



Brazilian PTO publishes new Ordinance regulating the examination of certificates of addition.

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Brazil | December 3 2024

The Brazilian Patent and Trademarks Office (BPTO) published on the Official Bulletin nº 2,813, of December 03, 2024, Ordinance no. 24, which establishes the procedure for examining certificates of addition (COA).

According to the Ordinance, the following must be observed during examination:

- The examination of the COA must start after the grant of its main application;
- The subject matter of the COA must: (i) be included in the same inventive concept as the main application; (ii) must not be comprised in the main application; and (iii) must belong to the same claim category as the one granted in the main application;
- The COA claims must be drafted so that its preamble comprises the subject matter of the main application and its characterizing portion comprises the introduced improvement or development;
- The inventive activity requirement will not be analyzed.

Furthermore, in order to evaluate the novelty requirement, the prior art search can be complemented by documents published between the priority date of the main application and the filing date of the COA.

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