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ADVOCADOS


# Intellectual Property.

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# BRAZILIAN CONTEXT

## New regulatory framework for the Brazilian Culture System

In early April, [Law No. 14,835/2024](#) was enacted. It provides the regulatory framework for the Brazilian Culture System (SNC, in Portuguese). The purpose of this law is to encourage human, social, and economic development with the full exercise of cultural rights as fundamental rights.

Under the new law, cultural rights encompass the exercise of legal guarantees of copyright, creation, production, distribution, dissemination, registration, use and

consumption of goods and services linked to artistic languages, knowledge, traditions, history, collective memory, language, know-how and cultural heritage, as applicable in each case.

The protection of national intellectual productions and national artistic productions, know-how and traditional expressions is just one of the several commitments undertaken by the Government to guarantee the full exercise of cultural rights.

## Brazilian government launches the Pharmaceutical Sector Patenting Data Platform

On April 9th, the Ministry of Development, Industry, Commerce and Services (MDIC, in Portuguese) launched the Pharmaceutical Sector Patenting Data Platform, developed by FarmaBrasil Group. The platform aims at compiling data related to medicines patent application filings to ensure greater legal security and facilitate the strategic analysis of the Health Industrial Economic Complex.

The platform is one of the actions planned by Nova Indústria Brasil, an industrial policy

launched by the government at the beginning of the year which aims to place industry at the center of Brazil's development strategy.

The platform contains data collected between 2000 and 2021, which will be updated as a technical cooperation agreement was signed between FarmaBrasil and the Brazilian Patent and Trademark Office ("BPTO") at the platform's launching event.

# CURRENT AFFAIRS OF IP IN BRAZIL

## Sneakers brand “VERT” is now “VEJA”

The French sneaker brand “VEJA” was launched in 2005 in France and reached the Brazilian market in 2014. However, the French company Veja Fair Trade SARL faced legal issues in obtaining registration of its trademark in Brazil because the term was no longer available for registration before the BPTO. There was already a trademark “VEJA” registered since 1975 (process No. 006156339), owned by Guararapes Confecções S.A., to identify clothing and clothing accessories in class 25.

Due to this prior trademark registration, Veja Fair Trade chose to use trademark “VERT” to identify its footwear in Brazil, while the sneakers were known by trademark “VEJA” in the rest of the world. In 2022, Guararapes negotiated the assignment of its trademark “VEJA” with Veja Fair Trade and, most recently, Veja Fair Trade announced that its shoes, in Brazil, will also be identified by “VEJA” trademark.





# LEGAL CASES

## Company is fined for violating trade dress on jelly packaging

The 5<sup>th</sup> Civil Court of Barueri, in the state of São Paulo, ruled against food company Ritter Alimentos S/A for the similarity of its jelly packaging to that of its competitor Kiviks Marknad Indústrias Alimentícias Ltda. (known as “Queensberry”), which has been established in the market for 38 years. The court ordered the defendant to pay compensation for pecuniary damages and to stop selling these products on the grounds of unfair competition and violation of the competitor’s prior rights to such packaging.

The similarity of the packaging, even with different brands, can lead consumers to confuse the two companies, which violates the intangible rights of the brand, especially given that the brand has been known on the market for 38 years. It constitutes an attempt to promote the brand in favor of another, which is a very common example of unfair competition.

See the full ruling rendered in [process No. 0019026-91.2011.8.26.0068](#).





## The first criminal conviction for piracy in Brazil's history occurs after an association's complaint

Operation 404, which is coordinated by the Integrated Operations Department of the Ministry of Justice and Security (Seopi /MJSP), has achieved a significant milestone in the fight against audiovisual content piracy in Brazil. The first criminal conviction in the country's history took place in the 5th Criminal Court of Campinas, in the state of São Paulo, due to the transmission of content and illegal reselling of pay-TV channels without authorization.

The penalty imposed for one of the accused individuals was imprisonment for 5 years, 4 months and 17 days.

The ruling was based on copyright violations and crimes against consumer relations. This ruling sets precedents for Operation 404 and for future cases, highlighting Brazil's position in the fight against piracy and the country's commitment to protecting intellectual property.

# IP ABROAD

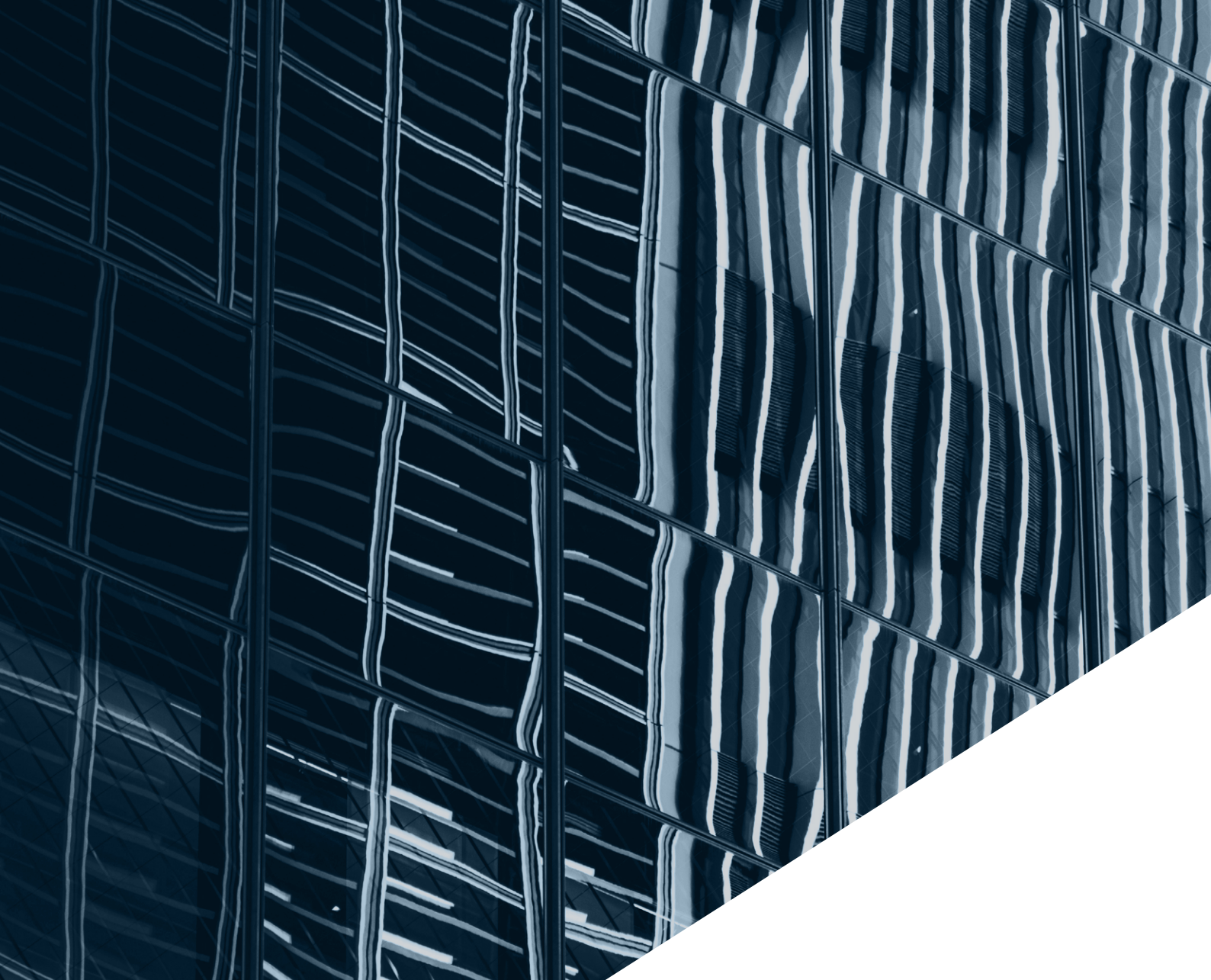
## Kiss band sells its intellectual property for USD 300 million

After performing its last show in December 2023, Kiss announced in early April that it has sold its band name, musical catalog, and intellectual property to the Swedish group Pophouse Entertainment for USD 300 million.





According to Pophouse Entertainment and Gene Simmons, the bassist and co-founder of the band, their intention is to develop new Kiss products in order to reach new and old fans of the band, such as performing avatar concerts, a biographical film and a themed experience.







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