



Thirty Years of the Brazilian Industrial Property Law (LPI): The Record Number of Trademark Applications before the Brazilian PTO and the Limits of the Current Trademark System

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Brazil closed 2025 with a historic milestone in its industrial property system: over 500,000 trademark applications filed in a single year, according to data released by the Brazilian Patent and Trademark Office (INPI). This represents the highest volume ever recorded and a significant increase compared to the previous year.

This figure reflects a positive movement toward recognizing trademarks as valuable economic assets, driven mainly by micro and small enterprises, as well as by greater digitalization and accessibility of the filing system. At the same time, however, the record number of applications has exposed structural limitations in Brazil's trademark protection model, which are likely to become more pronounced as filing volumes continue to rise.

It is no coincidence that this debate intensifies at a time when Brazil is approaching the 30th anniversary of its Industrial Property Law (Law No. 9,279/96). Three decades after its enactment, the law remains a cornerstone of legal certainty, but it now faces natural pressure for updating in light of economic, technological, and competitive transformations.

The Problem of Trademark Stockpiling Without Use

One of the main bottlenecks of the system resides in the accumulation of registered trademarks that are not effectively used in the marketplace, yet remain in force for long periods. The current model allows for successive renewals without requiring periodic proof of use, thus encouraging what is commonly referred to as trademark stockpiling, i.e., registrations maintained for defensive, strategic, or simply abandoned purposes.

In practice, distinctive signs that are no longer part of economic circulation end up blocking the registration of new trademarks, hence increasing refusal rates, raising branding costs, and hampering the entry of new market players, with a direct impact on competition and innovation.

Although Brazilian legislation provides for non-use cancellation (forfeiture), it may only be requested after five years from the grant of registration and is contingent upon third-party initiative, which limits its effectiveness as a systemic cleansing mechanism.

INPI's Public Consultation and International Convergence

It is within this context that the INPI intends to launch a public consultation, precisely in connection with the debate surrounding the 30th anniversary of the Industrial Property Law. Among the key proposals to be discussed is the reduction of the minimum period required to request non-use cancellation, from five to three years following the registration grant.

The main objective of this proposal is to mitigate the problem of registered but unused trademarks by encouraging effective use of the distinctive sign within a shorter timeframe and discouraging purely defensive filings.



This initiative also brings Brazil closer to international practices. Countries such as the United States, Mexico, and Argentina require, at different stages of the registration term, formal declarations or evidence of trademark use. Such requirements help keep trademark registers more dynamic and aligned with actual economic activity.

Opposition Proceedings and the Timing of Substantive Examination

Another relevant aspect of the debate concerns opposition proceedings. Under the Brazilian system, an opposition may significantly delay the commencement of substantive examination, even when filed for essentially dilatory purposes.

Proposals to review the procedural effects of opposition such as allowing its analysis after a decision or otherwise rationalizing its impact on the examination flow aim to reduce the statutory time required to begin substantive examination and decrease the number of pending applications delayed solely due to opposition filings.

Once again, there is convergence with international practices, where opposition does not always suspend examination or is structured in a way that prevents its use as a systemic blocking tool.

An Adjustment Consistent with the System's Maturity

The combination of a shorter non-use cancellation period, greater incentives to prove use during the registration term, and a more rationalized opposition procedure points to a modernization process consistent with the level of maturity achieved by the Brazilian trademark system over the 30 years of the Industrial Property Law.

The objective is not to restrict rights, but rather to ensure that trademark registration fulfills its economic and social function by protecting those who actually use distinctive signs in the marketplace.

The record number of trademark applications filed in 2025 is a clear indicator of the vitality of Brazilian entrepreneurship. Adjusting the system so that it remains functional, efficient, and aligned with international best practices represents both a necessary and timely step for the future of industrial property in Brazil.

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