it clear that this is not a matter of imposing a general duty of prior monitoring, but of requiring proportionate and reasonable conduct in specific situations.

In the end, the STF concluded that the solution adopted seeks to preserve the essential core of freedom of expression and technological innovation, without neglecting the protection of fundamental rights violated in the digital environment. The decision thus reflects a choice for deliberation and proportionality, recognizing that the platform liability regime must simultaneously serve to promote public debate and protect human dignity.

Link to the full text of the decision: [Extraordinary Appeal No. 1.057.258](#) and [Extraordinary Appeal No. 1.037.396](#).

Link to the STF decision summary: [Summary](#)

3.6 PERSONAL DATA PROTECTION

3.6.1 STJ understands that the disclosure of personal data, in itself, does not constitute presumed moral damages (in re ipsa), and it is essential to prove that the conduct of the database controller resulted in significant damage to the rights of the data subject

Brazilian Superior Court of Justice (STJ). Special Appeal No. 2,221,650/SP. Reporting Justice Maria Isabel Gallotti, Fourth Section of the STJ, unanimously, judged on November 4, 2025, DJe November 14, 2025.



Author: Gabriela Cellino Moser

Fields of Law: LGPD and Consumer Law

Topic: Disclosure of non-sensitive personal data. General Data Protection Law (LGPD). Positive Credit Reporting Act. Absence of prior consent. No presumed moral damages (in re ipsa). Requirement to prove actual damage.

Summary

(...)3. The Positive Credit Reporting Act (Article 4, item III) expressly provides that the database controller is authorized to share the stored registration and payment-performance information with other databases but does not grant authorization for controllers to freely disclose third parties' personal data to potential inquirers. (...) Although credit protection database controllers may process third parties' personal data and even open a credit record without the prior consent of the data subject, they are not authorized to make personal data and credit history available without the prior consent of the data subject. 6. The mere disclosure of personal data, in and of itself, does not give rise to presumed moral damages (in re ipsa), it being indispensable to demonstrate that the conduct of the database controller resulted in a significant infringement of the data subject's personality rights. 7. In the case at hand, the court of origin, which is sovereign in the assessment of facts and evidence, held that the appellant failed to demonstrate the actual disclosure of his personal data to third parties by the appellee, nor did he prove the existence of moral damages arising from the alleged conduct. (...) 8. The special appeal is denied.

Brief history of the litigation

Wagner Fernando da Silva filed an action for specific performance combined with a claim for moral damages against Boa Vista Serviços S.A., in which the claimant alleged that the defendant had unlawfully commercialized his personal data, without authorization, through services such as “Acerta Essencial” and “Data Plus” requesting that the disclosure of his data be stopped and that the defendant be ordered to pay compensation for moral damages.

At first instance, the trial court partially granted the claim, ordering the removal of the claimant’s data from the defendant’s platforms, but dismissing the claim for moral damages on the grounds that the mere commercialization of personal information, in and of itself, would not amount to moral damage, particularly as it did not place the data subject in a situation of relevant risk.

The defendant lodged an appeal, and the Court of Justice of the State of São Paulo granted the appeal and dismissed the action in its entirety. The state court held that the claimant had failed to discharge the burden of proving the actual disclosure of his personal data to third parties, as well as the correlation between the allegedly disclosed data and his personal reality, thereby precluding both the removal of the data and the award of moral damages.

Against that ruling, the claimant filed a Special Appeal (Recurso Especial), alleging violations of provisions of the Civil Code, the Consumer Protection Code, the Positive Credit Reporting Act, and the General Data Protection Law (LGPD), arguing that the disclosure of personal data without consent would constitute moral damage in re ipsa.

Upon review, the Fourth Section of the Superior Court of Justice (STJ), by unanimous decision, denied the appeal, consolidating the understanding that the mere disclosure of non-sensitive personal data, even if unlawful, does not automatically give rise to presumed moral damages, it being indispensable to prove an effective impairment of personality rights, which was not demonstrated in the case at hand.

The controversy and relevance of the topic

The decision aimed to establish that “the mere disclosure of personal data, in and of itself, does not constitute presumed moral damages (in re ipsa), it being indispensable to demonstrate that the conduct of the database controller resulted in a significant infringement of the data subject’s personality rights.”

The ruling is relevant for the consolidation of Brazilian case law on personal data protection and civil liability, as it affirms the understanding that the mere disclosure of non-sensitive personal data, even if unlawful, does not give rise to presumed moral damages (in re ipsa), requiring proof of an effective impairment of the data subject’s personality rights. This approach moves away from an automatic compensation logic based solely on the formal violation of the LGPD.

The understanding set forth by the STJ and its impacts

The Fourth Section of the Superior Court of Justice (STJ) acknowledged the existence of a relevant legal controversy concerning the characterization of moral damages in cases involving the disclosure of personal data by credit protection database controllers, particularly with regard to the possibility of admitting automatic compensation (in re ipsa) in situations of unlawful data processing under the General Data Protection Law (LGPD) and the Positive Credit Reporting Act.

In this context, the Court carried out a systematic interpretation of the LGPD, especially Article 7, items I and X, in conjunction with the Positive Credit Reporting Act (Law No. 12,414/2011).

According to the opinion of the Reporting Justice Maria Isabel Gallotti, “the Positive Credit Reporting Act provides that the controller is authorized to share the stored registration and payment-performance information with other databases, as well as to make available to inquirers only the credit score, not encompassing the possibility of transferring to third parties other data or credit history without the express consent of the data subject, which reinforces the restrictive and protective nature of the statute.”

On the other hand, item X of Article 7 of the LGPD establishes, as a lawful basis for processing, the processing “for the protection of credit, including as provided for in the applicable legislation.”

In this regard, the Reporting concluded that “although credit protection database controllers may process third parties’ personal data and even open a record without the prior consent of the data subject, as a rule they are not authorized to make such data available to third parties without the prior consent of their respective holders.”. Thus, the STJ more precisely delineated the scope of the lawful basis of credit protection, rejecting expansive interpretations that could undermine the safeguards afforded by the LGPD.

Having addressed this issue, the Court turned to the core of the controversy: the possibility of automatically characterizing moral damages as a result of the mere unlawful disclosure of personal data.

To that end, the Court distinguished the legal regime applicable to sensitive data—whose discriminatory potential and capacity to directly affect the dignity of the data subject justify stricter protection—from that applicable to ordinary personal data, which, although protected, are not subject to an absolute confidentiality regime.

The decision emphasized that the recognition of moral damages requires proof of two cumulative elements: (i) the effective unlawful disclosure or sharing of personal data and (ii) the occurrence of a relevant harm to the data subject’s existential sphere. The absence of either requirement precludes indemnification, under penalty of transforming civil liability into a mechanism of automatic punishment detached from concrete harm.

In the case at hand, “the personal data consisted of ordinary information, frequently provided in various registries, including on digital platforms of everyday use, and not, as a rule, subject to a confidentiality regime. Accordingly, because they are common and merely identify the individuals to whom they relate, the disclosure of personal data, in and of itself, does not directly affect the data subject’s personality rights, as it does not strike at the core of such rights.”

Accordingly, the Fourth Section held that the appellant failed to discharge the burden of proof regarding both the effective disclosure of his data to third parties and the demonstration of concrete moral harm, and therefore upheld the decision of the São Paulo Court of Justice dismissing the claim.

The impacts of this understanding are significant, as the ruling contributes to the consolidation of a balanced interpretation of the LGPD, rejecting approaches that equate any formal irregularity with compensable damage, and reaffirming the effective occurrence of harm as a prerequisite for civil liability. Moreover, the precedent raises the evidentiary standard in actions based on personal data protection, mitigates the risk of opportunistic litigation, and provides greater legal certainty to companies and database controllers, without undermining the effective protection of personality rights.

Ultimately, the STJ’s decision promotes the necessary harmonization between the protection of privacy and the economic functionality of information systems, reaffirming that personal data protection must operate as an instrument for safeguarding human dignity, rather than as an automatic mechanism of liability detached from the demonstration of actual harm.

Link to the full text of the decision: [REsp 2221650](#)



Dannemann
Siemsen
Institute

CHAPTER 4

IP AND RELATED TOPICS NEWS 2025



CHAPTER 4

IP and related topics news – 2025

This chapter presents a selection of relevant news articles related to the field of Intellectual Property and related topics, published in 2025.

Below are summaries of these articles, which can be accessed in full through the links provided at the end of each summary.

4.1 PATENTS

4.1.1 New BPTO regulation on continued examination of a patent application after appeal

On May 27, 2025, the Brazilian Patent and Trademark Office (BPTO) published Ordinance No. 04/2025, establishing a new procedure for cases in which a rejection decision regarding a patent application is overturned on appeal and the application is remanded to the first instance for continued examination in accordance with the determinations of the appeal decision.

Once an appeal is acknowledged and the rejection annulled, the first-instance examiner is required to fully comply with the second-instance decision and may not revisit any legal or technical findings already resolved. New third-party observations are no longer accepted following the publication of the annulment decision. Furthermore, voluntary divisional applications are no longer permitted during the continued examination phase, unless a lack of unity was previously identified ex officio.

An article on the subject can be found at the following link: [Circular n7](#)

4.1.2 BPTO publishes draft Guidelines on New Uses of Known Products

The Brazilian Patent and Trademark Office (BPTO) published a draft amendment to the guidelines for patent applications involving new uses of known products. The consultation runs until September 26, 2025, with significant potential impact, especially on biotech/pharmaceutical applications.

Among the most sensitive aspects, it is noteworthy that post-filing experimental data will no longer be accepted to demonstrate the technical effect of an invention. Accordingly, applications will only be regarded as sufficiently disclosed if they already contain conclusive in vivo results at the time of filing. In addition, the guidelines provide for the exclusion of novelty for claims directed to dosage regimens, administration routes, treatment schedules, patient groups, or timing.

An article on the subject can be found at the following link: [Circular n13](#)

4.1.3 BPTO Preliminary Guidelines on Artificial Intelligence Patents

On August 18, 2025, the Brazilian Patent and Trademark Office (BPTO) published preliminary guidelines on patent applications related to artificial intelligence (AI). The public consultation on the document closed on October 17, 2025. The document provides guidance on inventorship, patentability, technical character, inventive step, and sufficiency of disclosure. It also classifies AI-related inventions into three categories: AI-based inventions, AI models and techniques, and AI-assisted inventions.

An article on the subject can be found at the following link: [Circular n15](#)

4.1.4 Ruling strengthens protection for inventors in Brazil

In a decision favorable to innovators, a Federal Judge held that the Brazilian Patent and Trademark Office (BPTO) improperly rejected a biotechnology patent application by disregarding the inventor’s statutory grace period and adopting an interpretation that exceeded the limits of its administrative authority.

The judgment annulled the rejection of the biotechnology patent application and ordered the BPTO to proceed directly with the grant of the patent. The decision, obtained by the DANNEMANN firm on behalf of the applicant, establishes an important precedent by reaffirming that disclosures made by the inventor within the legally prescribed period do not destroy novelty and cannot be relied upon by the BPTO to deny patent protection.

An article on the subject can be found at the following link: [Ruling reaffirms the scope of the inventor’s “grace period” and sets a precedent against the overreach by the BPTO](#)

4.1.5 Brazil strengthens patent protection for pharmaceutical innovations

In an infringement action in which Dannemann represented the patent holder, a Brazilian state court held that an importer contributed to patent infringement by supplying magnesium threonate to galenic pharmacies that compounded and sold a formulation protected by a Brazilian patent.

The decision underscored the importance of formulation patents in ensuring market exclusivity and protecting pharmaceutical innovation. It clarified that the statutory galenic exception — which permits the individualized compounding of medicines in accordance with a medical prescription — does not apply to importers of pharmaceutical ingredients. By preventing third parties from circumventing the legal protection afforded by patents, the ruling reinforces legal certainty for pharmaceutical products and consolidates Brazil as a favorable environment for investment and innovation in the sector.

An article on the subject can be found at the following link: [Brazil Fortifies Patent Protection for Pharmaceutical Innovations](#)

4.1.6 The BPTO publishes the Patent Forfeiture User Manual focusing on regulatory grounds and practical guidelines

The Brazilian Patent and Trademark Office (BPTO) published, through Ordinance BPTO/DIRPA No. 10, dated June 18, 2025, the Patent Forfeiture User Manual. As highlighted in the document, its objective is to present forfeiture as a regulatory instrument essential to the governance of industrial property, clarify its legal treatment under current legislation, disambiguate its application across different normative contexts, and provide practical guidelines for its administrative processing within the BPTO.

An article on the subject can be found at the following link: [The BPTO publishes the Patent Forfeiture User Manual focusing on regulatory grounds and practical guidelines – IDS – English](#)

4.2 TRADEMARKS AND TRADE DRESS

4.2.1 BPTO Updates on Trademark Procedures Require Strategic Analysis but Bring Opportunities

Throughout 2025, the Brazilian Patent and Trademark Office (BPTO) has been implementing a series of significant changes in the trademark system in Brazil. These updates reflect the BPTO’s efforts toward modernization

and efficiency, but they also pose strategic challenges for trademark owners and applicants.

Among the main developments are:

- the new fee schedule;
- the creation of a fast-track examination procedure;
- the regulation of acquired distinctiveness;
- new rules for recognition of high renown trademarks;
- the introduction of a simplified opposition system;
- the initiatives for the use of artificial intelligence in the examination process.

More information: [Dannemann Siemsen](#)

Articles on the subject can be found at the following links: [Circular n8](#); [Circular n12](#)

4.2.2 Rio de Janeiro courts recognize infringement of the Talco Barla trade dress and order the recall of competing talcum powders

On 14 August, 2025, the Rio de Janeiro Court handed down a decision with major repercussions for the personal hygiene market and the intellectual property sector. After more than five years of litigation, the judge of the 7th Business Court of the Capital District of the Rio de Janeiro Court of Justice, Dr. Victor Agustin Cunha Jaccoud Diz Torres, recognized that Perfumaria Márcia infringed the trade dress of the traditional Barla talcum powder by launching a product with an extremely similar visual identity on the market.

An article on the subject can be found at the following link: [Rio de Janeiro court recognizes infringement of Barla talcum powder trade dress and orders immediate recall of competing talcum powders](#)

4.2.3 Dupes and intellectual property: the boundary between inspiration and infringement in the consumer era

“Dupe” is a term that has evolved from its traditional definition of ‘deception’ to a cultural phenomenon that is reshaping consumer behavior and challenging established intellectual property structures. What began as a trend on social media has turned into a movement that raises complex questions about innovation, accessibility, and the limits of IP protection. On various social media platforms, videos with the hashtags #dupe and #dupes have reached billions of views.”

An article on the subject can be found at the following link: [Dupes and intellectual property: the line between inspiration and infringement in the age of consumption](#)

4.3 REGULATORY UPDATES AND STRATEGIC INITIATIVES

4.3.1 BPTO adopts a New Fee Schedule and offers new services for Patents, Trademarks, and Contracts

The Brazilian Patent and Trademark Office – BPTO has implemented a new fee schedule and introduced additional services for patents, trademarks, and contracts as part of its efforts to modernize procedures and align with international standards. Established by Ordinances GM/MDIC No. 110/2025 and BPTO/PR No. 10/2025, the changes came into effect on August 7, 2025.

An article on the subject can be found at the following link: [Circular n10](#)

4.3.2 GIPI approves the 2025–2027 Action Plan of the National Intellectual Property Strategy (ENPI)

The Interministerial Group on Intellectual Property (GIPI) published, on August 4, Resolution GIPI/MDIC No. 14/2025, which approves the 2025-2027 Action Plan of the Brazilian Intellectual Property Strategy (in Portuguese: Plano de Ação 2025-2027 da Estratégia Nacional de Propriedade Intelectual - ENPI). The ENPI is Brazil's public policy aimed at promoting the strategic use of intellectual property (IP) as a tool for competitiveness, innovation, economic growth, and social development. Its purpose is to encourage the broad use of the intellectual property system and foster investment in innovation in Brazil. Implementation is carried out by the GIPI, within the scope of the Ministry of Development, Industry, Commerce and Services (MDIC).

An article on the subject can be found at the following link: [Resolution GIPI/MDIC No. 14/2025 approval](#)

4.3.3 The Brazilian Federal Revenue Service standardizes procedures for the seizure of counterfeit goods through ADI RFB No. 3/2025

The Brazilian Federal Revenue Service published, on December 3, 2025, Interpretative Declaratory Act (ADI) RFB No. 3, which standardizes the interpretation of Articles 605 to 608 and Article 689 of the Customs Regulations (Decree No. 6,759/2009). The measure represents a significant step forward in consolidating technical and procedural criteria applicable to the administrative detention of goods suspected of counterfeiting or false indication of origin, thereby strengthening legal certainty and enhancing the effectiveness of anti-piracy enforcement in Brazil.

Interpretative Declaratory Act RFB No. 3 of the Brazilian Federal Revenue Service can be accessed at the following link: [ADI RFB no. 3/2025](#)

4.4 ARTIFICIAL INTELLIGENCE (AI) AND ADVANCES IN INTELLECTUAL PROPERTY

4.4.1 AI initiatives in Brazil

An analysis of current Brazilian initiatives related to artificial intelligence (AI) — including legislative proposals addressing AI-generated inventions, inventorship, and the reduction of patent terms — and how these proposals may transform patent protection and AI-driven innovation cycles.

An article on the subject can be found at the following link: [Circular n5](#)

4.4.2 Brazilian National Council of Justice approves new regulation for the use of artificial intelligence by the judiciary

On February 18, 2025, the Brazilian National Council of Justice (CNJ) approved Normative Act 0000563-47.2025.2.00.0000, which replaces Resolution 332/2020 and defines new rules for the use of artificial intelligence (AI) in the Judiciary. Among the main changes are specific guidelines for generative AI, with the aim of ensuring transparency, safety and governance in the application of these technologies. The measure seeks to reconcile innovation and the protection of fundamental rights and will come into force 120 days after its publication. Among the points regulated are the requirement for human supervision, auditing, transparency and restrictions to avoid discrimination and automated decisions without judicial control.

An article on the subject can be found at the following link: [Brazilian National Council of Justice approves new regulation for the use of artificial intelligence by the judiciary - IDS - English](#)

4.4.3 Justice Cristiano Zanin formally notifies the Brazilian Bar Association (OAB) regarding the improper use of AI in a pleading containing fabricated precedents

On May 12, 2025, Justice Cristiano Zanin of the Federal Supreme Court (STF) formally notified the Federal Council of the Brazilian Bar Association (OAB) after identifying the improper use of artificial intelligence (AI) in the drafting of a judicial appeal.

Considering that the conduct could constitute a violation of the Brazilian Bar Statute (Law No. 8,906/1994), Justice Zanin ordered that the OAB be informed so that appropriate measures could be adopted. He further held that the behavior amounted to bad-faith litigation, emphasizing that the party “acted recklessly by falsely asserting the existence of binding precedents in a claim brought before the Federal Supreme Court, pursuant to Article 80, V, of the Code of Civil Procedure.”

An article on the subject can be found at the following link: [Justice Cristiano Zanin notifies the Brazilian Bar Association regarding improper use of AI in a judicial appeal containing fabricated precedents – IDS – English](#)

4.4.4 The States of Goiás and Paraná advance artificial intelligence policies with an emphasis on innovation and capacity building

On May 19, 2025, the State of Goiás enacted Complementary Law (LC) No. 205/25, which establishes the State Policy for the Promotion of Innovation in Artificial Intelligence. The regulation, which entered into force on the date of its publication, sets forth guidelines for the promotion of Artificial Intelligence (AI) in various sectors.

In the State of Paraná, Law No. 22,324/25 came into effect on April 2, 2025, creating the Guidelines Plan for Artificial Intelligence in State Public Administration (PDIA/PR). This law aims to promote the development and the ethical, transparent, and efficient use of AI technologies within the Executive Branch at the state level.

An article on the subject can be found at the following link: [The Brazilian states of Goiás and Paraná advance artificial intelligence policies with emphasis on innovation and capacity building – IDS – English](#)

4.4.5 Artificial Intelligence Plans of Brazil and the United States: A Comparative Analysis

In light of the growing importance of artificial intelligence on the global stage, Brazil and the United States launched national plans in 2025 establishing guidelines for the development and strategic use of the technology. Although they share common objectives, such as fostering innovation and promoting the responsible use of artificial intelligence (AI), their approaches reflect distinct priorities and policy perspectives.

An article on the subject can be found at the following link: [Artificial Intelligence Plans of Brazil and the United States: A Comparative Analysis – IDS – English](#)

4.4.6 The 27th Federal Court of Rio de Janeiro rules out the illegality of the commercialization of AI-generated pleadings for use before Small Claims Courts

On 4 November, 2025, the bench of the 27th Federal Court of Rio de Janeiro ruled that providing an artificial-intelligence service aimed at automating petitions for the Small Claims Courts does not constitute the unlawful practice or commodification of legal services. When adjudicating Public Civil Action No. 5038042-87.2025.4.02.5101/RJ, Judge Jhonny Kato found that the AI in question did not perform individualized case analysis, limiting itself to a technological solution for document automation based on artificial intelligence.

An article on the subject can be found at the following link: [The Federal Court of Rio de Janeiro rules that the sale of AI-generated petitions for use in Small Claims Courts is lawful – IDS – English](#)

4.4.7 The Santa Catarina Court of Justice (TJSC) rules, on a preliminary injunction, that ECAD may collect copyright royalties for the public performance of AI-generated music

In a recent decision, the Court of Justice of Santa Catarina (TJSC), through Justice João Marcos Buch, denied an Interlocutory Appeal filed by a company and upheld the right of the Central Office for the Collection and Distribution of Copyright (ECAD) to charge fees for the public performance of music created by artificial intelligence (AI).

An article on the subject can be found at the following link: [Brazilian State Court rules, in a preliminary injunction, that ECAD can collect fees for the public performance of music generated by artificial intelligence. – IDS – English](#)

4.5 DOMAIN NAMES

4.5.1 New “.br” domain extensions available

In September 2025, NIC.br (the Brazilian Network Information Center) made available, in Brazil, the registration of domain names under new extensions.

The new categories are:

- api.br – for identifying Application Programming Interfaces (APIs);
- ia.br – for projects and solutions in Artificial Intelligence;
- social.br – intended for social media profiles and networks;
- xyz.br – versatile and for general use.

These new registration options are particularly relevant as they are focused on applications, artificial intelligence, and social media.

An article on the subject can be found at the following link: [Circular n14](#)

4.6 DIGITAL LAW

4.6.1 The Superior Court of Justice (STJ) rules that access to digital assets left by deceased individuals requires a judicial proceeding with the appointment of an expert

On September 9, 2025, the Third Panel of the Brazilian Superior Court of Justice (STJ) held, by majority, that access to digital content stored on devices belonging to deceased persons must occur through the opening of a specific procedural incident within the probate proceedings, with the appointment of a technical expert responsible for identifying, classifying, and assessing the data under judicial supervision.

An article on the subject can be found at the following link: [Brazilian Superior Court of Justice rules that access to digital assets left by deceased persons requires a judicial proceeding with the appointment of an expert – IDS – English](#)

4.7 ADVERTISING

4.7.1 CONAR updates the rules for sustainable advertising in Brazil

Approved on October 24, 2025, and published on October 27, the National Council for Advertising Self-Regulation (Conar) has established a new framework for advertising in Brazil that include appeals to sustainability, preservation, and environmental protection. Through a significant update to its code, the Council seeks to more strictly curb greenwashing—understood as the use of false or misleading environmental claims, lacking evidence, which mislead the public and create an unfounded image of environmental responsibility.

An article on the subject can be found at the following link: [Conar Updates the Rules for Sustainable Advertising in Brazil](#)

4.8 COPYRIGHT

4.8.1 The Superior Court of Justice (STJ) reaffirms that the choice of a pseudonym is an exclusive and inalienable moral right of the author

On October 7, 2025, the Third Panel of the Superior Court of Justice (STJ) unanimously held that the prerogative to choose a pseudonym belongs exclusively to the author and cannot be transferred to third parties. In judging Special Appeal No. 2,219,796 – PE, reported by Minister Ricardo Villas Bôas Cueva, the Court reaffirmed the principle established by Law No. 9,610/98 (Brazilian Copyright Law – LDA) that the choice of a pseudonym constitutes a personal, inalienable, and non-waivable moral right. The Court rejected the appeal filed by a publishing company, clarifying that, although the contract could provide for the use of a fictitious name, such a clause could not override the legal protection of moral rights.

An article on the subject can be found at the following link: [Brazilian Superior Court of Justice Reaffirms that the Choice of Pseudonym is an Exclusive and Inalienable Moral Right of the Author – IDS – English](#)

4.8.2 The Superior Court of Justice (STJ) reaffirms that copyright in anonymous works may only be exercised upon valid proof of authorship

On August 20, 2025, the Third Panel of the Superior Court of Justice (STJ) unanimously held that anonymous works “will only be subject to legal protection after the formal recognition of their author”. The legal protection of anonymity and any rights over the anonymous work apply from the moment the author becomes known. In adjudicating Special Appeal No. 2,196,790/DF, under the rapporteurship of Justice Ricardo Villas Bôas Cueva, the Court reaffirmed that, although copyright registration is not a prerequisite for statutory protection, the alleged author bears the burden of proving authorship through appropriate evidentiary means in order to seek redress for unauthorized uses.

An article on the subject can be found at the following link: [The Brazilian Superior Court of Justice reaffirms that copyright over anonymous works can only be exercised upon valid proof of authorship – IDS – English](#)

4.8.3 The Superior Court of Justice (STJ) rules that a publisher owns the musical works of Roberto and Erasmo Carlos and may exploit them on streaming services

The 3rd Panel of the Superior Court of Justice (STJ) unanimously held that the contracts signed between singers Roberto Carlos and Erasmo Carlos (represented by their estate) and Editora e Importadora Musical Fermata do Brasil Ltda. materialized the transfer of ownership and not only the edition of their musical works.

The two musicians are very famous in Brazil. The lawsuit was filed by the artists to question the scope of the contracts signed in the 1960s and 1980s, which, according to them, did not expressly provide for the exploitation of the songs on digital platforms.

An article on the subject can be found at the following link: [Brazilian Superior Court of Justice rules that publisher owns Roberto and Erasmo Carlos' musical works and can exploit them on streaming services – IDS – English](#)

4.9 PERSONAL DATA PROTECTION AND PRIVACY

4.9.1 The National Data Protection Authority (ANPD) issues guidelines on the role of the data protection officer

The Brazilian Data Protection Authority (ANPD) recently published a guide entitled “The role of the data protection officer”, complementing Resolution CD/ANPD No. 18 of July 16, 2024, which regulates the role of the data protection officer. This professional is responsible for mediating communication between data subjects, the companies or organizations that use them and the ANPD. The aim of the guide is to provide clear guidelines for hiring and carrying out the activities of the data protection officer (DPO), ensuring that they act in accordance with Law no 13709/2018, the Brazilian General Data Protection Regulation (LGPD).

An article on the subject can be found at the following link: [Brazilian Data Protection Authority launches guide on the role of the data protection officer – IDS – English](#)

4.10 GLOBAL INTELLECTUAL PROPERTY LANDSCAPE AND ECONOMIC OUTLOOK

4.10.1 BPTO, MDIC, and EUIPO publish a study on the impact of intellectual property rights on the Brazilian economy

On February 4, 2025, the Brazilian Patent and Trademark Office (BPTO) published the study “The Economic Contribution of Intellectual Property Rights Intensive Industries in Brazil”, in partnership with the European Union Intellectual Property Office (EUIPO) and the Brazilian Ministry of Development, Industry, Trade and Services (MDIC). The aim of the study is to identify the sectors that make intensive use of intellectual property rights (IPR) in Brazil, with an emphasis on green patent technologies, providing information and analysis on the economic importance of these sectors for the country and measuring their contribution to the national economy. It also seeks to compare the results with previous studies conducted in Brazil and other Latin American countries, in order to understand the role of intellectual property in these economies.

An article on the subject can be found at the following link: [BPTO, MDIC and EUIPO publish study on the impact of intellectual property rights on the Brazilian economy – IDS – English](#)

4.10.2 Brazil's performance in the field of innovation: GII 2025 and IBID 2025 – progress and challenges

In August and September 2025, two landmark reports were released that help to situate Brazil within the innovation landscape, both internationally and domestically. At the global level, the Global Innovation Index (GII), published annually by the World Intellectual Property Organization (WIPO), ranks 139 economies based on 78 indicators organized into seven pillars: institutions, human capital, infrastructure, economy, business sophistication, knowledge and technology, and creative outputs. At the domestic level, the Brazil Innovation and Development Index (IBID), produced by the Brazilian Patent and Trademark Office (BPTO), follows a similar methodological framework to assess science, technology, and innovation performance across Brazilian states and regions.

An article on the subject can be found at the following link: [Brazil's Performance in the Field of Innovation: GII 2025 and IBID 2025 – Advances and Challenges. – IDS – English](#)

4.10.3 European Commission report highlights Brazil's actions to combat counterfeiting and piracy

On May 2, 2025, the European Commission released the fourth edition of the Counterfeit and Piracy Watch List, a report that, since 2018, has been tracking key global trends related to counterfeiting and piracy. The document presents a carefully selected list of physical markets and digital platforms that, according to consulted stakeholders, are allegedly offering, facilitating, or benefiting from such illicit activities. Among the countries highlighted, Brazil stands out as an example of a robust approach to combating piracy.

An article on the subject can be found at the following link: [European Commission report highlights Brazil's actions in combating counterfeiting and piracy – IDS – English](#)

4.11 INTELLECTUAL PROPERTY ASSET MANAGEMENT AND VALUATION

4.11.1 The BPTO strengthens the strategic framework for the management, economic use, and data-driven analysis of intellectual property and innovation

In 2025, the Brazilian Patent and Trademark Office (BPTO) advanced a broad set of strategic initiatives aimed at strengthening the management, valuation, and economic use of intellectual property (IP) assets, while also expanding its data-driven contributions to national innovation policy. The Office launched a dedicated page and an e-book on IP valuation; issued practical guides on IP asset management and on audit and valuation tools; and released a study examining the use of IP-protected assets as collateral for financing. These efforts were complemented by analytical publications, including a study on filing trends of IP assets in Brazil by Latin American applicants between 2002 and 2021, the 2024 rankings of the main applicants, and a report on intangible investments highlighting their growing strategic relevance to the Brazilian economy. Additionally, the BPTO published the 2014–2024 historical series of the Brazil Innovation and Development Index (IBID), offering a decade-long analysis of innovation performance across Brazilian states and its correlation with socioeconomic indicators.

Collectively, these initiatives underscore the increasing importance of intangible assets, data analytics, and evidence-based policy tools for enhancing national competitiveness, innovation capacity, and economic development.

Articles on the subject can be found at the following links:

[BPTO launches page on the economic value and strategic management of IP, and publishes e-book on the valuation of IP assets – IDS – English](#)

[BPTO publishes guide on managing intellectual property assets – IDS – English](#)

[BPTO launches study on the use of assets protected by IP rights as collateral to obtain financing – IDS – English](#)

[BPTO publishes guide on intellectual property asset audits and valuation tools – IDS – English](#)

[BPTO publishes study on the filing trends of IP assets in Brazil by Latin American applicants between 2002 and 2021 – IDS – English](#)

[BPTO publishes rankings of applicants for intellectual property assets in 2024 – IDS – English](#)

[BPTO releases study on intangible investments in Brazil and highlights their strategic potential for the national economy – IDS – English](#)

[BPTO releases historical data series for the Brazil Innovation and Development Index, covering data from 2014 to 2024 – IDS – English](#)



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