



Patents and Litigation: current scenario in Brazil

XXXIII International Congress on Intellectual Property – ABPI

Juliana Jung Jo • August 2013 • Rio de Janeiro



Agenda/ Content

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Bayer – 150 Anos





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Bayer

- ✓ Bayer HealthCare (BHC)
- √ Bayer CropScience (BCS)
 - Crop Protection
 - Seeds & Traits



- **✓** Bayer MaterialScience (BMS)
 - Coatings, Adhesives e Specialties
 - Polycarbonates
 - Polyurethanes



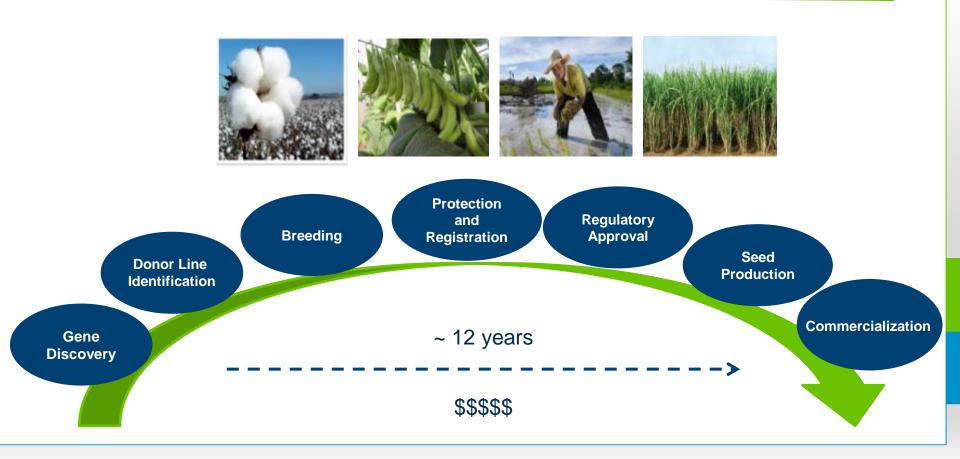






Seeds & Traits

Product Cycle



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IP Landscape in Brazil

- ✓ Patent Law (no. 9.279/96)
- ✓ Plant Variety Protection Law (no. 9.456/97)
- ✓ Seeds and Seedlings Law (no. 10.711/03)







Patents in Brazil

✓ Needs:

- Appropriate protection for seeds (self-replicating products and very easily copied);
- Effective patent protection for traits, genes, plants, events, etc, both GM and non-GM.
- ✓ Exhaustion of Rights vs Farmer's Rights.
- ✓ New guideline for the examination of biotechnology patents: ongoing.
- ✓ INPI (Brazilian PTO) current approach: quality (hiring and training examiners).



Litigation in Brazil

- ✓ Enforcement should be effective and quick.
- ✓ Secure environment to protect seeds and traits in order to allow investments in Brazil.
- ✓ Need of homogenous court decision.



Final Comments

- ✓ PVP is not enough.
- ✓ Need of strong patent system in Brazil to avoid risks of uncertainties and allow investment.
- ✓ Appropriate legal protection for plants and traits.
- ✓ Breeding methods vs protection of results.

Etc etc etc...





Thank you!

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