

Industrial Design Manual

Office of Trademarks, Industrial Designs,
and Geographical Indications of the
Brazilian National Institute of Industrial
Property – INPI

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Introduction

This Manual aims at consolidating guidelines and procedures for analyzing industrial designs, as well as instructions for filing applications and process follow up, thus serving as guidance to examiners, representatives, and users in general.

The Industrial Design Manual shall be subject to periodic updates promoted by the Permanent Committee for Improvement of the Rules and Procedures to Examine Trademarks, Industrial Designs, and Geographical Indications – CPAPD. These updates, which have been made continuously since July 2024, result from the improvement of existing procedures and the inclusion of new guidelines regarding the registration of industrial designs. The last update took place on July 12, 2024. Details of the changes, as well as previous versions of the Manual, can be found on the [Updates](#) page.

Established by **INPI/PR Ordinance No. 36/2023**, the Industrial Design Manual provides the instructions required for filing applications and presents guidelines for formal requirements examination and technical examination, as well as information on how to access other services provided by the Office of Trademarks, Industrial Designs, and Geographical Indications – DIRMA and by the General Coordination Office for Administrative Invalidation Procedures and Appeals – CGREC. The version established by the Ordinance brought several updates resulting from the improvement of the existing procedures and the inclusion of new guidelines regarding the registration of industrial designs under the Hague Agreement.

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1 General provisions

Information on the access to the services provided by the Office of Trademarks, Industrial Designs, and Geographical Indications, fees, meeting of deadlines, user assistance, access to the records, and other general rules.

1.1 Rules applicable to examination of industrial designs

The following apply to the examination of industrial designs:

- **The Federal Constitution:**

Art. 5 - (...)

XXIX – the law shall ensure the authors of industrial inventions a temporary privilege to use them, as well as protection of industrial creations, ownership of trademarks, corporate names, and other distinctive signs, considering Brazil's social interest and technological and economic development;

- **Treaties and conventions to which Brazil is a signatory:**

- **Paris Convention (CUP);**

- **Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)** – the TRIPS agreement creates a series of obligations undertaken by the Brazilian government to establish a minimum level of protection regarding intellectual property in the internal laws and regulations on the issue; and

- **Geneva Act of the Hague Agreement** – the provisions of the Geneva Act of the Hague Agreement and of its Common Regulations applies only to applications examined within the scope of the Agreement. Additional information can be obtained in chapter 11 Hague Agreement.

- **Law No. 9,279/1996 – Brazilian IP Law** (LPI) of May 14, 1996.

- **Any and all rules associated or related to Industrial Property Law**, in its broadest sense, even if included in other laws, such as civil and commercial laws and regulations and the ones related to copyrights.

1.2 Official means of communication

INPI's official means of communication is the Revista da Propriedade Industrial (INPI's Gazette (RPI)), available at the Institute's portal in PDF. The RPI is published on Tuesdays, except on holidays, when it is published in the first immediately subsequent business day. Compliance with the date of publishing in the INPI's Gazette is important, as it initiates the count of legal deadlines applicable to applications, registrations, and petitions for industrial designs.

INPI also provides the RPI in TXT to support the reading of data disclosed in the gazette through private management systems and the follow up of applications/registrations. However, this format is not INPI's official means of publication.

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There are also other unofficial and/or alternative means of communication, such as the Search in the industrial design database and the module "*Meus Pedidos*" ("My Applications"), as described in section [3.10 Follow up of applications/registrations](#).

1.3 Filing applications and petitions

The petitions or applications for registration of industrial designs may be filed with INPI exclusively online, through the system e-DI, available at INPI's portal.

1.4 Date and time of filing

The date and time of filing the applications will be the same as the submission of the electronic form and can be found in the proof of transmission of the respective application.

1.5 Eligibility to act

Individuals or legal entities domiciled in Brazil

Individuals or legal entities domiciled in the Brazil, regardless of having or not a representative, may act before INPI.

Individuals or legal entities domiciled abroad

Applicants domiciled abroad shall appoint a legal representative in Brazil, through a power of attorney contemplating powers to be served process, as provided for in art. 217 of the LPI.

Representatives

The power of attorney is a document through which the applicant(s) elect(s) a legal representative to represent their interests before INPI.

In order to be deemed valid by the institute, this document must include data of the principal(s), of the attorney-in-fact, the powers being granted, and the date, place, and signature of the principal(s). This power of attorney shall be written in Portuguese and, if the original is in another language, the user shall submit a translation thereof, with no need for consular legalization or notarization of signatures.

The power of attorney shall be submitted upon the first act of the party (representative) in the process, upon the filing of an industrial design application or petition, or in up to sixty (60) days of the date of filing of such application or petition.

If the power of attorney is not submitted within the due period, the industrial design application shall be finally dismissed, as established in paragraph two of art. 216 of the LPI.

Additional information on the examination of the power of attorney can be found in items [3.7.1 Power of attorney and documents related to acts in concert](#) and [5.1 Review of powers of attorney](#).

Applicant under the age of 18

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Those under the age of 18 may hold industrial design registrations, as long as the following conditions are satisfied:

- Those under the age of sixteen (16) shall be represented upon filing the industrial design application, pursuant to art. 3 of the Brazilian Civil Code.
- Those over the age of sixteen (16) and under the age of eighteen (18) may apply for industrial designs, as long as they are assisted, pursuant to art. 4, item I, of the Brazilian Civil Code. Those relatively disabled as set forth in items II and III of art. 4 of the Brazilian Civil Code may also apply for industrial designs when assisted, pursuant to the civil laws and regulations.

Applications by people under 18 years shall be analyzed by the technical area pursuant to the above conditions and shall be subject to technical amendment in case of disagreement with the same.

Applicants who are elderly, disabled persons – whether physically or mentally – or have severe illnesses

Applicants (individuals) who are elderly, disabled persons – whether physically or mentally – or have severe illnesses are entitled to priority in the examination, as provided for in art. 69-A of Law No. 9,784 of January 29, 1999. The prioritized examination may be requested by presenting, at the time of filing, an attachment stating that one or more applicants (individuals) are entitled to the prioritized examination. The declaration must be accompanied by a copy of a proper document to prove it.

After the filing of the application for registration entitled to prioritized examination, a message shall be sent to User Assistance Department for Industrial Designs – addressed to the Examination Area – with the application number and information about the prioritized examination.

The application for priority service will be analyzed in the technical area. The result of the application analysis will be informed to the user in reply to the Contact Us message.

1.6 Deadlines

The deadlines under the LPI, as a general rule, start after the date of publication in the RPI.

They start on the first business day after the publication and shall be counted in calendar days.

After the deadline, the right to act is extinguished, except when a time-limit extension applies pursuant to art. 221 of the LPI and to INPI/PR Ordinance No. 049/2021, due to an unexpected event, beyond the party's will, which prevents them from acting.

1.7 Fees

The fees for the INPI services are expressed in the Schedule of Fees, available on the Institute's Portal.

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As provided for in INPI/PR Resolution No. 251/2019 of October 2, 2019, the following persons are eligible for a discount: individuals (only if they do not hold any corporate interest in companies that operate in the area to which the item to be registered belongs), micro-enterprises, sole proprietors, and small-sized companies, as defined by Complementary Law No. 123 of December 14, 2006; cooperatives, as defined by Law No. 5,764 of December 16, 1971; educational and research institutions; nonprofit entities, as well as government entities, when acting on their own account. To all services are subject to discounts.

In case petitions for applications/registrations under co-ownership, in order to be entitled to discounts, all applicants shall meet the criteria established in INPI/PR Resolution No. 251/2019.

The fees are paid through the Brazilian Federal Revenue Collection Slip (GRU), INPI's collection document. If the applicant has paid unnecessary fees, they may request a refund through a specific petition. It is an exempted service (Service code 801) that may be found in the Schedule of Fees of the INPI's Administration Board – DIRAD, and the procedures regulated by such Board, also available in INPI's Portal, must be respected.

1.8 Use of acts by the parties

INPI shall use the acts by the parties, whenever possible, making the applicable requirements, as provided for in art. 220 of the LPI.

1.9 User assistance

Users may send their questions and issues through the section Contact Us, a channel that is part of the Integrated Service Platform, available at the home page of the INPI's Portal.

In the Contact Us form, the applicant should choose the Subject/Area of Interest according to the doubt or question:

- **Systems – Problems with access to services:** questions regarding access to e-INPI services.
- **Systems – Registration, access, corrections:** questions regarding username and password and registration with e-INPI.
- **Industrial Designs (Administrative Area):** questions regarding filing procedures, application confidentiality, deadlines for action, author confidentiality, formal requirements examination, change of name and principal place of business, transfers, waivers, withdrawals, renewal and five-year fees, expiration of registrations, requests for copies, time-limit extension, certificates, official copies, issuance of certificates.
- **Industrial Design (Examination Area):** questions regarding the registrability of any industrial designs, scope of protection, power of attorney, priority, period of grace, deadlines to act, legal requirements for granting of registration, technical examination, substantive examination, submission of technical amendments, and dismissal.

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- **Industrial Design (Hague Agreement):** questions regarding industrial design registration in Brazil through the Geneva Act of the Hague Agreement or questions regarding the processing of designations received through this copy.
- **Administrative Invalidation Proceedings and Appeals:** questions related to industrial design applications, registrations, or petitions in the stage of appeal or invalidation procedure before the Institute.

INPI sends the answer to the email informed in the specific field of the form of the *Fale Conosco* (Contact us) system.

1.9.1 Telepresence Service

The Telepresence Customer Service is reserved for assertive guidance about the services provided by the Institute, to ensure more satisfactory user experience, and the generation of empathy in the relationship between the users and INPI. Additionally, its purpose is to mitigate the risks to public integrity and establish cohesion, uniformity, safety, and institutional identity for the public-private relationship. Telepresence service is provided via videoconference.

Service must be requested through the Integrated Service Platform, available on the home page of the INPI's portal, and the message must include: the applicant's identification; the subject to be addressed, indicating the act or application/registration to which it refers; the file number of the Contact Us service regarding the matter; the justification for the need for telepresence service; and the identification of potential accompanying persons and their interest in the subject.

To request this type of service, the matter must have already been previously addressed through the User Assistance Service (Contact Us). An email will be sent to the user with information regarding the request to schedule the service.

The user will be directed to one of the following types:

- **Access to the records:** means visualization of the application/registration records that are not available in the Institute's electronic systems. A specific view must be requested for each application/registration.
- **Guidance:** aimed at disseminating knowledge about technical or operational procedures and providing clarifications about acts already carried out in administrative proceedings.
- **Hearing:** meeting between the user and the President, Directors, or Chief Attorney of INPI.

Pursuant to ¶ 2 of item III of art. 17 of INPI/PR Ordinance No. 512/2019, assistance in the form of guidance and hearing will be subject to discretion and availability and, in case of denial, motivation and appropriate treatment of the response will be presented.

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1.10 Access to information

Law No. 12,527 of December 18, 2011, also known as Access to Information Law, regulated by Decree No. 7,724 of May 16, 2012, established guidelines for access to information at the Public Administration Level, seeking to increase transparency and facilitate citizens' access to information.

In compliance with the Access to Information Law, INPI provides the following tools:

- *Revista da Propriedade Industrial* (INPI's Gazette), which is INPI's official mean of communication, as described in item 1.2 Official means of communication;
- Module "Meus Pedidos" ("My Applications"), as described in item 3.10.2 My applications;
- Search in database, which includes viewing documents included in applications and registrations, as described in item 3.10.3 Search in the Industrial Design database; and
- Service channels of the Integrated Service Platform, such as the Contact Us System and Face-to-face user assistance, are described in item 1.9 User assistance.

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2 What is considered industrial design

2.1 Definition of industrial design

Industrial design, as defined in art. 95 of the LPI, is the ornamental plastic form of an object or the ornamental set of lines and colors that may be applied to a product, providing a new and original visual result in its external configuration, and which may be used as an industrial manufacturing type.

2.2 Types of industrial design

Three-dimensional design

Is the ornamental plastic form of an object that has height, width, and depth. Furniture, footwear, jewelry, vehicles, and packages, among others, are examples of products whose configuration is defined by the tridimensional industrial design.

Two-dimensional design

It consists of an ornamental set of lines and colors that has only two dimensions: height and width. Examples of products to which the ornamental set of lines and colors may apply are: prints, ornaments, graphic signs, surface patterns, typographic fonts, graphic user interfaces, or any other type intended for surface ornamentation.

2.3 Definition of product

The product must be indicated in the title of the application and pertain to a Locarno class and subclass. [Click here to access the Locarno Classification.](#)

For more information on the application title, see item [5.3.1.1 Product identification](#), sub-item **(b) Product indication in the application title.**

The industrial design must refer to a tridimensional product or a two-dimensional product, according to the following definitions.

2.3.1 Tridimensional product

This product has three dimensions and must be likely to be industrially manufactured. The tridimensional product can be simple or complex. The complex tridimensional product may be: a) formed by interconnected parts; or b) formed by non-interconnected parts.

Simple

A simple product is one manufactured so that there are no parts, pieces, or components that allow it to be assembled or disassembled.

Examples:

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Industrial design of a simple product (BR302017001421)



Industrial design of a simple product (BR302016000905)



Industrial design of a simple product (BR302016004841)

Complex

A complex product presents parts, pieces, or components so there is the possibility of assembly, disassembly, or composition of the product. Complex products can be formed by interconnected parts or non-interconnected parts.

A) Product formed by interconnected parts

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A complex product formed by interconnected parts is composed of two or more parts, pieces, or components interconnected with each other. The plastic form of this product is defined by the configuration of its interconnected parts, pieces, or components (assembled form).

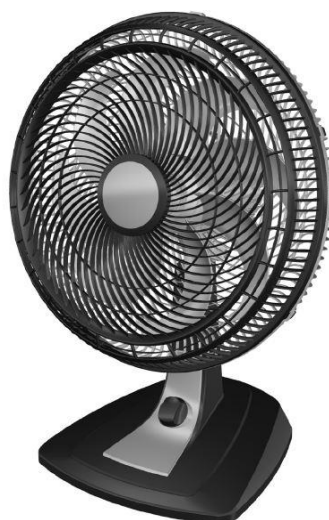
Examples:



Industrial design of a complex product formed by interconnected parts (BR302016001865)



Industrial design of a complex product formed by interconnected parts (BR302018002038)



Industrial design of a complex product formed by interconnected parts (BR302018002450)

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B) Complex product formed by non-interconnected parts

The complex product consisting of non-interconnected parts is formed by at least two parts, pieces, or components not interconnected with each other. Its plastic form is defined by the configuration of all its parts, pieces, or components – including those that are not interconnected – and must be understood as the plastic form of a single product.

The ornamental characteristics of this configuration are defined by the aggregate of the ornamental characteristics of its parts, pieces, or components, and must allow the unequivocal confirmation that it is a single industrial design, classified in a single class and subclass of the Locarno Classification. [Click here to access the Locarno Classification.](#)

For more information on the representation of a complex product formed by non-interconnected parts, see item [5.3.11 Registration of the industrial design of a complex product formed by non-interconnected parts.](#)

Examples:



Industrial design of a complex product formed by non-interconnected parts



Industrial design of a complex product formed by non-interconnected parts

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Industrial design of a complex product formed by non-interconnected parts

2.3.2 Two-dimensional product

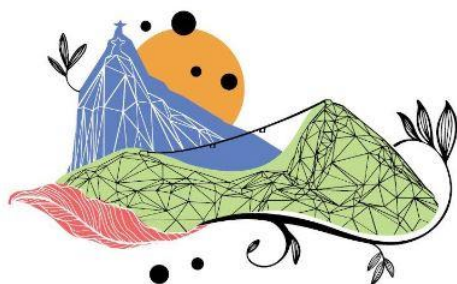
This product has two dimensions and must be likely to be industrially manufactured.

The title of the industrial design registration of a set of lines and colors must indicate a two-dimensional product. These are “prints,” “ornaments,” “graphic signs,” “surface patterns,” “graphic interfaces,” etc. The registration of the industrial design of a set of lines and colors may indicate, in addition to the two-dimensional product, the tridimensional product to whose surface the two-dimensional product will be applied: “pattern for fabric”, “ornament for packaging”, “ornament for diapers”, “graphic interface for electronic device”, etc.

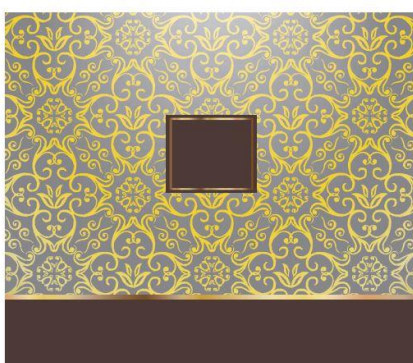
In the figures, the applicant is given the possibility of representing the configuration of the two-dimensional product in isolation or applied to the surface of a tridimensional product. For information on how two-dimensional industrial designs are represented, see item [5.3.4.2 Sufficient description](#), sub-item **Two-Dimensional Industrial Design**.

The configuration of the two-dimensional product can be dynamic. A two-dimensional product with a dynamic configuration is one whose appearance changes over time, according to a defined sequence. This is the case, for example, of computer-generated images, especially dynamic graphical interfaces.

For information on how to represent industrial designs of two-dimensional products with dynamic configuration, see item [5.3.12 Registration of industrial designs of graphical interface](#), sub-item **Dynamic Graphical Interface**.

THIS TEXT DOES NOT REPLACE THE TEXT PUBLISHED IN INPI'S PORTAL**Examples:**

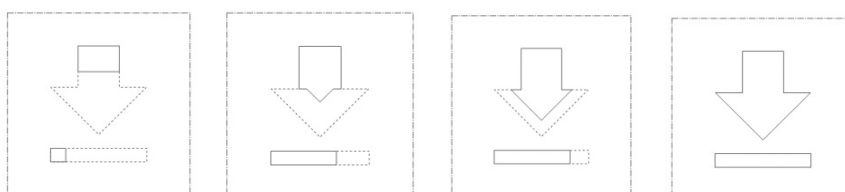
Industrial design of a two-dimensional product (BR302021005899)



Industrial design of a two-dimensional product (BR302020004857)



Industrial design of a two-dimensional product (BR302022002502)



Industrial design of a two-dimensional product with dynamic configuration.

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2.4 Parts, pieces, or components

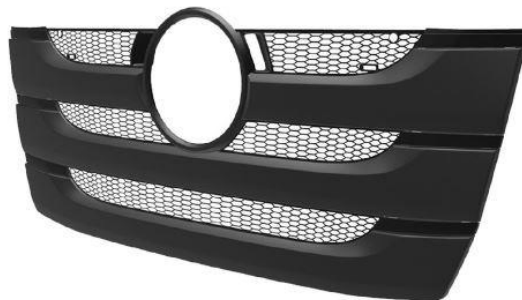
Registration of industrial designs may refer to parts, pieces, or components that form part of or are intended for the assembly or composition of two-dimensional or tridimensional products.

The industrial design of these parts, pieces, or components is registrable as long as it has an ornamental configuration and belongs to a single class and subclass of the Locarno Classification.

The applicant may file the industrial design of a part, piece, or component in two different ways. It is up to the applicant to determine which of these two ways best represents their claim.

In the first way, the industrial design of the part, piece, or component is filed and no contextualization is required. In that case, the part, piece, or component is considered to constitute a product in itself, which must be indicated in the registration document.

Examples:



Product indication: Vehicle front grille

Example of the industrial design of a part indicated as a product in itself. (BR302016001394)



Product indication: Fan grille

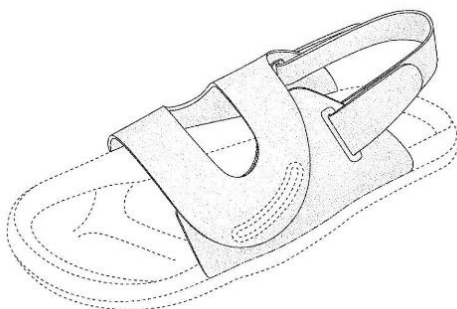
Example of the industrial design of a part indicated as a product in itself. (BR302018002501)

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Product indication: shoe sole

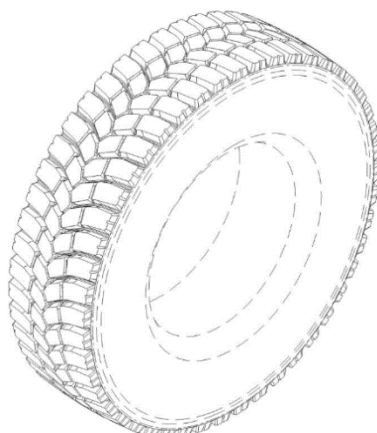
Example of the industrial design of a part indicated as a product in itself. (BR302016002027)

In the second way, the industrial design of the parts, pieces, or components is filed together with contextual elements that are not part of the claim. In that case, it is necessary to differentiate, through graphic resources (e.g.: continuous lines, dashed lines, or colorization) what constitutes the claim from what is contextual. For more information on the conditions, forms of representation, and graphic resources used in claiming and contextualizing the industrial design of part of a product, see item 5.3.4.3 Types of representation.



Product indication: shoe upper

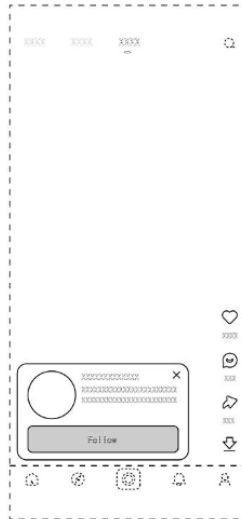
Example of product indication formed only by the claimed part, excluding any contextual elements.



Product indication: tire

Example of product indication formed by the claimed part and the contextual elements.

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Product indication: graphical interface

Example of product indication formed by the claimed part and the contextual elements.

2.5 Legal requirements

As provided for in art. 95 of the Brazilian IP Law (LPI), an industrial design is “the ornamental plastic form of an object or the ornamental set of lines and colors that may be applied to a product, providing a new and original visual result in its external configuration, and which may be used as an industrial manufacturing type.”

For purposes of application of the abovementioned legal provision, the following concepts are considered.

Ornamental aspect

Requirement that defines the purpose of the protection provided by registration of the industrial design, excluding the technical and functional aspects. It refers to the decorative and accessory visual characteristics attached to the product configuration to define its appearance.

Novelty

Objective and comparative requirement: quality of being new, refers to everything unknown before the moment of filing or the claimed priority date. The industrial design published during the period of one hundred and eighty (180) days before the date of filing of an application or priority claim shall be deemed new if such publication has been made in the situations provided for in items I to III of art. 12 of the LPI.

Originality

Quality of being original: attribute resulting from the visual configuration that differentiates an industrial design – due to its individual, distinctive character – from previous visual configurations.

The originality requirement establishes that industrial designs shall have a distinct visual configuration, in other words, it should be provided with characteristics that result in a singular appearance when compared to previous

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configurations. Therefore, it is not enough for the industrial design to simply not be identical to its predecessors: it should differ visually and substantially in relation to other previous industrial designs.

The original visual result may be achieved by combining known elements, according to the sole paragraph of art. 97 of the LPI. This result refers to the combination of configurations or parts of configurations that are already in the state-of-the-art. For this visual result to be considered original, such a combination must result in a distinctive configuration in relation to previous configurations.

External configuration

Requirement related to the visibility of the plastic form or the set of lines and colors, except for internal elements that become visible only by disassembling the product. For more information on examining the external configuration, see item [5.3.1.2 Identifying the visual characteristics of the external configuration of the industrial design](#), sub-item **Visual aspects of the external configuration**.

Industrial manufacturing type

The industrial design is intended to serve as a model for the industrial manufacture of products. Therefore, it is essential that such creation has not been conceived only as an author's form of expression, as purely artistic works are not registrable as industrial designs.

For the industrial design to be used as an industrial manufacturing type, its configuration shall be fully reproducible, i.e., it should be possible to reproduce it in series with uniformity.

The analysis of the reproducibility of the industrial design takes into account the limitations imposed by the type of material and the production process. Full reproducibility is not required in industrial designs that have, for example, textures resulting from characteristics of the materials with which the products will be manufactured. It is worth mentioning that the physical characteristics of the materials do not form part of the scope of protection.

Example: The reproducibility analysis of a wooden piece of furniture will take into account that the texture of the wood grains will differ each time its industrial design is reproduced. The same applies to stone textures, concrete surfaces, etc.

If the variable nature of the product's appearance results from a characteristic inherent to the production process, full reproducibility is also not required.

Example: The analysis of the reproducibility of the industrial design of a food product whose preparation includes chocolate drops takes into account that the arrangement of chocolate drops in the manufactured products may change each time that industrial design is reproduced.

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3 How to file an application or petition for industrial design

Industrial design petitions or applications must be sent to INPI exclusively online, through the e-DI system, available on the INPI's portal.

In this section, it is possible to find necessary information to file applications and petitions, in addition to instructions about how to monitor them.

3.1 Registration in e-INPI

The first step to file an industrial design application or petition is to register in the e-INPI system, which enables access to DIRMA services.

This registration is mandatory for individuals and legal entities who want to request the INPI services, and it works for all offices in the Institute. The applicant itself or its attorney, legal representative, or industrial property agent (IPA) may register an electronic identification, composed of username and password, in order to allow its access to the system.

3.1.1 Filling out the registration form in the e-INPI

First, it is necessary to access the e-INPI's registration page and pick a registration type: if it is the applicant themselves, select 'Client – individual or legal entity domiciled in the country with no representative'; if it is as a legal representative, the option is 'Attorney or Individual with the power of attorney to represent a client in the services requested.' The individuals or legal entities that are not domiciled in the country must observe the provisions in item 1.5 Legitimacy to act.

After accepting the standard form contract of the e-INPI system, with the general conditions of the service, the applicant must fill in the registration form, and create a login (username) and password.

The password must contain a minimum of six (6) and a maximum of ten (10) characters, which may be letters and numbers or both, without spaces. Do not use special characters such as &, !, %, ?, hyphens, or quotation marks. The username and password are case sensitive, i.e., the system differentiates upper-case letters from lower-case letters in its records.

Notes:

- a) **The password is personal and non-transferable**, and must not be disclosed to third parties. Ideally, the applicant or holder of the right to the industrial design should have one password and its representative or legal representative should have another one. It is not necessary for the legal representative to know the applicant/principal's password to issue a GRU. Moreover, disclosure of your password may cause future problems, such as unauthorized use after a representative is dismissed.

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- b) **The user must keep their record with the INPI updated**, as record information is the only one used by INPI to contact them. Everything from the notice of filing to the issuance of the registration certificate depends on the consistency of the information about the applicant and/or their representative. Therefore, any and all changes in data, and, of course, any changes that interfere with the course of the application with INPI must be communicated to the office.

Instructions for filling in information

Although the e-INPI system provides a tool to help in the registration, it is worth clarifying a few points related to the applicant information, as some of the information provided in this stage is automatically migrated into the electronic form of the Electronic Petitioning system.

The applicant information – i.e., information on the individual or legal entity applying for registration of an industrial design with INPI – that must be included in the form is as follows:

Field that will appear automatically in the form	Notes
Nome completo (Full name)	Full name (individual) or corporate name (legal entity) must be provided without abbreviations.
Endereço completo (Full address)	The address must include the location, number, neighborhood, supplement, city, state, and postal code (CEP); if the applicant resides abroad, the CEP is not necessary.
Legal nature of the applicant	According to the Schedule of Fees, some services have their fee amount reduced by 60% when payable by individuals, micro-enterprises, individual microentrepreneurs, small-sized companies, and cooperatives, as defined by law, educational and research institutions, nonprofit entities, as well as by government entities when acting on their account. Therefore, the correct filling of the legal nature provides automatic discount at the time of issuance of the Brazilian Federal Revenue Collection Slip.
Individual Taxpayer's Register (CPF) number or National Corporate Taxpayers Register (CNPJ) number, as the case may be	The user must pay attention when filling in these fields: the CPF must have eleven (11) digits, and the CNPJ must have fourteen (14) digits. Only one registration is allowed for each CNPJ or CPF. While filling in data, the user must observe if the name or corporate name provided effectively corresponds to the CNPJ or CPF to be registered, to avoid linking a CNPJ to an individual's name or a CPF to a legal entity's name.

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Email Address	It is important that the user informs their email correctly. Accordingly, such email must be accessed often by the user, as DIRMA may contact the user through this channel.
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3.1.2 Change in data of the e-INPI registration

Changes in data included in the registration may be made directly by the applicant, in the GRU module, available on the INPI's portal. The CPF and the CNPJ may not be changed, as registration with a new CPF or CNPJ generates a new record. In case of a merger, consolidation, or the like, the service of change in ownership is specific to such procedures, applying to all industrial design applications and registrations before the merger or incorporation.

In order to make the changes that can be made directly by the applicant, the following steps must be followed:

- a) Access the GRU module, using the username and password created previously;
- b) Click on *nome/razão social* (name/corporate name) to access the registration;
- c) Make the necessary changes;
- d) Click on the “*Salvar*” (Save) button and use the link “*Finalizar a Sessão*” (Log Out) to finish.

With the integration of INPI systems into the Federal Government's Single Login, users already registered with e-INPI can also access the GRU module through their gov.br account username and password.

Any changes in one of the fields described in the previous section must be made before the GRU is issued. Data present at the time of issuance of the GRU will be the only ones migrated into the electronic form.

Changes in the GRU Module record do not affect information on the applicant or holder included in the applications filed prior to the record change.

Applications or registrations filed before the changes in the e-INPI system and the generation of the GRU may only have the applicant or holder's name, corporate name, or address changed through submission of a specific petition and payment of its respective fee, namely, the petition under code 113 of INPI's Schedule of Fees – *Alteração de Nome, Sede ou Endereço* (Change of name or address).

3.2 Schedule of fees and prices of services

The schedule of fees for services provided by the Office of Trademarks, Industrial Designs, and Geographical Indications is available at INPI's portal, and users should consult it before filing any application or petition related to such application in order to acknowledge the prices of each service.

It is the sole responsibility of the applicant to know the amount charged for the service that they wish to request. If the price of the service changes between the date of issuance of the Brazilian Federal Revenue collection slip (GRU)

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and the date of filing of the corresponding application or petition, the applicant must pay the additional amount, according to the instructions included in item [3.3.1 Instructions to issue the GRU](#). In this case, if the applicant fails to do so, it will entail a demand for amendment.

3.3 Issuance of the GRU

After registering in the e-INPI System, the user must access the GRU module to issue the Brazilian Federal Revenue Collection Slip corresponding to the service requested from the Office of Trademarks, Industrial Designs, and Geographical Indications. This must be paid before submission of the form for application or petition for industrial design, under penalty of being disregarded as provided under art. 4 of [INPI/PR Ordinance No. 07/2022](#).

As a general rule, each GRU will be used for requesting a specific service, with the filing of the respective form. Exceptions to this rule are services exempt from forms and supplementary fees.

The GRU must be issued even when a service is exempted from payment.

When the GRU is used for a submission or petition related to industrial design registrations or applications under co-ownership, it must be issued to the applicant who will file the petition in the e-DI platform. If the petition is filed by a representative, the GRU must be issued to one of the applicants represented by them.

3.3.1 Instructions to issue the GRU

After registering in the e-INPI system, the user must access the GRU module to issue the collection slip corresponding to the service sought, pursuant to the instructions below:

- a) In the INPI's portal, the user must click the link "*Emita a GRU*" (Issue the GRU) and fill out the fields login (username) and *senha* (password) with the previously registered information.
- b) In the issuance page, the applicant should select the option *Registro de Desenho Industrial* (Registration of Industrial Design) in the field *Unidade* (Facility).
- c) Then, the applicant should choose the service by typing the relevant code (e.g.: 100, 104, 105) and typing "Enter"; or choose the service by searching for its name in the relevant box.
- d) At this point, it is necessary to provide other requested information, which vary according to the type of service.
- e) A window with a draft of the service requested pops up. The user should check the service requested, as well as data provided. To finish, the user must click "*Finalizar Serviço*" ("Finish Service"). If a mistake has been made as to the choice of the service or provision of any other information at this stage, the user must click "*Cancelar Serviço*" ("Cancel Service").

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- f) Finally, the user needs to carefully read the instructions on the page “*Serviço gravado com sucesso!*” (“Service successfully recorded!”) and click the button *Emissão da GRU* (Issuance of the GRU).

The user must click on *Novo Serviço* (New Service) only to request another service from the facility chosen. Upon issuance of the GRU, the user must click “*Sair do Sistema*” (“Exit the System”) to clear the system’s resources for other users.

As an alternative to generating a payment slip on the banking network, users may use debit to their account, real-time payment (PIX), or credit card. If the user chooses not to generate the GRU payment slip, their reference number must be saved for use in filing their petitions.

With the integration of INPI systems into the Federal Government’s Single Login, users already registered with e-INPI can also access the GRU module through their gov.br account username and password.

Attention!

Under no circumstances make a PIX directly to the INPI checking account; use it only to pay the GRU.

Attention!

In case the user wishes to request the same service more than once, they should not reuse a GRU: the user should select again the same service and a new GRU shall be issued.

3.3.2 Guidance for filling in fields

Field “*Objeto da petição se refere a*” (“Petition object refers to”):

By issuing a Collection Slip to submit a petition, in some cases, the user is required to fill in the field “*O Objeto da petição se refere a*” (“The Object of the petition refers to”), as well as the field “*Processo Administrativo*” (“Administrative Proceeding”).

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Dados do Serviço

Tipo de Serviço:

Serviço:

O objeto da petição se refere a:

Processo administrativo:

The field “*O Objeto da petição se refere a*” (“The Object of the petition refers to”) has two options: “*Em processo de registro*” (“For a registration”) or “*Em petição*” (“For a petition”). The option “For a registration” must be selected if the service requested is related to an industrial design application or registration. For example, the service “Submission of amendments” to a publication in an INPI proceeding requesting the user to resubmit the drawings.

The option “For a petition”, on its turn, must be selected if the service requested is related to a petition. Using the same example, a service of submission of amendments can be related to a petition when it requires the submission of additional documents as a result of, for example, a petition of change in ownership.

In both cases, the user must fill in the field “*Processo administrativo*” (“Administrative proceeding”), under the field *objeto da petição* (object of the petition), with the number of the industrial design registration or application related to the service requested.

Examples:

A requirement for the petition for invalidation procedure before the Office was published in an INPI’s Gazette. In this case, in order to meet the requirement, the user shall choose the option “*em petição*” (“for a petition”). Now, if the user wishes to submit priority documents or a power of attorney related to the industrial design application, he shall choose the option “*em processo de registro*” (“for a registration”).

Note:

It is worth mentioning that the description tables for all services, as well as their applications, are available in item [3.6 Explanatory tables regarding petitions](#).


When the service is related to an act published in the INPI’s Gazette, such as, for example, submission of amendments, the field “*Revista*” (“Gazette”), which, in its turn, must be filled with the number of the INPI’s Gazette in which the act was published.

Related Petition:

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When the user issues a GRU to submit a petition and chooses the option *em petição* (for a petition) in the field “*objeto da petição*” (object of the petition), a new field “*Petição Vinculada*” (Related Petition) appears according to the figure below.

Dados do Serviço

Tipo de Serviço:  Registro de Desenho Industrial ▼

Serviço: Cumprimento de exigência Formal (exigência técnica) (105) ▼

O objeto da petição se refere a: Em petição ▼

Processo administrativo: 

This field lists the petitions filed for that application. The user must select only the previous petition already filed and bound to this service related to the GRU requested. If the related petition is not listed, the user must click “*Confirma*” (“Confirm”) so that a field for manual completion is available.

Then, the user must finish and issue the GRU related to the service requested.

3.3.3 Supplementary fees

Any Collection Slip with understated amount, even due to changes in the INPI’s Schedule of Fees, may be complemented before filing the application or petition. Thus, amendments regarding additional amount of fees are avoided.

After accessing the GRU module, the applicant must select the facility “*Administração Geral*” (“General Management”) and fill in service code 800 or select the option “*Complementação de retribuição*” (“Supplementary fees”). A list of slips paid previously will appear in the field “*Guia Anterior*” (“Previous Slip”). The applicant must select the number of the slip paid previously, inform the additional amount to be paid, and finally click on “*confirmar*” (“confirm”).

After paying the supplementary fee, a copy of the proof of payment should be attached to the application or petition. In the field “GRU number”, the number that shall be provided shall be that regarding the primary service. This is because the number related to the supplementary fees will only be attached to the primary service form.

Notes:

- The GRU must have been paid and reconciled by the banking system before the additional amount is paid. If the GRU has already been paid and the user wishes to complement it, they must await the day after the payment, when it will be reconciled and included in the list of GRUs paid.
- The GRU must be complemented by the same applicant that issued it; on the contrary, the previous GRU will not be found.

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- When a supplementary fee is required, the payment of the supplementation slip only is not deemed to be a reply. The submission of amendments will only be considered as such after timely submission of a specific petition for that purpose.
- Supplementary fee slips may not be filed. If the applicant wants the proof of payment to be included in the records of the application, they must submit it through a specific petition whose service code is 150 – *Apresentação de documentos* (Submission of documents).
- If the supplementary fee has not been paid voluntarily by the user and is required, the amount to be complemented shall correspond to the difference required for completing the amount of the service in effect as of the date on which the requirement is met.

3.4 Payment of the GRU

Holding the Brazilian Federal Revenue Collection Slip issued by the GRU system, the user must observe the following:

- a) The GRU will be due on the 29th day following the date of issuance of the Slip. The GRU due date is not related to administrative deadlines, which must be strictly observed by the applicants pursuant to the LPI;
- b) The issuance of the GRU, which corresponds to the stage of selection of the service requested, shall be mandatorily made by the applicant or their representative, never by third parties. For this reason, access to the system is conditional on prior identification of the user. Therefore, except for a preexisting representative, the name of the user who accesses the system to select the service and consequently issue the GRU will be printed on the slip, binding such user to the act performed. The document shall include the CPF/CNPJ and the postal code of the payer.
- c) For purposes of validity of the acts performed by the user that depend on the payment of a fee, the service requested will be deemed effectively paid for only after the banking conciliation of the relevant GRU.
- d) Applications and petitions unpaid or with the date of payment after the filing shall cause a publication of absence of application or non-acceptance of petition, with no previous requirement and no right to refund of the fee.

As an alternative to generating a payment slip on the banking network, users may use debit to their account, PIX, or credit card. If the user chooses not to generate the GRU payment slip, their reference number must be saved for use in filing their petitions.

Attention!

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Under no circumstances make a PIX directly to the INPI checking account; use it only to pay the GRU.

3.4.1 Payments after bank working hours

Application for registration of an industrial design

For purposes of payment of the fee related to the filing of an application for registration of an industrial design, the date of the bank transaction is deemed to be the effective date of payment, even if it has been made at a time or on a date in which the banks are closed and as long as effectively evidenced.

Therefore, when the bank transaction for the payment of the application is carried out by the date of submission of the electronic form, but after bank business hours or days, the user must forward, as an attachment to the electronic application form, the scanned proof of payment of the GRU, with the legible number of the GRU, date of payment, and bank authentication.

All industrial design applications are subject to a formal requirements examination. In case of doubts about banking reconciliation of the amounts or effective date of payment, an amendment can be required for that purpose, to be met within five calendar days as of the date of publication of the requirement. In case of failure to meet the legal deadline, the application will be deemed inexistent, i.e., the application will be dismissed.

Scheduling of bank transactions are not accepted as proof of payment.

Petitions

For purposes of payment of the fees for petitions, the date of the banking transaction is the effective date of payment.

Therefore, when the bank transaction for payment of the petition is carried out by the date of its submission, but after banking business hours or days, the user must forward, as an attachment to the electronic petition form, the scanned proof of payment of the GRU, with the its legible number, date of payment, and bank authentication.

The petitions are subject to a conformity examination, when amendments may be required, especially in order to require a scanned copy of the proof of payment of the GRU so that any doubts on the effective date of payment are clarified.

Any requirement must be met within sixty (60) days of the date of publication of the requirement, under penalty of non-acceptance of the electronic petition due to lack of payment.

Scheduling of bank transactions are not accepted as proof of payment.

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3.5 Petition through e-DI

In order to access the electronic application/petition forms, first the user must register in the e-INPI system and generate a collection slip for the service requested, then they can access the electronic form using their username and password.

Before filling out the form, it is also essential that the user reads the Brazilian IP Law, as well as all items in this section for further clarification about how to act before the Office of Trademarks, Industrial Designs, and Geographical Indications.

3.5.1 Access to the form

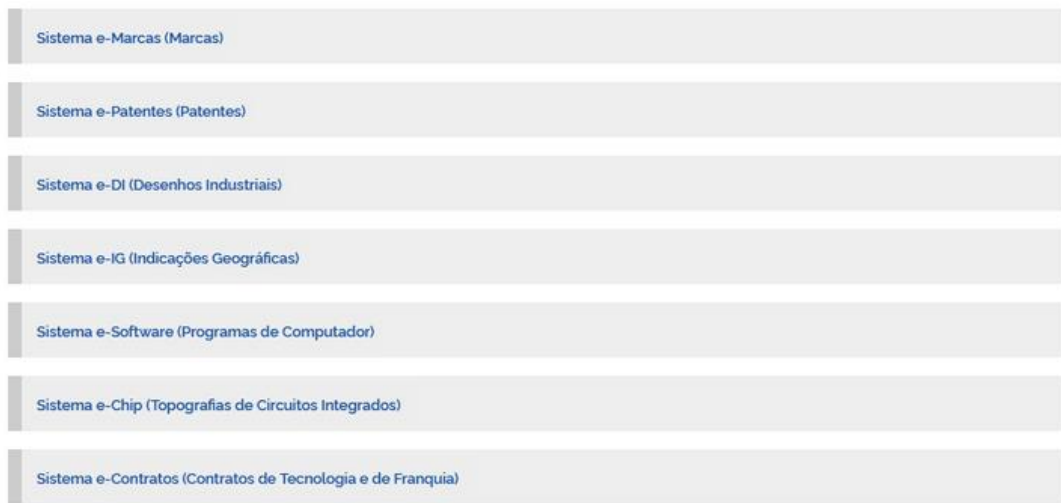
The user will have access to the form when by accessing e-DI, entering their username and password and clicking *Acessar* (Access). With the integration of INPI systems into the Federal Government's Single Login, users already registered with e-INPI can also access the electronic forms through their gov.br account username and password.

In the INPI's portal, the user shall click on "*Peticionamento*" ("Petitioning"):



Then the user shall click on "*Sistema e-DI (Desenhos Industriais)*" ("e-DI System (Industrial Designs)"):

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Next, on “e-DI”:

Sistema e-DI

Publicado em 14/05/2020 17h19 | Atualizado em 21/07/2020 10h49

Compartilhe: [f](#) [t](#) [l](#)

Acesse o Sistema e-DI:

e-DI

Para acessar o Sistema e-DI, é necessário um cadastro ativo no e-INPI.
Caso não tenha, acesse:

Cadastro no e-INPI

Em caso de dúvidas sobre como recuperar senha, acesso aos serviços e outros, acesse a página de [Perguntas Frequentes sobre Acesso aos Sistemas](#).

Finally, they should enter their username and password as show below:

Users registered with e-INPI may also access the forms through their gov.br account username and password.

After logging in, the user must enter the GRU number.

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It is worth mentioning that no GRU numbers for services not subject to petition, as specified in item [3.8 Services exempt from form](#), or GRU numbers related to supplementary fees, as described in item [3.3.1 Instructions to issue the GRU](#) should be inserted into this field. In case of supplementary fees, the GRU number for the primary service, whose value is being complemented, shall be provided. The slip regarding the supplementary fees shall be attached to the form. If the service that the petition complements has already been filed, the user shall file the additional petition through another service code.

When the login is done, the user will have 30 minutes to fill the form. Once this period is over, the session ends. However, information entered until the end will be saved and it will be possible to resume filling out the form, simply by logging in again.

Note:

It is through the GRU number that DIRMA confirms the request for service and the banking reconciliation of the respective payment. Therefore, keeping this number is essential for confirming the fee and issuing a second copy of the receipt of application, if required.

3.5.2 Filling out the form

Once the user has entered the GRU number in the proper field, they have access to the industrial design application form.

Information on the representative, if that is the case, reproduce information registered by the legal representative for their identification at the moment of issuance of the GRU. Thus, in case the form is accessed by the representative, the form will have two (2) basic pieces of information: one field for the applicant information and another for the representative information. When the representative is registered with an industrial property office, these data will also appear on the form.

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For applicants without a legal representative, the section “*Dados Gerais*” (“General Information”) does not include the fields for the representative and the office.

Instructions for filling out the fields

A – Application for registration of an industrial design

The applicant must choose the type of industrial design application at the very beginning of the form. This field is of utmost importance, as the final number of the industrial design application is defined by this choice. For this reason, attention is recommended when selecting it.

The option “*Depósito do pedido de registro*” (“Filing the application”) refers to the initial submission of an application in the national territory.

The option “*Depósito de pedido dividido*” (“Filing a divided application”) must only be selected in the case of a request for division made as a result of a technical amendment.

For more information on the division of applications, see item [5.3.3.1 Division of applications for industrial designs](#).

Seja bem-vindo | Sair do Sistema

Objeto do Pedido: Pedido de registro de desenho industrial

Nosso Número: 0000211702422833

Tipo do pedido de registro de Desenho Industrial

Por favor, escolha o tipo de pedido de registro de desenho industrial:

Depósito de pedido de registro: é a apresentação inicial do pedido em território nacional.

Depósito de pedido dividido: é um depósito gerado exclusivamente a partir de exigência técnica. É imprescindível, neste caso, que o pedido dividido faça referência ao depósito inicial (o pedido-mãe), para que se beneficie de sua data.

By clicking on “*Depósito de pedido de registro*” (“Filing the application”), an initial filing is made. If this is not your option, just click on the button “*Alterar*” (“Change”) to return to the home page with the two application filing alternatives.

Tipo do pedido de registro de Desenho Industrial

Depósito de pedido de registro: é a apresentação inicial do pedido em território nacional.

Alterar

When clicking on “*Depósito de pedido dividido*” (“Filing a divided application”), the user must inform the application number for which an amendment was prepared to request the division.

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Tipo do pedido de registro de Desenho Industrial

Por favor, escolha o tipo de pedido de registro de desenho industrial:

Depósito de pedido de registro: é a apresentação inicial do pedido em território nacional.

Depósito de pedido dividido: é um depósito gerado exclusivamente a partir de exigência técnica. É imprescindível, neste caso, que o pedido dividido faça referência ao depósito inicial (o pedido-mãe), para que se beneficie de sua data.

Por favor, preencha o número do pedido inicial: ?

Confirmar

Once the filling is complete, the rest of the form will be released.

If you made a mistake in your selection, click on the button “*Alterar*” (“Change”) to return to the home page with the two application options.

Attention!

Divided application is required exclusively as a result of a technical amendment, that is: there must be an application filed with INPI that has undergone a technical amendment requesting the division.

The deadline for filing a divided application is the same as for fulfilling the amendment, i.e., sixty (60) days. The divided application filed after the legal deadline shall be deemed tardy and will not be acknowledged, pursuant item I of art. 219 of the LPI.

B – Confidentiality of the industrial design application

The confidentiality of the application for an industrial design guarantees that it shall only be available for technical analysis 180 days after being filed, keeping its date of filing protected.

Within the confidentiality period (180 days), the application is subject to the following publications: confidential notice of the filing of an application; formal requirements; and inexistence. In these publications, only bibliographic data and information about admissibility of the application are made public, without reference to the matter filed.

The confidentiality requirement is optional. To request it, simply select the specific box on the form, and enter GRU code 102, previously generated and paid.

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Sigilo do pedido de registro de desenho industrial

Serviço opcional. A seleção deste campo implica no prévio pagamento da retribuição "Requerimento de sigilo de desenho industrial (código de serviço 102).

De acordo com o § 1º do artigo 106 da LPI, o pedido poderá ser mantido em sigilo pelo prazo de 180 (cento e oitenta) dias contados da data do depósito. Neste período, realiza-se a publicação de exigência formal, se for o caso, e de notificação de depósito de pedido em sigilo. Na notificação de depósito de pedido em sigilo apenas são tornados públicos dados bibliográficos e informações sobre a admissibilidade do pedido, não havendo qualquer menção à matéria depositada. O pedido depositado em sigilo ficará indisponível para exame técnico até o fim do período de 180 dias e, após o vencimento do prazo, será examinado. ?

When marking the confidentiality request on the form, the applicant shall have the relevant valid GRU paid. “Nosso número” (“our number”) must be entered in the field “Número da GRU de sigilo” (“GRU number of confidentiality”).

Sigilo do pedido de registro de desenho industrial

De acordo com o § 1º do artigo 106 da LPI, o pedido poderá ser mantido em sigilo pelo prazo de 180 (cento e oitenta) dias contados da data do depósito. Neste período, realiza-se a publicação de exigência formal, se for o caso, e de notificação de depósito de pedido em sigilo. Na notificação de depósito de pedido em sigilo apenas são tornados públicos dados bibliográficos e informações sobre a admissibilidade do pedido, não havendo qualquer menção à matéria depositada. O pedido depositado em sigilo ficará indisponível para exame técnico até o fim do período de 180 dias e, após o vencimento do prazo, será examinado. ?

Número GRU de sigilo: 00000211702429544

The technical examination of the application will only be carried out after the confidentiality period.

Attention!

The deadline for submission of formal amendments is only five (5) consecutive days after its publication, regardless of the confidentiality of the application. Failure to meet this requirement renders the application non-existent. Therefore, it is very important to monitor the RPI on a weekly basis, even when confidentiality is requested.

C – Applicant information

In the form, the information related to the applicant and representative (if any) is populated based on data provided in the GRU. However, in the tab “Dados do depositante” (“Applicant information”), information on the applicant’s nationality will be required.

Dados do depositante

<p>Nome ou Razão Social: INPI INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL</p> <p>CPF/CNPJ: 012345678901234567</p> <p>Cidade: Rio de Janeiro</p> <p>Estado: RJ</p> <p>Nacionalidade: Brasileira</p> <p>Telefone:</p>	<p>Tipo de Pessoa: Pessoa Física</p> <p>Endereço : Rua São Bento, 1</p> <p>CEP: 20090010</p> <p>País: Brasil</p> <p>Email: <input type="text" value="j@inpi.gov.br"/></p>
--	---

In case there is more than one applicant for the same application (co-ownership), use the button “Adicionar depositante” (“Add applicant”) to include information about other applicants.

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Attention!

It is necessary to pre-register all applicants in the PAG/Registration module.

After sending the application on E-DI, any subsequent changes to the registration will no longer be valid for the application and the only way for users to correct data in the filed application will be through “*petição de correção de dados no processo devido à falha do interessado*” (“petition for correcting data in the application/registration due to applicant’s fault”) (service code 155), a paid service, whose GRU for payment must be generated in the link “*Emita GRU*” (Issue GRU) on the INPI’s official website and paid before the user files such petition.

If an inaccuracy is found in information on the applicant responsible for issuing the GRU, the user must issue and pay another GRU with the correct data previously changed in PAG/Registration. Please note that the user may request for refund of the fees paid in the previous GRU with incorrect data.

Pesquisar Depositante

Sr(a) Usuário, a busca é realizada respeitando os caracteres exatamente como informados.

Cliente não cadastrado: [clique aqui](#)

CPF / CNPJ / NINPI ?
 Nome ou Razão Social ?

Pesquise por

Pesquisar

Exibindo 1 até 7 de 7 linhas registros por página

CPF/CNPJ/NINPI	NOME	
81888279753	INPI	Selecionar

Please note that co-owners (previously registered) can be searched by identification card or by name. If the registration does not exist, click on the link “*Cliente não cadastrado: clique aqui*” (“Client not registered: click here”).

After including them, inform the co-owner nationality:

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Dados do depositante

Nome ou Razão Social: INPI INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL	Tipo de Pessoa: Pessoa Física
CPF/CNPJ: \09803	Endereço : Rua São Bento, 1
Cidade: Rio de Janeiro	CEP: 20090010
Estado: RJ	País: Brasil
Nacionalidade: Angolana	Email @inpi.gov.br
Telefone:	

Nome ou Razão Social: INPI	Tipo de Pessoa: Pessoa Física
CPF/CNPJ: 8188 3753	Endereço: São Bento nº 1
Cidade: Rio de Janeiro	CEP: 20090-910
Estado: RJ	País: BRASIL
Nacionalidade: Australiana	Email: @inpi.gov.br
Telefone: (30) 374 376	

There is no limit to the number of applicants, just repeat the procedure shown.

D – Representative information

Representative information reproduce information provided for their identification at the moment of issuance of the GRU. When the form is accessed by the representative, it will have two (2) basic pieces of information: one field for the applicant information and another for the representative information. When the representative is registered with an industrial property office, these data will also appear on the form.

Dados do Procurador

Nome ou Razão Social: Teste de GRU - Sem validade	Numero OAB: 000000RJ
Numero API: 999999	CPF/CNPJ: 00000000191
Endereço: Praça Mauá Nº 07 Centro 1º andar	Cidade: Rio de Janeiro
Estado: RJ	CEP: 20090010
Telefone: 1	Fax: 3
Email: iala@teste.com.br	

For applicants without a legal representative, the representative and office fields will not be displayed.

E – Author information

The author is the person responsible for creating the industrial design. It is mandatory to include in the form the name and qualification of the author, who must be an individual.

Autor

When clicking the button “Adicionar autor” (“Add author”), a new dialog box will allow you to search or include the author:

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Pesquisar Autor

Sr(a) Usuário, a busca é realizada respeitando os caracteres exatamente como informados.

Cliente não cadastrado: [clique aqui](#)

Cadastro da Receita Federal [?](#)
 CPF / NINPI [?](#)
 Nome ou Razão Social [?](#)

Pesquise por

Pesquisar

Exibindo 1 até 1 de 1 linhas

CPF/CNPJ/NINPI	NOME	
29148161705	TESTE DA SILVA	Selecionar

After selecting or registering the author, please fill out the field “*Nacionalidade*” (“Nationality”).

If there is more than one author, just click on the button “*Adicionar Autor*” (“Add Author”).

Author confidentiality

If the author does not want to disclose their name, confidentiality shall be requested upon filling out the form. To do so, simply check the box corresponding to the confidentiality of the author’s name.

Editar Autor ×

O Autor requer a não divulgação de sua nomeação de acordo com o artigo 6º § 4º da LPI [?](#)

*Tipo de Pessoa

*Nome ou Razão Social

Nacionalidade

CPF/CNPJ

Cidade

Estado

CEP

*País

Telefone

Email

Fechar

Confirmar

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To request the author confidentiality, a document from the applicant must be presented, naming and qualifying the author and the author's statement requesting non-disclosure of their appointment. The document must be signed by the author and the applicant, each in their respective field, regardless of whether they are the same person.

The form “*Solicitação de não divulgação do nome do autor*” (“Request for non-disclosure of the author's name”) is available in the information box in the field “*Adicionar Autor*” (“Add Author”).

In case of any request for confidentiality for the names of more than one author, the request for non-disclosure must be made on an individual basis, i.e., for each author, a declaration shall be sent, with all fields filled in.

Attention!

If the author confidentiality option is selected, the declaration must not be sent as an attachment to the application.

GRU service code 152 (exempted) must be filed on the same date of filing, which must include as an attachment to the petition the statement “*solicitação de não divulgação do nome do autor*” (“request for non-disclosure of the author's name”). This procedure guarantees the confidentiality of the author information.

F – Priority data

A national applicant from a country that is a member of the Paris Convention may request registration of the same industrial design in other member countries within six (6) months of the first filing. The priority claim indicates the existence of previous foreign filings and ensures the use of the earliest date for purposes of prior art examination, as long as the corresponding documents are filed within a maximum period of ninety (90) days after the national filing.

Priority must be claimed upon the application, by clicking on the specific box as indicated below:

Dados da prioridade do depósito de desenho industrial

O Depositante reivindica prioridades de Depósito

Adicionar Dados da Prioridade

Having selected the previous option, the form will provide, according to the following figure, fields related to the date, number, and country of origin of the filing or registration of the industrial design at stake.

If the priority document is to be recovered through the WIPO-DAS system, the applicant shall inform the priority number and then the DAS code in the appropriate field.

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Adicionar Dados da Prioridade ✕

Data Prioridade

Número Prioridade

Pais Prioridade de DI

Código DAS

If the user wishes to claim more than one priority, they can do so by completing the relevant fields and clicking “Adicionar Dados da Prioridade” (“Add Priority Data”).

Dados da prioridade do depósito de desenho industrial

O Depositante reivindica prioridades de Depósito

Data Prioridade	Número Prioridade	Pais ou Organização da Prioridade	Código DAS	Ações
08/01/2015	xxxxxxxxxxxx	AD - ANDORRA	E82D	<input type="button" value="Editar"/> <input type="button" value="Excluir"/>

G – Application data

The industrial design application module combines three elements to be filled in by the user: **classification, product indication (title), and figures to be attached.**

The first stage of completion is the Locarno Classification. The user must select, from a list, the class and subclass relevant to their application.

Dados do pedido de registro de desenho industrial

Classificação Locarno:

Once the selection is complete, the classification of the industrial design will appear on the form. If the user notices an error in this process, simply click “Excluir” (“Exclude”) and make a new selection.

Dados do pedido de registro de desenho industrial

Classificação do pedido:
14.01.Equipamentos para gravação ou reprodução de sons ou imagens

Indicação de produto (título do pedido)

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Once the **classification** is defined, the **product indication** must be chosen. This information will be used as the title of the application.

Two ways are available to the user to fill in this field: by selecting an item from the Locarno Classification product list; or by free filling. To inform the indication of the product through free filling, the applicant must use item “*Preencher*” (“Fill out”), located at the end of the list of products previously mentioned.

Attention!

Product indication is required when submitting the form.

Dados do pedido de registro de desenho industrial

Classificação do pedido:
14.01.Equipamentos para gravação ou reprodução de sons ou imagens Excluir

Título do pedido:
Aparelhos de áudio/vídeo para reproduzir sons ou imagens Excluir

0

Variações

0

Imagens

Once the **application is classified** and the **product is indicated**, the next step is to insert the industrial design **figures**.

A dialog box entitled ***Variação 1* (Variation 1)** will organize the figures inserted and automatically populate the **specifications and application claim**.

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Dados do pedido de registro de desenho industrial

Classificação do pedido:
14.01.Equipamentos para gravação ou reprodução de sons ou imagens Excluir

Título do pedido:
Aparelhos de áudio/vídeo para reproduzir sons ou imagens Excluir

Variação 1 Excluir

Variação	N°	Nome do Arquivo	Visualização	Vista	Ação
<div style="display: flex; justify-content: center; gap: 20px;"> Adicionar Figura </div>					

Adicionar variação

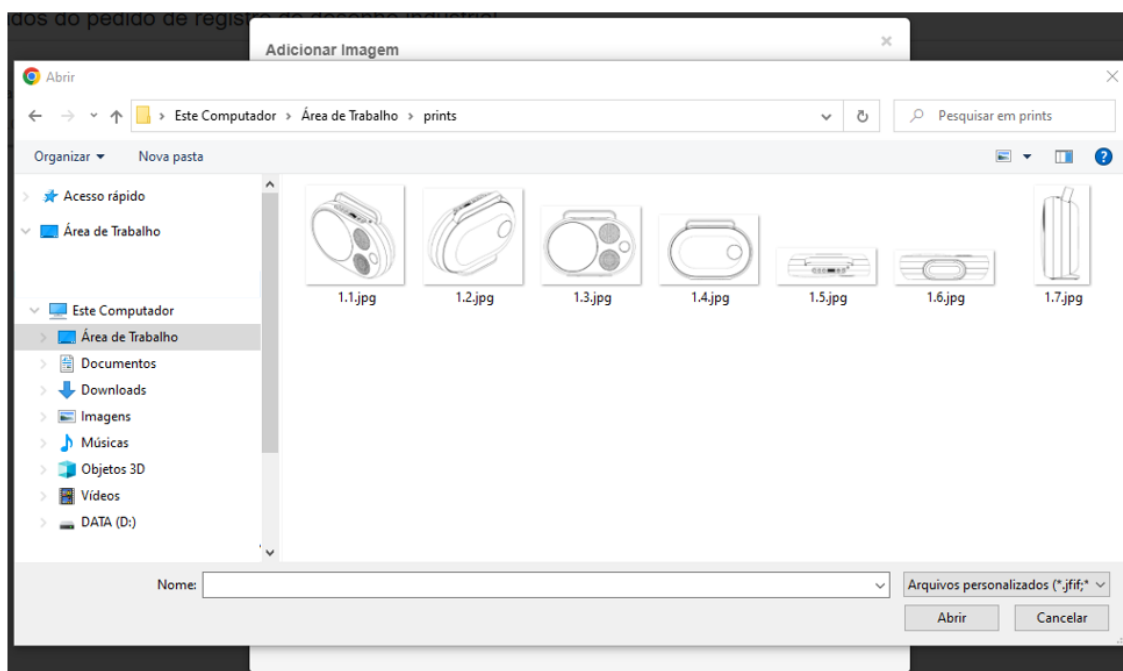
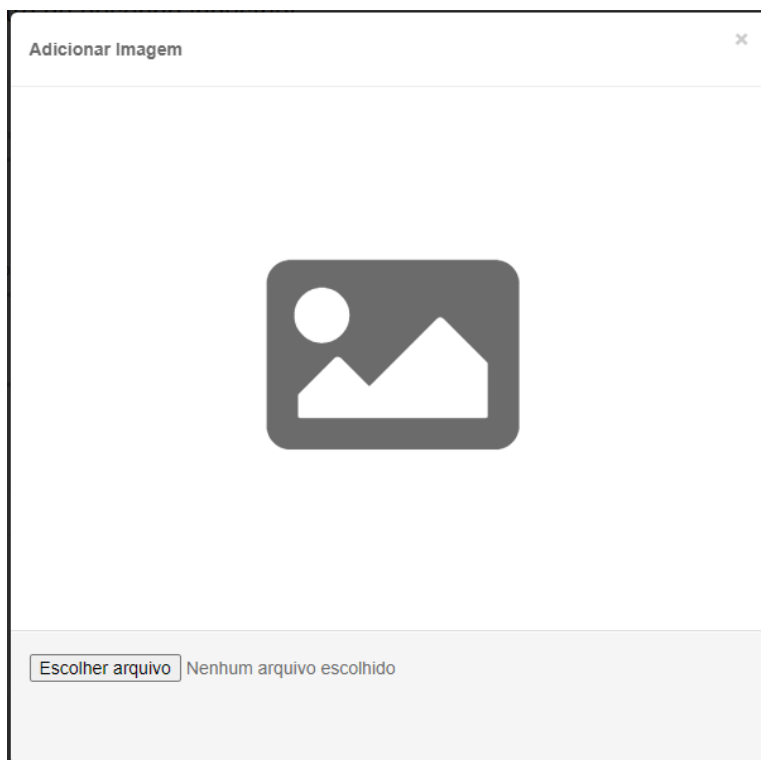


By clicking “Adicionar figura” (“Add figure”), a dialog box will appear to choose a figure file on your computer.

Attention!

The system does not allow the insertion of files using the “drag and drop” function.

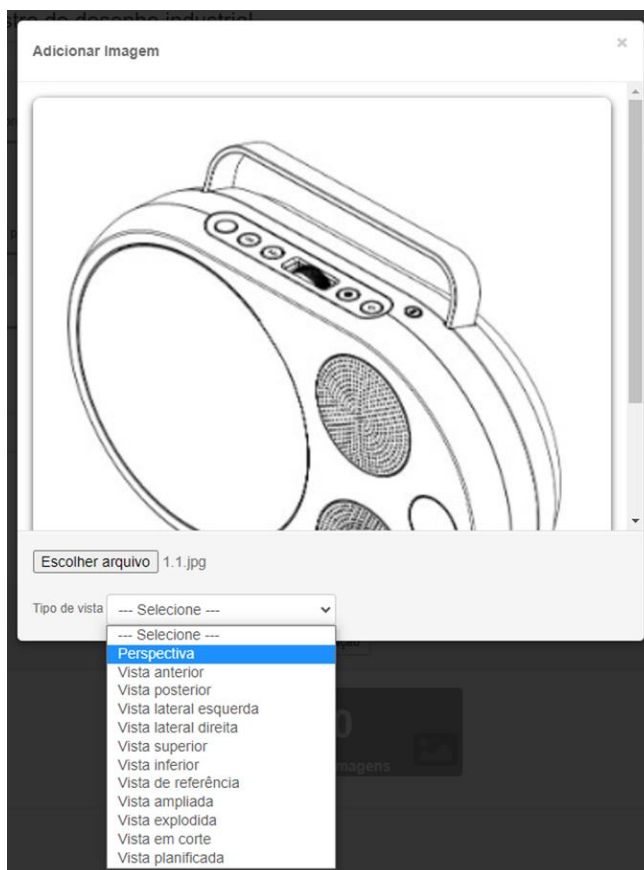
At this moment, the user must choose one of the application figures and click “abrir” (“open”). **Only one figure may be selected at a time.**

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After selecting, it is necessary to choose the type of view represented in the figure.

In the example of a figure that presents the perspective, simply select "*Perspectiva*" ("Perspective") in the options box and click "*Confirmar*" ("Confirm").

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Figures must be in JPEG format and their file size should not exceed 2 megabytes. It is recommended that the resolution of the figures comply with the standard resolution of 300 dpi. The system automatically analyzes data relating to the resolution of the figure. If it is below the recommended resolution, you will need to confirm its inclusion after clicking “*enviar*” (“send”).

Attention!

Sending figures below the standard resolution does not necessarily give rise to technical amendments for adapting the quality of the figures. The analysis of the quality of the figures will be certified by the examiner through visual measurement. For more information on analyzing the quality of figures, see item **5.3.4.1 Quality of the representation.**

Confirma a inclusão da figura?

Figura fora do padrão:
Resolução de figura abaixo dos 300 dpi

Excluir

Confirmar

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After confirmation, the object will enter the table with the information provided. The following will be displayed: the variation number, the number of attached files, the name of the attached files, thumbnails of the figures, and the types of views.

The Action column displays buttons “*Editar*” (“Edit”) and “*Excluir*” (“Exclude”). “*Editar*” (“Edit”) is used to correct the figure or type of view. If a figure is inserted incorrectly, the button “*Excluir*” (“Exclude”) removes the figure from the form.

Below the component “*Dados do pedido de registro de desenho industrial*” (“Industrial design application data”) there is a counter that is updated as variations and figures are inserted.


Dados do pedido de registro de desenho industrial

Classificação do pedido:
14.01.Equipamentos para gravação ou reprodução de sons ou imagens Excluir

Título do pedido:
Aparelhos de áudio/vídeo para reproduzir sons ou imagens Excluir


Pré-visualização


Variação 1 Excluir

Variação	Nº	Nome do Arquivo	Visualização	Vista	Ação
1	1	1.1.jpg		Perspectiva	Editar Excluir

Adicionar Figura

Adicionar variação

1

Variações

1

Imagens

To continue inserting figures, simply repeat the steps described above. The table will be populated according to information provided by the user.

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Variação 1

Excluir



Variação	Nº	Nome do Arquivo	Visualização	Vista	Ação
1	1	1.1.jpg		Perspectiva	<input type="button" value="Editar"/> <input type="button" value="Excluir"/>
1	2	1.3.jpg		Vista anterior	<input type="button" value="Editar"/> <input type="button" value="Excluir"/>

If it is an application with more than one variation, simply click on the button “*adicionar variação*” (“add variation”). A new dialog box (now entitled **Variação 2 (Variation 2)**) will appear with the same functions previously described.

In the example below, two variations were inserted, the first with two drawings and the second with only one drawing.


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Variação 1
Excluir

Variação	Nº	Nome do Arquivo	Visualização	Vista	Ação
1	1	1.1.jpg		Perspectiva	Editar Excluir
1	2	1.3.jpg		Vista anterior	Editar Excluir

Adicionar Figura

Variação 2
Excluir

Variação	Nº	Nome do Arquivo	Visualização	Vista	Ação
2	1	1.2.jpg		Perspectiva	Editar Excluir

Adicionar Figura

To follow the composition of the report, claim, and figures in the industrial design application form, use the button “*pré-visualização*” (“preview”) on the application.

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Dados do pedido de registro de desenho industrial

Classificação do pedido:
14.01.Equipamentos para gravação ou reprodução de sons ou imagens Excluir

Título do pedido:
Aparelhos de áudio/vídeo para reproduzir sons ou imagens Excluir

Pré-visualização

Variação 1 Excluir

Variação	Nº	Nome do Arquivo	Visualização	Vista	Ação
1	1	1.1.jpg		Perspectiva	Editar Excluir

Adicionar Imagem

Adicionar variação

1

Variações

1

Imagens

In the example, we verified that the specifications present two variations, the first with two figures (“*Perspectiva*” (“*Perspective*”) and “*vista anterior*” (“*front view*”)) and the second with one figure (“*Perspectiva*”).

Pré-visualização do pedido de registro de desenho industrial

APARELHOS DE ÁUDIO/VÍDEO PARA REPRODUZIR SONS OU IMAGENS

O presente relatório descritivo faz referências às imagens, anexas, assim indicadas:

Variação 1:
 Figura 1.1 - Perspectiva
 Figura 1.2 - Vista anterior

Variação 2:
 Figura 2.1 - Perspectiva

REIVINDICAÇÃO

Reivindica-se o registro do desenho industrial (e suas variações, se houver) conforme representado no conjunto de figuras e apresentado no relatório descritivo.

<< Voltar

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Pré-visualização do pedido de registro de desenho industrial



<< Voltar

The specifications will be composed automatically and shall include the following information:

- The indication of the product, which shall form the title of the application;
- The phrase *“O presente relatório descritivo faz referência às imagens anexas, assim indicadas:”* (“These specifications refer to the attached images, indicated as follows:”), which is automatically generated;
- The list of figures is organized by “Variation”, including figure numbers and figure legends. The numbers and legends of the figures are automatically generated based on the correct attachment of the figures; and
- The claim “Registration of the industrial design (“and its variations”, if any) is hereby claimed as represented in the set of figures and presented in the specifications.”

Description

This is a field to which the applicant may add information deemed necessary for a better understanding of the industrial design figures.

It is recommended to insert such information to clarify graphic resources used in the figures or even clarify how such resources can influence what is claimed in the figures.

In some situations, the examiner is given the possibility of requesting, through technical amendment, the inclusion of such information in order to better clarify what is represented and/or claimed in the figures. For more information about the representation of the industrial design in the figures and recommendations regarding the presentation of

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a description with information about the graphic resources used in the figures and their influence on what is claimed, see item [5.3.4 Exam of the representation](#).

In case of granting, information entered in the field “*Descrição*” (“Description”) that is consistent with the provisions of this Manual will be inserted into the Specifications and will form part of the Registration Certificate.

Descrição

Sr.(a) usuário(a), não se esqueça de preencher o texto da descrição ou anexar o arquivo correspondente.

A descrição deverá ser escrita no campo abaixo, que aceita até 4000 caracteres.

(4000 de 4000). Se este campo for insuficiente, o texto poderá ser enviado como anexo.

Attention!

The field “*Descrição*” (“Description”) accepts up to 4,000 characters. If deemed necessary, texts above this limit can be sent as an attachment.

H – Attachments

According to the specificity of each type of application, the attachments to an application or petition for industrial design may be mandatory or optional.

Anexos

Tipo opcional:

Outros anexos:

The user must choose the type of attachment they wish to insert, click on the button “*Adicionar*” (“Add”), and then select, on their computer, the PDF file that they wish to attach to the electronic form. After these three steps, the attachment shall be in electronic form, which will also show the name selected for the file.

Other types of attachments not listed may be added through the field “*Outros*” (“Others”). The user must describe the attachment, informing a name that represents its content as accurately as possible, click on the button “*Adicionar*” (“Add”), and then select, on their computer, the PDF file that they wish to attach to the electronic form.

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Documentos anexados

*Tipo Anexo:

These procedures must be followed for each attachment or document that is inserted into the form.

The user may remove the attachments by clicking on the icon “*Excluir*” (“Exclude”) next to each attachment.

Attention!

All documents attached to electronic application or petition forms shall be sent to INPI as digital or scanned documents. Thus, for all purposes of this manual, the term “document”, when regarding the submission of attachments, means the set of texts and/or images sent as electronic files, whether by scanning originally physical contents or by copying a file that existed exclusively digitally.

Only documents in PDF will be accepted.

The user must mandatorily meet the technical specifications regarding transmission of documents through the electronic form:

Technical specifications

Standard electronic form to be used

Valid file format

PDF

Maximum file size

3 MB

In case of text documents that need to be printed for authentication and then scanned, or also in case of submission of a copy of documents already printed, we recommend:

- a) That each page is scanned as a TIFF image, in the original size and with a resolution of 200 to 300 DPI.
- b) After all document pages are scanned, these shall be organized into a Word or Libre Office text editor document to then be converted to a PDF file, as this file, even containing several images, will be compressed, which makes the transmission of the file easier.
- c) Documents larger than 3 MB may be divided into parts in order to be sent in full. (Example: Articles of Association – Part 1; Articles of Association – Part 2; Articles of Association – Part 3.) It is very important to

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maintain the correct order of the split documents, as it shall not be possible to reorder them after completing the process of electronic petition.

- d) Close attention is recommended when selecting and sending an attached document. Always make sure that the file to be sent is correct and with the relevant identification of the type of attachment. This procedure is the applicant's full responsibility. It will not be possible to change, add, or exclude attached documents after completing the process of electronic petition.
- e) Remember to verify the integrity of the files sent and their extension. The more attention is devoted to checking the attached files, the smaller the chance that formal or compliance requirements are made for an application or petition.

3.5.3 Remarks specific to the petition form

By definition, petition is an administrative instrument related to requests for services submitted to INPI. For DIRMA, a petition can forward some information and/or request related to an industrial design application or registration, or even a separate service provided by the Office.

The industrial design petition form will reproduce not only information regarding the applicant and their representative (if any), but also main data related to the service requested, such as the description of the petition, the number of the proceeding related to the act, and several other data varying according to the nature of the service requested. Thus, such information may not be changed, as they are defined when the GRU is issued.

When filling out the form and according to the type of each service, new information will be requested from the user, so petitions are dynamic documents.

In order to access the industrial design petition form, the user shall follow the same procedures used for filing the application for registration.

For all purposes, each petition will concern only one type of service. For example, if the user has to make a technical amendment to an application and, at the same time, wants to inform the change of principal place of business in this same application, they will have to file two different petitions, along with the payment of each fee, as well as filling out the relevant electronic forms.

It is not possible to petition for services of different types using the same form. If this happens, a compliance amendment request will be issued by INPI for the exclusive maintenance of the request corresponding to the GRU paid, requiring the filing of new petitions for any other demands.

3.5.4 Submitting the form

To finish the application/petition form, the user must declare the veracity of the information provided. Without checking this field, the user will not be able to submit the form.

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Declaro, sob as penas da lei, que todas as informações acima prestadas são completas e verdadeiras.

After checking the field related to the statement of veracity of the information provided, the user will be presented with three (3) options: “*voltar*” (“return”), “*terminar em outra hora*” (“finish later”), and “*avançar*” (“proceed”), as shown in the following figure.

Declaro, sob as penas da lei, que todas as informações acima prestadas são completas e verdadeiras.

<< Voltar Terminar em outra hora Avançar >>

Voltar (Return): the user returns to the home page, where they shall insert the GRU again to reopen the form. Information filled in so far will be recorded.

Terminar em outra hora (Finish later): The user is automatically logged out of the system. The user shall inform username and password to access it again. Any information provided will be recorded for later submission of the form. It may be recovered by entering the corresponding GRU number.

Avançar (Proceed): The system verifies the form in order to identify whether the essential information has been provided and whether the mandatory attachments have been inserted into the form. In case any information is missing, the user will be notified. If the basic information has been provided, the system shows a preview of the form to be validated by the user before submission.

The screenshot displays the 'PETICIONAMENTO ELETRÔNICO' (Electronic Petitioning) interface. At the top, there are navigation options: 'Aumentar Fonte', 'Tamanho Normal', 'Diminuir Fonte', and 'Alta Contraste'. Below this, a yellow warning box states: 'Atenção! Será possível cancelar as informações inseridas no formulário eletrônico. Após ser protocolado o seu pedido, será gerado um arquivo pdf assinado digitalmente pelo INPI.' The main content area shows a preview of a 'Pedido de registro de desenho industrial' (Industrial Design Registration Request) form. The form includes the INPI logo, a barcode with the number '00 000 2.1.10.0002040 0', and the title 'Pedido de registro de desenho industrial'. Under the heading 'Dados do Depositante', the following information is displayed: 'Nome ou Razão Social: Cliente de desenho industrial', 'Tipo de Pessoa: Pessoa Jurídica', 'CPF/CNPJ: 73637915002188', 'Nacionalidade: Brasileira', 'Qualificação Jurídica: Pessoa Jurídica', 'Endereço: Rua Mayrink Veiga 9', 'Cidade: Rio de Janeiro', 'Estado: RJ', 'CEP: 20051-240', and 'País: Brasil'. At the bottom of the preview, there are two buttons: '<< Voltar' and 'Protocolar >>'. The top left of the interface says 'Seja bem-vindo | Sair do Sistema'.

After checking the draft application or petition, the user will have two options:

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Voltar (Return): This procedure shall be adopted whenever, in the preview, the applicant finds some inconsistency or something they wish to change. By clicking on “*voltar*” (“return”), the user will return to the electronic form and may change any information they want.

Protocolar (File): It means that the GRU has been paid, that the user agrees with the preview and will effectively submit their industrial design application or petition.

When the option “*Protocolar*” (“File”) is selected, the following box will appear, warning the user about everything related to the issuance of the GRU and to the payment already described in this manual:

Atenção ×

Antes de finalizar o seu pedido/petição, tratando-se de serviço pago, certifique-se de que o pagamento já foi realizado. Caso esteja finalizando seu pedido/petição em finais de semana, feriados ou fora do horário de expediente bancário, envie cópia digitalizada do comprovante de pagamento do serviço junto a este formulário.

A aceitação do pedido/petição está condicionada à confirmação do pagamento da respectiva GRU (Guia de Recolhimento da União) até a data deste protocolo, sob pena do pedido vir a ser considerado inexistente e da petição não ser conhecida.

Certifique-se de que a GRU, objeto deste pedido/petição foi paga. O INPI não se responsabilizará por erros na seleção dos serviços, utilização de GRU sem pagamento ou pelo uso indevido do sistema e-INPI por má compreensão ou inabilidade do usuário.

Deseja realmente protocolar?

Attention!

Checking the information fields, drawings, and attachments is the full responsibility of the applicant, as it will not be possible to change, add, or exclude attached documents after completing the process of electronic petition. By selecting the option “*Fechar*” (“Close”), the user will return to the preview and may click on “*voltar*” (“return”) to reedit the form.

By selecting the option “*Protocolar*” (“File”), it will no longer be possible to change the information provided in the electronic form. This is the exact moment when the form is submitted, as well as the receipt issued.

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The following screen will appear after submitting the electronic form. The option “*Voltar ao início*” (“Return to the start”), takes the user back to the screen for insertion of the GRU number and filling of a new service.

PETICIONAMENTO ELETRÔNICO

Seja bem-vindo | Sair do Sistema

Número do Processo: BR 30 2022 000069 8
 Número do Protocolo: 870220000084
 Nosso Número: 0000211702429870
 Data de envio do formulário: 03/08/2022 09:55

Obrigado por acessar o Peticionamento Eletrônico

A partir de agora, o número acima identificará o seu pedido junto ao INPI. Contudo, a aceitação do pedido está condicionada à confirmação do pagamento da respectiva GRU (Guia de Recolhimento da União), que deverá ter sido efetuado previamente ao envio deste formulário eletrônico, sob pena do presente pedido vir a ser considerado inexistente e da petição não ser conhecida.

Após enviar o formulário eletrônico de Requerimento de Averbação, o mesmo será submetido a exame formal e, havendo condições mínimas, a Notificação do Requerimento de Averbação será publicada na Revista Eletrônica da Propriedade Industrial(RPI) para ciência da data inicial para contagem do prazo de decisão.

Não deixe de acompanhar o andamento do seu processo, acessando semanalmente a RPI.

[<< Voltar ao Início](#)

In this step, essential information on the electronic application were generated:

Application number: number that identifies your application with INPI (composed of the acronym BR followed by 13 digits).

Example: BR302024000001-2. This number is composed as follows:

- the first two digits after BR identify whether the application is a national initial application received or a divided application: 30 for an initial application or 32 for a divided application;
- four digits indicate the year the application was filed: Example: 2024;
- six digits assigned according to the order of applications filed throughout that year. Example: the first file received in the year shall bear number 000001; and
- an automatically generated check digit for validation in INPI systems.

With the application number, you may monitor the progress of your application/registration through the INPI's Gazette (RPI), including any amendments. If you are filing a petition, this will only be the application or registration number to which the petition refers.

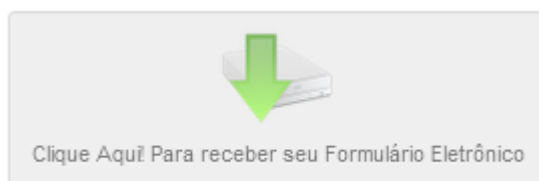
File number: Number generated both for applications and petitions. For petitions, it is the primary number for identification of the document. This number proves effective application for the service. However, the service requested through a petition shall be monitored by using the relevant application number.

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Date and time of filing: The date and time at which INPI's system received your application or petition. In the case of an industrial design application, if it is accepted after formal requirements examination, this date will be the filing date.

3.5.5 Proof of submission of the electronic form

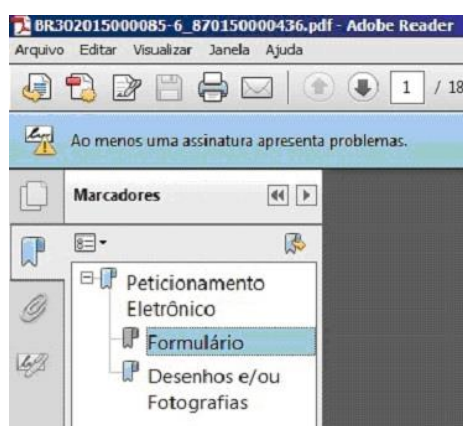
The user will have access to the receipt of the application for industrial design or of the petition by clicking the button reproduced below:



By clicking the button, the user will have access to the receipt of the application or petition, which shall be issued in PDF. It is the user's full responsibility to keep this copy for any follow-up queries at INPI's Gazette.

The receipt contains important aspects to be observed by the user:

- a) Data in the electronic form, together with the documents attached, becomes a single PDF file that cannot be changed, providing full security to the system users. The pages are numbered counting the pages of the form and also the attachment pages.
- b) In the PDF file, a quick access menu for documents is available for the user. In this menu, a summary with the titles of the attachments defined by the user upon completion of the electronic form will be available, according to the image below. That is why it is important that the user attaches, indeed, the file corresponding to a certain document.



The user will be able to access each document quickly, without having to scroll through the file page by page, and will also be able to verify if all intended documentation was submitted in the electronic filing.

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Attention!

Once the application for registration or petition for industrial design is submitted, it will not be possible to amend it.

Filing an application for registration of an industrial design does not mean that your design will be necessarily granted, obtaining a registration status. Your request will be decided only after technical examination, in which all conditions of registrability will be verified.

Copy of the proof of submission of the electronic form

After submitting the electronic application form for registration of an industrial design or petition, the user may obtain a copy of the proof of submission of the application. For this, after authentication by the system, the user must inform the number of the GRU used and click "*avançar*" ("proceed"), as if to complete a new form.

The same screen of the end of the submission is shown, enabling the download of the file. It is important to note that the copy of the proof of submission of the application is only available if the authenticated user is the applicant, their representative or a representative of the office retained therefor.

3.6 Explanatory tables related to the petitions

For purposes of instructing the user, explanatory tables were organized with basic information about filing different types of petitions and the services to which they are related. Such tables include the following information:

- a) **Service and corresponding code:** Description of the service and corresponding code to be indicated by the user upon issuance of the GRU. Thus, the user may access the service both using its description and its code. There are also descriptions of several objects to which petitions that may be related to different parts of an industrial design application may be attributed.
- b) **Application:** Brief explanation about the application of each service selected.
- c) **Mandatory attachments:** Indication of the documents that must be sent. It is worth noting that, if one chooses to petition through the e-DI, it will not be possible to continue filling out the electronic petition form or to submit it without all necessary documents attached. For this reason, in all petition templates, including those related to services without mandatory attachment(s), there is a preliminary list with standard categories of attachments, thus serving as a guide for filing.
- d) **The object of the petition refers to:** Description of what must be filled in this field for each service request at the moment of issuance of the GRU.

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With respect to item "d" above, it is recommended to observe, at the moment of issuance of the GRU, the provisions in the tables below, regarding the service to be requested, in order to ensure the correct relationship with the application or with another specific petition.

Below is the list of the explanatory tables available, organized by type of petition:

3.6.1 Petitions related to submission of amendments

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
Submission of amendments required by formal examination (104) Petition exempted	To make the amendments demanded in the formal requirements examination step of the application. These amendments shall be complied with within five (5) calendar days of the publication in the INPI's Gazette, under penalty of the application being deemed non-existent.	It is mandatory to submit at least one attachment, however, the type and content will depend on the content of the formal requirements amendments published.	—
Submission of amendments resulting from a petition conformity examination (137) Petition exempted	To make the amendments demanded during the stage of conformity examination of a petition. The conformity examination of a petition usually refers to payment issues and, in these cases, the amendments should be submitted within sixty (60) calendar days of the publication of the amendments in the INPI's Gazette.	The nature of the attachment(s) to be sent will depend on the content of the compliance amendment published.	—
Submission of amendments (105) Petition payable	The object of the petition refers to: For a registration. To make the amendments demanded during the examination of the application. The time to amend is sixty (60) days of the publication in the INPI's Gazette, under penalty of final dismissal of the application.	It is mandatory to submit at least one attachment, however, the type and content will depend on the content of the formal requirements amendments published.	For a registration

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	<p>The object of the petition refers to: For a petition</p> <p>To make the amendments demanded during the examination of a petition. The time to amend is sixty (60) days of the publication in the INPI's Gazette.</p>	<p>It is mandatory to submit at least one attachment, however, the type and content will depend on the content of the formal requirements amendments published.</p>	<p>Note: After selecting the object of the petition as "For a petition", the applicant must select the number of the petition to which the amendment is related. For example, if the submission of amendments refers to a petition for change in ownership, the number of the petition for change in ownership must be informed.</p>
<p>Submission of amendments upon appeal/nullity (135) Petition payable</p>	<p>To make the amendments demanded during the examination of the appeal against rejection of the application.</p> <p>To make the amendments demanded during the examination of the appeal against a decision rendered in a petition or during the examination of an administrative invalidation proceeding.</p> <p>The time for submission is sixty (60) days of the publication in the INPI's Gazette.</p>	<p>No mandatory attachments.</p> <p>The submission of attachments will depend on the content of the amendments required.</p>	<p>For a petition</p> <p>Note: After selecting the object of the petition as "For a petition", the applicant must select the number of the petition to which the amendment is related.</p>

3.6.2 Petitions for administrative invalidation proceeding

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
<p>Administrative invalidation of an industrial design registration (107) Petition payable</p>	<p>To file an administrative invalidation proceeding for an industrial design registration.</p>	<p>Reasons for the proposal of nullity.</p>	<p>—</p>

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3.6.3 Petitions related to replies and appeal

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
Appeal against rejection of Industrial Design application (153) Petition payable	To file an appeal against the rejection of an application.	Reasons for appeal	—
Other appeals for industrial design (except against rejection) (161) Petition payable	To file an appeal against a decision rendered under a petition (loss of priority or division of an application).	Reasons for appeal	Against a decision in a proceeding
Other appeals for industrial design (except against rejection) (161) Petition payable	To file an appeal against a decision rendered in a petition (whether approved, denied, granted, not granted, or not accepted).	Reasons for appeal	Against a decision in a petition After selecting the object of the petition as "Against a decision in a petition", the applicant must select the number of the petition to which the appeal is related. For example, if the appeal refers to a decision regarding a petition for change in ownership, the number of the petition for change in ownership must be informed.
Counter-arguments to the appeal/invalidation (136) Petition payable	To present arguments against a petition for appeal or administrative invalidation filed in an industrial design application.	-	Against a decision in an application proceeding For a petition The applicant must select the number of the petition subject to appeal.

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Counter-arguments to the invalidation (by third parties) (162) Petition payable	To present arguments against a petition for administrative invalidation filed in an industrial design application.	-	For a petition The applicant must select the number of the petition for administrative invalidation proceeding.
Reply about an expert report issued upon appeal (only in case of new legal impediment) (134) Petition exempted	To present a reply to an opinion on an appeal.	-	Note: The applicant must select the number of the petition for appeal in the field <i>petição vinculada</i> (related petition).
Submission of amendments upon appeal/invalidation (135) Petition payable	To make the amendments demanded during the examination of the appeal against rejection of the application. To make the amendments demanded during the examination of the appeal against a decision rendered in a petition or during the examination of an administrative invalidation proceeding. The time to amend is sixty (60) days of the publication in the INPI's Gazette.	The submission of attachments will depend on the content of the amendments required.	For a petition Note: After selecting the object of the petition as "For a petition", the applicant must select the number of the petition to which the amendment is related.

3.6.4 Petitions related to the power of attorney

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
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Appointment, removal, or substitution of a representative (156) Petition payable	Applicant/Holder wishing to remove, appoint or replace a representative in a proceeding for the performance of acts in INPI.	Declaration of removal of Representative, in case of removal. Power of attorney in case of appointment or replacement of representative.	For a registration When the representative is appointed or replaced for the entire registration process. For a petition When the representative is appointed or replaced only for an specific act.
Resignation as representative (157) Petition payable	Representative wishing to resign from their position.	Statement of resignation as representative.	For a registration When the resignation is for the entire registration process. For a petition When the resignation is only for an specific act.
Submission of documents (150) Petition payable	To submit a power of attorney for the performance of acts in INPI within the legal period.	Power of attorney	Power of attorney (for a registration) When the power of attorney is submitted for the performance of acts in an application/registration. Power of attorney (for a petition) When the power of attorney is submitted for the performance of acts in a certain petition.

3.6.5 Petitions related to recordings of changes in ownership, of restriction of holder's right of disposal, or of changes of name, address, or principal place of business

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
Recording of a change in ownership	To request a recording of a change in ownership, by assignment, related to an	Document related to the assignment	Arising from an assignment

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(114) Petition payable	industrial design application or registration.		
	To request a recording of a change in ownership, due to spin-off, related to an industrial design application or registration.	Document related to the spin-off	Arising from a spin-off
	To request a recording of a change in ownership, due to consolidation or merger, related to an industrial design application or registration.	Document related to the consolidation or merger	Arising from a merger
	To request a recording of a change in ownership, by virtue of legitimate or testamentary succession, related to an industrial design application or registration.	Judicial document supporting the legitimate or testamentary succession	Arising from a legitimate or testamentary succession
	To request a recording of a change in ownership, by virtue of bankruptcy, related to an industrial design application or registration.	Judicial document supporting the bankruptcy	Arising from a bankruptcy
Change of name, corporate name, principal place of business, and/or address (113) Petition payable	To request a recording of a change in name or address.	Updated articles of organization or association/document supporting the change If the address has changed by determination of the Municipal Government, list of applications to be changed and document supporting the change of address issued by the Municipal Government.	—
Recording of a restriction of holder's right of disposal (154) Petition payable	To request a recording of a restriction of holder's right of disposal placed on the registration or application at stake.	Reasons and documents for the recording of the restriction of holder's right of disposal	—

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3.6.6 Petitions related to corrections and rectifications

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
Request for correction of error by INPI (126) Petition exempted	To request a correction in decisions or data published in the INPI's Gazette, as well as registration information in the INPI's database, related to industrial design applications or registrations, due to INPI's mistake.	Clarification presenting the correction object and motivation	For a petition: When the mistake is related to a petition, specify its number. For a registration: When the mistake is related to a registration.
Correction of data in the application/registration due to applicant's fault (155) Petition payable	To request a correction of data related to the registration or to the application arising from registration information in the INPI's database, due to the applicant's mistake.	Clarification presenting the correction object and motivation	—

3.6.7 Petitions for amendments or submission of documents

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
Amendment to petition (151) Petition payable	To add information related to a petition filed previously.	—	The applicant must select the number of the petition to which he wishes to add information. If the petition is, for example, an invalidation petition, the applicant must inform the number of the invalidation petition filed previously. This field must not include an application or registration number.

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Request for non-disclosure of the author's name (152) Petition exempted	Submit a declaration when requesting author confidentiality.	Declaration of request for non-disclosure of the author's data	Author confidentiality
Submission of documents (150) Petition payable	To submit documents supporting the priority previously claimed.	Documents related to the priority claim	Priority Documents
	To seek a previously claimed supplementary priority.	Documents related to the supplementary priority claim	Supplementary priority claim
	To submit another document to be attached to an application or registration.	The document at stake	Other documents (for a registration)
	To submit another document to be attached to a petition previously filed.	The document at stake	Other documents (for a petition)
	Submission of power of attorney (see item 3.6.4 Petitions related to powers of attorney).		

3.6.8 Withdrawal or resignation petitions

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
Withdrawal of an application (160)	To request the homologation of the withdrawal of an industrial design application.	Power of attorney with express powers to withdraw, if the applicant is not the person requesting the service.	—

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Petition exempted		Power of attorney with powers to represent all applicants, if the application is under co-ownership.	
Withdrawal of petition (133) Petition exempted	To request the homologation of the withdrawal of a petition previously filed (invalidation, appeal, change in ownership, among others).	Power of attorney with express powers to withdraw, if the applicant is not the person requesting the service. Power of attorney with powers to represent all applicants, if the registration is under co-ownership.	—
Surrender of industrial design registration (158) Petition exempted	To request the homologation of the surrender of the industrial design registration. The application will be terminated.	Power of attorney with express powers to surrender, if the applicant is not the person requesting the service. Power of attorney with powers to represent all applicants, if the registration is under co-ownership.	—
Lift of secrecy (159) Petition exempted	Within up to ninety (90) days, counting from the date of filing, request the lift of secrecy about the application.	Power of attorney with express powers to lift the secrecy of the application, if the applicant is not the person requesting the service. Power of attorney with powers to represent all applicants, if the registration is under co-ownership.	—
Suspension of confidentiality (143) Petition exempted	Within up to one hundred and eighty (180) days, counting from the date of filing, request the suspension of confidentiality and continuity of the administrative process.	Power of attorney with express powers to suspend the confidentiality of the application, if the applicant is not the person requesting the service. Power of attorney with powers to represent all applicants, if the registration is under co-ownership.	—

3.6.9 Petitions related to time-limit extension

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
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<p>Time-limit extension due to INPI's fault</p> <p>(122)</p> <p>Petition exempted</p>	<p>To request a time-limit extension for an act whose term has expired due to an alleged fault by INPI.</p>	<p>Clarification evidencing the cause that prevented the act to be practiced within the legal period.</p>	<p>For a petition</p> <p>When the extension refers to the consideration of a petition.</p> <p>For a registration</p> <p>When the extension refers to the application.</p>
<p>Time-limit extension due to applicant's fault</p> <p>(121)</p> <p>Petition payable</p>	<p>To request a time-limit extension for an act whose deadline has expired due to an alleged fault by the applicant themselves.</p>	<p>Clarification evidencing the cause that prevented the act to be practiced within the legal period.</p>	<p>For a petition</p> <p>When the extension refers to the consideration of a petition.</p> <p>For a registration</p> <p>When the extension refers to the application.</p>

3.6.10 Petitions related to search certificates and official copy

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
<p>Certificate of acts related to applications/registrations</p> <p>(115)</p> <p>Petition payable</p>	<p>To request the issuance of a certificate of progress for application or registration of an industrial design.</p>	<p>—</p>	<p>—</p>
<p>Certificate of search by holder</p> <p>(116)</p> <p>Petition payable</p>	<p>To request INPI the issuance of a certificate of search for an industrial design.</p>	<p>—</p>	<p>—</p>

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Official copy for purposes of priority claim (118) Petition payable	To request INPI the issuance of an official copy of an industrial design application or registration.	—	—
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3.6.11 Petitions related to other INPI facilities

Service and corresponding code	Application	Mandatory attachments	The object of the petition refers to
Uncertified copy (824)	To request INPI a full or partial copy of an industrial design application or registration.	—	Industrial Design
Certified copy (825)	To request INPI a full or partial certified copy of an industrial design application or registration.	—	Industrial Design
Refund of fees (801)	To request INPI the refund of any fee unduly paid or paid in excess. The number of the first or preliminary payment slip (" <i>Nosso Número</i> " (Our Number)) must be provided.	Following the procedures regulated by INPI's Administration Board – DIRAD	—

3.7 Additional guidance on attachments

3.7.1 Power of attorney and documentation regarding acts in concert

The power of attorney, in order to be deemed valid by INPI, must necessarily contain:

- a) Information of the Principal(s);
- b) Information of the Attorney-In-Fact;
- c) Type of powers granted;
- d) Date, place, and signature of the Principal(s).

The power of attorney must be written in Portuguese and, if the original is in another language, the user must submit a translation, provided that consular legalization and signature notarization are not required.

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For industrial design applications under co-ownership, if the application or petition has been filed by a single representative, it will be verified whether the attorney-in-fact has powers to represent all applicants, who shall sign the power of attorney and be properly identified as principals.

When the act is not performed by a single representative, i.e., when it is filed by one of the applicants or by a representative without the power to represent them all, documentation must be presented containing the signature of all applicants or their respective representatives. In this documentation, if any applicant is represented by a representative, the respective power of attorney shall also be submitted.

Additional Information about the examination of the power of attorney is available in item [4.4.1 Power of attorney](#).

3.7.2 Request for non-disclosure of the author information

Attachment to the petition for Request for non-disclosure of the author's name only – service code 152 (exempted).

It is used to submit the statement "*solicitação de não divulgação do nome do autor*" ("request for non-disclosure of the author's name"). This document shall be signed by the applicant and the author, contain the author's name and qualification, as well as the author's own declaration requesting non-disclosure of their name.

The template for this type of request is available on the INPI's portal.

Failure to follow this instruction shall cause the publication of formal requirements amendments.

3.7.3 Documents related to the priority claim

If the user claims priority in their application upon filing, they must, within ninety (90) days of filing, submit supporting documents including:

- a) Country or Office of origin of the industrial design application(s) or registration(s);
- b) Number and date of the industrial design application(s) or registration(s);
- c) Drawings or photos of the industrial design application(s) in the priority;
- d) Regular translation (that may be declared in the form or presented separately), under penalty of publication of loss of priority; and
- e) In case of priority obtained through assignment, the corresponding document shall be submitted within ninety (90) days of filing, and consular legalization in the country of origin is not required.

The supporting documents may include official copies or reproduction of publications of the entity of origin, including online versions.

Their submission is the applicant's responsibility, and if is not submitted within ninety (90) days, the loss of the claimed priority will be published, as it fails to comply with the provisions of art. 99 of the LPI.

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The instructions for examination of the documents related to the priority are provided in items 4.4.2 Priority and 5.2 Analysis of the priority claim.

3.7.4 Updated articles of organization or association/document supporting the change

Attachment described in the petition for Change of Name, Corporate Name, Principal Place of Business, and/or Address. Submission is mandatory to evidence the effective change of name and/or address.

3.7.5 Good Cause Reasons

Attachment to the petition for Request for Time-Limit Extension due to the applicant's fault only. Submission is mandatory and the applicant or holder must attach the files evidencing that the administrative act cannot be performed within the legal period.

3.7.6 Document evidencing the cause that prevented action to be taken within the legal period

Attachment to the petition for Request for Time Limit Extension due to INPI's fault only. Submission is mandatory and the applicant/holder must attach the files evidencing INPI's fault that prevented the administrative act from being performed within the legal period.

3.7.7 Powers to dispose of the industrial design

Attachment to petitions for Change in Ownership only. It is used to attach a document attesting the eligibility of the representative(s) of the assignor(s) for disposal of the industrial design(s) at stake.

3.7.8 Assignment

Attachment to petitions for Change in Ownership due to Assignment only. It is used to attach official documents related to the assignment of the industrial design(s). Such document must include full identification of the assignor(s), assignee(s), and witnesses, the representation powers of the signatories to the assignment, the number(s) of the application(s) or registration(s), the design assigned, and the execution date.

3.7.9 Spin-off

Attachment to petitions for Change in Ownership due to Spin-off only. It is used to attach the company's official spin-off document.

3.7.10 Consolidation or Merger

Attachment to petitions for Change in Ownership due to Consolidation or Merger only. It is used to attach the official consolidation or merger document.

3.7.11 Judicial Supporting Document

Attachment to petitions for Change in Ownership due to legitimate or testamentary succession and for Change in ownership due to bankruptcy only. It is used to attach a judicial document supporting the succession or bankruptcy.

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3.7.12 Declaration of Removal/Replacement of Representative

Attachment signed by the applicant/holder, used to attest the removal or replacement of the current representative, used for petitions for Appointment, Removal, or Replacement of Representative. In this case, only one document is mandatory: the declaration of removal, or replacement, or the new power of attorney appointing a new representative, and the user may, if they so desire, submit more than one document.

3.7.13 Statement of Resignation as Representative

Mandatory attachment to the petition for Resignation as Representative only. It is used to attach a document signed by the representative, attesting the resignation as representative under a power of attorney previously filed with INPI.

3.7.14 Power of attorney with express powers to withdraw, exclude, suspend, or surrender

Document that must mandatorily be attached to petitions for Withdrawal, Exclusion, Suspension, or Surrender, if filed by a representative.

3.7.15 Figures of the industrial design

Figures that must mandatorily be filed with the industrial design application or the petitions for Submission of Amendments for a petition or an application, meeting the requirement to resubmit the figures of the industrial design. Instructions related to sizes, resolution, and format of the document can be found in item [3.5.2 Filling out the form](#), sub-item **G – Application data**.

3.8 Services that do not require a form

Any and all services that may be provided only upon information related to the payment of a specific fee do not require the completion of a form – such data are extracted automatically from the Module of issuance of the Brazilian Federal Revenue Collection Slip (GRU).

Therefore, the services included in the table below do not require a form, they just need to be correctly selected at the moment of issuance of the GRU, which must be paid timely (see items [3.3 Issuance of the GRU](#) and [3.4 Payment of the GRU](#)), in order to prevent redundant information from being sent.

The date of payment will be considered as the petition filing date, exclusively for these services exempted from the completion of a form.

Code	Description of the service	Mandatory attachments
115	Certificate of acts related to applications/registrations	To request the issuance of a certificate of progress for application or registration of a design.

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129	Maintenance – 2 nd five-year period within the regular period	To request protection of the industrial design for the second five-year period within the regular period.
130	Maintenance – 2 nd five-year period within the extended period	To request protection of the industrial design for the second five-year period within the extended period.
131	Renewal within the regular period	To request renewal + payment of the five-year fee of an industrial design registration in 5 years and the issuance of a new registration certificate within the regular period.
132	Renewal within the extended period	To request renewal + payment of the five-year fee of an industrial design registration in 5 years and the issuance of a new registration certificate within the extended period.
117	Issuance of a copy of a certificate of registration of an industrial design	To request the issuance of a copy of the registration certificate.

It is worth noting that, if the user wishes to submit powers of attorney granting specific powers for performance of the acts listed above, this must be done through a petition for “Submission of documents (for a petition) (service code 150).

Payment receipt for a GRU exempted from the completion of a form

For greater convenience and security for the user, the payment receipt for a GRU exempted from the completion of a form can be found in the module of issuance of the Collection Slip. Thus, whenever the user is properly identified in our systems, they may access all receipts of transactions for those services, provided that the respective payment has already been cleared by the bank, through the option *Recibo* (Receipt).

3.9 Stages following the submission or filing

3.9.1 Formal requirements examination

After the industrial design application has been filed, it is subject to a formal requirements examination, where the formal conditions required for the progress of the application are verified.

The first verification regards the payment of the fee related to the application, which must be made up to the date of submission of the application and must correspond to the exact amount established in the Schedule of Fees.

The applicant must submit payment receipts attached to the application showing the complementation of the amount (in case of underpaid fees) or evidencing the payment made on the same date of submission (for cases in which the payment was made after banking business hours). If the applicant does not submit such proof, requirements will be made in this regard, to be met within five (5) consecutive days of the date of publication.

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If the payment is made after filing the application or any formal requirements amendments are not met within the time established by law, the application will be deemed inexistent, i.e., the application will not be processed.

After payment is verified, in case of any inconsistency or error in data included, a formal requirements amendment request will be issued by INPI to solve the issue, published in the section *Desenhos Industriais* (Industrial Designs) of *Revista da Propriedade Industrial* (INPI's Gazette).

In order to verify whether the application or petition has been subject to a formal requirements amendment, the user must search for the application number or Name in the field "*Localizar*" (Search) in the PDF gazette, pursuant to item 3.10 Follow up of applications/registrations. As emphasized above and considering the provisions in art. 103 of the LPI, the applicant has up to five (5) calendar days to meet the requirement after the first business day of the date of such publication, under penalty of the application being deemed inexistent.

How to make formal requirements amendments

If the industrial design application has been subject to an amendment, the applicant must pay attention to the time for meeting it, which is five (5) calendar days of the day after publication in the INPI's Gazette (article 103 and of the Brazilian IP Law).

The user needs to generate a GRU to meet the requirement. In the module for selection and issuance of the GRU, code 104 – Submission of amendments required by formal examination shall be selected.

Once this choice is made, the applicant will be requested to provide the number of the application (with 9 digits) subject to the requirement. Then the number of INPI's Gazette (*Revista da Propriedade Industrial*) in which the amendment was published will be requested.

It is worth mentioning that the user is responsible for this information (application and gazette numbers). They must be careful not to provide incorrect data.

If the amendment relates to any additional payment, in addition to service 104, the applicant must issue a GRU for payment of supplementary fees, pursuant to the instructions in item 3.3.1 Instructions to issue the GRU. The GRU for payment of supplementary fees and the respective proof of payment must be submitted as an attachment to the form of submission of formal amendments.

After payment of the collection slip and with the number of the slip regarding the amendment, access e-DI. In the field "*Nosso Número*" (Our Number), type the GRU number. A form with the title "*Cumprimento de Exigência decorrente do Exame Formal*" (Submission of Amendments arising from a Formal requirements examination) will be launched. Please make sure this is the object of the petition.

Fill out and submit the form pursuant to this Manual. Keep your file number and monitor the progress of your application through the publications in the INPI's Gazettes.

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Notice of filing of an application

If there is no amendment or if it has been made satisfactorily, the application is published in the INPI's Gazette and proceeds to technical examination.

Attention!

The notice of filing of an application is an automatic publication to monitor the progress of the application/registration and does not require any type of action by the applicant.

3.9.2 Technical examination

After the filing notice, the industrial design application is subject to technical examination, where the claimed industrial design goes through a substantive examination. The technical examination is carried out pursuant to the procedures established in [Chapter 5 Technical examination](#). The technical examination usually results in the following publications:

Granting

The grant decision makes the act of registration of the industrial design public. The registration certificate is issued automatically after publication of the grant decision in the INPI's Gazette, and there is no need to pay any fee or make an application. However, the certificate does not become available on the portal when the grant decision is rendered.

Certificates may be accessed through [INPI's portal](#), pursuant to the instructions included in sub-item "e", item [3.10.3 Search in the Industrial Design database](#).

Technical amendment

The technical amendment is a publication which requests, among others, information, changes, corrections, or clarifications regarding data or figures in the application.

The publication of a technical amendment in the INPI's Gazette initiates a period of 60 days, counted after the publication, to submit the amendment. If the technical amendments are not submitted by the established deadline, the application will be finally dismissed pursuant to ¶ 3 of art. 106 of the LPI. In case an unsatisfactory amendment is submitted (for example, submission of amendments with repeated refusal to meet the requirement made), the application may be rejected due to non-compliance with the legal provisions in items II, III, or IV of art. 101 and/or art. 104, combined with art. 106, heading.

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Rejection

If the industrial design incurs in items I or II of art. 100 of the LPI, the application will be rejected pursuant to ¶ 4 of art. 106 of the same law. After publication, the rejection of the industrial design application is subject to appeal, which must be filed within 60 days after publication of the rejection in the INPI's Gazette. For more information on appeals, see chapter [7 Administrative Invalidation Proceedings and Appeals](#).

Loss of Priority

If the application does not comply with the provisions in items [4.4.2 Priority](#) and [5.2 Analysis of the priority claim](#), the loss of the claimed priority may be published. The loss of priority may be appealed within 60 days of its publication in the INPI's Gazette. For more information on appeals, see chapter [7 Administrative Invalidation Proceedings and Appeals](#).

Dismissal

If the application incurs in ¶ 3 of art. 106 (end of the period to submit amendments) or ¶ 3 of art. 216 (application by a representative without a power of attorney), the application will be finally dismissed. The dismissal is not subject to appeal.

3.10 Follow-up on applications/registrations

The official means to follow-up on applications/registrations is the [Revista da Propriedade Industrial \(RPI\)](#), published weekly, electronically, and available at INPI's portal.

The RPI is published every Tuesday, except on holidays, when it is published in the first immediately subsequent business day.

It is important to note the date of publication in the RPI, as it initiates the counting of legal deadlines applicable to applications, registrations, and petitions for Industrial Design.

Additionally, two secondary, unofficial means are offered for the user to be updated as to the progress of their applications, registrations, and petitions: **Search in the Industrial Designs database** and the module **Meus Pedidos (My Applications)**.

3.10.1 Follow-up on applications/registrations using the RPI

The user may search for information through the field "*Localizar*" (Search) in the PDF gazette itself by using the application/registration number or the Name/Corporate Name.

INPI also provides the RPI in TXT to support the reading of data disclosed in the gazette through private management systems and the follow-up on applications/registrations. However, this format is not INPI's official means of publication and it is not recommended for the individualized follow-up on applications/registrations.

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3.10.2 My applications

The module “*Meus Pedidos*” (“My applications”) is an ancillary mechanism to follow up on an application/registration; however, it does not replace the official means: the *Revista da Propriedade Industrial* (INPI’s Gazette). The purpose of the system is to obtain basic information, by email, about publications regarding applications previously filed by users. After receiving the email, the applicant must access the INPI’s Gazette, at INPI’s portal, to access the publication and take the relevant actions, as the case may be. The user must be aware that, by using the module “***Meus Pedidos***” (“**My applications**”), they accept the rules of the Joinder Agreement for users of e-INPI and to the legal rules in effect and the conditions to use established in the Agreement.

The tool is available by accessing *Pesquisa na base de DI* (Search the Industrial Design database). After logging in the system, the user shall search for the application/registration they need to monitor, access it, and select the option “*Meus Pedidos*” (My applications). It is important to note that the application/registration will be available for follow-up after publication in the INPI’s Gazette.

In order to check the list of applications/registrations they are following up with, the user shall access the link “*Meus Pedidos*” (My applications).

3.10.3 Search in the Industrial Design database

The follow-up on the application or registration of an industrial design through search in the database available on the INPI’s portal represents a mere monitoring tool and it has no official value. The official vehicle for monitoring, through which the INPI discloses its acts, is the INPI’s Gazette (RPI).

Only applications that have already gone through the formal requirements examination and have been notified in the RPI will be available for consultation.

To search the portal’s database, the user shall have the number of the application or registration that they wish to search and click on the link “*Busca*” (“Search”) on the page for Industrial Designs on INPI’s Portal.

a) Follow-up on specific applications or registrations

Following up on the industrial design application or registration through searches in the database represents a secondary monitoring mechanism, rather than the official means, which is the INPI’s Gazette. Hence, for a more detailed description of the decision published, consult the INPI’s Gazette.

Searching the industrial design database also enables the user to monitor the process, decisions, and orders related to the petitions filed together with the application or registration.

To search the industrial design database, the user must have the application/registration number for which they wish to carry out the search and access the Search module on INPI’s portal.

b) Searching for industrial designs already registered

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The search in the industrial design database is free for applicants searching previous registrations by third parties already published and that may prevent the future registration of an industrial design.

By accessing the tab "*Pesquisa Avançada*" ("Advanced Search"), searches may be carried out by applicant, title, keyword, classification, among others.

c) Search by holder

By searching the industrial design database, any interested party may search for any registrations by a certain holder free of charge.

d) Visualization of applications and petitions filed

The visualization of applications and petitions filed is only possible when the user provides the username and password to access e-INPI services. In the details of the application, if there is any document available for visualization, a PDF icon will appear in the petition line. Single-click the PDF icon related to the petition sought to visualize the document.

It is important to note that there are rules for availability of the PDF files. These are related to the type of decision required and the release of documents.

e) Visualization of registration certificates

To obtain your certificate, please follow the following steps:

- 1) Access *Portal do INPI* (INPI's Portal);
- 2) Click on "*Busca web*" ("Web search") in the quick access menu, in the section "*Acesso Rápido*" ("Quick Access");
- 3) Log in;
- 4) Enter the registration number you wish to check;
- 5) In the next page, the certificate is together with the decision of granting the registration of the Industrial Design;
- 6) Click the PDF icon and a CAPTCHA will appear (to verify that you are a real person);
- 7) After confirming your information, the system will provide the Electronic Industrial Design Certificate, which shall be downloaded to your device; and
- 8) Please check, both in the top portion of the document and in the signature chart of the software, the signatures included in the Industrial Design certificate.

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3.11 Online visualization of documents

It is possible to visualize petitions filed together with applications through Search in the Industrial Design database. For this, the user shall provide the username and password to access e-INPI services and search for the number of the application which documents they intend to access.

The petitions available for visualization are accompanied by a PDF icon, a single click on it is enough to download. It is worth mentioning that petitions for opposition, cancellation due to non-use, or administrative invalidation are available only after notice.

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4 Formal requirements examination

4.1 What is the formal requirements examination?

In compliance with the provisions in art. 101 of the LPI, the formal requirements examination will verify whether the application contains, under the conditions established by INPI: application; specifications, if that is the case; claims, if any; drawings or photos; scope of application; and payment of the fee related to the filing.

In case such conditions are satisfied, the application filing notice is published in the *Revista da Propriedade Industrial* – RPI (INPI's Gazette).

If the formal requirements examination indicates that the application does not formally comply with the provisions of art. 101, but meets the minimum requirements of art. 103 (sufficient data related to the applicant, the industrial design, and the author), a formal amendment request will be issued, which shall be published in the INPI's Gazette, and must be met within five (5) days, pursuant to art. 103 of the LPI, under penalty of the application being deemed inexistent.

Therefore, it is imperative that the applicant monitors the progress of the application through publications in the INPI's Gazette, made available electronically on the INPI's portal.

In addition to the formal requirements examination, a preliminary verification of data provided by the applicant in the form is also carried out, such as: submission of priority and/or power of attorney, request for confidentiality of the application, request for confidentiality of the author, and other documents attached by the petitioner.

4.2 Formal requirements examination procedures

The formal requirements examination comprises verification of information and documents included in the application in order to verify their veracity, pursuant to art. 101 of the LPI. In the formal requirements examination, the items listed below are evaluated according to the instructions provided.

At this stage, the correspondence of the documents declared in the electronic application form to the documents attached to the request will be verified. All documents shall be legible and without erasures, under penalty of receiving a formal amendment request.

Personal documents, such as ID, CPF and/or proof of residency, as well as articles of association/organization, bylaws, and the like, will not be verified and, if submitted, will be disregarded.

4.2.1 Application

In relation to the application, compliance of data in the application with the legal provisions and INPI conditions is analyzed. Timeliness, payment (if that is the case) and data from documents that compose the application are also checked (e.g., request for confidentiality of the application, request for confidentiality of the author and assignment by the author).

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If the formal requirements examination highlights any inconsistency in the application, its attached documents or in the payment of the application, an amendment request will be issued, to be published in the INPI's Gazette, and must be met within five (5) days, pursuant to art. 103 of the LPI, under penalty of the application being deemed inexistent.

4.2.1.1 Filing

The issuance of the Brazilian Federal Revenue Collection Slip (GRU) is the user's full responsibility. Failure to confirm payment or payment after filing the application will entail the publication of a notice of non-existent application and non-acceptance of the petition.

The legal status (person), defined by the user upon registration at the e-INPI system, will determine the amounts to be paid by each applicant to INPI. Providing information consistent with the legal status, as well as permanently updating this item, is the user's full responsibility. For amounts below the fee corresponding to the legal status informed in the field "applicant", formal requirements amendments will be published for payment of supplementary fees.

In case of multiple applicants with different legal status, the GRU shall be issued on behalf of the applicant whose legal status does not entitle them to any discount benefits established by INPI/PR Resolution No. 251/2019, i.e., if at least one of the applicants is not entitled to the benefit, payment shall be made considering the total amount of the fee. For situations that do not comply with this guidance, formal requirements amendments will be published for payment of supplementary fees.

The number of an industrial design application is automatically generated based on data entered by the applicant in the e-DI (Electronic petitioning).

Confidentiality of the application

The application confidentiality request, according to paragraph 1 of art. 106 of the LPI, shall be made upon filing. Payment of the fee for the service requested will be verified. If the confidentiality is not requested upon filing, it will not be accepted in case of a later petition, and no fee paid for the service shall be refunded.

It is possible to withdraw an application that enjoys confidentiality, as long as it is requested within ninety (90) days of the date of filing, through a specific petition (service code 159 – Lift of secrecy). For applications under co-ownership, the request for lift of secrecy shall be signed by all applicants, or submitted by a duly appointed representative with powers to represent all applicants.

It is important to highlight that the lift of secrecy does not imply the suspension of confidentiality but rather the cancellation of the administrative proceeding.

To suspend the confidentiality and proceed with the administrative proceeding, the applicant must present a petition with code GRU 143 – Suspension of confidentiality.

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The application filed with a request for confidentiality will undergo a formal requirements examination right after filing, and the time to submit any amendments is five (5) consecutive days, pursuant to art. 103 of the LPI, under penalty of the application being deemed inexistent.

4.2.1.2 Applicant information

During the formal requirements examination, the name/corporate name and address included in the form are not compared to those indicated in the examination system, as such data is automatically migrated from the GRU issued for the application/registration or petition.

4.2.1.3 Author

The author, pursuant to art. 11 of Law No. 9,610 of February 19, 1998, is the person responsible for creating the industrial design and they are ensured the right to obtain registration that ensures ownership of their industrial design. However, the author is not necessarily the applicant because, except for any evidence proving otherwise, the applicant is presumed to be allowed to file a registration for the industrial design. In all cases, the full name and qualifications of the author must be included in the form, necessarily an individual.

Filling in the author field as a legal entity or filling it incompletely (name without surname) shall cause the publication of formal requirements amendments.

Authors may be included or excluded through a petition with code GRU 155 – Correction of data in the application/registration due to applicant's fault, and will only be accepted if requested by the applicant, upon proof signed by the person itself, acknowledging (or not) the individual as author and requesting inclusion/exclusion in the application/registration.

Applications for inclusion or exclusion made after granting of registration shall await the publication of the amendment decision before the request for a new certificate can be made. This service shall be provided upon payment for a second copy of the certificate.

Author confidentiality

For cases of author confidentiality, a document appointing and qualifying the author shall be submitted, in addition to a declaration of the author themselves requesting non-disclosure of their name. The document must be signed by the author and the applicant. This document will be submitted through a specific petition form (code GRU 152 – Request for non-disclosure of the author's name – exempt from fees). The template for this type of request is available on the INPI's portal. Failure to comply with this instruction shall cause the publication of formal requirements amendments.

Assignment by the author

The submission of the author's assignment document is required only in case of priority of the author's ownership claimed in a national filing of ownership by a third party, whether an individual or legal entity, as provided for in article 99, coupled with ¶ 6 of article 16 of the LPI.

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The corresponding document shall be submitted within one hundred and eighty (80) days of the date of filing or, as the case may be, within sixty (60) days of the date of beginning of the national process.

4.2.2 Drawings or photos

The figures with drawings or photos of the industrial design applied for constitute the object of the application; therefore, they must be submitted imperatively at the time of filing.

As of the formal requirements examination, the application shall be deemed non-existent if there are no figures of the industrial design.

4.3 Examination of the formal amendments submitted

The formal amendments must be submitted within five (5) continuous days of the day following the publication of the decision in the INPI's Gazette, pursuant to art. 103 of the LPI, using the GRU service code 104.

Upon submission of the amendment, we will verify whether it was made within the legal period and if it has been satisfactorily fulfilled.

If the amendment has been made in time, but not satisfactorily, new formal requirements amendments will be requested.

Applications which formal requirements amendments are not submitted within the legal period are deemed inexistent under article 103 of the LPI.

4.4 Other documents

After the formal requirements examination, a preliminary investigation of the timeliness of the submission and payment of GRU for power of attorney and priority documents is carried out.

The fact that the power of attorney or priority does not comply with the following guidelines shall not cause a publication of formal requirements amendments.

4.4.1 Power of attorney

In applications filed through a representative whose power of attorney is not attached to the application upon filing, this shall be submitted within sixty (60) days of the date of filing. The timeliness of the submission and payment of the corresponding GRU will be checked.

If the power of attorney is not submitted within the established period, the application shall be finally dismissed, as provided for in paragraph two of art. 216 of the LPI.

4.4.2 Priority

Priority shall be claimed at the time of filing, pursuant to the provisions of art. 99, coupled with art. 16, ¶ 1 of the LPI.

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A period of ninety (90) days for submission of a certified copy of a document proving the claimed priority issued by the office that made the original filing initiates as of the date of filing of the industrial design application.

The claimed priority may be supplemented, within sixty (60) days after filing, by other priorities before the date of filing of the industrial design application. A petition submitting a document supporting another priority submitted after the sixty (60)-day period will not be accepted.

It will be observed whether the priority identifying data corresponds to the claim data on the filing form. In the event of discrepancies between data provided in the form (number, country, and date) and data included in the documents, data in the priority documents shall prevail, and any corrections required will be made in the system. The submission of the author's assignment document will also be verified, if that is the case.

WIPO Digital Access Service (WIPO-DAS)

Brazil is part of the WIPO Digital Access Service (WIPO-DAS) system, a digital access service to priority documents of the World Intellectual Property Organization. In relation to the registration of industrial designs, INPI acts as a depositing office and as an accessing office.

Thus, as a depositing office, INPI provides the official electronic priority document so that offices that are part of the WIPO-DAS system can access it through a code provided by the World Intellectual Property Organization – WIPO.

As an accessing office, INPI accepts the submission of the WIPO-DAS code to access the official electronic priority document.

For more information on the submission of the WIPO-DAS code in the industrial design application, see item 5.2.2 Analysis of the document supporting the priority, sub-item **WIPO-DAS**.

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5 Technical examination

The first stage of the technical examination is the verification of information and documents accompanying the industrial design application. In the technical examination, no issues related to formal requirements or preliminary examination will be analyzed.

5.1 Analysis of the power of attorney

While examining the power of attorney, we verify whether it includes mandatory data as provided for in art. 654, paragraph 1, of the Civil Code:

- Information on the principal(s);
- Information on the attorney-in-fact;
- Type(s) of power(s) granted;
- Date, place, and signature of the principal(s).

According to INPI/PROC Normative Opinion of May 4, 2000, the events below entail the requirement of an amendment and re-submission of the power of attorney to clarify these discrepancies:

- a) Granting of powers by a third party;
- b) No mention to principals and/or attorneys-in-fact;
- c) With conflicting data (e.g., the power of attorney refers to an administrative act different from the one claimed; discrepancy between registration information and that in the power of attorney);
- d) With erasures or illegible content to the point of rendering the identification of the parties difficult;
- e) No signature;
- f) Absence of powers provided for in art. 217 of the LPI, for principal(s) residing abroad.

If the power of attorney does not include one or more mandatory piece of information, includes conflicting information, or incurs some of the mentioned problems, an amendment will be required for the submission of the proper document, ratifying the acts previously performed or with a date of signature equal to or before the filing of the petition or application.

Regarding the date, according to article 409 of the Code of Civil Procedure, in case of doubts (lack of date in the power of attorney, for example), the private document is deemed to be dated as of its submission to a government agency. Therefore, the lack of a date in a power of attorney submitted upon the filing of the petition or application shall not entail a request for amendment.

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For industrial design applications under co-ownership, if the application or petition has been filed by a single representative, it will be verified whether the attorney-in-fact has powers to represent all applicants, and the power of attorney must be signed by all principals, who shall be duly identified.

When the application or petition has not been made by a single representative, i.e., when it is filed by one of the applicants or by a representative without the powers to represent all of them, the existence of documents evidencing the act in concert, containing the signature of all applicants or their respective representatives, will be verified. In these documents, if any applicant is represented by an attorney, the respective power of attorney will be verified according to the criteria for examination of that instrument.

If documentation evidencing the act in concert has not been submitted, an amendment request will be issued for its submission. Amendment requests will also be issued for adequacy of documentation when, for example, it is submitted in an illegible, erased form, unaccompanied by a translation, in the case of the absence of a signature from any of the applicants or representatives, or when it is not possible to identify the signatories of the act performed.

Identification of the signatory

It is not necessary to previously evidence that a signatory has powers to represent a principal, even if it is identified as “representative” in the power of attorney. Nevertheless, if the other documents submitted in the process (Articles of Association/Organization or Amendments to the Articles of Association/Organization, for example) indicate discrepancies as to the powers of a signatory, an amendment will be required.

Foreign holders and special powers referred to in article 217 of the Brazilian IP Law

Applicants and holders living abroad are required to appoint, before INPI, a duly qualified attorney domiciled in Brazil, as established in art. 217 of the Brazilian IP Law. It is important to note that the power of attorney authorized by a foreigner shall include powers to be served process. If the application filed by an applicant living abroad was filed without an attorney-in-fact, it will be dismissed if the power of attorney required is not submitted within sixty (60) days.

Translation

If the power of attorney in a foreign language was submitted within the legal period therefor, but is not accompanied by the corresponding translation, the instrument shall be accepted, based on the provisions of article 220 of the LPI, with the issuance of an amendment request for the translation of the power of attorney.

Digitally signed power of attorney

As provided for in art. 20 of Law No. 11,419/06, powers of attorney may be digitally signed based on a certificate issued by a Certifying Authority accredited by law.

The digitally signed power of attorney shall be provided as to allow validation of the digital signatures on the power of attorney.

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It is recommended that no other documents (e.g., identification documents, proof of address or residency, contracts, etc.) be included in the file containing the digitally signed power of attorney.

Effective period

In cases of powers of attorney for a definite term, it is verified whether the act was performed during the effectiveness of the instrument. If not, an amendment request for another power of attorney valid at the time of the act, or containing the ratification of the acts already performed, is issued.

In case of applicants living abroad, if the power of attorney is expired at the time of the act, an amendment shall be requested so that a new valid power of attorney is submitted, pursuant to the provisions of arts. 217 of the LPI.

Applications through representatives unaccompanied by a power of attorney

In case the power of attorney is not submitted in the initial application, the legal representative of the applicant(s) shall submit it, by means of their own petition, within sixty (60) calendar days of the application, regardless of notification or request, under penalty of final dismissal, as determined by paragraph 2 of art. 216 of the Brazilian IP Law.

Request for additional time for submission of a power of attorney

After the period provided for in art. 216, paragraph 2, of the Brazilian IP Law, any requests for additional time for submission of a power of attorney shall be made as a request for time-limit extension due to applicant's fault, to be considered under INPI/PR Ordinance No. 049/2021, under penalty of final dismissal of the application. In case of time-limit extension due to applicant's fault, the application shall be accompanied by elements supporting the cause, as established in such regulatory instrument.

5.2 Analysis of the claim of priority

The claim of priority shall be made upon filing, as established in ¶ 1 of art. 16 of the LPI. A petition claiming priority after the act of filing will not be accepted.

5.2.1 Supplementary priority claim

The priority claim may be supplemented within sixty (60) days by other priorities preceding the filing date in Brazil.

A petition claiming supplementary priority after the legal deadline therefor will not be accepted.

5.2.2 Analysis of the document supporting the priority

The applicant has up to ninety (90) days of the date of application to submit the proofs of priority. These documents shall include the identification number, filing date, and reproduction of the industrial design figures, accompanied by a regular translation. If the application submitted in Brazil is truthfully included in the original document, a statement by the applicant with respect thereto shall be sufficient to replace the translation.

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These documents may include official copies or their reproductions, which are the responsibility of the applicant. Failure to meet the deadline results in the loss of priority due to lack of compliance with the provisions of art. 99, coupled with art. 16 of the LPI.

During examination, the correspondence between data submitted in the documentation evidencing the priority and those submitted in the application filed in Brazil will be verified.

In case of omission of data related to the priority in previous publications, they shall be included in the database of INPI's examination system and the amendment shall be published.

If the applicant withdraws the priority by submitting a document with express powers therefor, the withdrawal shall be homologated and the priority data shall be excluded from the record. If such withdrawal occurs before the granting of registration, loss of priority will not be published.

WIPO Digital Access Service (WIPO-DAS)

Brazil is part of the WIPO Digital Access Service (WIPO-DAS) system, a digital access service to priority documents of the World Intellectual Property Organization.

INPI accepts the submission of the WIPO-DAS code to access any official electronic priority documents. These documents shall include the identification number, filing date, and reproduction of the industrial design figures. The applicant has up to ninety (90) days of the date of application to inform the WIPO-DAS code.

Submission of proper priority documentation using the WIPO-DAS code creates the tacit declaration that the application filed in Brazil is faithfully contained in the source document, dismissing the need to submit a regular translation of the priority.

Amendment

Amendment requests for priority occurs in cases in which the applicant submits illegible or incomplete documents (with no translation or equivalent declaration, as the case may be, and/or omission regarding the application, industrial design or holder information).

In cases of priority obtained by assignment, it is necessary to submit a document supporting the change in ownership of the foreign application/registration, under penalty of receiving an amendment request.

In industrial design applications under co-ownership, if the group of applicants is different from the group of holders referred to in the priority document, an assignment document related to the priority shall be submitted, under penalty of receiving an amendment request.

In cases where the priority document includes data or reproductions of industrial designs without any relation to the matter claimed, an amendment request will be issued for the filing of priority documents appropriate to the matter of the national application, using the acts of the party, pursuant to art. 220 of the LPI.

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Conflicting information

In case of discrepancies between data (filing date, number of the foreign industrial design application, and code of the country of origin) informed in the form and data in the priority document submitted, information included in the priority documentation shall prevail.

5.2.3 Conditions for maintenance of priority

The claim in the figures of the industrial design filed in Brazil must fully correspond to the claim in the figures of the industrial design of the priority document.

If the industrial design claimed in the priority figures does not correspond to the industrial design claimed in the national application figures, an amendment request will be issued providing the opportunity for the submission of a corresponding priority document. Unsatisfactory compliance with the amendment to submit the corresponding priority shall cause the loss of priority.

The type of representation (e.g., drawing, rendering, or photography) used in the priority figures must preferably be the same as that used in the national application figures.

If the priority figures present colors or combinations of colors, hatching, or pointillism in the representation of the industrial design, it is recommended that the figures in the national application are represented accordingly.

If the figures in the national application present any type of representation, color or combinations of colors, hatching, or pointillism different from that of the priority figures, as long as such fact does not imply a difference in the claim, the examiner may require amendments for submission of figures in the national application with the same type of representation used in the priority figures.

Modifying the configuration claimed in the national filing so it corresponds to the priority document is not permitted. For more information on changing the material, see item 5.3.1.1 Identification of the product, sub-item

Representation of figures.

If the low quality of the priority figures does not allow for assessment of correspondence of the priority industrial design with that claimed in the figures of the national application, a technical amendment will be required so the priority document is submitted again with better graphic quality. The impossibility to assessing correspondence with the industrial design of the national application shall cause the publication of the loss of priority.

Application with more than one industrial design or more than twenty variations

The application shall include only one industrial design, with up to 20 variations permitted. If the national application presents more than one industrial design, in one or more priorities, an amendment request will be issued for division of the application. The divided application will use the priority(ies) initially claimed, as long as there is a correspondence between the priority(ies) and the matter filed with this application.

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The divided application must claim only the priority(s) corresponding to the matter it claims. If you claim priority submitted in the original application that does not correspond to the subject of the divided application, the priority claim will be excluded *ex-officio*, without causing publication or loss of priority.

If the application presents a single industrial design with more than twenty variations that appear in priority, an amendment request will be issued for division of the application. Divided applications will enjoy the same priority initially claimed.

If the application presents, in addition to the variations or industrial designs included in the priority, other variations or industrial designs, an amendment request will be issued for division of the application. In that case, the matter not included in the priority shall be filed in a divided application, without the right to claim the priority submitted.

For more information on the division of applications, see item [5.3.3.1 Division of the industrial design application](#).

5.3 Substantive examination

The substantive examination refers to the examination of the industrial design for which protection is sought. The substantive examination involves the registrability examination, the examination regarding the unity of the industrial design and the examination of the industrial design data and its representation in the figures.

Data on the industrial design are: the product indication; scope of application; specifications; claim; description; figure numbering; and legends of the figures.

For information on the scope of application of an industrial design and the product indication in the application title, see item [5.3.1.1 Identification of the product](#). For information on figure numbers, see item [5.3.4.5 Figure numbering](#).

The specifications present the scope of the application through elements such as the product indication and the list of figures. The specifications are not mandatory in the industrial design application.

The claim is the document that presents, in writing, the request for protection of the industrial design filed. The claim is not a mandatory element of the application.

The description provides text information that contributes to the understanding of the ornamental characteristics of the industrial design configuration. Such document may include, among other information: a description of the industrial design configuration and/or the elements that constitute this configuration; clarification regarding the representation resources used in the figures; and the claim for views omitted from the set of figures submitted.

The description shall be submitted if the industrial design fits the mandatory situations described in item [5.3.4 Examination of representation](#).

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At any time during the substantive examination, data related to the industrial design may be corrected or excluded *ex-officio* when merely formal errors are identified in: the numbering of figures; legends of figures; indication and/or classification of the product; specifications; claim; and description.

The *ex-officio* correction will only be happen in cases in which the industrial design represented in the figures and other data in the application allow:

- a) the unequivocal identification of a merely formal error; and
- b) the relevant correction or exclusion of data to allow adequacy to the industrial design represented in the figures, with other data in the application and with the rule in effect.

If it is not possible to unequivocally confirm a merely formal error or even the proper *ex-officio* correction, an amendment request will be issued by INPI for clarification and/or change in data related to the industrial design.

The examiner may include *ex-officio*, based on information obtained from the applicant or other industrial design data: complementary classification that allows for better cataloguing of the scope of application of the industrial design; a term that specifies, in the product indication, whether it is two-dimensional or three-dimensional; information clarifying the scope of the matter claimed in the representation; other data that are considered necessary for understanding the industrial design claimed.

The specifications, claim, description (or even excerpts from these documents) may be excluded or changed *ex-officio* if they include information other than that shown in the figures, such as: technical-functional characteristics of the product, trade name, indication of production or marketing code or numbering, or even description of operating or manufacturing methods. The exclusion or amendment of these documents shall be notified in full in the final decision for the application.

If data submitted in the specifications, claim, or description do not correspond to data registered in the Electronic Petitioning system, the information registered in the system shall prevail.

Except for the situations where they constitute mandatory items of the application, the applicant may waive the inclusion of the specifications, the claim, and/or the description in the application by means of a declaration submitted at the time of filing or upon the submission of amendments.

5.3.1 Registrability examination

Examination of the registrability of the industrial design claimed in the application involves analyzing and interpreting the configuration shown in the figures, in addition to other data included in the application as to:

- identify the product to which the industrial design applies;
- identify the visual characteristics of the product's external configuration; and

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- identify the ornamental aspects of the product's external configuration.

At the end of this analysis, the examiner shall decide on the registrability of the industrial design.

If the examiner has doubts regarding the registrability of the industrial design, they may publish a technical amendment to request clarification from the applicant.

If it is decided that the industrial design cannot be registered as it falls under the prohibitions provided for in art. 100 of the LPI, it will be rejected pursuant to ¶ 4 of art. 106 of the LPI. For more information about non-patentable industrial designs, see item [5.3.2 Non-patentable industrial designs](#).

Upon verification that the content of the application consists of a purely artistic work, it will not be deemed an industrial design pursuant to art. 98 of the LPI. The application will be granted and an Administrative Invalidation Proceeding will be initiated *ex-officio*, pursuant to art. 113 of the same law.

For more information on Administrative Invalidation Proceedings *Ex-officio*, see item [5.4.4 Administrative Invalidation Proceeding Ex-officio](#).

5.3.1.1 Identification of the product

To be registrable, the industrial design must refer to the configuration of a product. For product definitions, see item [2.3 Definition of product](#).

The identification of the product to which the industrial design applies depends on the adequacy between:

- a) representation in figures;
- b) indication of the product in the application title; and
- c) the scope of application, indicated through the Locarno Classification.

a) Representation in figures

The representation of the industrial design in the figures must define the claim and, consequently, the scope of protection of the registration. Accordingly, representation must allow clear and unequivocal knowledge of the matter for which protection is sought.

It is not necessary that all the matter represented be claimed. It is up to the applicant to indicate, through representation resources, what constitutes a claim and what constitutes contextual representation (waiver) For more information on contextual representation resources, see item [5.3.4.3 Types of representation](#), sub-item

Dashed lines and Contextual representation.

To identify the product to which the industrial design was applied, the examiner must consider the representation as a whole, including the claimed elements and contextual elements.

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The matter represented cannot be added or changed during the registration process, except for those resulting from corrections requested by the examiner during the examination.

If the applicant changes or modifies the industrial design without the change resulting from an application published as an amendment, the change to the matter initially claimed will be declared. In that case, a technical amendment request will be issued for disposal of the changed figures and re-submission of figures from the originally industrial design filed.

If the matter change has occurred in the submission of technical amendments, another amendment request will be issued and the figures of the industrial design originally filed shall be resubmitted taking into account the requests made in the amendment immediately prior to the matter change and others that may have already been published and are necessary.

b) Indication of the product in the application title

The indication of the product in the registration title allows for the identification of the product to which the industrial design shall apply to. The title of the application does not restrict the scope of protection of the industrial design, being only a tool to allow better understanding and cataloguing of the industrial design.

Product indication must be clear and concise. It is recommended that the product is indicated according to the list of products available in the Locarno Classification.

[Check here the list of products in the Locarno Classification.](#)

If the title does not clearly indicate the product to which the industrial design applies, a technical amendment will be made to adapt the title of the application.

The title of the application establishes whether the claimed industrial design shall apply to a tridimensional product or a two-dimensional product.

In case of a tridimensional product, the title shall indicate a single tridimensional product (even if in the plural).

Examples: wedged; footwear; automobile; automobiles; table; tables; cutlery; cutlery; etc.

In case of two-dimensional products, the title must indicate a single two-dimensional product (even if in the plural).

Examples: pattern; ornament; graphical interface; typography font, icon; graphic sign; surface pattern; etc.

The title of the industrial design for a two-dimensional product may indicate, in a complementary way, a tridimensional product (even if in the plural). The indication of the tridimensional product in the title does not restrict the protection of the two-dimensional industrial design to the indicated tridimensional product.

Examples: pattern for fabric, ornament applied to packaging, graphical interface for mobile devices, etc.

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The title of the application shall be submitted in Portuguese. The use of foreign words will be accepted in exceptional cases, as long as they are acknowledged as adopted in Brazil. If the title contains foreign words and they are not accepted, a technical amendment will be required to clarify or adapt the title of the application.

Examples accepted: notebook, lingerie, puff, among others.

The title of the application may determine the correct way of presenting the industrial design figures. Thus, the indication of complex products without interconnection or products such as typographic fonts or dynamic graphical interfaces shall cause them to follow specific guidelines on how figures are submitted with the application.

For more information on the submission of figures of non-interconnected complex products, see item [5.3.11 Registration of the industrial design of a complex product formed by non-interconnected parts.](#)

For more information on the submission of typographic font figures, see item [5.3.10 Registration of the industrial design of a typographic family.](#)

For more information on the submission of dynamic graphical interface figures, see item [5.3.12 Registration of the industrial design of a graphical interface.](#)

If the title includes phrases such as “Ornamental arrangement applied to...,” “Configuration applied to/in...,” or “Design pattern applied to/in...”, or others that not only indicate the product, they will be excluded *ex-officio*. The examiner is given the possibility of correcting typos in the product indication.

Terms or phrases that are not an indication of the product will not be accepted. Among the phrases that will not be accepted, it is possible to mention:

- technical information about the product (e.g., Sustainable public toilet – solar model (voltaic photocell));
- trade name of the product or indication of code, number, or model (e.g., Luminaire for street lighting model azure M400);
- adjectives (e.g., New water truck);
- reference to kits, sets, or sets of objects (e.g., Cutlery set);
- description of shape or manufacturing material (e.g., Oval box; Heart-shaped pot; Wooden door).

If the title of the application correctly indicates the product shown in the figures, but incurs the situations listed above, the examiner may, *ex-officio*, exclude the inappropriate words or phrases, keeping only the indication of the product. If the examiner has doubts regarding the adequacy of words or phrases in the title, they may request clarification or even request correction of the title.

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If there is no correspondence between the title provided and the product represented in the figures, or if it is not possible to identify the product, an amendment request will be issued for clarification and/or change of title. It is not possible to alter the application figures to fit the title provided.

c) Scope of application

The scope of application of the product in which the industrial design was applied is defined by the Locarno Classification. The scope of application indicated in the registration reveals the purpose of the product, i.e., its destination.

[Check here the list of classes and subclasses in the Locarno Classification.](#)

The scope of application is an administrative tool that allows the cataloguing of the industrial design and can be used to delimit the prior rights search during the substantive examination of an industrial design. For more information on the substantive examination, see item [5.4 Substantive Examination](#).

The scope of application does not restrict the scope of protection of the industrial design registration. Thus, the configuration of a car, for example, will be protected in the automobile class (12-08), as well as in the toy class (21-01) and in any other class.

The indicated scope of application must be consistent with the industrial design represented in the figures. If it is not consistent with the industrial design represented, the examiner is allowed to adjust the scope of application *ex officio*, assigning another class and subclass of the Locarno Classification. If this adjustment is made after registration, the Classification Change will be published.

If the examiner has doubts regarding the adjustment of the product's scope of application, they may require an amendment to clarification, or for the applicant to indicate another classification adjusted to the industrial design represented.

In case of inadequacy between the classification indicated upon filing and the configuration represented, it is not possible to change the application figures so that they adapt to the classification informed.

5.3.1.2 Identification of the visual characteristics of the external configuration of the industrial design

The visual characteristics of an industrial design include form and, if any, color, texture, and surface finish, as long as they provide a visual aspect to the external appearance of its configuration.

Form

The form is what best defines the appearance of a product and is the main distinctive element of an industrial design.

Color

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Color (or combination of colors) is an integral part of the visual characteristics of the industrial design. However, the registration of an industrial design using a certain color or combination of colors does not give the holder exclusive use of the color (or combination of colors) itself.

The use of colors may create variations in the industrial design, pursuant to art. 104 of the LPI. For more information on configuration variations resulting from the use of colors, see item 5.3.3 Examination regarding the unity of the industrial design, sub-item **Variations resulting from color changes or color combinations**.

Textures, surface finishes, and visual aspects of materials

Textures (wood, stone, etc.), surface finishes (matte, polished, bright, etc.), and visual aspects (opacity, transparency, etc.) of materials are an integral part the visual characteristics of industrial design. However, the registration of the industrial design does not give the holder exclusivity over these characteristics by themselves, as they are not part of the claimed scope of protection.

Industrial design registration does not ensure exclusivity over any material used. Accordingly, characteristics of materials that are not visible (e.g., conductivity, hardness, ductility, etc.) do not form part of the scope of protection of industrial design registration.

The use of textures, surface finishes, and visual aspects of materials may cause variations in industrial design, pursuant to art. 104 of the LPI. For more information on configuration variations resulting from the use of textures, surface finishes, and visual aspects of materials, see item 5.3.3 Examination regarding the unity of the industrial design, sub-item **Variations resulting from the use of texture, change in surface treatment or visual characteristics of materials**.

Visual aspects of the external configuration

Industrial design registration only protects the visual characteristics that are expressed in the external appearance of the industrial design, i.e., there is no protection for visible characteristics only if the product is disassembled.

The analysis of the visual aspects of the external configuration must take into account the fact that some elements, although internal, are visually expressed in the external configuration of the product. An example is the configuration of a freezer with a transparent material door, which allows the visual aspect of its interior to be expressed in the external configuration of the industrial design. Accordingly, the configuration of the interior of a transparent bottle. In these cases, the internal elements visible through the transparent material also provide a visual aspect to the external configuration.

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Examples of internal visual aspects that express themselves in the external configuration of industrial design

Ornamental elements are accessible to the user through openings, doors, or compartments shall also be deemed part of the external visual configuration of the industrial design.

5.3.1.3 Identification of ornamental characteristics

The configuration of an industrial design results from all its external visual characteristics intentionally conceived in order to characterize, specify, or particularize the appearance of a given product, regardless of the technical and/or functional results that may result from them.

The identification of ornamental characteristics must take into account representation resources (e.g., dashed lines, colorization) used to identify what is contextual in the representation of the industrial design. What is represented as a contextual element of the industrial design will be subject to analysis to identify the ornamental characteristics of what is actually claimed.

For more information on the forms of industrial design representation, see item [5.3.4 Examination of representation](#).

There may be differences in the relevance of the ornamental characteristics of some products. Thus, ornamental features at the bottom view of a sofa or the back view of a wardrobe can be deemed less relevant than the ornamental features present in the other views.

Not all visual characteristics of a configuration can be deemed ornamental. Some products have visual characteristics essentially dictated by their function. This is the case with the thread area of a screw, for example. In these cases, even if the industrial design presents some ornamentality, if it is found that the visual characteristics of the form are essentially dictated by the function, the industrial design is deemed to be non-registrable.

5.3.2 Non-patentable industrial designs

The registrability examination must assess whether the industrial design applies to the situations determined by article 100 of the Brazilian Industrial Property Law:

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Article 100. The following are not registrable as industrial design:

I – whatever is contrary to morality or offends people's honor or image, or is against free thinking, freedom of belief, worship, or ideas and feelings worthy of respect and reverence;

II – the regular or common necessary form of the object or even the form determined essentially due to technical or functional considerations.

If there are doubts regarding the registrability of an industrial design, an amendment may be issued to request clarification from the applicant.

The applicant shall provide evidence that their industrial design is registrable. Clarification may include, among others, arguments regarding the ornamental characteristics of the industrial design, the freedom of choice regarding the necessary form of the object, and/or figures evidencing how the product is used, connected, fitted, etc.

If the clarifications provided by the applicant do not allow for recognizing the registrability of the industrial design, the application will be rejected.

An administrative appeal may be filed against the rejection decision. For more information on administrative appeals, see chapter [7 Administrative invalidation proceedings and appeals](#).

If the application includes more than one configuration and some of them are non-registrable pursuant to art. 100 of the LPI, the application will be subject to division as provided in item [5.3.3.1 Division of the industrial design application](#).

5.3.2.1 Contrary to morality

The industrial design that constitutes or contains obscene elements or makes an apology for crime, as well as one that defames or violates the honor or image of people or groups, will not be subject to registration.

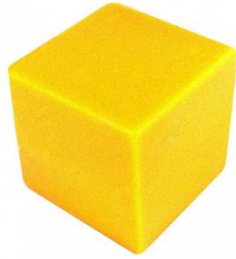
5.3.2.2 Regular or common form

The regular or common form is one in which there is no type of creative effort by the author, as when the industrial design only reproduces a basic form with no visual characteristics that make it distinct.

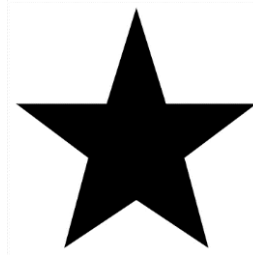
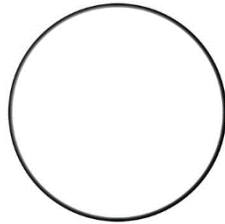
Examples of basic forms are: a sphere, a cube, a pyramid, or a prism, among other basic forms. Two-dimensional forms are also considered to be basic forms: circle, ellipse, square, rectangle, triangle, or star, among others.

Examples:

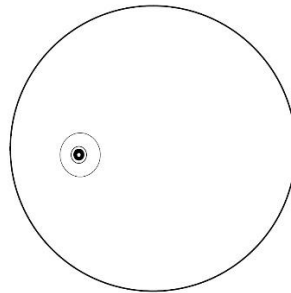
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Examples of regular or common forms: cube and sphere



Examples of regular or common forms: circle and star



Example of a regular or common form of a soccer ball

5.3.2.3 Essentially technical or functional form

All industrial designs present, to a greater or lesser extent, functional and ornamental characteristics. However, sometimes the configuration of a product is essentially the result of impositions related to its operation, without concerns related to its ornamental appearance.

In these situations, even though there is a certain ornamental aspect in the external configuration, if these characteristics do not prevail over what is observed as technical or functional, such configuration cannot be registered as an industrial design. Therefore, even if ornamental details are attached to the configuration essentially dictated by technical-functional considerations, the industrial design is not registrable.

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Examples of industrial designs whose forms are essentially technical or functional

5.3.3 Examination regarding the unity of the industrial design

It is necessary to assess whether the application presents only an industrial design, as established in the main section of art. 104:

Article 104. Article 104. The industrial design application shall refer to a single object, and several variations are permitted, as long as they are intended for the same purpose and share the same major distinctive characteristic, and each application is limited to a maximum of twenty (20) variations.

According to the wording of the law, the registration must refer to a single industrial design, with a plurality of variations permitted. The number of industrial designs in an application is assessed through the examination of the representations to determine the number of configurations in the application. If the application includes more than one configuration, it is necessary to determine whether all configurations can be deemed variations of the same industrial design.

Analysis of variations

Registration is limited to a maximum of twenty (20) variations of the same industrial design, provided that the conditions provided for in art. 104 of the LPI: i) must be intended for the same purpose; and ii) they must share the same distinctive predominant characteristics.

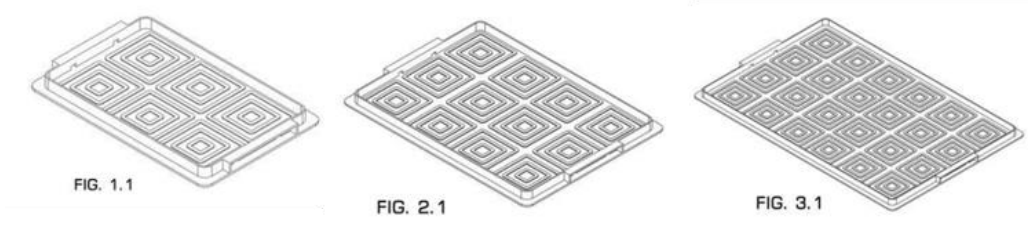
Such conditions are cumulative, i.e., it is not enough that one of them is satisfied. During the technical examination stage, first, the compliance of the variations with the same purpose is analyzed. Then, the existence of the same distinctive characteristic is verified.

During the analysis of the compliance of variations with the same purpose, it is verified whether all variations belong to the same class and subclass of the Locarno International Classification.

In the analysis of the distinctive predominant characteristics, the ornamental characteristics that predominate in the configurations of the same industrial design are verified. It is these elements that ensure that the variations maintain a common visual identity and are deemed a single industrial design.

The analysis regarding the same distinctive predominant characteristics will emphasize ornamental visual characteristics to the prejudice of visual characteristics derived from functional aspects of the configuration.

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Examples of tray configuration variations



Examples of chair configuration variations

The analysis of the same distinct characteristics is based not on a concept or an idea, but on the predominant ornamental characteristics represented in the figures. Consequently, the existence of a common concept does not ensure that configurations have the same distinctive predominant characteristics.

The figures of each variation will be numbered specifically. Example: 1st variation: 1.1, 1.2, 1.3..., etc.; 2nd variation: 2.1, 2.2, 2.3..., etc. For more information on figure numbering, see item [5.3.4.5 Figure numbering](#).

Variations arising from ways of use

The same product may have more than one configuration, depending on how it is used. Thus, the configuration of products such as notebooks, refrigerators, and umbrellas, among others, has open and closed configurations. Others, such as telescopes and retractable pots, for example, feature extended and retracted configurations.

It is allowed to protect, in a single registration, the industrial design of products whose configurations vary as a result of their ways of use. Each configuration (for example, open and closed) shall be deemed a variation of the industrial design.

The figures of each variation will be numbered specifically. Example: 1st variation: 1.1, 1.2, 1.3..., etc.; 2nd variation: 2.1, 2.2, 2.3..., etc. For more information on figure numbering, see item [5.3.4.5 Figure numbering](#).

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Product indication: Cabinet

Example of variations arising from the way of use (BR302021002274)



Product indication: Armchair

Example of variations arising from the way of use (BR302021004723)

Variations intended to compose a set, kit, or bundle

The industrial design of a product whose configurations are intended to integrate sets, kits, or bundles is registrable as long as it relates to a single product, that all configurations belong to a single class and subclass of the Locarno Classification, and have the same distinctive predominant characteristics. Chess pieces, cutlery, pans, jewelry, and sanitary ware are examples of products whose configurations can be intended to integrate sets, kits, or bundles.

Thus, each configuration (for example, the fork, spoon, and knife or the king, bishop, and pawn) may be deemed a variation of the industrial design of a single product (for example, cutlery or chess pieces).

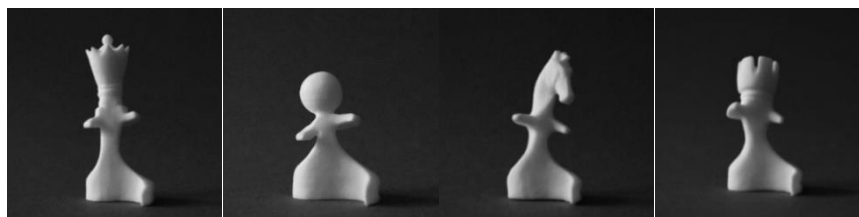
Registration of the industrial design of this type of product does not offer protection to the industrial design of the set itself, but to the industrial design that includes each variation of the configuration of that product.

Each variation shall be submitted in a set of figures. Thus, for industrial cutlery design, for example, one set of figures shall include views of the spoon (1st variation), another shall include views of the knife (2nd variation), and another shall include views of the fork (3rd variation). It is recommended to present all views of each variation.

The figures of each variation will be numbered specifically. Example: 1st variation: 1.1, 1.2, 1.3..., etc.; 2nd variation: 2.1, 2.2, 2.3..., etc. For more information on figure numbering, see item [5.3.4.5 Figure numbering](#).

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The title of the application shall refer only to the product that receives the industrial design, without referring to terms such as “sets,” “bundles,” or “kits.” Example: *Cutlery; Pots; Chess Pieces.*



Example of four variations of the industrial design of Chess Pieces



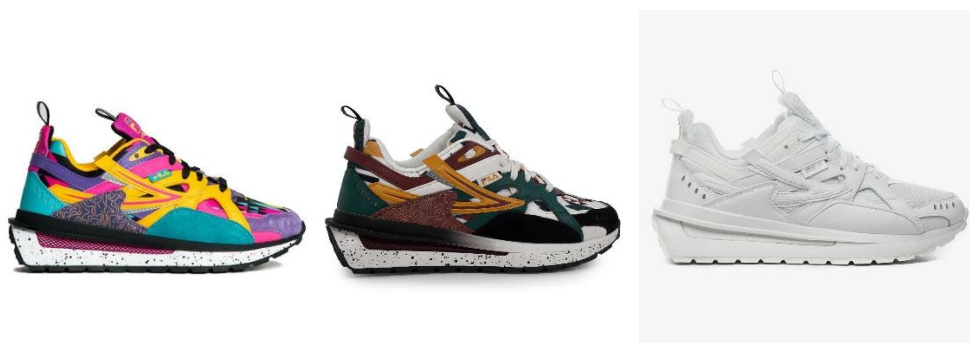
Example of three variations of the industrial design of Cutlery

Variations resulting from changes in color or combination of colors

It is permitted to protect, in the same registration, the industrial design of products whose configurations vary as a result of the use (or not) of color, changes in color, or changes in the combination of colors.

Each configuration (for example, with color and without color) shall be deemed a variation of the industrial design.

The figures of each variation will be numbered specifically. Example: 1st variation: 1.1, 1.2, 1.3..., etc.; 2nd variation: 2.1, 2.2, 2.3..., etc. For more information on figure numbering, see item [5.3.4.5 Figure numbering](#).



Example of configuration variations depending on color change

Variations resulting from the use of texture, change in surface treatment, or visual characteristics of materials

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It is allowed to protect, in the same registration, the industrial design of products whose configurations vary as a result of the use of textures, surface treatment (e.g., matte or polished), and/or modifications of visual characteristics inherent in materials (e.g., opaque or transparent).

The figures representing each configuration shall be numbered as variations (e.g., opaque configuration: 1.1, 1.2, 1.3..., etc.; transparent configuration: 2.1, 2.2, 2.3..., etc.).



Example of configuration variations depending on changes in the visual characteristics of the material (opaque and transparent)

5.3.3.1 Division of the industrial design application

The industrial design application will be divided into the following situations:

- a) If it does not meet any of the requirements of art. 104, as provided for in item 5.3.3 Examination regarding the unity of the industrial design.
- b) If any configuration submitted with the application constitutes non-registrable material pursuant to art. 100 of the LPI, as provided in item 5.3.2 Non-patentable industrial designs.
- c) If any configuration submitted in the application does not qualify for the priority claimed in the application, as provided in item 5.2.3 Conditions for maintenance of priority.

The division of the application is requested through a technical amendment decision, which shall inform the applicant of the industrial designs identified in the application.

From the publication of the division amendment, the applicant has sixty (60) days to comply with the division amendment. If the applicant agrees to the division in the terms expressed in the decision of amendment, they shall indicate in the submission of amendments which industrial design, among those identified by the technical examination, will be kept in the registration.

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Filing of divided applications

From the publication of the amendment to divide the application, the applicant has sixty (60) days to file the divided application(s), always in compliance with the limit of one industrial design per divided application, invariably in accordance with the indications expressed in the amendment.

The applicant is entitled to waive the filing of divided applications.

When filing a divided application, the applicant shall indicate, on the electronic form, the type of filing (divided application filing) and the application/registration number for which the division amendment was published. The divided application must mandatorily refer to the process for which the division amendment was published.

The filing of the divided application must faithfully follow the indications in the decision requesting the division. If the applicant disagrees with the terms of the division amendment, they may present their motivations as provided for in the sub-item **Contestation of the division of the industrial design application** below.

Attention!

The divided application filing will be subject to analysis in compliance with item **4.2.1 Application**. In this sense, if it is evidenced, at the formal requirements examination stage, that the divided application request does not satisfy the INPI's conditions, it shall be deemed inexistent.

It is deemed that the conditions for requesting a divided application do not satisfy: the divided application filed without the division having been requested through a technical amendment; the divided application filed in a manner different from the indication published in the division amendment or in the appeal opinion against the decision to divide the application, or even; the divided application filed after sixty (60) days of the publication of the last amendment that requested the division or the publication of the appeal opinion against the division decision.

Contestation of the division of the industrial design application

The applicant is permitted to disagree with the division in the terms published in the technical amendment decision requesting the division of the application. Such disagreement must be motivated, either by disagreement regarding the need to divide the application or by disagreement regarding the method indicated for division.

The applicant's arguments regarding the division of the application, submitted in response to the division amendment, will be analyzed by the technical examination. If the examiner agrees with the arguments submitted,

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another technical amendment to the division will be published given such arguments. In case of disagreement by the examiner, another technical amendment to the division will be published reaffirming the previous division application, in which the examiner will point out the reasons for maintaining the amendment to the division of the application in those terms.

The applicant is permitted to comply with the new division amendment by presenting new arguments in contestation to the request for division or the division method. However, reiterated contestation to the division may result in the application being rejected due to unsatisfactory compliance with the amendment, which allows the filing of an administrative appeal. For more information on the analysis of appeals against the rejection of applications, see chapter 7 Administrative invalidation proceedings and appeals.

The applicant is also given the possibility of filing an appeal against the decision to request the division of the application, pursuant to item **7.2.2 Appeal against the decision that determined the division of the application**.

5.3.4 Examination of representation

The figures submitted in the application constitute the representation of the claimed industrial design. It is this claim that defines the scope of the registration protection. Therefore, figures are the most important elements of the application.

After the industrial design registrability examination, the representations of the industrial design in the figures will be examined.

Each view of the industrial design shall be submitted in a figure. Figures that present more than one view of the industrial design will not be accepted. If any figure presents more than one view or representation, an amendment request will be issued to correct the submission of the figures in the application.

The figures shall be analyzed for:

- quality of representation;
- sufficient description;
- types and resources of representation;
- consistency between views; and
- figure numbering.

After filing, the initial configuration of the industrial design represented in the may not be subject to additions or changes, except for:

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- corrections requested through amendment directed to the drawings or photos of the application; and
- amendments requested by the applicant, before the first technical examination, intended to correct irregularities in the figures and/or better viewing of the industrial design, as long as they are limited to the matter initially claimed.

5.3.4.1 Quality of representation

The figures representing the industrial design should have sufficient contrast, sharpness, and resolution to fully understand it.

The configuration shall be represented without shadows or reflections that compromise the viewing of its ornamental characteristics.

If the representation does not present the expected quality, i.e., it presents darkened, whitish, blurred, or pixelated areas, an amendment request will be issued to the submission of figures with better quality.

Neutral background

The background of the drawings or photos shall be neutral, without unnecessary or irrelevant elements to the claimed industrial design, and without revealing any pattern or texture. Neutral means a background that does not interfere with the shapes of the industrial design represented. The non-conformity with this instruction shall cause the publication of a technical amendment.

Frame

Drawings or photos shall not have frames. If the industrial design claims an element similar to the frame as part of the configuration, it is recommended that such fact be clarified in the description of the industrial design, which will appear in the specifications.

Example: The external line that delimits the industrial design, similar to a frame, is part of the claimed configuration.

If the examiner has doubts as to whether any element in the figures constitutes a frame, they may issue amendments to the clarification. If it is found that the figure has a frame, the figure shall be resubmitted without it.

If the industrial design presents an element similar to the frame represented by dashed lines, it shall be deemed a contextual element and shall not cause clarification.

5.3.4.2 Sufficient description

It is the applicant's responsibility to reveal the visual characteristics of the claimed industrial design clearly and sufficiently

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The representation of the claimed industrial design shall be sufficient to allow its reproduction by a person skilled in the art. The person skilled in the art is the professional with average technical knowledge relevant to the industrial sector regarding the industrial design of the application.

For sufficient description, it is necessary to assess whether the representation of the industrial design in the figures describes the industrial design sufficiently, enabling the reproduction of the form claimed by a technician in the area relevant to the industrial design of the application.

Two-dimensional industrial design

When representing a two-dimensional industrial design, the applicant must present a single view of the two-dimensional product in which the set of lines and colors applies.

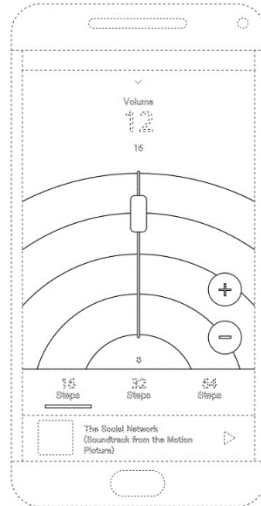


Example of a two-dimensional industrial design (BR302018055059)

The applicant is given the possibility of representing the two-dimensional product on the surface of a tridimensional product. To do this, it is necessary to present views of the tridimensional product to which the two-dimensional product shall apply. The tridimensional product shall be represented as a contextual element, using dashed lines or colorization.

Thus, in the case of a graphical interface applied to the screen of a mobile device, it is sufficient to present the front view of the device to ensure a sufficient description of the claimed two-dimensional industrial design.

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Example of a graphical interface applied to a tridimensional product in which the front view is sufficient to fully claim the industrial design

In the case of an ornament applied to the external area of a cup, to guarantee the complete claim of the appearance of the two-dimensional industrial design, it is recommended to present all views in which the ornament is visible.

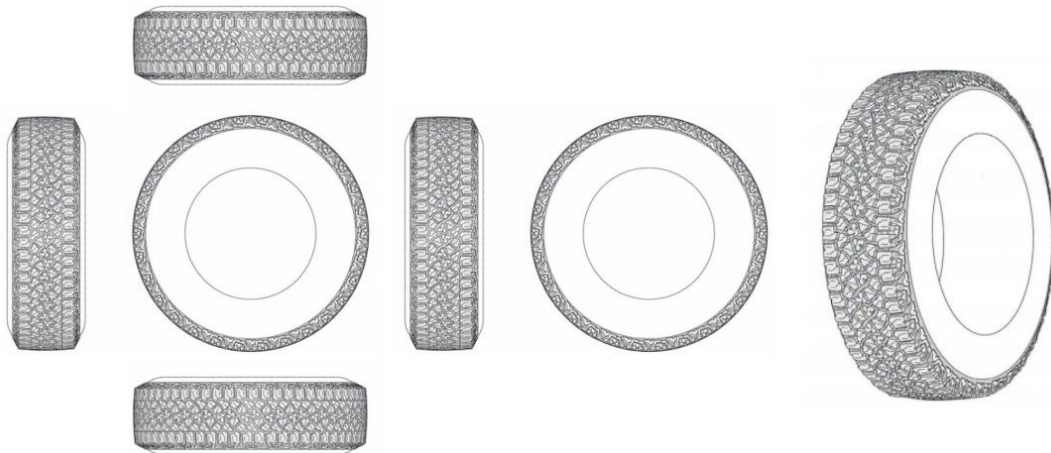


Example of ornament applied to a tridimensional product in which six views are necessary to fully claim the industrial design of the ornament (DI7102778)

Tridimensional industrial design

In order to guarantee the complete claim of the configuration, it is recommended to present the six orthogonal views of the tridimensional product. Orthographic views show the industrial design from six specific angles: front, back, left side, right side, top, and bottom. It is also recommended to present a perspective. Other views or additional perspectives may be submitted to better present the visual characteristics of the industrial design.

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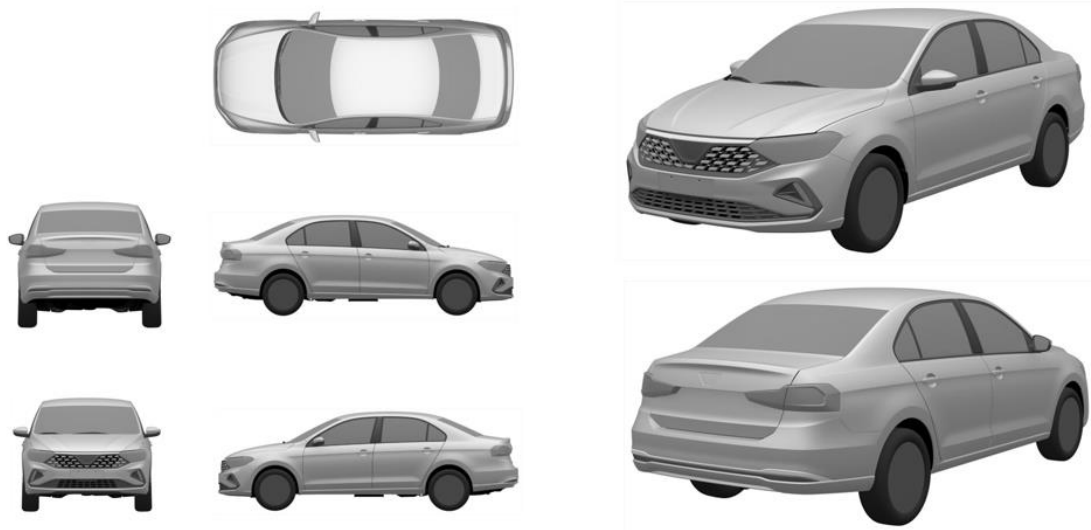
Example of submission of all views of the tridimensional product (BR302014001426)



Example of submission of all views of the tridimensional product (BR302017001422)

The number of views necessary to ensure a sufficient description of the industrial design may vary, depending on the form of representation used and the complexity of the product. It is up to the examiner to assess whether the views submitted are sufficient to reveal the claimed industrial design and allow identification of the product to which the industrial design applies. If the examiner understands that they are not sufficient, a technical amendment may be issued to supplement the figures in the application.

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Example of representation without the bottom view of the tridimensional product



Example of the submission without the bottom and back views of the tridimensional product

Only visual characteristics duly revealed and represented shall be deemed claims in the industrial design application.

If any view of the tridimensional product is not submitted in the figure set and the application does not include the relevant indication of the omission, it shall be deemed excluded from the claim. Accordingly, the matter not revealed and not claimed in the figures is outside the scope of registration protection, protected from the exceptions relating to the omissions of views.

Omission of views

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In some cases, it is possible to omit views of the industrial design without loss to the claim of its configuration.

Namely:

- Symmetrical views; and
- Identical views.

Symmetrical views

Symmetrical views are those whose appearance is inverted (“mirrored”) from an axis of symmetry. It is possible to omit one or more symmetrical views, as long as the view opposite to the omitted view is duly represented in the figures.

The omission of a symmetrical view to another duly represented must be indicated in the description of the industrial design, which will appear in the specifications.

Example: The opposite side view was omitted because it is symmetrical to the submitted side view.

If the examiner understands that the omitted view is not symmetrical to any view submitted, they may issue an amendment requesting clarification from the applicant or the submission of the omitted view or even the exclusion of the statement regarding omitted views.



Example of submission in which the symmetrical view to the side view was omitted.

Identical views

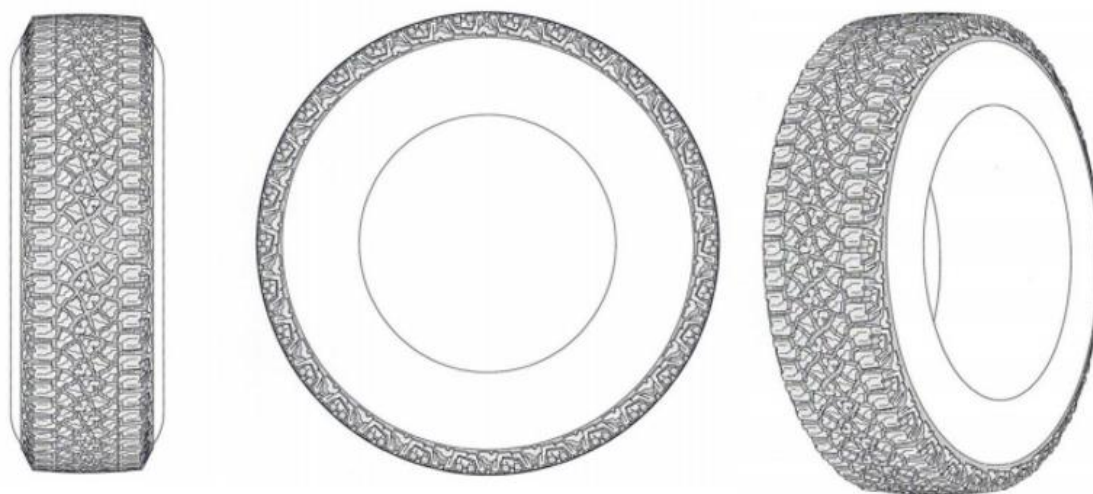
Identical views are those that do not differ from each other. It is possible to omit one or more identical views, as long as the view identical to the omitted view(s) is duly represented in the figures.

In order to appear in the claim, the omission of a view identical to another duly represented must be indicated in the description of the industrial design, which will appear in the specifications.

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Example: The bottom, top, and back views were omitted because they are identical to the front view. The opposite side view was omitted because it is identical to the side view shown.

If the examiner understands that the omitted view is not identical to any view submitted, they may issue an amendment requesting clarification from the applicant or the submission of the omitted view or even the exclusion of the statement regarding omitted views.



Example of a submission in which the bottom, top, and back views, identical to the front view submitted, were omitted. One of the side views, identical to the side view shown, was also omitted.

Absence of the declaration of omission of views

If the declaration of omission of inspections is not submitted, it shall be deemed the applicant did not claim what was omitted. If the examiner has doubts regarding the omission of the views, they may issue an amendment to the submission of the clarification.

Enlarged view

The enlarged view is complementary to the views that present the industrial design and must present the enlarged viewing of specific ornamental details of the claimed industrial design.

The representation of the detail must be submitted in an exclusive figure for this purpose. The representation of the detail in the same figure as any other view of the industrial design will not be permitted.

The enlarged area shall be clearly perceived in at least one of the other views. In order to clarify which area was enlarged, it may be indicated through a dashed line in one of the other views.

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If the examiner does not identify the enlarged area in the other views, they may request, in an amendment, that the enlarged area be indicated in one of the figures.

If the examiner understands that the enlarged view does not refer to the configuration present in any of the other views, they may request its exclusion.

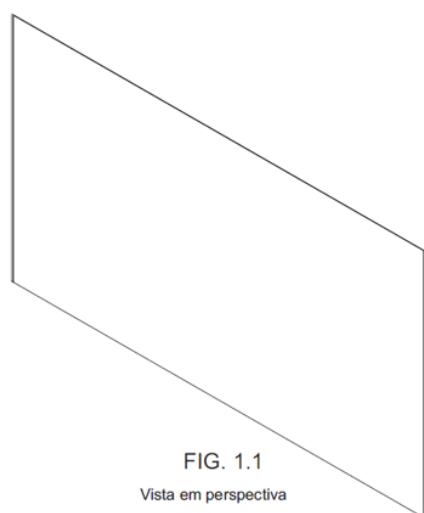


FIG. 1.1
Vista em perspectiva

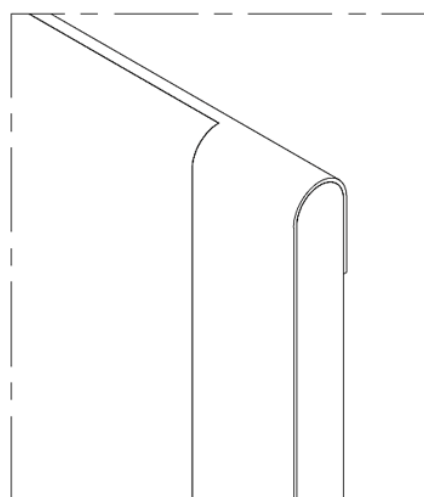


FIG. 1.6

Example of a figure with an enlarged view of a detail of the industrial design of a television.

Exploded view

The exploded view shows the product disassembled, to allow the visualization of its parts, pieces, or components. The exploded view can complement the views that show the assembled product, in order to facilitate understanding.

Parts, pieces, or components visible only in the exploded view (i.e., those that are not visible in the external configuration of the assembled product) are not protected by the industrial design registration of the assembled form. The exploded view will appear on the registration certificate and will be published. Thus, upon publication of the registration, all parts, pieces, or components shown in the exploded view shall become an integral part of the state-of-the-art.

The exploded view must be identified as such, in order to not be confused with the representation of more than one industrial design. If an exploded view is not identified, an amendment request will be issued for its proper identification in the application.

If the application contains only the exploded view, an amendment request will be issued to present each part of the product that is deemed an industrial design in itself. In the submission of amendments, the submission of the assembled product may not be permitted. If applicable, a division of the application may also be requested.

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Example of exploded view representation

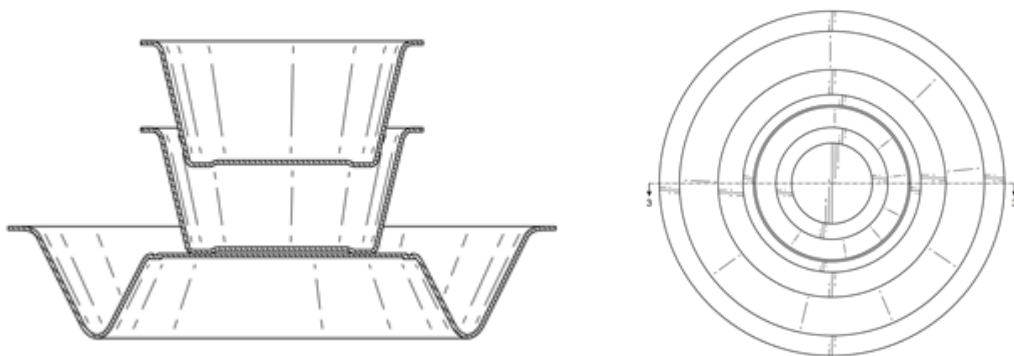
Cutaway view

Cutaway (or sectional) views contribute to the sufficient description of the industrial design whose configuration is not clearly revealed by the other representations.

Parts, pieces, or elements visible only in the cutaway view (i.e., those that are not visible in the external configuration of the product) are not protected by industrial design registration.

The cutaway view must be submitted in a figure exclusively for this purpose. In order to clarify the area to which the cutaway view refers, one of the other views of the industrial design shall include an indication of the sectioned area.

If the application contains only a cutaway (sectional) view, it will be granted by law and will then be subject to an administrative invalidation proceeding, as it does not present the external configuration of a product.



Example of representation of the cutaway view, on the left, and the top view with the indication of the sectioned area, on the right.

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5.3.4.3 Types of representation

The representation of the industrial design may be done through drawings (line or rendered) or photos. Regardless of the type of representation used, the industrial design must be represented clearly and sharply, in order to allow the sufficient description of the claim.

The use of more than one type of representation in the same application is permitted. Accordingly, one variation is allowed to be represented through lines and the other through rendering.

However, the use, in the same variation, of figures represented through lines and others represented through photos or renderings is not permitted. Therefore, a variation cannot present the rendered perspective and the other views represented through lines.

If the figures of a variation use different types of representation, an amendment will be published to harmonize the type of representation of that variation.

Line drawing

The line drawing represents the form of the industrial design, generally through continuous lines that indicate the claimed configuration and, if that is the case, dashed lines that represent the contextual elements of the representation. It is recommended that the representation of the industrial design in lines is carried out using lines of consistent thickness. Variation in line thickness is permitted as long as it does not impair understanding of the details of the industrial design.

Continuous lines

The continuous lines represent the areas of industrial design on which the claim actually falls. In other words, the use of continuous lines causes the claim of the configuration thus represented.



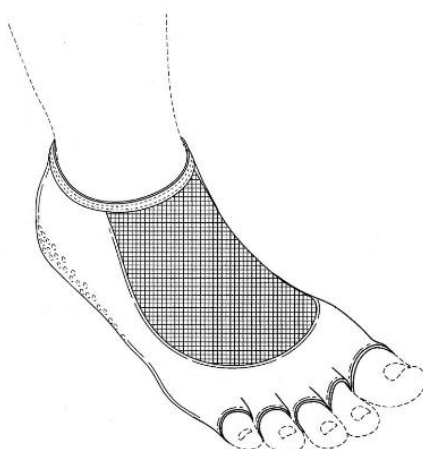
Example of representation using continuous lines of consistent thickness (BR302018055287)

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Example of representation using continuous lines with varying thickness (BR302018055094)

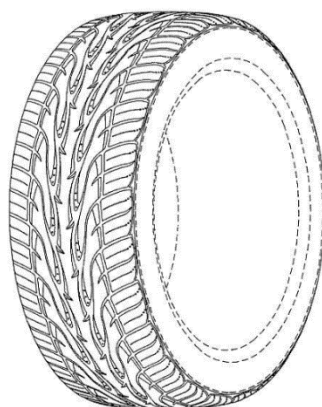
Contextual representation



Example of contextual representation with a dashed line



Example of contextual representation with a dashed line



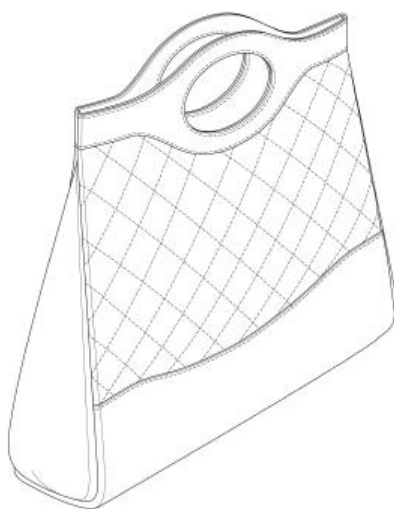
Example of contextual representation with a dashed line

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The configuration of some products may include elements similar to dashed lines (e.g., stitching in fabric or leather, among others). In these cases, it is recommended that this fact be indicated by the applicant through a description in the specifications. Accordingly, the dashed representation shall be deemed part of the claim.

Example: The dashed lines represent stitching and are included in the claimed industrial design.

In case of any doubts regarding the dashed representation (whether it represents a surrender or not) and there is no clarification in the specifications, the examiner may request clarification and the inclusion of a description regarding the use of the dashed line.



Example of representation, through dashed lines, of stitching which forms part of the claimed industrial design

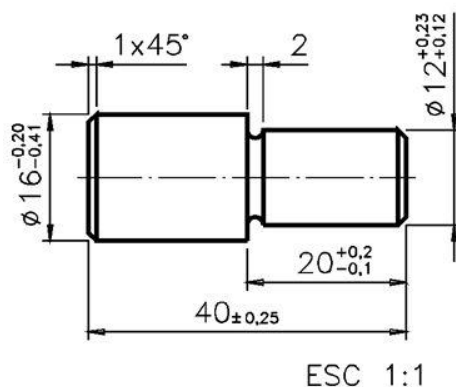
Recommendations regarding representation in lines

Line drawings shall be of good quality, with dark lines (preferably black), so as to present sufficient contrast to allow reproduction.

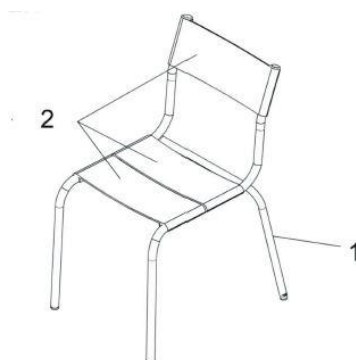
It is important to avoid:

- clear lines, with low quality or low contrast in relation to the background of the figure;
- blurred lines;
- pixelated lines;
- concentration of lines that form an undefined area.
- drawings that are too small or too large; and
- use of auxiliary lines, dimensions, and other indicative characters that are not part of the industrial design configuration (except in the section indication for the application includes cutaway views or in the case of indicating the detailed area in an enlarged view).

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Example of use of lines, dimensions, and scale indication that are not included in the configuration and should not appear in the figures



Example of lines and indicative characters that are not included in the configuration and should not appear in the figures (BR302015004777)

Upon the occurrence of any of the above items, the examiner may publish an amendment requesting the adjustment of the figures.

Hatching and Pointillism

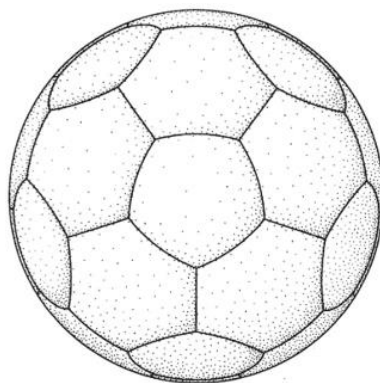
The applicant is permitted to use hatching and pointillism that allow the schematic representation of visual characteristics such as surface treatment, transparency, texture, and shading arising from the volume of the configuration, as long as such resources do not compromise the understanding of the configuration.

During the examination of the figures, hatching and pointillism shall be deemed ancillary resources for understanding industrial design. However, if the examiner has doubts regarding the use of hatching or pointillism in the industrial design under examination, they may publish an amendment to clarify the function of these resources in the representation and, if that is the case, request the necessary adjustments.

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Example of hatching that interferes with understanding the form of the industrial design and may be subject to amendments.
(BR302021003678)



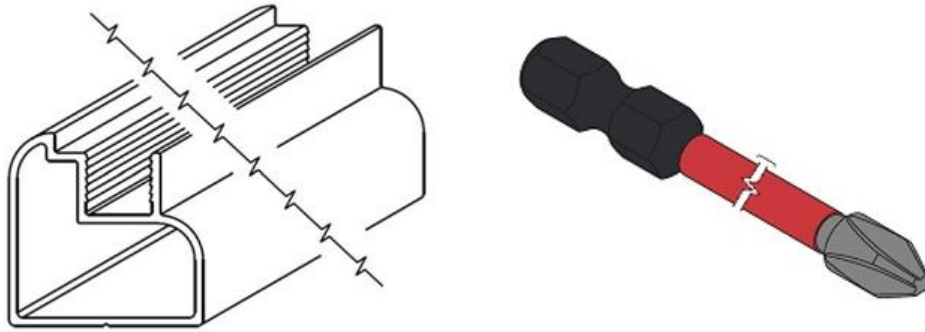
Example of a figure with pointillism that does not affect the understanding of industrial design

Interruption lines

Interruption lines inform that the plastic form represented may vary in size without altering the ornamental characteristics already displayed in the figures.

If the figures have an interruption line, it must make its function clear, so as not to be confused with the product configuration. Accordingly, the interruption line may not obstruct or hinder the understanding of the ornamental characteristics of this configuration.

If the interruption line impairs the viewing of the industrial design or if its manner of representation does not clarify its role in the configuration, the examiner may issue an amendment to the clarification or even request improvements in the representation of the figure.

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Examples of accepted interruption line figures.

Construction lines

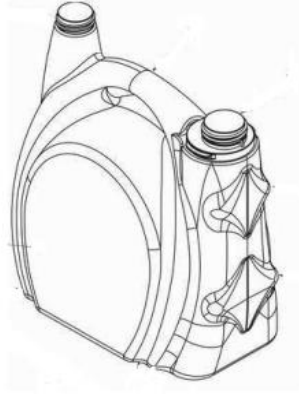
Drawings of tridimensional products created by software (i.e., CAD or Computer Aided Designs) may present construction lines, that is, ancillary lines derived from the volume of the configuration.

During the examination of the figures, the construction lines can be accepted as ancillary resources for a better understanding of the industrial design. However, parsimony is recommended in the use of such a resource as if they are deemed harmful to this understanding, technical amendment may be published to clarify the nature of these lines and, if that is the case, request the proper corrections to the figures.



Example of construction lines deemed harmful to the understanding of industrial design (BR302014006405)

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Example of construction lines admitted to the industrial design registration (BR302016003284)

Rendering

Rendering is the process of illustrating tridimensional products, generally with the aid of software (i.e., CAD or Computer Aided Designs), the result of which includes their realistic representation through the representation of lighting, volume, surface treatments, and texture.

The industrial design represented through rendering must have adequate contrast and definition, to allow perfect viewing of the industrial design.



Example of rendering (BR302019000676)



Example of rendering (BR302019000647)

Photography

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Photography is the method of representation through image capture through a photographic process.

The industrial design represented through photos must have adequate sharpness, contrast, and resolution, to allow perfect viewing of the industrial design.

Additionally, for photos, it is important to ensure that the figures have a completely neutral background and do not include elements not related to the claimed industrial design.



Example of photographic representation (BR302019000552)



Example of photographic representation (BR302018055012)

Recommendations regarding photographic or rendering representation

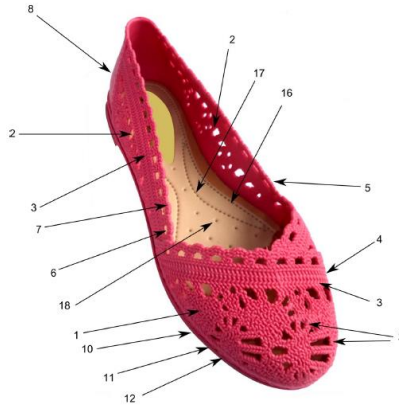
The representation, whether photographic or by rendering, must allow all claimed ornamental characteristics to be clearly visible, enabling their reproduction by a person skilled in the art.

Should be avoided:

- dark and undefined areas due to lack of lighting;
- excessive glow and/or reflections on polished, reflective, or transparent surfaces;
- blurred or faded areas (unless characterized as a contextual element representation resource);
- low contrast (unless characterized as a contextual element representation resource); and

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- use of auxiliary lines, dimensions, and other indicative characters that are not part of the industrial design configuration (except in the section indication for the application includes cutaway views or in the case of indicating the detailed area in an enlarged view).



Example of using indicative lines and characters that are not included in the configuration (BR302018055209)

Upon the occurrence of any of the above items, the examiner may publish an amendment requesting the adjustment of the figures.

Contextual representation

The Specialized Office of the Federal Ombudsman with INPI expressed itself through OPINION No. 00019/2022/CGPI/PFE-INPI/PGF/AGU in the sense that the use of dashed lines or colorization may represent parts for which protection is not claimed and that the option for such type of representation is provided to the applicant.

Therefore, the applicant is responsible for deciding whether or not to use traced or colored parts for which protection is not required, such illustrations serving only to contextualize the claimed creation.

Dashed lines

The dashed lines represent contextual elements over which there is no claim. The use of dashed lines results in the surrender of the elements thus represented.

The dashed lines may represent the surrender of contextual elements in the product configuration or, even, the surrender of contextual elements that are not part of the product.

It is recommended to include clarification, in the description of the industrial design, regarding the contextual nature of the dashed lines included in the representation.

Example: The dashed lines represent contextual elements and are not included in the claimed industrial design.

If the representation with dashed lines does not clarify its contextual function in the application, the examiner is permitted to issue an amendment to the clarification and possibly include a description of the contextual character of the dashed lines.

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Colorization

The use of colorization effects for contextual representation in industrial design is permitted.

Colorization is deemed the intentional reduction of contrast, whether by fading, blurring, or adding a color similar to the background color in a certain area or contextual element in an industrial design. Colorization constitutes a surrender of the claim.

It is recommended to include clarification, in the description of the industrial design, regarding the contextual nature of the colored areas and elements included in the representation.

Example: The colored areas represent contextual elements and are not part of the claimed industrial design.

If there are doubts regarding the colored representation (whether it represents a surrender or not) or if there is no clarification in the specifications, the examiner may request clarification and the inclusion of this description in the specifications.



Example of colorization by intentional reduction of contrast of the contextual area (unclaimed)



Example of colorization by intentionally reducing the contrast of the contextual area (unclaimed) by adding a color similar to the background color

Dash-dot lines

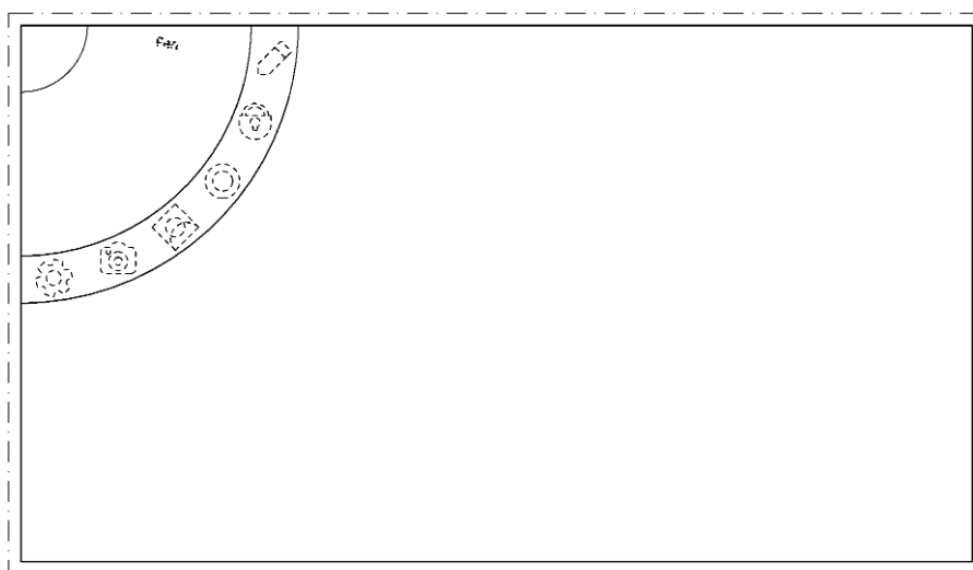
Dash-dot lines delimit claimed areas of industrial design on occasions when there is no possibility of using a continuous line to represent such delimitation. In other words, the use of dash-dot lines leads to the claiming of the configuration deemed according to such delimitation and helps to distinguish what is claimed or contextual.

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The application must include clarification, in the description of the industrial design, regarding the character of the dash-dot line used in the representation.

Example: Dash-dot lines delimit the claimed area of the industrial design.

If there are doubts regarding the dash-dot representation and there is no clarification in the specifications, the examiner may request clarification and the inclusion, in the specifications, of a description regarding the use of the dash-dot line.



Example of dash-dot line delimiting the area claimed in the representation of the industrial design.

Mixed contextual representation

If necessary, dashed lines can be used to represent a contextual element in the industrial design submitted through rendering or photography. Accordingly, the possibility of representing a contextual element is allowed through the application of color or reduction of contrast in the industrial design submitted through lines. The use of more than one contextual representation resource in industrial design figures is also permitted, as long as the function of each of them is clearly clarified in the industrial design description.

The application must include clarification, in the description of the industrial design, regarding the contextual nature of the resource used in the representation.

Example: Dashed lines indicate contextual elements that are not part of the claimed industrial design.

Example: The areas indicated in yellow are contextual elements that are not included in of the claimed industrial design.

If the examiner has doubts as to whether any element or resource of representation constitutes a contextual element, the examiner is permitted to issue an amendment to the clarification and possibly include a description of the contextual nature of that representation.

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Example of contextual element (unclaimed), represented by dashed lines in a rendered industrial design.



Example of a contextual element (not claimed) represented by dashed lines in a photographed industrial design.

5.3.4.4 Consistency between views

All views of each configuration shall be consistent with each other. Assessment of this consistency will take into account the configuration as a whole, including claimed and unclaimed areas.

If any element or characteristic shown in one of the views is not consistent with what is shown in other views of the same configuration, an amendment will be published to correct the inconsistencies.

Small configuration changes resulting from characteristics such as the malleability of the material that constitutes the product represented (e.g., changes in creases in fabric, changes in the position of electrical cables, straps, etc.) may be deemed irrelevant and, in that case, do not cause an amendment to the consistency between views.

5.3.4.5 Figure numbering

The numbers identify the figures relevant to each variation of the industrial design. Thus, the figures in the first variation will be numbered 1.1, 1.2, 1.3, and so on. If the industrial design presents only one configuration, it will be numbered as the first variation.

The figures of a second variation will be numbered 2.1, 2.2, 2.3, etc., the figures of the third variation will be numbered 3.1, 3.2, 3.3, etc., and so on, up to a limit of 20 variations, in order to cover all variations submitted in the application.

Failure to comply with the application with the correct numbering of variations shall cause an amendment to resubmit the correctly numbered figures.

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5.3.5 Trademark Representation in Industrial Design

The configuration of the industrial design may include the representation of a trademark or part of a trademark. The inclusion of the visual aspect of a trademark or part of a trademark in the industrial design does not grant any type of trademark rights to the registration holder.

The inclusion of the visual aspect of any type of trademark, whether owned or from third parties, in the configuration of the industrial design is the full responsibility of the applicant, under penalty of law. When making such inclusion, it is recommended that the applicant present a proper authorization document or declaration of authorization to use the trademark.

It is up to the trademark holder to initiate an administrative invalidation proceeding for the registration of an industrial design that includes the visual aspect of a trademark or relevant part of a trademark without its authorization.

5.3.6 Inclusion of text elements in the Industrial Design

The configuration of the two-dimensional or tridimensional industrial design may include text elements, in any language and in any type of alphabet, character, ideogram, or graphic representation.

The inclusion of a text element in the industrial design does not grant any type of ownership or exclusivity over the content of the text used.



Examples of industrial designs – tridimensional and two-dimensional – whose configuration includes words or text elements

The configuration of the industrial design may consist only of words or text elements, as long as they are imbued with a sufficiently ornamental character.

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Example of industrial design consisting only of words or text elements coated with sufficient ornamental character.

If the configuration of the industrial design is composed only of words or text elements that do not clarify the creator's contribution in the preparation of the ornamental characteristics, an amendment may be issued requesting such clarification. If the examiner does not consider that the industrial design has an ornamental characteristic, registration will be granted and an administrative invalidation proceeding *ex-officio* will be initiated.

Lorem Ipsum

Example of industrial design composed only of words or text elements that do not have sufficient ornamental character.

Lorem Ipsum

"Neque porro quisquam est qui dolorem ipsum quia dolor sit amet, consectetur, adipisci velit..."

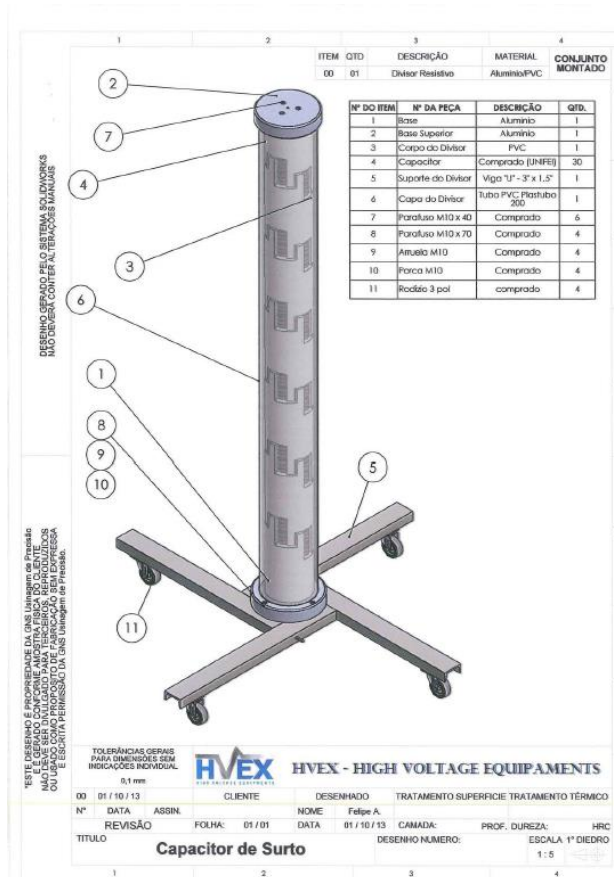
"Não há quem goste de dor, que a procure e a queira ter, simplesmente porque é dor..."

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Praesent ultrices eleifend pharetra. Donec hendrerit dolor nec porttitor tincidunt. Donec tincidunt quam et varius tincidunt. Phasellus massa arcu. accumsan ac felis non. Interdum volutpat neque. Lorem ipsum dolor sit amet, consectetur adipiscing elit. Vestibulum ante ipsum primis in faucibus orci luctus et ultrices posuere cubilia curae; Aenean et magna posuere, semper ipsum sit amet, lobortis lacus. Suspendisse eu enim eleifend arcu mattis congue. Praesent tellus metus, egestas nec volutpat nec, maximus ut mi. Suspendisse nec est lorem. Vivamus congue quis lectus a dignissim. Sed suscipit eleifend iaculis.

Example of industrial design composed only of words or text elements that do not have sufficient ornamental character.

The inclusion, in figures, of characters, words, or textual elements that are not part of the industrial design configuration, for example, indications, dimensions, measurements, signatures, titles, stamps, etc. If such elements are found, the examiner may request clarification or exclusion of them through technical amendment.

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Example of representation in which text elements are not allowed because they do not form part of the industrial design configuration (BR302013006499)

5.3.7 Inclusion of elements protected by copyright in the industrial design

The configuration of the industrial design may include visual or text elements protected by copyright. Including these elements in the industrial design does not entitle the registration holder to any kind of copyright over them.

The inclusion of any element protected by copyright in the configuration of the industrial design, whether an image (e.g.: illustrations, photos, etc.) or text (excerpts from books, song lyrics, etc.), is the applicant's full responsibility, under penalty of law.

When making such inclusions, it is recommended that the applicant submit a proper authorization document or declaration of authorization for use.

In case of any suspicion regarding the improper use of third parties' intellectual property, the examiner may make a technical amendment to the submission of a proper authorization document.

A registered industrial design that includes an element protected by copyright, without the authorization of the owner, is subject to administrative invalidation proceedings, either *ex-officio* or by third parties.

5.3.8 Inclusion of an individual's image in an industrial design

The configuration of the industrial design may include an individual's image.

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The inclusion of any visual element that reproduces an individual's image in the configuration of the industrial design is under the responsibility of the applicant, under penalty of law.

By making such inclusion, the applicant shall submit a proper document authorizing the use of the image, even when the person described is the author or applicant of the industrial design. In case of using the image of a legally incompetent person, the authorization shall be carried out by the legal guardian.

The examiner may make a technical amendment, if there is any suspicion regarding the improper use of the image of third parties.

A registered industrial design that includes an individual's image, without the authorization of the owner, is subject to administrative invalidation proceedings, either *ex-officio* or by third parties.

5.3.9 Industrial design registration of logos and logotypes

A logo or logotype is a graphic sign formed by a set of lines and colors. Logos and logotypes may be registered, provided they meet the definition of industrial design outlined in art. 95 of the LPI.

5.3.10 Registration of the industrial design of a font family

Nowadays, the font family is, in general, a two-dimensional product. Their industrial design is formed by the set of lines and colors applied to the graphic signs (characters) that compose them. Font families may be registered, provided they meet the definition of industrial design. For more information on the definition of industrial design, see item [2.1 Definition of industrial design](#).

The industrial design of the font family shall be represented by reproducing all characters arranged in a single figure. The protection of the industrial design of the font family, however, is not restricted to the arrangement or disposition of the characters in the registered figure.

Registration gives industrial design protection to the characters with sufficiently distinctive character. For information on the analysis of the novelty and originality of font families, see item [5.4.1.2 Examination of originality](#).

abcdefghijklmnopqrstuvwxyz
ABCDEFGHIJKLMNOPQRSTUVWXYZ
1234567890 \$%&(.,:;"'!?)

Example of industrial design representation of a font family in a single figure (DI7003239-4)

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5.3.11 Registration of the industrial design of a complex product composed of parts without interconnection

Each industrial design figure of a complex product composed of parts without interconnection shall present an arrangement including all parts or components that constitute the claimed configuration.

It is recommended that the arrangement of the parts be consistent in all figures to facilitate the examination of the configuration. Nonetheless, the protection offered by the industrial design registration of this product is not restricted to the way these parts are arranged in the figures.

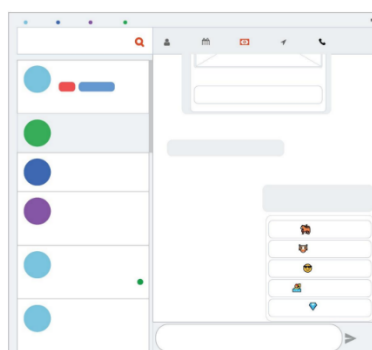
The parts or components of this type of product are not variations of the configuration, but parts of a single configuration. Accordingly, they shall not be treated as variations when examining the representations.

If the figures have parts or components whose characteristics do not enable the conclusion that they are elements of a single industrial design (because they do not constitute a single complex product), the application shall be subject to amendment to division.

5.3.12 Registration of the industrial design of a graphical interface

The graphical interface is, in general, a two-dimensional product formed by computer-generated images. This refers to a set of lines and colors applied to graphic signs and layouts (icons, display screens, etc.) displayed on screen or other media.

Graphical interfaces may be registered, provided they meet the definition of industrial design outlined in art. 95 of the LPI.



Examples of graphical interfaces (BR302021001255 and BR302019002589)

Dynamic (or animated) graphical interface

The graphical interface can present a dynamic (or animated) configuration, i.e., a configuration whose appearance changes over time through the exhibition of a predefined sequence of figures.

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The industrial design of the dynamic graphical interface must be represented through static figures submitted in the order of their exhibition, to allow recognition of the sequence that constitutes its visual aspect. The visual characteristics of the figures must allow them to be recognized as part of the same sequence.

If one or more figures are not recognized as part of that sequence because they do not present similar visual characteristics to the others, the application may be requested to be divided.

The title of the application of this type of industrial design shall indicate the dynamic characteristic of the configuration.

Example: "dynamic graphical interface," "animated graphical interface," "moving graphical interface," or another that denotes such a characteristic.

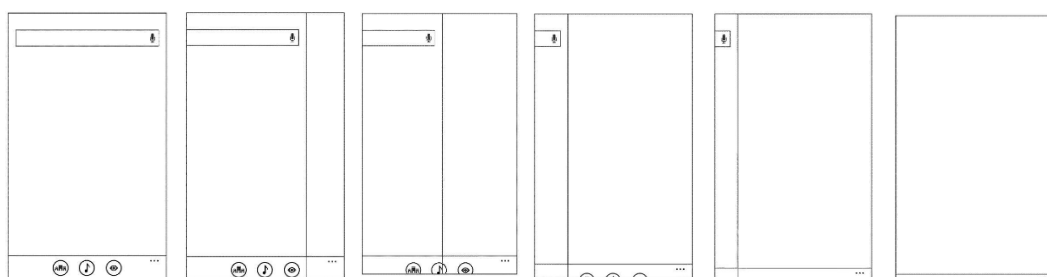
The figures of a dynamic graphical interface shall be numbered as a single variation, following the order of the exhibition. Example: 1.1, 1.2, 1.3, etc. If the application presents a second sequence characterized as a variation, it shall be must be numbered as 2.1, 2.2, 2.3, etc.

If the figures show an industrial design that appears to be dynamic, without there being such an indication in the title of the application, an amendment may be issued for clarification and adjustment of the title and numbering of the figures, as the case may be.

If the figures show an industrial design whose figures do not appear to constitute a sequence, but there is an indication in the title that it is a dynamic industrial design, an amendment may be issued for clarification and adequacy of the title and numbering of the figures, as the case may be.

If the application presents more than one sequence whose visual characteristics do not allow it to be characterized as a variation of the same industrial design, it will be divided.

The set of figures must meet registrability requirements as a whole. If any figure in the sequence falls within the cases provided for in art. 100 of the LPI, it shall be analyzed taking into account the other figures in the set. If the examiner understands that one or more figures make the industrial design non-registrable as a whole, the application will be rejected. For more information on non-registrable industrial designs, see item [5.3.2 Non-patentable industrial designs](#).



Example of industrial design of a dynamic graphical interface represented by a sequence of figures

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5.3.13 Registration of industrial designs that reproduce the human form

The industrial design formed by a configuration that reproduces the human form will have its registration granted and will be subject to an administrative invalidation proposal for not revealing elements that characterize an ornamental creation.

Example of industrial design that reproduces the human form without sufficient ornamental and distinct character
(BR302012001901)

However, if the industrial design that reproduces the human form is stylized and has sufficient distinctiveness in its forms, it may be registered without the proposal of invalidation.

Accordingly, industrial designs that reproduce the human form combined with elements that differentiate it (such as clothes and accessories) may be registered.

Example of industrial design that reproduces the human form whose accessories ensure ornamental and distinctive character
(BR302014004593)

5.3.14 Architectural projects

Architectural projects (e.g., projects for facades, buildings, bridges, among others) do not configure the ornamental plastic form of an object, nor the ornamental set of lines and colors that can be applied to a product. As they do not fit the definition of industrial design proposed by law, the applications that claim protection for this matter shall be granted registration as provided for in art. 106 of the LPI and will be the object of a proposal for administrative invalidation.

It is possible to protect the industrial design of the external form of shelters, houses, sheds, kiosks, covers, etc., as long as they are formed by prefabricated or modular elements and their industrial design refers to the external form of a product that can serve as an industrial manufacturing type without configuration deviations.



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Example of architectural design (facade) that cannot be registered as an industrial design (DI6705338)

5.4 Substantive examination

After granting of registration, the holder may request a request for examination of the granted registration for novelty and originality – or Industrial Design Substantive Examination, under art. 111 of the LPI.

The service must be requested through a petition with GRU code 103 – request for examination of registration regarding novelty and originality.

The substantive examination evaluates the presence of novelty and originality requirements in the industrial design, imposed by art. 95 of the LPI, through the visual comparison with previous products and objects already within the state-of-the-art. For more information on the state-of-the-art, see item [5.4.1.1 Examination of novelty](#).

5.4.1 Examination of novelty and originality

The examination of novelty and originality assesses whether an industrial design is new, pursuant to art. 96, and original, pursuant to art. 97 of the LPI.

The examination of novelty and originality is the comparative examination of the visual characteristics of industrial design in relation to the visual characteristics of the products in the state-of-the-art. Such an examination is carried out in several circumstances, including the Administrative Proposal of Invalidation, the Substantive Examination, and lawsuits.

The comparative examination depends on the evaluation of the figure(s) of the industrial design under analysis in a document with, at least, one figure of the product in the state-of-the-art. The prior art document must present, cumulatively:

- figure(s) with graphic quality, to allow the visual characteristics of the configuration to be measured;
- proof of publication date, to establish whether the configuration constitutes state-of-the-art when compared to the industrial design under examination.

If the document containing the object of comparison does not present any of the above characteristics, it will not be considered valid for the examination of novelty and originality.

It is worth mentioning that, for a registration that presents configuration variations of an industrial design, in case of prohibitive prior rights to any of them are found, the complete registration will be rendered invalid, as there is no legal provision for the partial invalidation of the registration.

5.4.1.1 Examination of novelty

The examination of novelty seeks to assess whether the industrial design is identical to some configuration that is in the state-of-the-art. The state-of-the-art, according to the LPI, is everything made accessible to the public before the date of filing of the application, in Brazil or abroad, by use or any other means.

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The full content of the patent application or registration filed in Brazil and not yet published shall be deemed state-of-the-art as of the date of filing of an application or priority claim, as long as it is published, even if in the future.

The industrial design published during the period of one hundred and eighty (180) days before the date of filing of an application or priority claim shall not be deemed state-of-the-art if such publication has been promoted in the situations provided for in items I to III of art. 12 of the LPI.

It is not possible to assert that an industrial design has no novelty based on a subjective exercise of composition using elements from different industrial designs. In this sense, the examination of novelty is objective: the proof that an industrial design is not novel shall be in a single document, previously published, whose figure(s) reveal an identical configuration to the industrial design under examination.

5.4.1.2 Examination of originality

The examination of originality seeks to assess whether the industrial design has a distinct visual configuration in relation to previous objects and products. Previous objects and products mean those already included in the state-of-the-art.

The industrial design should be provided with characteristics that make its appearance unique when compared to the configuration of objects or products included in the state-of-the-art. Therefore, it is not enough for the industrial design to simply not be identical to its predecessors: it should differ externally and substantially in relation to other previous objects.

The original visual result may be achieved by the combination of known elements. This result refers to the combination of the whole or parts of the configuration of objects or products included in the state-of-the-art, composing an industrial design whose configuration is sufficiently distinct in relation to previous objects or products.

Color

The mere difference in color or combination of colors does not constitute a sufficient differentiating element to ensure the originality of an industrial design. Therefore, if the differentiating element between two industrial designs is only the color or combination of colors, an absence of originality will be verified.

Textures, surface treatment, and other visual aspects of materials

The only difference in textures, surface treatment, or other visual aspects of materials does not constitute a sufficient differentiating element to ensure the originality of an industrial design. Thus, if two industrial designs are very similar and the differentiating element is only the texture, surface treatment, or other visual aspects of materials, an absence of originality will be verified.

Relevance of visual characteristics

The examiner may identify the views that present the most relevant visual characteristics in the industrial design under analysis. The visual characteristics of these views shall be analyzed in more detail to the prejudice of other less

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relevant views. If the visual characteristics of the most relevant views are very similar to the visual characteristics of the previous object and the differentiating elements are concentrated in the least relevant views, the lack of originality of the industrial design under analysis shall be declared.

Font families

The publication of characters that form part of a font family in a period before the period of grace established by the ¶ 3 of art. 96 of the LPI shall serve as proof of the lack of novelty and/or originality for the registration of the industrial design of such font family.

Publication of characters from font families: application in words, texts, isolated or sequential characters, acronyms, or any printed representation or display on screens or other means of visualization, as long as they are made public and it is possible to unequivocally identify that they are font characters from the same family.

The character or characters with shapes that do not have a sufficiently distinctive character shall not be considered proof of prior use.

5.4.2 Search for prior rights

To verify if there are any similar or identical prior rights to the industrial design under examination, a non-exhaustive search is performed, disregarding prior rights, the use or disclosure of which has occurred within the Period of Grace (in other words, within the 180 days before the date of filing or the earliest priority), provided that this disclosure was carried out by the registration holder or by third parties authorized by him.

The search for prior rights is performed based on the scope of application attributed to the industrial design from the registration, defined by the choice of class and subclass in the Locarno Classification, and may, at the examiner's discretion, also encompass other classes of objects or products. For example: when examining a registration of a toy or miniature shaped as an automobile (class 21-01), the search may include the class corresponding to automobiles (12-08). For more information on the scope of application, see item 5.3.1.1 Identification of the product, letter (c)

Scope of application.

During a substantive examination, aiming at a better adjustment of the registration to the Locarno Classification, the examiner has the prerogative to change the classification by publishing decision 50 – Change of Classification.

Based on the definition of the class, the search is performed using the following steps, consecutively:

- Searching the database of industrial designs registered with INPI (BuscaWeb), with no time-limit, in the class assigned to the product at the time of registration, and at the examiner's discretion, may include other classes related to the configuration of that product; Buscaweb is accessible at <https://busca.inpi.gov.br/pePI/>;
- Searching sales websites, blogs, advertising materials, etc., based on a survey on the holder's data and the object or product of the registration of an industrial design. This survey helps to get to know the holder's

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area of expertise, their product portfolio, advertisement means and online sales, enabling the examiner to become aware of the regular terminologies related to the object of the registration in the market and, if possible, its trade name (or model), which directs searches;

- Searching the WIPO – World Intellectual Property Organization international database of industrial designs (available at <https://www3.wipo.int/designdb/en/index.jsp>), with no time or territorial frame, using tools that allow statistically relevant sample searches to be performed; and
- In some cases, at the examiner's discretion, searches may be performed in the INPI's patent databases.

The search for prior rights may use the Brazilian Standard NBR 5426 method and/or image search tools with Artificial Intelligence support to select a relevant sample.

To be considered valid, proof of prior art shall include at least one image of the product, with graphic quality sufficient to enable visual comparison with the registration under examination. Additionally, it shall include information that makes it possible to assess the date of publication of the proof or the date of use of the industrial design.

The date of publication is deemed to be the date of disclosure. When only the specific month or year is indicated as the date of publication, the last day of the month or year shall be deemed to be the date of disclosure.

In the case of doctoral dissertations, master's theses, and monographs, the relevant date to be considered for purposes of publication shall be the date of defense, except in cases in which such defense has been carried out under confidentiality conditions, in which the relevant date shall be the date of publication of the document.

An image available electronically with no indication of the date of publication cannot be mentioned as state-of-the-art. Documents and webpages with an explicit date of publication shall be accepted. Documents and pages made available through webpage file services (e.g.: Wayback Machine, etc.) shall also be accepted, provided that the date of the electronic file copy is specified.

The search for prior rights shall be deemed completed if a single valid prior art proves the lack of novelty of the industrial design under examination.

5.4.3 Substantive examination opinion

An opinion on the merits will be issued with a list of relevant prior rights found throughout the searches. The opinion will include information about the bases used for the search, the bases/tools used, and the documents found and deemed relevant.

If the opinion indicates the lack of novelty and/or originality of the industrial design under examination, it shall include a technical comparative analysis of the configuration of the proof of prior art with the object of the registration under examination.

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The merit opinion will be available to the applicant after the publication of the results of the Substantive Examination, which will indicate whether or not prohibitive prior rights to registration were found.

If no prior art is found that is identical or very similar to the registration, it will be maintained, ending the substantive examination.

In case of prior art identical or very similar to the registration, it will be the basis for the *ex-officio* filing of an Administrative Invalidation Proceeding (PAN), which will take place through the publication of an Administrative Invalidation.

5.4.4 *Ex-officio* Administrative Invalidation Proceeding

The administrative invalidation proceeding is the administrative proceeding to cancel the registration of the industrial design granted without the protection requirements established in art. 95 of the LPI.

The proceeding may be initiated *ex-officio*, if the absence of the requirements is verified during the technical examination, by third parties (by filing a petition for invalidation of an industrial design), or as a result of the Substantive Examination. The initiation of the administrative invalidation proceeding will be published in the INPI's Gazette through the Administrative Invalidation decision.

For administrative invalidation proceeding *ex-officio*, the technical area shall instruct the proposal of administrative invalidation, which shall include evidence of the absence of the requirements of art. 95. If the proceeding concerns the lack of novelty or originality, the instruction shall include valid evidence related to the prior rights.

The administrative invalidation proceeding will be analyzed by the 2nd administrative instance of INPI, based on the evidence submitted in the proceeding initiated. If the lack of novelty or originality is confirmed, the registration will be invalid.

The filing of the administrative invalidation proceeding, *ex-officio* or by third parties, will override the Substantive Examination application.

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6 Granting, confirmation, and expiration of the registration

Information on granting and renewal of registration, conditions for extinction, and issuance of certificate.

6.1 Granting of Registration

A registration is granted upon publication in the *Revista da Propriedade Industrial* (INPI's Gazette (RPI)). An industrial design is initially registered for ten (10) years from the date of filing of the application, upon payment of the five-year maintenance fee (art. 120 of the LPI), and it may also be extended for another three consecutive periods of five (5) years. If there is an interest in extending the registration period, the five-year and extension fees must be collected, combined into a single fee named "*Renovação*" (Renewal), as of the third registration period.

It is important for the user to verify data published upon the Filing Notice, considering that the certificate will be prepared based on information included in the record. Therefore, once INPI's error is verified in the publication of any bibliographic data, the user must file, under service code 126 – Request for correction of an error by INPI, a request for correction of data in the system, thus avoiding the certificate being issued with the same error. If the error is made by the applicant, the user shall submit a petition, under code 155 – Correction of data in the application/registration due to applicant's fault.

6.1.1 Certificate of Registration of Industrial Design

The certificate is issued as a consequence of the publication of the granting of registration of an industrial design. The certificate shall contain the registration number of the industrial design, the title, the name of the author – pursuant to the provisions of paragraph 4 of art. 6 of the LPI – as well as the name, nationality and domicile of the holder, the effectiveness period, the drawings and, when applicable, the priority, the specifications, and the claims, pursuant to art. 107 of the LPI. Bibliographic data will not be subject to verification, since the system is loaded directly by the user's filling out. We will only verify if there was an inclusion and/or modification of any registration data in a petition after the deposit and prior to the granting.

The recordings of change in ownership or change in name and/or address will only be included in the certificate if such change has been previously published in the RPI. Otherwise, after publication of the recording, if it is of interest to the user, it will be necessary to request a copy of the certificate of registration, using service code 117, for data to be updated. It is emphasized, therefore, that no certificates of recording of change in ownership, change of name and/or address, as well as renewal, will be issued.

As established in INPI/PR Ordinance No. 07/2022, the certificate of registration of an industrial design, as well as its copy, is issued electronically. The certificates are issued with an electronic signature by a Certifying Authority, according to standards established by the Brazilian Public Key Infrastructure (ICP-Brasil). Access to the certificates is through INPI's portal.

In order to access the certificate of registration, the following steps are to be followed:

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- a) Access the INPI's portal.
- b) Access the link "Busca de procesos" ("Search for proceedings") in the section "Acesso Rápido" ("Quick Access").
- c) Insert the corresponding registration number.
- d) In the next page, the certificate monitors the decision of granting of registration of industrial design.
- e) Click the PDF icon and a captcha will appear (to verify that you are a person, not a malware).
- f) After confirming data, the system will provide the Electronic Certificate of Industrial Design, which can be downloaded to your device.
- g) See, both in the top portion of the document and in the signature chart in Adobe Reader, the signatures included in the certificate of registration of industrial design.

6.1.2 Issuance of Corrected Certificates of Registration

If the registration certificate is issued with an error committed by INPI, the user shall file, under service code 126, a request for correction of error by INPI, through electronic petitioning, with clarification about the required correction. Once the error is verified and information is corrected in the system, the certificate with the inconsistency shall be removed from the portal and another document shall be prepared and made available.

How to request the service	
Service:	Request for correction of error by INPI
Code:	126

6.1.3 Issuance of a copy of the Certificate of Registration

The request for a copy of the certificate of registration shall be made with service code 117. It is not necessary to make a petition. The request is filed automatically, i.e., there is no need for electronic petitioning; the user only needs to pay the GRU.

After the banking reconciliation and once INPI has received the information, the receipt with the service filing number is made available in the payment system. To issue a copy of the certificate, the existence of petitions requesting any amendments to the data shall be verified.

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Upon issuance of the copy, the certificate that already existed in the portal shall be removed and the new document shall be made available.

How to request the service	
Service:	Issuance of a copy of a certificate of registration of an industrial design
Code:	117
Additional information:	Service does not require a form

It is highlighted that a 2nd copy of the registration certificate for an industrial design that has been extinguished or invalidated will not be issued. Therefore, applications related to records that are in these conditions will be dismissed as moot.

6.2 Holder rights

According to art. 109 of the LPI, the ownership of the industrial design is acquired by a validly granted registration, the provisions of art. 42 and items I, II, and IV of art. 43 of such legal instrument shall apply to the registration, as appropriate:

Art. 42. The patent entitles its holder the right to prevent a third party, without their consent, from producing, using, offering for sale, selling, or importing with such purposes:

I – product subject to a patent;

II – process or product obtained directly through a patented process.

Paragraph 1. The patentee is also ensured the right to prevent third parties from contributing so others perform the acts referred to in this article.

Paragraph 2. Whenever the owner or holder does not evidence, upon specific court order, that the product has been obtained through a process other than the one protected by the patent, it shall entail a violation of the right to a patent of a process, as referred to in item II.

Art. 43. The provisions in the preceding article do not apply to:

I – acts performed by unauthorized third parties, privately and with no commercial purpose, as long as they do not entail loss to the economic interest of the patentee;

II – the acts performed by unauthorized third parties, with experimental purposes, related to scientific or technological studies or researches;

IV – a product manufactured according to a process or product patent placed in the domestic market directly by the patentee or with their consent;

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As provided for in arts. 121 coupled with 58 and 59, applications or registrations of industrial design, both with indivisible content, may be assigned in whole or in part, as transcribed below:

Art. 58. The patent application or patent, both with indivisible content, may be assigned in whole or in part.

Art. 59. INPI shall make the following recordings:

I – of the assignment, including the assignee's full qualification;

II – of any restriction of holder's right of disposal that may be imposed on the application or patent; and

III – of changes of name, principal place of business, or address of the applicant or holder.

The holder may also require recording of a change in applicant's name or address.

6.3 Holder duties

The following are duties of the holder of a registered industrial design:

- a) To pay the payable fee, in case of renewal of the registration, within the terms and conditions established in art. 108 of the LPI, under penalty of extinction pursuant to art. 119 of the same law; and
- b) In case the holder is domiciled abroad, to appoint and maintain a duly qualified representative domiciled in Brazil, with powers to represent him administratively and judicially, including to be served process, as provided for in art. 217 of the same law, also under penalty of extinction of the registration.

6.4 Maintenance and renewal of registration

The protection of an industrial design registration has an initial effectiveness of ten (10) years of the date of filing, and it may be extended for up to three (3) periods of five (5) years, amounting to a maximum of 25 years.

To maintain the registration in effect for this period, in addition to the amount for the filing, the five-year maintenance and renewal fees shall be paid. The five-year maintenance fees, also known as "Five-year Fee" are the fees imposed to the industrial design registration after its 5th year of effectiveness.

The first fee to be paid after the granting, which is related to maintaining the registration, is called 2nd five-year fee. This fee allows the registration to be effective for the subsequent 5 years, when the initial 10-year period will expire.

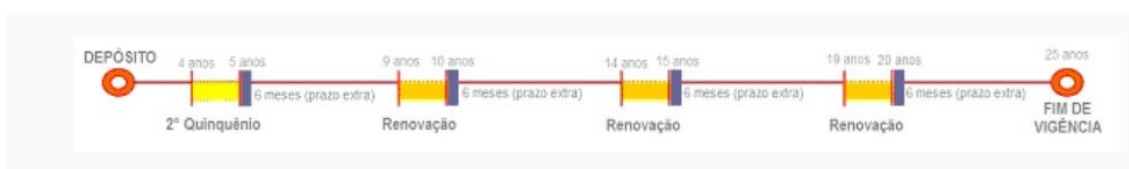
Once the registration has been effective for four (4) years, the time for the payment to be made starts. This time will end when the registration has been effective for five (5) years, always counting as of the date of filing.

Once the first 10 years are maintained, if there is any interest in extending the registration for another five (5) years, it will be necessary to pay the renewal pay slip (the renewal joins the five-year fee and the renewal fee in a single service). The time for payment of the renewal begins when the registration completes nine (9) years and ends when

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it completes ten (10) years. Therefore, every five (5) years, the holder can extend the registration for up to three periods of 5 years, reaching a maximum validity of 25 years.

In addition to the periods described, there is also the granting of an additional period of six (6) months (extraordinary period) for payment, as provided for in arts. 108, paragraph 2, and 119, item III, of the LPI. If the second five-year or renewal fees have not been paid, the industrial design registration will be extinguished as of the day after the end of the last period effectively paid. For a better understanding of periods, observe the scheme below:



For payments made before granting, INPI may require an amendment for complementation, if the table of fees is adjusted between the date of payment and the opening of the period for payment of such fees. Failure to meet the requirement shall entail the extinction of the registration.

No five-year or renewal fees shall be paid for applications.

When the granting occurs after the end of the period initially established for payment of the five-year and/or renewal fees (based on the date of filing of the application), they shall be paid within sixty (60) days of the date of granting of registration, under penalty of extinction. The payment of the 2nd five-year and renewal fee shall be made in the fixed amount in INPI's schedule of fees in effect on the date of payment, upon payment of the GRU or bank order (when it is a government agency or entity) or other procedures authorized by the Office. The protocol is automatic, i.e. it is not necessary to file the paper form or electronic petitioning, only the payment of the GRU is sufficient. After the banking reconciliation and the transfer of information to INPI, the receipt with the number of the service protocol is available in the payment system.

The issuance of the Brazilian federal revenue collection slips is the user's full responsibility. We will verify whether the payment was made in time and in the correct amount. If the payment has been made after the extended period, the registration will be extinguished. If there are any inconsistencies in the amount paid, an amendment will be required, which shall be made within sixty (60) days of the date of publication in the RPI. For the meeting, it will be necessary to file a petition under service code 105 – *Cumprimento de exigência* (Submission of amendments), with the slip of code 800 – *Complementação de retribuição* (Supplementary fees) in the amount payable.

6.5 Expiration of the registration

As provided for in art. 119 of the LPI, the industrial design registration is extinguished after the expiration of the effectiveness period, by waiver, by failure to pay the fee provided for in art. 108 and 120, or by noncompliance with the provisions in art. 217 of the same law.

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The expiration of the registration will be published in the INPI's Gazette with a retroactive date to the debt, in case of lack of payment of the fee provided for in art. 108 and 120.

6.5.1 End of the effectiveness period

If the user has paid all five-year extensions and fees, the registration has reached the maximum effectiveness period of 25 years. After this period, the record is extinguished.

The expiration of the registration will be published in the INPI's Gazette with a retroactive date to the maximum period of 25 years.

6.5.2 Waiver

The waiver petition can be filed at any time after granting of registration and it is necessary to be accompanied by a power of attorney with express powers to waive, if it has been filed through a legal representative. Its absence from the records shall entail the publication of the decision to dismiss the petition as moot.

Please note that, for applications under co-ownership, the waiver request shall be signed by all holders or submitted by a duly appointed representative with powers to represent all applicants.

How to request the service	
Service:	Waiver of industrial design registration
Code:	158

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7 Administrative invalidation proceedings and appeals

Guidance on filing, examination, and decision of appeals and administrative invalidation proceedings.

7.1 Miscellaneous

The decision about appeals and administrative invalidation proceedings shall be made exclusively by the President of INPI, and it ends the administrative instance, as provided for in arts. 116 and 212 of the LPI.

The Technical Coordination Office for Appeals and Administrative Invalidation Procedures for Industrial Designs, Contracts, and Other Registrations (CORED) is the division of the General Coordination Office for Appeals and Administrative Invalidation Procedures (CGREC) in charge, among other duties, of the technical cognizance and examination of the appeals and administrative invalidation procedures for industrial design registrations filed pursuant to the prevailing laws and regulations and of the issuance of opinions about the technical matter raised, aiming at providing the subsidies necessary for the decision of the President of INPI.

7.2 Appeals

The right to appeal is ensured under the conditions of art. 212 of the LPI:

Art. 212. Except as expressly provided otherwise, the decisions under this Law are appealable, which appeals shall be filed within sixty (60) days.

Paragraph 1. Appeals shall be received will stay the proceedings and cause a full remand thereof, and all relevant provisions regarding the first instance examination shall apply as appropriate.

Paragraph 2. Decisions determining the final dismissal of the patent or registration application shall be unappealable, as well as decisions that accept the application for patent, certificate of addition, or registration of trademark.

Paragraph 3. Appeals shall be decided upon by the President of INPI and this shall be the final administrative act.

The appeal must be filed by filing a petition with GRU service code 106 – appeal of industrial design.

Decisions in appeals for applications shall be informed to the 1st instance so that it can continue its analysis.

7.2.1 Appeal from the rejection decision based on art. 100 of the LPI

It is also possible to file an appeal when the application is rejected under art. 100, item I and II, of the LPI, which provides as follows:

Art. 100. The following are not registrable as industrial design:

I – whatever is contrary to morality or offends people's honor or image, or is against free thinking, freedom of belief, worship, or ideas and feelings worthy of respect and reverence;

II – the regular or common necessary form of the object or even the form determined essentially due to technical or functional considerations.

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The appeals against rejection pursuant to article 100 shall provide arguments capable of refuting the reasons for the rejection with direct references to the industrial design whose application has been rejected.

7.2.2 Appeal against a decision that determined the division of the application

The rejection decision is based on the failure to comply with the provisions in art. 104 of the LPI. It results from the unsatisfactory meeting of the requirement of a technical amendment for the division of the application for registration and/or from the rejection of arguments challenging such amendment.

In case of filing of an appeal, the appellant shall present arguments and conviction elements capable of reversing the first-instance decision, describing how he intends to divide the applications and presenting full sets of images of the future applications that will result from the division.

If the second-instance examiner understands that the appeal managed to resolve the issue, they will suggest that the President of INPI amends the decision, with the consequent continuation of the case and division of the applications, conditioned to the filing of applications within sixty (60) days of the publication of the amendment decision in the RPI. The applications resulting from the division shall be filed according to the exact parameters included in the appeal.

The decision that determined the division of the applications based on the claim that the configuration variations submitted in the application for registration have the same major distinctive characteristic is also appealable. The second administrative instance may accept the claims and suggest to the President of INPI that the application is not divided. Once the decision is published pursuant to these terms, the application for registration will continue as usual.

7.2.3 Appeal as a result of unsatisfactory compliance with technical amendment

The rejection by unsatisfactory compliance with the amendment has legal grounds in the violation of items II, III, and IV of art. 101 and/or art. 104, combined with art. 106, main section, of the LPI.

The application for registration of an industrial design shall necessarily observe the guidelines in this manual and in others regulatory acts in place governing the matter about the submission of drawings or photos.

In the event of unsatisfactory compliance with the formulated requirement for adequacy or supplementation of the drawings or photos, the application for registration of an industrial design shall be rejected, and the decision may be appealed. The appellant shall use the procedural opportunity of art. 212 of the LPI in order to promote the remediation of the administrative case, correctly fulfilling the amendment.

Even if the rejection decision has been driven by technical issues related to a single image, the appeal shall be accompanied by a new set of images, according to item 5.3.4 Examination of representation.

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7.3 Administrative invalidation proceeding

The registration of an industrial design granted not in compliance with the provisions in the Brazilian IP Law is invalid.

The registration will be declared invalid administratively when it has been granted infringing articles 94 to 98 of the LPI.

The invalidation procedure may be initiated *ex-officio* or at the request of any person with a legitimate interest, within five (5) years of the date of granting of the registration, except for the cases provided for in the sole paragraph of art. 111 of the LPI.

We note that the first administrative instance is responsible for the substantive examination, as provided for in art. 111 of the LPI:

Art. 111. The holder of the industrial design may request an examination of the object of registration at any time during the period, as to novelty and originality. Sole Paragraph. INPI shall issue an opinion on the merits that, if decides that there at least one of the requirements defined in articles 95 to 98 is lacking, shall serve as grounds for initiating *ex-officio* a procedure to invalidate the registration.

The request or *ex-officio* initiation shall suspend the effects granted by the registration if submitted or published within sixty (60) days of the granting.

The holder shall be summoned to answer within sixty (60) days of the date of publication. They shall then present arguments and elements of conviction sufficient to cause maintenance of the registration.

Whether or not there is a response, once the time established in the preceding article has elapsed, INPI shall issue its opinion, summoning the holder and the applicant to answer within the regular period of sixty (60) days.

Once such period has elapsed, even if there is no response, the process shall be decided upon by the President of INPI, what finishes the administrative procedure.

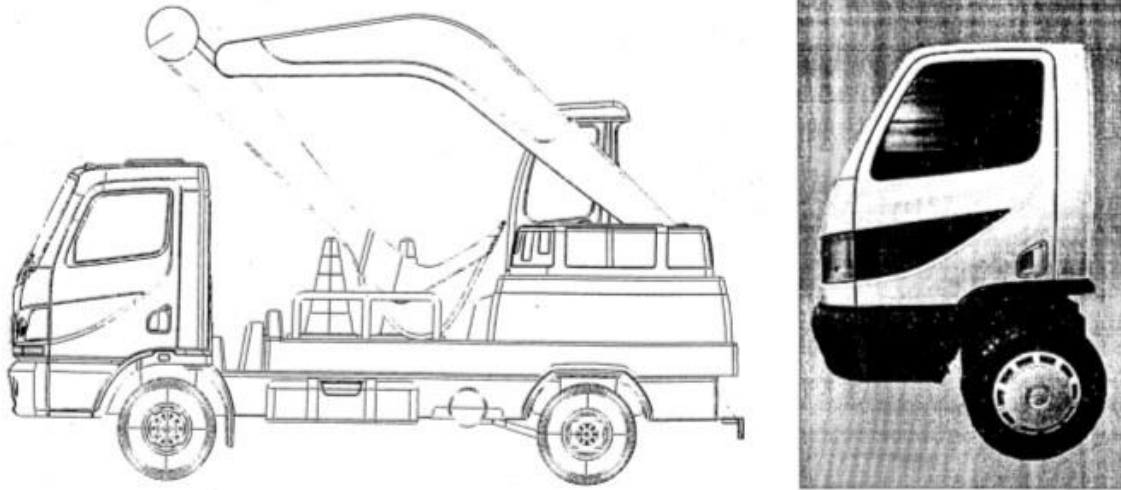
The invalidation procedure shall continue even if the registration is extinguished.

7.3.1 Examination of administrative invalidations against reproduction of third-party registrations

Pursuant to articles 95, 96, and 97 of the LPI, the novelty and originality are assessed, respectively, with respect to the state-of-the-art and to previous objects. Thus, it is not necessary that a prior art, to be deemed impeditive, belongs to the same class of goods or market niche as the registration under examination.

If the incorporation of the ornamental plastic form occurs entirely, without the addition of elements and without traces of distinctiveness, the registration shall be subject to the applicable administrative invalidation proceeding, after which it will be declared null based on the provisions in arts. 95 and 97 of the LPI.

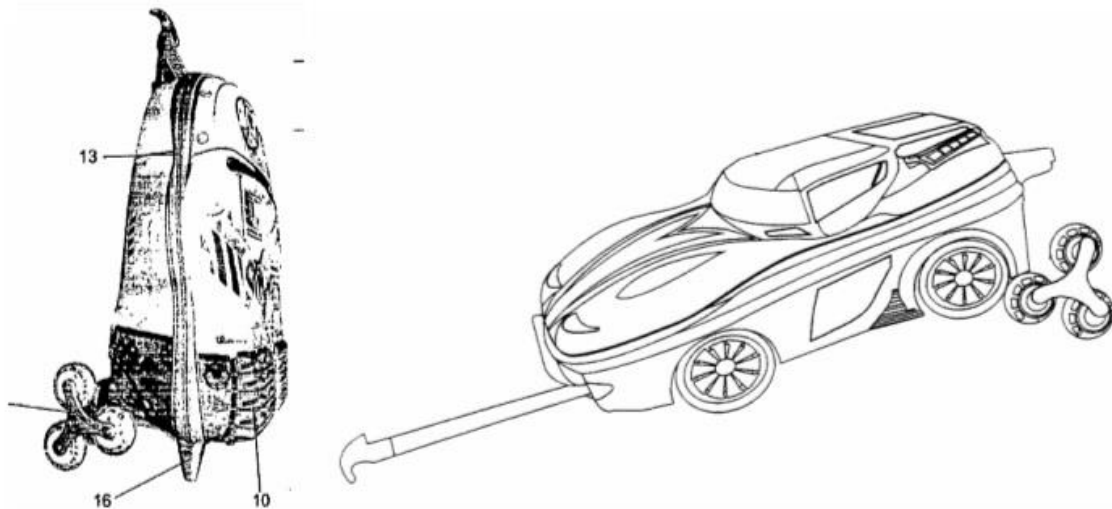
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Ref.: DI 6403472-0 and DI 5900647-1

Configuration applied on toy truck/vehicle. The cabin of DI 5900647-1, represented on the right (belonging to the class of vehicles), is fully reproduced in DI 6403472-0, on the left (belonging to the class of toys).

If the reproduction of the ornamental plastic form occurs only partially, but the configuration of the industrial design is distinctive when compared to the previous object, the original registration will be considered.

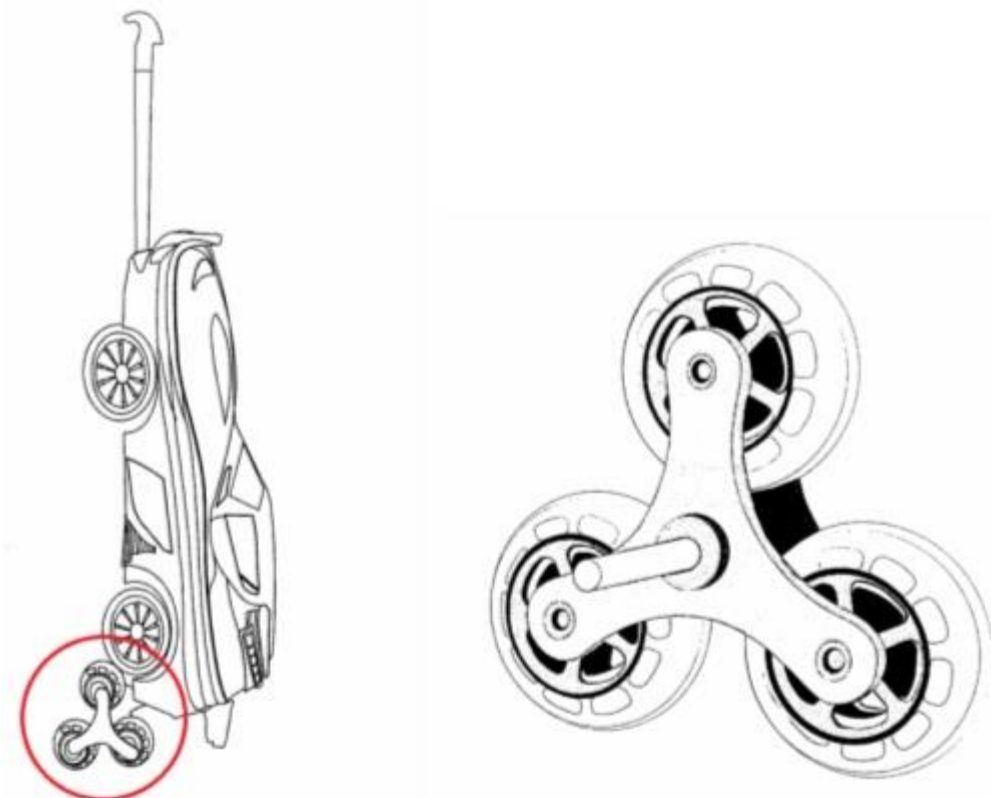


Ref.: DI 6902681-5 and DI 6804145-4.

Configuration applied on bag/school bag. Although there is a partial reproduction of the object, the configuration can be considered original.

If the reproduction of the ornamental plastic form occurs entirely, even if through the addition of other elements, the resulting object will be subject to the applicable administrative invalidation procedure, considering that it incorporates a previous industrial design registered by third parties.

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Ref.: DI 6902681-5 and DI 6803994-8.

Configuration applied on bag/triple caster. The industrial design of the bag (on the left) has a previous caster registered by third parties.

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8 Change in ownership

Industrial design is an asset that can be transferred, voluntarily or by court decision.

The recording of a change in the ownership of an industrial design may occur both in applications and in granted registrations, as long as it meets the conditions established by law, which vary according to the type of change.

It shall be possible to include or exclude co-owners in industrial design registration or applicants in industrial design applications upon receipt of a petition for recording of a change in ownership.

For petitions for a change in ownership that affect registrations or applications under co-ownership, there shall be a correspondence between the set of applicants of the petition and the new set of owners.

If the documentation supporting the change in ownership does not include all assignees, amendments shall be required so that the applicants can make the relevant adjustments. If the amendment is not satisfactorily made, the petition for change in ownership shall be dismissed.

When the change petition is not filed by a single representative with powers to represent all applicants, documentation shall also be submitted that evidences the act in concert, containing the signature of all applicants or their respective representatives. In this documentation, if any applicant is represented by a representative, it will also be necessary to present the respective power of attorney.

The types of change in ownership are: change due to assignment, change due to acquisition or merger, change due to lawful succession, and change due to bankruptcy. The provisions of the Brazilian IP Law (LPI) apply to all types of change in ownership, including changes by court decision or arbitration award or as a result of distribution of property by public deed.

The recording of the change in ownership arising from the approval of the petition and its rejection are published in the INPI's Gazette, and such decisions may be appealed within sixty (60) calendar days, counted from the first business day after its publication.

When petitioning for a change in ownership, it is necessary to meet the requirements related to each type of change, as well as follow the instructions of the table in item 3.6.5 Petitions related to recordings of changes in ownership, of restrictions of holder's right of disposal, or of changes in name or address.

The petition for recording of a change in ownership shall be filed by the assignee or their representative. The GRU related to this service must be issued to the assignee.

Note: Recordings related to the change in the registration data of an industrial design application and/or registration from the principal place of business to one of its affiliates, or vice-versa, shall be requested through a petition for change in name, corporate name, principal place of business, and/or address (service code 113).

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How to request the service	
Service:	Recording of a change in ownership
Code:	114
Additional information:	<u>3.6.5 Petitions related to recordings of changes in ownership, of restriction of holder's right of disposal, or of changes in name or address</u> <u>Schedule of Fees</u>

In relation to applications/registrations under co-ownership, when filing a recording of change in ownership, the set of co-owners of the application/registration shall be informed in section "Assignee(s) Data" of the form, including the previous holders that will remain in the set, after the change recording.

Examples:

Inclusion of co-owner C in a registration owned by set of co-owners A and B.	Co-owners A, B, and C shall be included in section "Assignee(s) Data" of the petition form.
Exclusion of co-owner A in a registration owned by set of co-owners A and B.	Co-owner B shall be included in section "Assignee(s) Data" of the petition form.
Inclusion of co-owner C and exclusion of co-owner A in a registration owned by set of co-owners A and B.	Co-owners B and C shall be included in section "Assignee(s) Data" of the petition form.

Petitions for change in ownership may encompass more than one process, provided that:

- the set of co-owners or applicants is the same in all applications/registrations; and
- the new set of co-owners or applicants is the same in all applications/registrations.

If these conditions are not met, it is necessary to submit more than one petition, as follows:

Applications/registrations	Set of Co-owners	New Set of Co-owners	Petition
Registrations No. 1, 4, and 7	Companies A and B	Companies A and C	Petition No. 1111

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Registrations No. 2 and 3	Companies A and B	Company B	Petition No. 2222
Registrations No. 5, 8, and 9	Company A	Company B	Petition No. 3333

In the example above, registrations No. 2 and 3 may not be transferred through the same petition that changes the ownership of registrations No. 1, 4, and 7 (petition No. 1111), as the new sets of co-owners are different. Accordingly, registrations No. 5, 8, and 9 may not be transferred through the same petition that changes the ownership of registrations No. 2 and 3 (petition No. 2222), as they are not owned by the same set of co-owners.

8.1 Change in ownership due to assignment

Change in ownership due to assignment applies to cases in which an individual or legal entity, referred to as assignor, changes the ownership of industrial designs, through an assignment agreement, to another individual or legal entity, referred to as assignee.

The following documents are required to record the assignment of rights:

- Petition for change in ownership, duly filled with the assignee's information;
- Proof of payment of the corresponding fee;
- Document supporting the assignment, which shall include the full identification of the assignor and the assignee, the representation powers of the signatories to the assignment agreement and their respective signatures, the number of the application or registration, the industrial design assigned, and the date when it was signed;
- Power of attorney granted by the assignee, as the case may be; and
- Regular translation of the documents in foreign languages, not requiring consular legalization.

How to request the service	
Service:	Recording of a change in ownership
Code:	114

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8.2 Change in ownership due to acquisition or merger

An acquisition is a transaction in which one or more companies are absorbed by another company, which succeeds them in all their rights and obligations, including industrial design rights.

Merger, on its turn, is a transaction that occurs when two or more companies unite to form a new company that also succeeds them with respect to all rights and obligations.

The recording of the change in ownership due to acquisition or merger occurs upon submission of documents supporting these operations:

- a) In order to carry out the change due to acquisition of company(ies), the acts of incorporation, recognized by the competent authority, shall be submitted;
- b) For changes by merger of companies, the acts related to the merger, as well as the acts of incorporation of the new company, recognized by the competent authority, shall be submitted;

The following documents are required to record the assignment of rights:

- Petition for change in ownership, duly filled with the assignee's information;
- Proof of payment of the corresponding fee;
- Acts of incorporation or acts related to the merger and acts of incorporation of the new company, all recognized by the competent authority;
- Power of attorney granted by the assignee, as the case may be; and
- Regular translation of the documents in foreign languages, not requiring consular legalization.

How to request the service	
Service:	Recording of a change in ownership
Code:	114

8.3 Change in ownership due to spin-off

Spin-off is the transaction through which the company transfers installments of its assets and liabilities to one or more companies, organized for this purpose or already existent, dissolving the spun-off company, if there is transference of all its assets and liabilities, or dividing its capital, in case of partial spin-off (article 229 of Law 6,404/1976).

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The change in the ownership of an industrial design may be based on a spin-off. For this, the applicant shall submit the documents supporting the transaction, recognized by the competent authority.

The following documents are required to record the change in ownership based on a spin-off:

- Petition for change in ownership, duly filled with the assignee's information;
- Proof of payment of the corresponding fee;
- Spin-off agreements and acts of incorporation of the new company, recognized by the competent authority;
- Power of attorney granted by the assignee, as the case may be; and
- Regular translation of the documents in foreign languages, not requiring consular legalization.

How to request the service	
Service:	Recording of a change in ownership
Code:	114

8.4 Change in ownership due to lawful or testamentary succession

Change in ownership by legitimate or testamentary succession occurs when the industrial design is transferred due to a court decision regarding the distribution of property.

The following documents are required to record the change in ownership by succession:

- Petition for change in ownership, duly filled with the assignee's information;
- Proof of payment of the corresponding fee;
- Official documents (court-ordered or out-of-court) supporting the change in ownership by legitimate or testamentary succession, such as the Final Judgment of Distribution or the Extrajudicial Inventory Registered with the Registry Office, or the like, only presenting a medical certificate of death is not sufficient;
- Power of attorney granted by the assignee, as the case may be; and
- Regular translation of the documents in foreign languages, not requiring consular legalization.

Pursuant to item I of art. 619 of the Code of Civil Procedure, the assignment of industrial design rights may occur by the inventor, provided that interested parties are heard and with authorization of the judge.

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How to request the service	
Service:	Recording of a change in ownership
Code:	114

8.5 Change in ownership due to bankruptcy

Industrial designs may compose the assets and properties of the bankrupt estate and may be transferred upon court decision.

To transfer an application or registration of industrial designs included in the universality of properties of the bankrupt estate, the following documents shall be provided:

- Petition for change in ownership, duly filled with the assignee's information;
- Proof of payment of the corresponding fee;
- Court order authorizing assignment of the rights related to the application or registration of an industrial design;
- Document of assignment duly signed by the bankrupt estate's trustee or tax conservator appointed in court, also complying with other legal formalities;
- Power of attorney granted by the assignee, as the case may be; and
- Regular translation of the documents in foreign languages, not requiring consular legalization.

How to request the service	
Service:	Recording of a change in ownership
Code:	114

8.6 Recording an inclusion or removal of co-owners or applicants for registration or applications

The recording of an inclusion or removal of co-owners or applicants for registration or applications applies to cases in which an individual or legal entity recognizes the forgetfulness or error at the time of filing the application and decides to correct this mistake at any time.

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The request for inclusion or removal of co-owners or applicants for registration or applications shall include originals or copies of the following documents:

- petition for change in ownership, duly filled with the assignee's information;
- proof of payment of the corresponding fee;
- instrument in which the error or mistake when filing the application and the request for the inclusion or removal of the owner is recognized, signed by all holders already registered in our database or practiced by a duly appointed attorney, with powers to represent all applicants; and
- regular translation of the documents in foreign languages, not requiring consular legalization.

How to request the service	
Service:	Recording of a change in ownership
Code:	114

8.7 Change in ownership due to extinction of the legal entity

The extinction of the legal entity is not, by itself, a reason for determination of extinction of the registration of an industrial design. Thus, it is possible to transfer the registration of the extinguished legal entity to the partner to whom the asset belonged, according to the company's liquidation instrument. The following documents shall be submitted:

- petition for change in ownership, duly filled with the assignee's information;
- proof of payment of the corresponding fee;
- the company's liquidation instrument (which will include the assets left by the legal entity and, as a result of, their disposal) after its extinction and cancellation of the acts of incorporation in the Commercial Registry; and
- power of attorney granted by the assignee, as the case may be.

How to request the service

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Service:	Recording of a change in ownership
Code:	114

8.8 Analysis of the petition for change in ownership

The analysis of the petition for change in ownership shall only begin after a preliminary verification of the payment of the fee. This verification shall analyze if:

- a) payment regarding the service was made until the submission of the petition;
- b) the GRU was generated using the correct service code and with the amount corresponding to the record of the applicant (assignee); and
- c) the amount paid corresponds exactly to the amount mentioned in the GRU generated, which shall be only one for each petition for change filed.

If the payment has not been made until the date of submission of the petition for change in ownership, such petition shall not be accepted due to lack of payment. If the payment was made in an amount smaller than the generated GRU's, amendments shall be required for the additional amount. Non-acceptance of the petition and amendments for additional amounts shall be published in the RPI.

If the amendments are not submitted within sixty (60) days of the publication in the RPI, the petition will be dismissed.

8.8.1 Stages of the examination of petitions for change in ownership

The examination of the petition for change in ownership includes four basic stages:

8.8.1.1 Verification of the status of the application or of the registration to be changed

Verification of basic requirements regarding the petition for change in ownership, namely: powers of the assignor of the industrial design, documents filed, minimum content of the assignment document, and fee paid for all related processes in the procedure and in the assignment document;

8.8.1.2 Verification of the status of the application or registration subject to the change in ownership

The status of the processes involved in the change in ownership is verified as to guide whether there shall be an immediate decision in the application or whether the examination of the petition shall continue.

a) Applications or registrations pending legal claims

If an application or registration listed in the petition for change is at bar (*sub judice*), with blockings, attachments, or any restrictions, its change shall be suspended until the obstacle is removed.

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b) Applications filed or registrations extinguished

The examination of the change in ownership of applications filed, rejected without an appeal, whose appeal was rejected, or deemed nonexistent, as well as registrations expired, deemed null, and only the effective registrations or ongoing applications shall continue. If the petition for change in ownership includes only applications dismissed and/or processes extinguished, it shall be dismissed as moot. However, once the existence of a lawsuit for the annulment of the administrative act of dismissal, rejection, extinction, *ex-officio* cancellation, or declaration of nullity or inexistence is verified, the examination of the change in ownership continues, in any case, regardless of a specific judicial order to this end, moving on to the next stages of verification.

c) Applications or registrations in other status

If the application or registration does not fit in any of the status described, the examination of the change in ownership shall continue into the next stage of verification.

8.8.2 Verification of basic requirements

The following requirements are verified in this stage:

- a) whether the assigning party has powers to change the ownership of the industrial design;
- b) whether the documents requested in the procedures for change in the ownership were duly submitted, according to each type of change: due to assignment, due to acquisition or merger, due to spin-off, due to lawful or testamentary succession, and due to bankruptcy;
- c) whether the assignment document includes: the assignor and the assignee or their representatives, respectively identified, as the case may be; the respective signatures; the industrial design, the process number, and the date of the document;
- d) whether the fee payable for the number of processes involved in the procedure for change was paid; and
- e) whether the change was authorized by all co-owners or applicants, except for changes in ownership by court decision or arbitration award or as a result of distribution of property by a public deed.

With respect to letter “b”, it is worth mentioning that notary documents shall be accepted as support to the change, as long as they meet the conditions provided for in Law No. 9,279, of May 14, 1996, and described in this Manual.

As to the provisions in item “e” the document authorizing the change shall include the full identification of all co-owners or applicants, as well as their respective signatures or their representatives’, and indicate, in this case, the representation powers.

This stage may result in the requirement of amendments for:

- the applicant to submit or complete the required documentation;

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- the additional amount of the fee to be paid, considering the number of processes involved in the change of ownership, or the processes to be limited to the amounts paid;
- the applicant to provide clarification or present the applicable documents in case of doubts about the powers of the assignor of the industrial design.

8.8.2.1 Verification of the powers of the assignor of the industrial design

The eligibility of the signatories is verified in the articles of organization, when it is submitted, or based on the qualifications declared in the assignment document (for example, “officer”, “president”, “managing partner”, among others).

When the articles of association/organization provide, in any clause, that the disposal or acquisition of assets shall be made with “the endorsement of the partners” or “upon the resolution of the minutes”, it shall be verified if there are documents evidencing the content of the clause, with an amendment being required for evidence in case of their absence.

The publication of any amendments shall be made in the RPI, the applicant having a period of sixty (60) days for the execution or contestation of the amendment, under penalty of rejection of the petition for change in ownership.

Sole proprietor with an application extinguished

According to AGU/PGF/PFE/INPI/COOPI Opinion No. 25/2013, the sole proprietor with an extinguished application has legal capacity to assign and transfer an application or registration of an industrial design, as the net worth of a sole proprietor is confused with the individual.

8.9 Analysis of the change in ownership by court decision

The recordings of change in ownership arising from court order shall be fulfilled immediately, in a pre-recordal regime, regardless of the existence of a petition formally submitted by the assignee and the prior payment of the relevant fee, that is, the judicial transfer decision will be published in the RPI. However, in order for changes to be made in the system and for the process to receive the publication related to the recording of change in ownership, it will be necessary that the assignee (new owner) files, under service code 114, the recording of a change in ownership, together with the necessary documents described in this manual.

The recording of change as a result of court order or letter of disposal shall be made pursuant to the paragraph above, even if there are limitations or burdens previously recorded about the application or registration of an industrial design.

INPI will only proceed to the recording if the good is properly individualized, with the process number and the industrial design number, and if the assignee is duly identified, with the CNPJ/CPF-MF registration number, if he is a national citizen, or name and full address, if he is foreign.

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An amendment shall be required for any petitioning in an industrial design application or registration whose new holder is filed in order to bring the proceeding into compliance with INPI.

INPI shall publish the court decisions aimed at the acknowledgement of a decision in the INPI's Gazette.

8.9.1 Change in ownership for the benefit of a third-party purchaser or winning bidder

In cases of change in ownership ordered in court for the benefit of a third-party purchaser or winning bidder (judicial disposal), it shall be duly recorded, notwithstanding any recording of a restriction of burden in the process.

In these cases, the previous restriction of holder's right of disposal annotations will be finished, and the respective restrictions will be extinguished. INPI shall inform the respective Courts that they had determined such limitations regarding the judicial disposal for the benefit of a third party.

8.10 Applicable decisions

Amendment

It is intended to solve doubts, omissions, or discrepancies as to the documents applicable to the examination of the change in ownership.

Approval

If all legal requirements for annotation are met, the petition for change shall be approved.

Rejection

Occurs in cases in which the legal requirements for recording the change are not met.

Dismissal of the petition

Petitions filed by a representative whose power of attorney has not been submitted within sixty (60) days of the date of filing shall be dismissed.

Decision not to accept the petition

Petitions filed after the legal period, with no legal basis, or lacking proof of payment shall not be accepted.

Decision to dismiss the petition as moot due to a lack of object

If the applications or registrations listed in the assignment instrument are, respectively, dismissed without appeal or extinguished, the examination of the petition for transfer will be deemed moot due to the lack of an object. The same applies to the cases in which the transfer service requested has already been granted before, with publication in the RPI.

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9 Miscellaneous recordings and changes

INPI will make the recordings related to changes or modifications made in the industrial design and in the holder's bibliographic data (name, corporate name or address). Changes related to encumbrances, limitation of rights, or liens on the application will also be recorded in the INPI's records.

These recordings become effective, for third parties, after their publication in the RPI. In cases of decisions that annul the recordings of assignment, invalidate or dismiss applications, the holder must appeal against the decision, if they wish so.

9.1 Change in the industrial design

The drawings or photos define the scope of protection of the registration, therefore, as a general rule, the industrial design shall not have its scope changed after filing of the application for registration. Any modifications intended for correction of irregularities in the images and/or better visualization of the industrial design may be accepted, as long as they do not amend the initial scope of protection.

9.2 Change in name, corporate name, principal place of business, or address

The applicant or holder of the industrial design may request for, at any time, the change in name or address to INPI, upon specific petition, according to the guidelines of chapter 3 How to file an application or petition for industrial design and item 3.6.5 Petitions related to recordings of changes in ownership, of restriction of holder's right of disposal, or of changes in name or address and principal place of business.

If the corporate name is changed together with the principal place of business/address, the recording of the changes should be requested upon payment of a single GRU and the submission of a form containing all changes.

To change records regarding name/corporate name, principal place of business, and address, the applicant should observe the following information:

- a) the name and address recorded in the e-INPI, upon issuance of the Brazilian Federal Revenue Collection Slip (GRU) that originates the industrial design application will be the same as the ones in the application or in the future and eventual registration, as well as in certificates and official documents related to them.
- b) applications or registrations that have been filed before the changes in the e-INPI system and of issuance of the GRU may only have the name, corporate name, principal place of business, or address of the applicant or holder changed by submitting the abovementioned specific petition and payment of the corresponding fee.

If a change refers to the name or corporate name of the applicant/holder, an official and specific document shall be submitted, evidencing the change in the name/corporate name, being among these the documents of recording of the change in the name/corporate name issued by commercial registries or civil registries of legal entities.

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If the party requesting the change maintains a representative before INPI, it is necessary to submit a power of attorney with the holder's updated information.

In case of documents in a foreign language, submission of a regular translation will be necessary.

If the change refers to the address or principal place of business, the updated articles of association/organization, the document supporting the change, or also a declaration of the applicant stating the new address, shall be submitted.

Changes to the name/corporate name, principal place of business, or address arising from the approval of the petition, or its rejection, will be published in the INPI's Gazette.

If there is any inconsistency in the change request, an amendment will be required, which shall be made in the period of sixty (60) consecutive days after the date of its publication in the RPI. The recordings of name/corporate name, principal place of business, or address will be published in the INPI's Gazette.

How to request the service	
Service:	Change of name, corporate name, principal place of business, and/or address
Code:	113

Use of data included in the supporting documentation

Using the acts of the party, all bibliographic data included in the supporting documentation (name and principal place of business) shall be updated, even if the petition submitted requests only the change in one of them.

Multiple petitions requesting distinct services in the same application/registration

In case of filing of two or more petitions for a change in name, principal place of business, or address in the same application/registration, requesting the change of distinct bibliographic data (e.g. name and principal place of business) and containing the same supporting documents, only one shall be object of examination. All data shall be duly changed and the other petitions shall be dismissed as moot due to lack of object.

Petitions in different applications/registrations requesting the same service

If different petitions for change in name, principal place of business, or address are filed for different applications/registrations, requesting the same change, the examination of one of the petitions shall entail that the remaining ones will be dismissed as moot due to lack of object.

Multiple petitions for change in name, principal place of business, or address

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In case of existence of multiple petitions for recording a change in name, principal place of business, or address in a same application/registration, INPI will publish the decisions concerning all the petitions at stake in a single decision, which will be under the filing number of the most recently filed petition. The publication shall make reference to the examination of the other petitions.

How to request the service	
Service:	Change of name, corporate name, principal place of business, and/or address
Code:	113
Additional information:	<p><u>3.6.5 Petitions related to recordings of changes in ownership, of restriction of holder's right of disposal, or of changes in name or address</u></p> <p><u>Schedule of Fees</u></p>

When requesting the recording of a change in name, principal place of business, or address, the user shall indicate in the form the applications/registrations that shall be affected by the change. Applications/registrations not indicated in the form shall remain unchanged.

Change in name, principal place of business, or address in applications/registrations under co-ownership

In applications or registrations under co-ownership, it is possible to request the change of information regarding more than one co-owner in a single petition. It is also possible to indicate that the change affects more than one application/registration, provided that the set of co-owners of the files indicated in the petition is exactly the same. Therefore, for the change in name, principal place of business, or address of applications/registrations with sets of different co-owners, it will be necessary to submit more than one petition, according to the example below, in which a recording of change in data of company A is required:

Applications/registrations	Set of Co-owners	New Set of Co-owners	Petition
Registrations No. 1, 4, and 7	Companies A and B	Companies A and C	Petition No. 1111
Registrations No. 2 and 3	Companies A and B	Company B	Petition No. 2222
Registrations No. 5, 8, and 9	Company A	Company B	Petition No. 3333

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9.3 Restriction on holder's right of disposal

The restrictions on holder's right of disposal are restrictions to the enjoyment of rights and, when imposed upon industrial design applications or registrations, they shall be recorded by INPI.

The recordings of restriction of holder's right of disposal shall have effect with respect to third parties as of their publication date.

How to request the service	
Service:	Recording of a restriction on holder's right of disposal
Code:	154
Additional information:	<p><u>3.6.5 Petitions related to recordings of changes in ownership, of restriction on holder's right of disposal, or of changes in name or address</u></p> <p><u>Schedule of Fees</u></p>

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10 Other services

10.1 Certificates

10.1.1 Certificate of acts related to applications/registrations

The certificate of acts related to an application/registration is an official document issued by INPI, in which the history of the decisions in the process are submitted.

The certificate can be requested at any time, upon payment of the respective fee, being waived the filling of the form. Its filed at the time of payment of the Brazilian Federal Revenue Collection Slip (GRU), under service code 115, according to instructions found in section [3.8 Services that do not require a form](#) in this Manual.

Certificates of acts relating to the process may be obtained only by the service applicant, through access with login and password to the e-INPI services (search module in the database of Industrial Designs). The certificates of acts related to the application/registration will be made available by the Delivery, in the tool for searching in the industrial design database. The user shall have access by using the same login used when generating the GRU for requesting the service, which will ensure that only the applicant has access to the document.

The history of decisions on the application/registration may also be verified at any time, for free, in INPI's portal, in the industrial design database search.

How to request the service	
Service:	Certificate of acts related to applications/registrations
Code:	115
Additional information:	3.8 Services that do not require a form Schedule of Fees

10.1.2 Search certificate

It is possible to request a search certificate carried out based on the holder's data. The certificate of search by holder aims at presenting a report of all applications and registrations included in INPI's database held by the holder informed in the search request.

Although INPI also offers a free search in its portal, it is possible to request an official search certificate issued by the office. Such service is paid and shall be applied for by means of a specific petition (Certificate of Search for Trademarks by Holder), under service code 116, of the [Schedule of Fees, which is available on the Institute's website.](#)

The search certificates issued by the Office of Trademarks, Industrial Designs, and Geographical Indications may only be obtained by the holder himself or by their representative, through access with login and password to e-INPI

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services (search module in the database of industrial designs). To access them, the user must search using the number of the protocol of the service or using the respective Brazilian Federal Revenue Collection Slip (GRU) number. The notice about the issuance of the certificate is published in the INPI's gazette.

How to request the service	
Service:	Certificate of search by holder
Code:	116

10.2 Rectification of bibliographic data

The user may request a rectification of incorrect data, whether due to fault of the user or of INPI.

10.2.1 Rectification of data due to user's fault

If the user has made a mistake in filling in the form that has resulted in the publication of incorrect data, the user shall submit a petition called "Petition for the correction of data in the application/registration due to applicant's fault," under service code 155. This petition is not exempt from payment.

A note shall be published in the INPI's Gazette, for the user's reference, regarding the meeting or non-acceptance of the request in the petition.

How to request the service	
Service:	Correction of data in the application/registration due to applicant's fault
Code:	155
Additional information:	Schedule of Fees

10.2.2 Correction of data due to INPI's fault

In the event of failure or inconsistency in the publication of their application or registration in the INPI's Gazette, the user may submit a petition for "Correction of data due to INPI's fault" under service code 126.

This petition is exempted from payment and shall only be used in cases in which failure is, in fact, INPI's.

A note shall be published in the INPI's Gazette, for the user's reference, regarding the meeting or non-acceptance of the request in the petition.

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How to request the service	
Service:	Request for correction of error by INPI
Code:	126
Additional information:	<u>Schedule of Fees</u>

10.3 Copy of the documents

10.3.1 Official copy

The official copy of an industrial design application is a document with a certification issued by INPI evidencing which matter was submitted to INPI.

It is important to highlight that an official copy is only provided for applications that have already had the filing notice published in the INPI's Gazette. If the application has been deemed inexistent, the petition for an official copy will be deemed moot.

The holder may request the official copy of an application or registration of an industrial design upon the payment of a fee and submission of a specific petition under code 118 of the Schedule of Fees.

How to request the service	
Service:	Official copy for purposes of priority claim
Code:	118
Additional information:	<u>Schedule of Fees</u>

10.3.2 Request of copy

The request for copying industrial design applications, petitions, registrations, and opinions shall be made through a specific petition, using the GRU service code 824 according to the Schedule of Fees.

The request for a copy by third parties (when the applicant is not the holder of the application or its legal representative) shall only be served if the granting of registration has already been published.

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GRU 824 entitles you to four (4) pages of copies. If the copy requested exceeds this limit, a supplementary fee shall be required.

The amount to be supplemented, according to the number of pages of the copy, shall be informed through a memorandum made available in Delivery and shall be available by accessing the search system, with the same username and password used to generate the GRU for copying.

The supplementary fee slip must be generated with service code 800, in the amount established in the memorandum. It is essential to associate the additional GRU correctly, otherwise it will not be possible to identify the payment.

Once the supplementation has been paid, a message shall be sent through Contact Us to “Industrial Design – Administrative Area”, informing the payment.

If the request for copying is made by third parties, the Declaration of Purpose of Access to Copies (available in section “Templates”), duly filled and signed by the applicant for the service, shall be attached to the request for copying. Without submitting this declaration, the copy shall not be served.

The provision of uncertified copies shall be fulfilled through the Delivery tool, except for copies that generate files greater than 10MB. These shall be available through a temporary link on INPI's Drive.

When the request for copies refers to a document originally on paper, it shall be verified if it has already been scanned. Otherwise, it shall be necessary to request the file from the document storage and its subsequent digitalization.

How to request the service	
Service:	Uncertified copy
Code:	824
Service:	Certified copy
Code:	825
Additional information:	<u>Schedule of Fees</u>

10.4 Search for Industrial Designs

10.4.1 Free search through the INPI's portal

INPI provides an electronic database with information on industrial design applications and registrations, which can be accessed through the Institute's portal for free searches by the user themselves.

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When choosing to enter the login and password to access the e-INPI services during a search, the user will be able to view electronic or digitized petitions and documents filed with the applications and registrations.

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11 Hague Agreement

The Hague Agreement is an international treaty that enables industrial designs to be filed and registered in more than 93 countries. The treaty, managed by the World Intellectual Property Organization – WIPO, was adopted on November 6, 1925.

Brazil's joinder to the Hague Agreement, signed by the President of the Republic, was filed with WIPO on February 13, 2023.

The Agreement became effective in Brazil as of August 1, 2023. This means that, from that date, Brazil may act as a designated Contracting Party, receiving international designations under the Agreement. Accordingly, Brazilian citizens and persons (natural or legal) domiciled or habitually resident in Brazil may request international registrations designating Brazil or other Contracting Parties through the Agreement. The procedures adopted by INPI for receiving international designations are detailed in this chapter of the Manual of Industrial Designs.

For further details on the general aspects of the procedures, such as the substantive examination, submission of amendments or filing of appeals, among others, the applicant must consult other relevant parts of the Manual of Industrial Designs.

The following rules apply to the examination of international designations:

- **The Geneva Act related to the international registration of industrial designs:** The Geneva Act outlines the general steps for processing international designations and defines eligibility criteria for the designation by such means. The version in Portuguese of the Act may be accessed in the References.
- **The Common Regulations related to the Geneva Act and the London Act:** The Common Regulations regulate and complement the Hague Agreement through operational rules including the form, conditions, and periods for the acts. The version in Portuguese of the Common Regulations may be accessed in the References.
- **Decree No. 150/2022:** Transforms the Hague Agreement and the Common Regulations into national legal rules, which specify, among other things, information regarding periods, individual fees, and languages applicable to international designations and applications.
- **INPI/PR Ordinance No. 25/2023:** Provides for the processing of industrial design designations and registrations under the Hague Agreement and applies the practices to the context of domestic laws and regulations.
- **Law No. 9.279 of May 14, 1996:** The Brazilian IP Law (LPI) regulates rights and obligations related to Industrial Property in Brazil.

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11.1 Overview

The Hague Agreement aims at facilitating, for applicants, the filing and management of applications for registration of industrial designs in several countries, through centralized management of these registrations. The applicants may require protection in several countries by filing one single international application, in only one language, and with centralized payment of fees.

Therefore, the interested parties send an international application to the International Bureau (IB) – an entity managed by the World Intellectual Property Organization – WIPO. In the international application, the holders must designate the Contracting Parties for which they desire to obtain extension of protection for the industrial designs (hereinafter, the Contracting Parties).

WIPO will proceed with the formal requirements examination of the international application, a stage in which the bibliographic data and reproductions of the industrial design within the application will be checked. After the compliance decision, the application is published and becomes an international registration that is forwarded to designated Contracting Parties. It is highlighted that, although the international registration allows centralized management of information related to the designated Contracting Parties, it has no immediate effects related thereto whatsoever.

From this moment on, the designation is received by the designated Contracting Parties and must be analyzed as an application filed directly with the Offices of such parties, based on local laws and regulations and before expiration of the period stipulated by the Agreement. The designation may be granted or denied upon analysis by the local Office. If no refusal is issued within the stipulated time-limit, the application is deemed to have been tacitly granted.

In the context of the Agreement, INPI may act as a designated Contracting Party when the holder of an international registration requests that the industrial design be protected in Brazil.

11.2 International registration designating Brazil

As an Office of a designated Contracting Party, INPI is responsible for examining the eligibility for registration of industrial designs subject to Brazilian designations which, pursuant to art. 6 of INPI/PR Ordinance No. 25/2023, will have the same effects as an application for registration of industrial design filed directly in Brazil, as of the date of designation. The industrial designs subject to Brazilian designations will be examined pursuant to the provisions of the LPI, as provided for in art. 7 of INPI/PR Ordinance No. 25/2023. If granted, the protection to a Brazilian designation will be identical to one granted to an industrial design registration filed directly with INPI, as provided for in art. 8 of INPI/PR Ordinance No. 25/2023.

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11.2.1 How to prepare the application

The Brazilian designation must be applied for directly with the International Bureau when filing the international application. It is worth mentioning that, upon designation, a fee for the Brazilian designation shall be paid to the International Bureau, and it must be calculated using the following website:

<https://www.wipo.int/hague/en/fees/calculator.jsp> (English)

<https://www.wipo.int/hague/es/fees/calculator.jsp> (Spanish)

<https://www.wipo.int/hague/fr/fees/calculator.jsp> (French)

By designating Brazil, the applicant agrees to receive notifications and legal summons by mail (through the post offices).

11.2.2 Acts performed directly in INPI

When performing acts directly at INPI, the holder of an international registration domiciled abroad shall appoint and maintain a duly qualified representative domiciled in Brazil. The power of attorney must be submitted within sixty (60) calendar days of the performance of the act, regardless of notice or requirement, under penalty of dismissal of the petition.

The requests related to designations in Brazil submitted directly to INPI, as well as any document that follows them, must be written in Portuguese. Documents submitted in a foreign language must be followed by a regular translation.

Chapter 3 How to file an application or petition for industrial design contains information on all services related to an application or registration of industrial design. The provisions in this chapter regarding the service to be filed with INPI must be complied with.

It is highlighted that, pursuant to paragraph 2 of art. 5 as provided for in art. 7 of INPI/PR Ordinance No. 25/2023, the petition related to the registration of an industrial design within the scope of the Hague Agreement must be submitted exclusively electronically.

11.2.3 Examination of the Designation

Upon publication of an international registration, the designation is sent to the Management Bodies of the designated Contracting Parties.

The designations received by Brazil are subject to the conditions of examination and processing provided for in the LPI and to the substantive examination criteria described in item 11.2.3.4 Substantive examination of the Brazilian Designation, pursuant to the procedures established in item 5.3 Substantive examination, except for items related to application data (e.g., product indication, Locarno classification, numbering and figure legends, among others) and quality of representations.

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11.2.3.1 Time for examination

Pursuant to the provisions of Legislative Decree No. 150/2022 and article 12 of the Geneva Act and Rule 18 of the Common Regulations, the deadline of six (6) months for INPI to notify any refusal of the protection of the industrial design subject to international registration will be counted starting from the date of notice of the Brazilian designation.

Any refusal submitted by the deadline is not necessarily a final decision. Thus, INPI may notify a refusal that may be withdrawn in the future. Therefore, the substantive examination of the Brazilian designation must occur within six (6) months of the date of designation, and all potential grounds for refusal to the protection of the industrial design subject to Brazilian designation must be taken into account.

If no refusal is timely notified, the protection of the international registration in Brazil will be granted as provided for in art. 14 of the Hague Agreement.

The events of refusal of protection are detailed in sub-item **Applicable notices** in items 11.2.3.4 Substantive examination of the Brazilian Designation and 11.2.3.5 Appeals.

11.2.3.2 Translation

As international registrations designating Brazil will be received in a foreign language, the following information will be translated into Portuguese before the substantive examination:

- product indication;
- description (if any); and
- figure legends.

11.2.3.3 Priority examination

Priority claim in international registrations that designate Brazil implies the mandatory submission of proper documentation of priority within 90 days after publication of the designation by the International Bureau. The submission of priority documentation must be carried out through an act performed by a representative directly at INPI.

The submission of the proper priority documentation may also be carried out through the DAS code information at the time of the international application, for examination of electronic documentation shared through the WIPO-DAS system. For more information on the submission of priority documentation through the WIPO DAS system, see items 4.4.2 Priority and 5.2.2 Analysis of the document supporting the priority, sub-item **WIPO-DAS**.

Prior to the substantive examination, the priorities claimed in the designations received by Brazil will be analyzed to confirm whether the configurations submitted in the received designation correspond to the configurations included in the claimed priority document.

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If the configuration match and protection is granted, the designation received by Brazil will receive the date of the claimed priority.

If the configurations do not match, the date of publication of the designation by the International Bureau will be assigned as the date of filing of the international registration.

The filing date assigned due to unionist priority without correspondence with the designation received by Brazil will be informed in the granting of registration and communicated to the International Bureau in the statement of grant of protection.

11.2.3.4 Substantive examination of the Brazilian Designation

In the substantive examination stage, the designations received by Brazil will be analyzed according to the requirements:

- if the object of international registration constitutes an industrial design pursuant to art. 95 of the LPI;
- if the object of international registration does not violate the provisions of art. 100 from LPI;
- if the reproductions (figures) submitted in the international registration sufficiently reveal the claimed industrial design; and
- if the international registration includes only one industrial design, pursuant to art. 104 of the LPI.

As established in art. 12(2)(b) of the Geneva Act of the Hague Agreement, any notice related to the refusal of protection must provide all legal bases hindering the granting of the protection to the industrial design subject to designation. In this regard, when a notice of refusal is necessary, it will indicate all violations of legal provisions. The refusal of protection shall inform a period of sixty (60) continuous days for the international registration holder designating Brazil to present a response regarding the refusal.

After the period of six (6) months, no legal provision may be appointed as an impediment to registration. However, new refusals may be notified, even if they indicate other provisions, provided that the first refusal happens within the abovementioned period.

Industrial Design Unit Examination

According to art. 5(4) of the Geneva Act of the Hague Agreement, supplemented by Rule 7(3)(v) of the Common Regulations, the international registration filed through the Hague Agreement may include up to 100 configurations, provided that they belong to a single class of the Locarno Classification.

However, according to the provisions of art. 106 of the LPI and declaration made by Brazil pursuant to art. 13(1) of the Geneva Act of the Hague Agreement, the registration of an industrial design in Brazil must refer to a single object, i.e., to just one industrial design, allowing a plurality of variations, as long as they are intended for the same purpose.

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(i.e., which belong to a single class and subclass of the Locarno Classification) and have the same major distinctive characteristic, each application being limited to a maximum of twenty (20) variations.

Accordingly, if the designation of Brazil includes configurations that do not cumulatively satisfy all of the above conditions, it shall be deemed that the designation does not have industrial design unity, giving rise to notice of refusal based on art. 13(1) of the Geneva Act. The refusal of a designation based on the declaration of unity of the industrial design shall inform, in addition to legal grounds, deadline, and form of response regarding the refusal, an indication of the industrial designs identified in the designation (and their variations, if any). The refusal shall include an application for the international registration holder to indicate in their response, among the industrial designs indicated (and their variations, if any), the one that will continue in the international registration. The other industrial designs (and their variations, if any), as indicated in the notice of refusal, may be filed in divided applications, pursuant to the limit of one industrial design per divided application. Divided applications will be filled directly at INPI through national means and will maintain the date of filing of the international registration or its priority.

The international registration holder is entitled to waive the filing of divided applications.

Example of configurations deemed variations of the same industrial design and which may be maintained in the same registration:



Products: chairs

Locarno Class: 06-01

Same major distinctive characteristic: **yes**

Same purpose (i.e., same class and subclass): **yes**

May be maintained in the same registration

Examples of configurations deemed distinct industrial designs and which may not be maintained in the same registration:

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Products: drawer and chair

Locarno Class: 06-04 (drawer) and 06-01 (chair)

Same major distinctive characteristic: **no**

Same purpose (i.e., same class and subclass): **no**

May not be maintained in the same registration



Products: chairs

Locarno Class: 06-01

Same major distinctive characteristic: **no**

Same purpose (i.e., same class and subclass): **yes**

May not be maintained in the same registration

Attention!

Even if all configurations of the international registration serve the same purpose (i.e., belong to the same class and subclass) and present the same major distinctive characteristic, the legal limit of twenty (20) variations of the same industrial design per registration will be observed. Therefore, if the designation includes more variations than such limit, a refusal will be notified so that the applicant can indicate which variations will be maintained in the international registration. Excess variations may be filled in divided applications.

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Applicable notices

During the substantive examination of a Brazilian designation, the same orders applicable to the examination of applications for industrial designs filed directly with INPI will be published in the Revista da Propriedade Industrial. Simultaneously, the following notifications shall be forwarded to the International Bureau:

Notification of refusal of protection

The notices of refusal, pursuant to Rule 18 of the Common Regulations of the Hague Agreement, will be sent to communicate:

- a) Request for amendments during examination;
- b) Discontinuation of the examination due to a lawsuit; or
- c) Decision of denial of the designation;

The refusal of protection resulting from the rejection of the designation shall inform that the statement of grant of protection following notification of refusal will only be sent after the decision on any appeal from the second administrative instance.

Statement of a grant of protection

The declarations of granting of protection will be communicated upon approval of the designation, pursuant to Rule 18bis of the Common Regulations of the Hague Agreement.

It is highlighted that the grant of protection of the designation shall take place when the industrial design examined does not infringe any legal provisions and satisfies the conditions for registrability provided by law.

Statement of granting following a notification of refusal

During substantive examination of Brazil's designation, the statement of granting following a notification of refusal shall be sent, according to Rule 18(2) of the Common Regulations of the Hague Agreement, to communicate the decision of grant of protection of designation, when a notification of refusal of protection has been sent.

The statement of grant of protection shall inform that the refusals previously sent have been withdrawn.

11.2.3.5 Appeals

The same rights of expression and appeal ensured to applicants of industrial design application filed directly with INPI are ensured to international applications. The same criteria, conditions, and remedies described in the LPI and in Chapter 7 Administrative Invalidation Proceedings and Appeals. It is worth mentioning that, in order to appeal from the administrative decision, the applicant must file the relevant appeal directly with INPI, pursuant to the provision in item 11.2.2 Acts performed directly in INPI.

Analysis of the appeal

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If the six (06)-month period established in article 12 of the Geneva Act of the Hague Agreement, it will not be possible to point out, in the stage of analysis of appeal, other grounds for refusal that have not been listed in refusals previously sent.

Applicable notices

During the examination of an appeal for a Brazilian designation, the same decisions applicable to the examination of an appeal for applications for industrial design filed directly with INPI will be published in Revista da Propriedade Industrial. Simultaneously, the following notifications shall be forwarded to the International Bureau:

Statement of grant of protection following a notification of refusal due to appeal

After examination of an appeal for the Brazilian designation, the declaration of granting subsequent to a notice of refusal will be sent pursuant to Rule 18(2) of the Common Regulations of the Hague Agreement, to communicate the full restatement of the denial or the division of the designation as an appeal.

In case of reversal of the decision to divide the international registration, the terms of the reversal of the decision of the division shall be indicated. The statement of granting following a notification of refusal shall be sent, as the case may be. If a new form of division is established, it shall be informed.

In these cases, the declaration of approval must inform that refusals previously sent have been withdrawn.

Confirmation of refusal

In case of confirmation of refusal after examination of the appeal against Brazil's designation, there shall be no notification of confirmation of refusal to the WIPO International Bureau. The decision regarding the appeal shall be published in the INPI's Gazette.

11.2.3.6 Notice of subsequent decisions

Once the examination of the registrability of the industrial design object of a designation from Brazil is completed, including upon appeal, when INPI renders or becomes aware of any administrative or judicial decisions that affect the final protection status of an industrial design object of a designation from Brazil, it shall inform the International Bureau, according to Rule 20 of the Common Regulations of Hague Agreement. The communication shall only inform the final status of the industrial design in Brazil.

Therefore, INPI will communicate, through a notice of subsequent decision, the following situations, among others:

- a) a judicial declaration of the nullity of the registration;
- b) the final decision on the change in ownership.

INPI shall only inform the subsequent decision that determines the final status of a designation from Brazil, for which no appeal or revision is possible. In cases in which the decision may be appealed, INPI shall not issue a subsequent communication of the decision to the International Bureau.

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11.2.3.7 Irregularities in notices

According to Rule 18(2)(b) of the Common Regulations of the Hague Agreement, notifications of refusal shall indicate:

- a) the international registration number;
- b) all legal grounds preventing granting of the protection to the industrial design object of the designation;
- c) the deadline for filing an appeal or submission of an opinion as submission of amendments, as well as the conditions to do so.
- d) the date on which the refusal was issued.

Refusals are annotated and published in WIPO Gazette.

According to Rule 19(a) of the Common Regulations of the Hague Agreement, the notification of refusal shall be disregarded by the International Bureau if:

- a) the document does not include the number of the international registration or indications that enable identification of the international registration;
- b) the document does not inform the reason(s) and grounds for the refusal; or
- c) the document is submitted after the six (06)-month period.

Pursuant to Rule 19(b) of the Common Regulations, upon verification of any of the irregularities described, the International Bureau will not proceed with the annotation, but will send a copy of the refusal to the holder of the international registration. The International Bureau shall inform INPI and the applicant that the refusal has been disregarded. If the six (06)-month period has not elapsed yet, another notice of refusal may be sent.

Any refusal that does not provide information on the possibility of an appeal or opinion, as well as the periods to do so, will also be dismissed, unless a rectification is forwarded by INPI within two (2) months of the notice of irregularity by the International Bureau. Once the irregularity is rectified, the date of the refusal previously sent will be maintained.

In case of other irregularities, the International Bureau will annotate the refusal and summon INPI to rectify it right away, as provided in Rule 18(2) of the Common Regulations.

After receiving a notice of refusal, the holder of the international registration is entitled to the same means of appeal and opinion ensured to the applicants for industrial design registrations filed directly with INPI. It is worth mentioning that the International Bureau has no opinion as to the grounds for refusal and does not intervene with substantive matters.

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11.2.4 Granting, renewal, and extinction

11.2.4.1 Granting

Submission to the International Bureau of a statement of grant of protection or a declaration of grant following a refusal ensures the international registration designating Brazil the same protection as a granted registration filed directly with INPI.

11.2.4.2 Renewal

The extension of designation for Brazil, so that it continues to have effect in the Country, must be applied for by the holder with the International Bureau through Form DM/4 or the electronic service e-Hague.

The designations pending examination which are not extended for Brazil at the end of their effectiveness will be dismissed, and those which had been granted will be cancelled.

The payment of the fees related to the renewal may be made in the six (6) months preceding the final period of the effectiveness of the international registration, through payment of a fee, pursuant to Rule 24 of the Common Regulations. However, it may still be made within six months after the international registration renewal date, provided that the surcharge specified in the Schedule of Fees is paid at the same time.

If the holder does not wish to extend the international registration for a designated Contracting Party, the payment of the fees must be accompanied by a declaration informing the International Bureau about that, pursuant to Rule 24(2)(a) of the Common Regulations.

11.2.4.3 Extinction

The Brazilian designation is extinguished in whole:

- a) Due to expiration of the effectiveness period of the international registration, when not extended with respect to the Brazilian designation;
- b) By waiving, under an international registration, the Brazilian designation; or
- c) Due to cancellation of the international registration;

As to item "a" above, we inform that the extension of a designation must be requested before the International Bureau, and INPI will only cancel the designation after receiving the notice that the Brazilian designation was not extended, pursuant to Rule 26(1)(vii) of the Common Regulations.

More information on waiving and cancellation may be obtained in item [11.3.2.2 Recordings](#).

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11.2.5 Recordings

Pursuant to article 18 of INPI/PR Ordinance No. 25/2023, the following annotations, when made in the International Register regarding an international registration and applicable to Brazil as a designated Contracting Party, will produce the same effects as an annotation made directly before INPI:

- change in name and address of the holder;
- change in ownership;
- waiver of designation; and
- cancellation of the international registration.

11.2.5.1 Change in name and address of the holder

Upon receipt of the notice of change of name or address of the holder by the International Bureau, INPI will proceed with the applicable changes in its database, and it may declare that such annotation has no effects in Brazil.

The request for change in name and address of the holder regarding a Brazilian designation must be submitted by the holder directly to the International Bureau, pursuant to article 17 of INPI/PR Ordinance No. 25/2023. More information can be found in item [11.3.2 Miscellaneous requests](#).

11.2.5.2 Change in ownership

Note that the change in ownership of an international registration will only be annotated regarding a certain Contracting Party if it meets the requirements of its own laws and regulations applicable to such Contracting Party.

In this context, whenever the national legal requirements are deemed not to be met, INPI, upon notice of a request for change in ownership, may send a declaration that the change has no effects in Brazil within six (06) months of the notice of annotation of change in ownership. Such declaration must indicate the reasons for refusal of the annotation and the conditions for the filing of an appeal, pursuant to Rule 21bis(2) of the Common Regulations and article 18, paragraph 1, of INPI/PR Ordinance No. 25/2023.

Document DM/2, provided by the International Bureau, is accepted as supporting documentation for purposes of changing ownership, provided that it is signed by the holder and the new owner.

The declaration that the change in ownership does not have effects is appealable, pursuant to art. 212 of the LPI, within sixty (60) calendar days of the publication of the denial of the petition in the Revista da Propriedade Industrial.

In case of an appeal, it will be analyzed, and INPI will communicate to the International Bureau the final decision confirming or reversing the previous declaration.

If no appeal is filed during the abovementioned period, INPI will inform the International Bureau of the final decision confirming that the change in ownership will not have effects in Brazil.

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The declaration that the change in ownership does not have effects in Brazil or any final decisions with respect to this declaration will be annotated in the international registration.

The request for annotation of change in ownership related to a Brazilian designation must be submitted by the holder directly to the International Bureau, pursuant to art. 17 of INPI/PR Ordinance No. 25/2023. More information may be found in item 11.3.2.2 Recordings, subitem **Change in ownership**.

11.2.5.3 Waiving and Cancellation

Pursuant to Rule 21 of the Common Regulations, the holder may request to the International Bureau the annotation, in the international registration, of a waiver or cancellation.

The request for waiver of designation indicates the waiver of protection regarding some, but not all, designated Contracting Parties.

The recording of cancellation refers to the waiver of protection regarding all designated Contracting Parties.

The annotations of waiver of designation and cancellation of the international registration will entail withdrawal of the Brazilian designation that has not yet been examined, or waiver thereof, when the protection has already been granted.

Waiver of designation

Upon receipt of notice of waiver of designation by the International Bureau, INPI will proceed to the proper changes in its database, and it may not declare that such annotation has no effects in Brazil.

The waiver request regarding a Brazilian designation must be submitted by the holder directly to the International Bureau pursuant to article 17 of INPI/PR Ordinance No. 25/2023. More information can be found in item 11.3.2 Miscellaneous requests.

Cancellation of the international registration

When INPI receives the notice of cancellation of the international registration by the International Bureau, it will make the applicable changes to its database, and it may not declare that this annotation does not have effects in Brazil.

The request for cancellation of the international registration must be submitted by the holder directly to the International Bureau, pursuant to art. 17 of INPI/PR Ordinance No. 25/2023. More information can be found in item 11.3.2 Miscellaneous requests.

11.2.5.4 Merger

The merger referred to in Rule 21(8) of the Common Regulations does not apply to Brazil.

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11.2.6 Correction of errors by the International Bureau

The International Bureau may make corrections *ex-officio* or at the request of the holder, pursuant to Rule 22(1) of the Common Regulations. After the due corrections are made, the International Bureau will notify the holder and the Offices of the designated Contracting Parties.

As provided in Rule 22(2) of the Common Regulations and art. 21 of INPI/PR Ordinance No. 25/2023, upon being notified by the International Bureau about corrections in an international registration that designates Brazil, INPI may re-examine the designation of Brazil, and may annul or validate its acts, pursuant to respecting the acquired rights of third parties.

Also pursuant to Rule 22(2) of the Common Regulations and Sole paragraph of art. 21 of INPI/PR Ordinance No. 25/2023, INPI may send a refusal within six (06) months of the date of notice, if, after the correction, the protection cannot be granted to the Brazilian designation.

The Brazilian designation will be deemed inexistent when INPI is notified by the International Bureau about a correction, informing that the international registration does not designate Brazil, that there has been no payment of fees, or that such designation must not be taken into account.

11.3 Means of communication, requests, deadlines, and fees

Guidance and information on INPI and International Bureau means of communication, as well as on the various requests, applicable deadlines and payable fees, relating to industrial design registrations within the scope of the Hague Agreement.

11.3.1 Means of communication

Language of communication

Pursuant to article 3 of INPI/PR Ordinance No. 25/2023, the communications between INPI and the International Bureau, regarding a Brazilian designation, must be in English.

Pursuant to article 4 of INPI/PR Ordinance No. 25/2023 and its sole paragraph, the requirements regarding the designations of Brazil submitted by the holder of the international registration directly to INPI, as well as any accompanying document, must be in Portuguese. Documents submitted in a foreign language must be followed by a regular translation.

INPI's official means of communication

INPI's official means of communication is the Revista da Propriedade Industrial, available at the Office's portal in PDF. Revista da Propriedade Industrial is published every Tuesday, except in holidays, when it is published in the first immediately subsequent business day. The date of publication in Revista da Propriedade Industrial is important, as it initiates the count of legal deadlines applicable to applications, registrations, and petitions for industrial designs, as well as the designations of Brazil.

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More information can be found in item [1.2 Official means of communication](#).

International Bureau's official means of communication

The International Bureau's official means of communication is the WIPO Gazette, published weekly in WIPO's website, available at:

<https://www.wipo.int/haguebulletin/>

WIPO Gazette contains all relevant data on new international registrations, renewals, designations, changes, and other occurrences that affect international registrations.

Additionally, WIPO Gazette contains information of general interest, such as statements and notices submitted by the Contracting Parties within the scope of the Agreement or information about the days on which the International Bureau is not open to the public.

Means of filing with INPI

Within the scope of the Hague Agreement, pursuant to ¶ 2 of art. 5 of INPI/PR Ordinance No. 25/2023, any filing with INPI, regarding designations from Brazil, shall be electronic.

11.3.2 Miscellaneous requests

11.3.2.1 Corrections in the international registration

Whenever the applicant or holder identifies an error in the international registration, they may request its restatement, as long as such fact does not result in changes to the figures in the industrial design. As a general rule, the corrections of errors related to an international application or registration shall be requested by the holder directly from the International Bureau.

In case of discrepancy between the international registration and the documents forwarded by INPI, and if such error is attributable to the International Bureau, it will be possible to make a correction at the request of the interested party at any time. Nonetheless, when the error is attributable to the applicant, the holder or their representative, the correction will not be possible. Therefore, we recommend attention in completing and submitting documents, as well as in verifying them.

11.3.2.2 Recordings

As a general rule, any recordings related to an international registration shall be requested by the holder directly from the International Bureau. Among such recordings, attention is called to:

- change in name and address of the holder or their representative;
- change in ownership;
- waiver of designation;

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- cancellation of the international registration; and
- Changes in the name and address of the holder or their representative.

The holder of the international registration may request a change in their name and address or in the name and address of their representative in the International Register, pursuant to Rule 21 of the Common Regulations.

The request for change in name and address of the holder must be submitted by the holder directly to the International Bureau, and form DM/6 must be used. It is possible to note that such form must be used only to change the name or address, rather than to annotate change in ownership. For more information, visit [WIPO's website](#).

The request for change in name and address of the representative must be submitted by the holder directly to the International Bureau, and optional form DM/7 may be used. It is possible to note that such form may only be used for changes related to representatives who are already registered, and it must not be used to annotate another representative. For more information, visit [WIPO's website](#).

If the request for change in name and address of the holder or of their representative meets the applicable requirements, the International Bureau will annotate the changes, with the date of receipt of the request, publish the applicable data in WIPO Gazette, notify the Offices of the designated Contracting Parties and inform the holder.

If the request for change in name and address of the holder or of their representative does not meet the applicable requirements, the International Bureau will notify the holder about the circumstances so that the nonconformity is adjusted within three (3) months of the date of notice. If the nonconformity is not adjusted within such period, the request will be deemed abandoned and any fees may be reimbursed with the proper deductions.

Change in ownership

The change in the ownership of an international registration is provided for in Rule 21 of the Common Regulations. The change in ownership may also reach all designated Contracting Parties or a portion thereof.

In order for the change in ownership to be annotated by the International Bureau, the new holder must meet the requirements to file international applications, i.e., be a citizen, resident, or have an actual, effective commercial or industrial facility in the country or territory corresponding to each Contracting Party for which the change in ownership is required.

The new holder must indicate the Contracting Parties in which it meets the requirements of legitimacy to be the holder of the international registration.

If the request for annotation of change in ownership does not meet the applicable requirements, the International Bureau must notify the circumstances to the holder and, if the request has been made through an Administration, to such Administration.

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The request for annotation of a change in ownership of an international registration must be submitted by the holder directly to the International Bureau.

INPI will communicate, through RPI, the decision on the request of referral to the International Bureau of the annotation of a change in ownership.

Waiver and cancellation of the designation

The request for waiver must be submitted by the holder directly to the International Bureau, and form DM/5 must be used. The request for waiver of designation may affect some or all designated Contracting Parties.

11.3.2.3 Renewal

The request for renewal of the international registration must be submitted by the holder directly to the International Bureau, and form DM/4 must be used. It is important to note that, for purposes of renewal, the subsequent designations follow the effectiveness of the international registration.

The payment of the fees related to the extension may be made in the six (06) months following the final period of effectiveness of the international registration, upon payment of a supplementary fee, pursuant to Rule 24(1) of the Common Regulations.

If the holder does not wish to extend the international registration for a designated Contracting Party, the payment of the fees must be accompanied by a declaration informing the International Bureau about that, pursuant to Rule 24(2) of the Common Regulations.

11.3.3 Deadlines

11.3.3.1 Deadlines before INPI

The deadlines established in the LPI, as a general rule, are counted of the date of publication in *Revista da Propriedade Industrial*. They start on the first business day after the publication and shall be counted in calendar days. After the deadline, the right to act is extinguished, except when a time-limit extension applies pursuant to art. 221 of the LPI and to INPI/PR Ordinance No. 049/2021, due to an unexpected event, beyond the party's will, which prevents them from acting.

11.3.3.2 Deadlines regarding the International Bureau

Deadlines for the performance of acts before the International Bureau may be counted in years, months, or days.

The period counted in years will expire on the same day and month of the event which initiated the count, except when the period starts on February 29 and ends on a year where such date does not exist. In this case, the final date will be February 28.

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The period counted in months will expire on the day with the same number as the event which initiated the count, except when there is no day with the same number. In these cases, the period will expire on the last day of that month. For example, a three-(3-)month deadline starting on January 31 will end on April 30.

Finally, the period counted in days will start on the day following the event which initiated the count.

As a rule, the date when a communication is sent by INPI will be deemed the date of performance of a certain act. In the cases where the international application and the notices of refusal of protection are forwarded, the date of receipt by the International Bureau will be considered.

If the date when a communication is sent by INPI is different from the date of receipt by the International Bureau, by virtue of different time zones between INPI's headquarters and the International Bureau's headquarters, the date when the communication is sent will be considered, for purposes of counting the deadline, based on the time zone in INPI's headquarters.

11.3.4 Fees

When related to acts performed before INPI, the fees must be paid through the Federal Government Payment Form (GRU).

The fees for the INPI services are expressed in the Schedule of Fees, available on the Institute's Portal. More information can be found in item 1.7 Fees.

Regarding fees paid directly to the International Bureau, the responsibility of calculating the amount to be paid is borne by the very applicant, who must access WIPO's Fee Calculator, available at:

www.wipo.int/hague/en/fees/calculator.jsp (English)

www.wipo.int/hague/es/fees/calculator.jsp (Spanish)

www.wipo.int/hague/fr/fees/calculator.jsp (French)