
The Brazilian Geographical Indications Manual: the consolidation of two decades of practical experience

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Abstract

The National Institute of Industrial Property (INPI) is the official government institution responsible for Industrial Property rights in Brazil, including Geographical Indications (GIs). Since 1996, the GIs are ruled by Law No. 9279, which defines Geographical Indications (GIs) as Indication of Provenance (IP) and Denomination of Origin (DO). IP is the geographic name of a country, city, region, or location in a territory that has become known as a center of extraction, production, or manufacturing of a certain good, or provision of a certain service. And DO is the geographic name of a country, city, region, or location in a territory that designates a good or service whose qualities or characteristics are an exclusive or essential result of the geographical environment, including natural and human factors. Until 2020 Brazil had already granted 61 IP and 23 DO, 9 of which are foreign. Among them are some geographic names recognised for non-agricultural products (handicrafts, ornamental rocks, live animals) and one service. Intending to bring together understandings that were dispersed in different documents, such as technical notes and legal opinions, as well as detailing the most recently Normative Instruction No. 95/2018, the Department of Trademarks, Industrial Designs and Geographical Indications created the GIs Manual Strategic Project. In July 2019, to develop the Manual, it was established a GIs Manual Working Group composed of GIs expert examiners, the respective authors of this paper. The Project aimed to provide more transparency concerning the GIs analysis and examination process. After extensive internal debates, in February 2020 a draft version of the INPI GIs Manual was published. It was an opportunity for the general public to comment on the proposal submitted. After 3 months of public consultation 153 proposals, criticisms and recommendations were received from representatives of civil society and from public and private institutions. Each one of them was carefully examined by the Standing Committee for the Improvement of Procedures and Guidelines Manual for the Examination of Marks, Industrial Designs and Geographical Indications (CPAPD, in portuguese) and technical sectors, during the second half of 2020. In January 2021 the first edition of the Brazilian GIs Manual was published at INPI website <http://manualdeig.inpi.gov.br>. The Manual are filled with detailed important information general provisions on GIs; definitions of GI types: IP and DO; geographical names and gentilics; graphical representations; names that are not permitted to be registered as GI; registration applicants and GI users; registration documents; examination; registration changes required by applicants; and online application. With the entry into effect in February 2021, it's expected that the Manual will be a valuable tool for the INPI services users. Also, it's expected that it would improve the clarity, efficiency and quality of the whole GIs procedure and, consequently, the applications to be analysed faster.

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