



Science For A Better Life

Patents and Litigation: current scenario in Brazil

XXXIII International Congress on Intellectual
Property – ABPI

Juliana Jung Jo • August 2013 • Rio de Janeiro



Agenda/ Content

- Bayer
- IP Landscape in Brazil
- Seeds & Traits
- Patents in Brazil
- Litigation in Brazil
- Final Comments



Bayer – 150 Anos



**150 Years
Science For A Better Life**





Bayer

✓ Bayer HealthCare (BHC)

✓ Bayer CropScience (BCS)

- Crop Protection
- Seeds & Traits



✓ Bayer MaterialScience (BMS)

- Coatings, Adhesives e Specialties
- Polycarbonates
- Polyurethanes



Seeds & Traits

Product Cycle



Gene
Discovery

Donor Line
Identification

Breeding

Protection
and
Registration

Regulatory
Approval

Seed
Production

Commercialization

~ 12 years

\$\$\$\$\$

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...



Science For A Better Life

Thank you!

Juliana Jung
juliana.jung@bayer.com