

Public Consultations on cannabis get over 1,000 suggestions

After receiving over 1,000 reactions to the Public Consultations published last July on the Diário Oficial, ANVISA (Brazilian Health Regulatory Agency) begins to study in depth two Resolutions of the Collegial Body (Portuguese acronym RDC): one regarding regulations on controlled cultivation of Cannabis sativa for medicine and scientific use, and the other on the registration of pharmaceutical drugs produced with the plant active ingredient. "Norms shall apply only to drugs with therapeutic indication and restricted to patients with severe disabling and/or life threatening diseases that have no therapeutic alternative", explained the Agency representative Cejana

Brasil Cirilo Passos during a debate at the Congress this Monday, 26. The panel was "Protection for the legal use of cannabis - impacts and opportunities for Intellectual Property", with participation of Carolina Barros Fidalgo from Rennó, Penteadó Reis & Sampaio; David Kellis from Sheridan Ross and Mário Grieco from Fluent Cannabis Care, and moderation by Rodrigo Ouro Preto, from Ouro Preto Advogados Propriedade Intelectual.

Public consultations were initiated due to the increased demand from patients that use cannabis for therapeutic purposes and have to import the product. A study made by

ANVISA concluded that "the situation may lead to more serious consequences, like judicialization, increased requests for waivers to import products and more difficult access to registered products". In RDC's proposal, cultivation for medicinal and scientific uses only is allowed only to registered companies, with sales restricted to research institutions and medication manufacturers. It cannot be sold to natural persons, nor to distributors or to compounding pharmacies - only to supplies or medications manufacturers and research institutions that have a special permit.

Cultivation will be authorized by quotas, with stock control and expiry control system. Safety and control requirements are also very strict. Cultivation must be done in closed environment, with double door systems automatically controlled and double-glazed safety glass windows

A world of opportunities in games

Those who attended the panel "Newbie or Noob? NP. Know the world and the epic figures of the games industry" believing this was a topic for children and teens, were introduced to a very strong industry, with high investments even in Brazil. With Paulo Parente, from Di Blasi, Parente & Advogados Associados acting as moderator, the panel included Victor Vocos Camargo, executive director of V3A, Roberta Coelho, CEO at Game XP and head of Rock in Rio business development, and Leandro Valentim, Head of Grupo Globo new businesses.

"This is a world of opportunities for Law - with contracts with speakers and commentators, soundtracks, copyrights, streaming and technological resources such as Artificial Intelligence", says Parente. The matter of timing vis-à-vis patents also af-



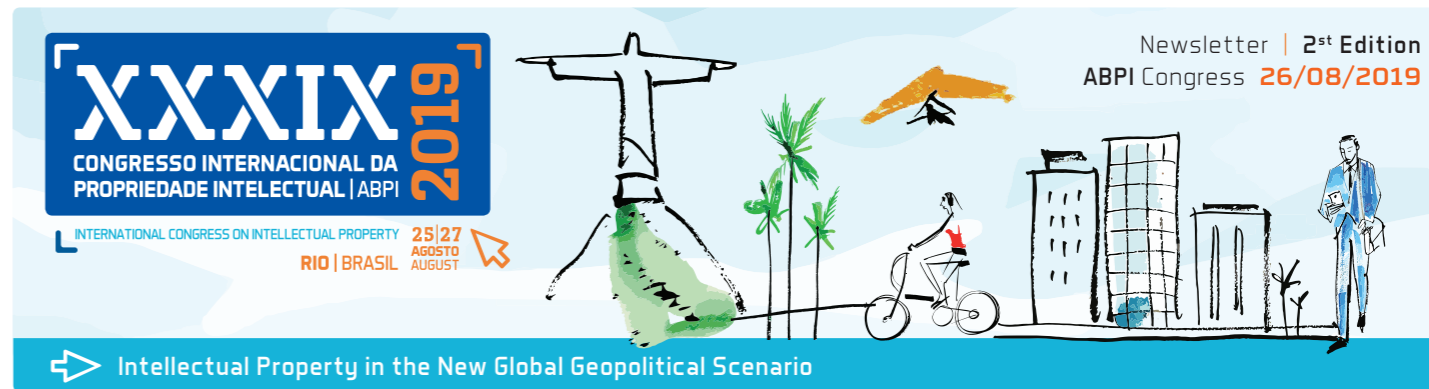
fects this industry, because they are part of the technological world, but it is lagging, they are a year behind. In terms of legal security, it is essential to have patent registrations, but this market goes too fast and the system has to evolve to up to the mark."

"Just to give you an idea, the quality of keyboard, mouse and phone, and screen definition have the same importance as that

shoes for an athlete - in other words, they are essential for the game competitiveness and in this world you simply cannot wait for registration to launch a game", says Leandro Valentim - who took the opportunity of the event to show Rede Globo's investments in s-sports. This decision was made 3 years ago and today s-sports are dealt with just like traditional sports at Globo Sports Group. S-sports requires the same kind of coverage, rights, sponsorships, intellectual property", says the executive, reminding that the gamer universe grows by double digits each year.

It is not by chance that Rock in Rio also decided to invest in this universe. After all, "game and music share a gigantic link - and many games have their own music", explains Renata Coelho. She has no prejudices about the games industry. Men and women compete with the same level of strength, people from different countries play together, with no political, race or religion barriers. We need help to regulate, to bring the licenses and to work with brands that may not even be in Brazil", she concludes

Congress News



Luiz Fux advocates alternative ways for conflicts resolution

Minister Luiz Fux of the Supreme Federal Court opened yesterday's works of the XXXIX ABPI Congress with the words: "Today the theme will be interdisciplinary and may cover several aspects of globalization, which puts Intellectual Property on a transnational protection perspective. In the past we navigated the seas, today we navigate the cyberspace - and technology expands intellectual property in a matter of seconds". And recalling Jules Verne, he stated: "the Earth is getting smaller".

In his address, the Minister welcomed the participants noting that the law is improved and becomes more assertive when justice is more specialized. He recalled the fact that since Brazil is a democratic state ruled by law and is signatory of all international treaties, lawsuits and judicial actions are more predictable, so he advocates alternative ways for conflicts resolution.

"Economic analysis of law is a school that states that law must be efficient to the point institutions can avoid resorting to the judiciary and advocates that proceedings should be fast. The parties must negotiate and be active subjects of case management", he stated. And made his recommendation: "my tip to all Intellectual Property professionals is to look at everything through economic analysis".

He also reminded that we are experiencing a very sui generis moment of law constitutionalizing. Never before did we have such an analytic constitution - and this should also be the case in intellectual property. "Economic analysis advocates that in this much more elegant field of law, where often proceedings are kept secret, solution to conflicts should be found by other alternative ways."



The Minister highlighted that proceedings will be faster and more cost/effective, as justice is nowadays overburdened and slow. The Supreme Federal Court has 70,000 pending appeals to be ruled and in the Supreme Court of Justice 293,000 cases are still waiting to be ruled

Renewed INPI for global investors

A renewed INPI will be emerging in the coming months, fully digitalized, more agile in examinations and gradual reduction in backlog, which can be followed online. That promise was made yesterday, 26, by the President of the National Institute of Industrial Property Cláudio Furtado, in a video presented during the plenary session "INPI today and tomorrow: a governance plan for the next four years". The session Liana Lage, Patent Director as speaker and ABPI President Luiz Edgard Montauray Pimenta acting as moderator. "Brazil could not be a winner in the world of IP without a sound patent and brands organization, responding with agility to demands of global investors", says Furtado -



who was unable to come due to previous engagements.

INPI President explained that the institute is currently implementing three projects, the first and most important of which is Backlog Fight, aimed at eliminating 80% of the stock of 150 thousand pending applica-

tions in two years' time. The second is adherence to the Madrid Protocol, having Brazil aligned to the other 120 signatory countries of the international trademark registration agreement. And the third, a 100% digital INPI that will give users access to all services of the institute from any digital platform, including cell phones. On another front, in the coming months INPI will launch a promotion of its services to innovation clusters. "We will show small and medium sized companies that patenting and trademark registration are easy and not expensive", stated Furtado

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All weapons are useful to protect the trade dress

Protecting the appearance of any object means fighting in several fronts at the same time, instructs Renata Campos from Natura Cosmetics. She was one of the speakers of the panel "Strategies to protect trade dress", next to Andrea Anderson from *Holland & Hart* and Renata Righetti from the *International Association for the Protection of Intellectual Property (AIPPI)*, with João Vieira da Cunha from Gusmão Labrunie acting as

moderator. At Natura, legal affairs maximize protection for every kind of registration, not only in the denomination but also including the distinctive elements of each product. "Our internal policies on IP are strong and we carry out at least 2 or 3 annual trainings", stated Natura's representative.

During her speech Renata Campos presented several trade dress cases, among which that of a store inaugurated in Angola

that almost identically reproduced the whole image-setting of Natura stores, even marketing the company's products. It happens that in their internationalization plan Natura was about to open a branch in Malaysia and feared that the Angolan store would somehow tarnish the company's image at a time of expansion. Solution came with a notification sent by Natura to the establishment owner, a Brazilian citizen. In few weeks the store façade was changed, and sale of Natura products interrupted. Soon after Natura inaugurated its store in Malaysia

Innovation in the labs

Historically, the R&D cycle in the pharmaceutical sector has been complex, expensive and very long. On the other hand, new technologies and new regulatory system models pose new challenges and bring opportunities on the time to market. This was the topic of the panel "From test tubes to the shelf: the pharma industry saga", with participation of Ricardo Luiz Sichel, counsel with INPI Specialized Federal Attorney, Craig Tucker, Patent counsel with Eli Lilly and Company, Fernanda de Negri, from IPEA (Institute of Applied Economic Research) and moderator Anderson Ribeiro with Kasznar Leonardos Propriedade Intelectual.

Fernanda de Negri considers that the major problem in the innovation issue here in



Brazil starts with access to and quality of basic education and the scarcity of scientists, researchers and engineers. "In Brazil we have 800 researches per million inhabitants, which is far less than the average in developed and

from Duro Preto Advogados Propriedade Intelectual.

Ardissone took the opportunity to show several patterns from INPI and from the branding board (DIRMA) included in the Design Manual that was launched at the beginning of this year. "The Manual features 130 pages or so and is a living document. We seek excellence - and INPI by no means intends to put any obstacles to any application. That's the spirit of our job", he said.

On his intervention, Jason Cooper talked about the American market perspective on patents and design. He mentioned the war between the world "giants" of smartphones, the issue of graphic interfaces in applications and the relationship between functional and ornamental in the world of patents. "To be produced, any item has to have some use", he added

INPI's Industrial Design Manual pursues excellence

Industrial Design has always been a hot topic in the world of Intellectual Property - and it could not be different at the ABPI Congress. It was the theme of the panel "Contemporary themes on Industrial Design: protection of dynamic graphic interfaces and partial protection of objects", which had the participation of Marlos Mazzeu Silveira, coordinator with Embraer Intellectual Property, Jason Cooper, from Alston & Bird LLP, Carlos Mauricio Ardissone, Technical coordinator of Industrial Design at CGREC/INPI, Stephan Schneller, from MAWALD IP and was moderated by Ricardo Costa Boclin,

in many developing countries. We need more researchers if we are to have more innovation, science and technology", she points out.

Another issue is scientific and technological infrastructure. Although rather updated, with recent investments, it is still too small. One of our surveys showed that very few laboratories made over 30 million Reais in investments. Usually investments are below 1 million reais, which represents one room and 4 people working.

"State-of-the-art scientific research is done in universities and research institutions. The USA are known for their national laboratories that have state of the art research as their mission, like Germany. And the Brazilian business environment is rigid and bureaucratic, which does not favor innovation", she added. "Ours is a very closed market and we must look at what is happening in the world of innovators. Also, it should be stressed that our venture capital market is not very developed, and that kind of investment is extremely important to generate new markets and innovation".

The speaker emphasized the need for public policies that ensure some foreseeability in terms of research budgets. "We lack clarity on where resources are being placed and the executive power has much to say on whether a budget is executed or not. And who funds researches? Anywhere in the world funding comes from the State, especially for health, where innovation is expensive and with a long and risk-taking cycle", states the IPEA representative

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The new gold rush

New technologies in the digital era - chiefly based on data sharing and treatment - along with the development of Artificial Intelligence (AI) are shaping the future, charming the market and revolutionizing businesses. But they also bring big legal challenges in the area of Intellectual Property.

This issue was discussed during the plenary session "Artificial Intelligence, the new gold rush" by Carlos Affonso Pereira de Souza, director of the Instituto de Tecnologia e Sociedade - ITS of UFRJ, Alexandre Winetzki, founder and CEO of WOOPI, an AI company of Grupo Stefanini and Federal Justice Isabela Ferrari, of the Regional Federal Court in the 2nd Region, with mediation of Luiz Henrique do Amaral, from Dannemann, Siemsen, Bigler & Ipanema Moreira.

Alexandre Winetzki agrees that IA impacts the market and the most "hackable" of all systems, the human brain. And recall how it impacts our society, our politics and our relationships. "Technology is taking the place of professionals, which means a social problem, but I do not see any government in the world discussing this issue seriously. What to do with schools, with people?" he asks.

Judge Isabela Ferrari showed the advance of IA in the world, basically led by private initiative. E-Bay is an example, it created an ODR for conflict resolution and to connect sellers and buyers. Using the path of information+facilitation+execution evalu-



ation, E-Bay adds up to 60 million cases a year, with a satisfaction rate above 90%. "If E-Bay were a Court, it would be the world's biggest", she said.

And all this processing is done by big data analytics, based on learning the users' purchasing, behavioral and satisfaction patterns. "With that kind of progress in the private sector, we started thinking on bringing that to the judiciary, as Courts now use these technologies. The first example is the UK, where they led a structured reform upon request of Her Majesty the Queen to rethink the judiciary processing. Canada, the United States, Japan, China, Singapore, Australia e Finland, as well as other European countries, already have online Court proceedings".

And what about Brazil? According to Ferrari, there is an opening in the judiciary. "President Dias Toffoli is very open-minded,

and Ministers Luiz Fux and Luiz Roberto Barroso also see the matter with favorable eyes. But we must consider our process and rethink it. Finland, for instance, reduced proceedings phases from 43 to 17", she points out.

For Carlos Affonso Pereira de Souza, Director of the Institute of Technology and Society (ITS) of the Federal University of Rio de Janeiro (UFRJ), IA has a tremendous potential for transforming our society. "We must understand that AI development is not science fiction, it is something that interests not only the world of technology, but all of us. And Brazil must act, as several countries already have edited their international strategies for AI. At

ITS, we intend to publish next month the paths Brazil must take regarding AI in the legal world", he concludes



On October 02, according to the Madrid Protocol to which Brazil became signatory in July this year, Brazil will be ready to receive applications from offices of the 120 countries that joined the Madrid system. Is Brazil prepared for it? To the Project Manager of

she assured during the lunch session held in a private area at the Congress.

Today, according to the INPI representative, brand examiners analyse about 17 applications a day, and this rate may improve by as much as 30% when working from a home

Brazil gets ready to receive applications under the Madrid Protocol

the Protocol at INPI, Maria Eugênia Ramos Gallotti, the answer is yes. "The main challenge was the system, and that is being overcome",

office setting - the highest performance rate among brand offices. In fact, if in past years brand examinations could take as much as 36 months, today the INPI takes less than 8 months to complete the task. And that is much less than the time required by the rules of the Protocol, which is 18 months. "By the end of the year our goal is to take 6 months", says Maria Eugenia.

The INPI manager believes that as the system improves, examiners can spend their time only in analysis. "The biggest challenge was IT investment. But now in the current phase of the project we can work more strategically, improving procedures and have efficiency gains", she concludes