



XXXVII

INTERNATIONAL CONGRESS
ON INTELLECTUAL PROPERTY - ABPI



Intellectual Property in the Global Political and Economic Context

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It was an active journey, filled with discussions, plenary sessions, business meetings, networking – but also fraternization. On the second day of ABPI XXXVII International Congress on Intellectual Property, works were concluded in style with the traditional dinner offered by the offices.

In the two plenaries held this day, IP was the thread running through discussions on competition, technology, finances and the new economic and political scenario. “The high quality of debates had all participants engaged in the questions and answers sessions”, said ABPI President Maria Carmen de Souza Brito.

In fact, the 8 panels organized in this event covered topics for all tastes. From politics to economy, internet, regulatory agencies and – yes – legal issues, much was said. One of the panels that attracted the largest crowd was on the delay in patents registration processes.

But there is still a lot to say about that issue. Today, participants will have

The buzzwords of the congress: interaction and fraternization



the opportunity to discuss that topic more in depth in two plenary sessions: one about the initiatives to improve IP

legislation and another on the shared experience between IP offices. Not to be missed! ■

Innovation and entrepreneurship go hand in hand

The first Plenary Session of the congress - “IP and Businesses: to what extent Patents, Competition, Technology and Finances Converge” - pointed to the importance of innovation and entrepreneurship as key elements to face the current economic instability scenario in Brazil. Cesar Bonine, IP and Regulatory Affairs manager at Fibria Cellulose stressed that companies must create unique solutions, stay away from commodity products, invest in R&D, redefine their business and look for diversification.

Participants discussed how innovation in processes and intellectual property fit into the company's strategic planning. “Know when to act, be proactive, create an innovative model of entrepreneurship”, suggested Istvan Kasznar from Fundação Getúlio Vargas.

José Carlos Pinto, Executive director of UFRJ Technological Park, also participated in this panel, which had ABPI President Maria Carmen S. Brito acting as coordinator. ■





Time to tidy up and defeat backlog

Lawyer Luiz Henrique do Amaral from the firm Dannemann Siemsen is riding against the flow of pessimism currently engulfing the country. “Yes, things are difficult, but there is some exaggeration in the appraisal of the situation”, said he during Plenary Session II of the Congress yesterday. Titled “The place of IP in the current international political and economic scenario”, the debate included Ygor Valerio from Motion Picture Latin America, Angelica Garcia from the British Office of Intellectual Property, Evelyn Montellano, consultant at FMC Technologies, and was moderated by Benny Spiewack

from the firm Zancaner, Costa, Bastos and Spiewack Advogados. “Brazilians are by nature very forceful in their manifestations”, he added.

“Now is the time to tidy things up”, said Amaral, who thinks the moment is favorable to face this task. “We have a more pragmatic and liberal INPI, concerned about bringing solutions. This is very encouraging”. Amaral estimates the evaluation of IP agents was not correct regarding the derivatives crisis back in 2008. “Many thought it was a passing trend and our structural problems would be solved by hiring new examiners for INPI, disregarding the fact that the number of patents was growing constantly”, he explained. “Well, trademarks backlog is up to 400,000 applications and patents is as high as 250,000. That will not be solved in a classical way.” ■

A new legal framework for the art Market

“There is a mismatch between the Copyrights legislation that was basically set in the XIX Century and the one that is currently being applied to the art market”, stated yesterday Marcel Miguel de Carvalho, assistant law professor at the Center for Legal Practices of the State University of Paraná. The panel was titled “New IP outlook in the art

market: copyrights and contemporary art”, with participation of plastic artist José Bechara and lawyer Gustavo Martins de Almeida, and moderated by lawyer and plastic arts expert Álvaro Piquet Pessoa.

The panelists highlighted the need for a new legal framework to encompass all facets of the art market to adapt it to the modern scenario, where artists use appropriation, borrowing from others and audience participation to conclude their works. ■

Great Britain to continue adopting EU standards for IP

BREXIT was the topic presented yesterday by Jonathan Clegg, partner at Cleveland Scott York in Panel 1 – “IP in a changing world: Europe and Brexit; the US and withdrawal from TPP – where does Intellectual Property protection fit?”

According to Mr Clegg the UK will continue to adopt EU standards for Intellectual Property until March 29, 2019. Extension of that delay is yet to be discussed.

The panelist said that there are two formats for the UK exit. One is the *Hard Brexit*, whereby the main formal ties with the EU shall be broken and frontier controls reinstated; the country would no longer be part of EU Courts procedures and trade agreements within WTO would start from scratch. The other possibility is the *Soft Brexit*, which would entail new agreements while eventually having access to the single market and open frontiers.

Other panelists were Ari Laakkonen from Powell Gilbert LLP, Cristina A. Carvalho from Arent Fox LLP and Peter Schechter, Osha Liang LLP. The moderator was Marcio Merkl from Abreu, Merkl e Advogados Associados. ■



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COPY EDITOR: Rubeny Goulart
WRITERS: Marcello Stutz Pupo . Andre Boudon
FOTOS: Gabriel Andrade
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Agility in patents processing: the challenge for Brazil

Patent registering in Brazil may take up to 10 years - but it should take at least half this time to generate a positive impact on the economy. That was the unanimous understanding of all participants in the panel “The social and economic impact of delays in processing patent applications” held yesterday. Moderated by lawyer Ana Cristina Almeida Miller from Barbosa Mussnich Aragão, the panel also had the participation of Braskem executive officer Eneida Elias Barbare, Patrícia Franco Leal Gestic from Inova Unicamp and Matthew Dick from D. Young & Co LLP.

At Excellence Centers like Inova Unicamp, investments in startups and innovation have been generating new patents, which greatly contribute to develop innovative technologies. However, Brazilian performance in that field is still poor. Panelists agreed that the government must invest more in scientific research and develop mechanisms to speed up patent registering processes. “Brazil invests a mere 1.4% of its GNP in scientific research and fellowships represent less than 0,25% of the GNP”, stated Eneida Barbare. ■

Brazilian Group indicates names to AIPPI

Luiz Henrique do Amaral, current assistant general secretary of the Association was indicated for the second vice-presidency and Maria Inez Araújo de Abreu for the Venue selection committee for the next congresses. The election will take place during the World Congress of IPPI in Sydney, Australia, next October 2017.

Present in 125 countries, with over 900 members - 800 of them in Latinamerica - AIPPI is one of the most active international associations for the development and improvement of industrial property legislation. ■



Digital piracy has no specific legislation

Trade dress, the unique visual distinction of a product, service or commercial establishment, does not benefit from specific protection under National Institute for Intellectual Property (INPI) rulings. However, precedents exist in Industrial Property lawsuits, as explained yesterday by Carlos Augusto Thomas from Ceditec-UFRJ, during the debate on “Trademarks in the Digital Era: the

challenge of protection in times of immediacy of content generation”.

Several examples of conflicts involving distinctive visual characteristics were presented at the panel. In one of the cases examined by Mr. Thomas, the establishment **Mr Cat** won a lawsuit against *Mr Foot*, that operates in the same branch of business and was sentenced to remodelling its shop

windows due to similarity to the competitor's. Lawyer Virginia Cervieri from Cervieri Monsuáres & Associados also reported the case of fake *ray ban* sunglasses that were being sold by street merchants. The violator was caught and arrested on a street in Montevideo while selling the product.

Antonio Murta from Murta Goyanes Advogados contributed to the panel that was moderated by Luis Fernando Matos from Matos & Associados Advogados. ■



Congress participants in a get-together dinner of the offices

By the end of the second day of the congress, participants enjoyed the traditional fraternization dinner at the Grand Hyatt hotel, sponsored by IP of offices. In a festive and casual atmo-

sphere, the main ABPI partners, entities and authorities linked to the IP world took the opportunity to do some networking. ■



Competition Law and the internet

“IP and vertical restrictions to competition on online platforms” is the title of the debate next Tuesday, on Panel 16 - the last panel of the Congress. It will be a preview of the subjects to be discussed at the *International League of Competition Law (ILCL)* congress to be held from October 5 through 8 at the Copacabana Palace Hotel in Rio de Janeiro. Organized by ABPI for the first time in Brazil, the event will focus on two questions: A- the major competition/anti-trust issues generated by the growth of online sales platforms; and B- current exclusions and limitations to copyright and how they strike a fair balance between the rights of owners and fair use by private individuals and others.

“In the sphere of ILCD, these discussions will undoubtedly add insight to the regulatory agencies’ agenda”, stated the President of Paulo Parente group and moderator of this panel. ■



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