




# INTELLECTUAL PROPERTY

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# BRAZILIAN CONTEXT

## New Highly Renowned Trademarks

The Brazilian Patent and Trademark Office (BPTO) has recently published an [updated list](#) of the highly renowned trademarks that are currently in force in Brazil, including Italac, Eurofarma and Instituto Butantan trademarks.

According to article 125 of the Brazilian Industrial Property Law, highly renowned trademarks are granted special protection in all classes due to their level of recognition.

## Brazilian PTO recognizes new Geographical Indications

In January and February, the BPTO recognized three new Geographical Indications: “Mandirituba chamomile” and “Blumenau’s chorizo,” as Indications of Source, and the “cachaça from Paraty,” as a Designation of Origin.

Some of the common factors that motivated the granting of those Geographical Indications by the BPTO were the relevance, production quality and tradition of such regions and products.

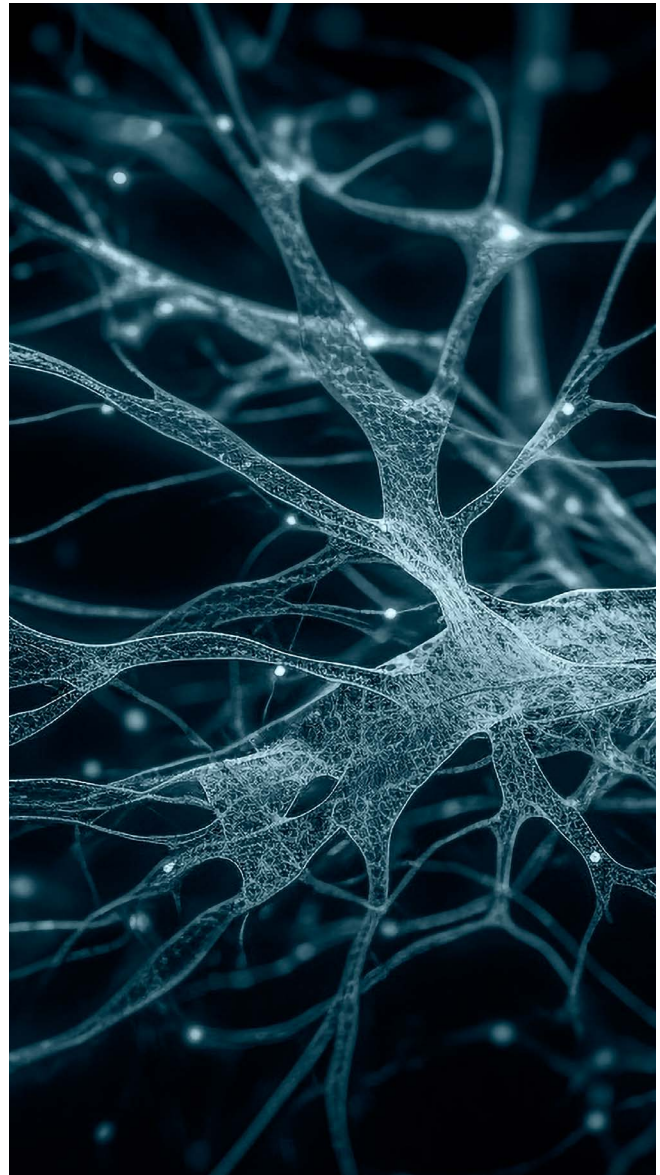


## BTPO pressures Congress for treaty on patents of microorganisms

The BPTO is seeking approval of a bill of legislative decree related to the Budapest Treaty, which establishes rules for filing patent applications covering microorganisms.

The bill in question is awaiting approval in the House of Representatives' Constitution and Justice and Citizenship Committee. The president of the BPTO, Júlio César Moreira, argues that Brazil's adherence to this treaty would be beneficial for research and development in biotechnology, reducing the costs and time in sending and filing patent applications covering microorganisms.

Failure to adhere to the treaty prevents Brazil from having internationally recognized filing centers. Also, the approval of the project would enable greater international cooperation and innovation in the area and, according to the BPTO, would represent a significant step forward for bioinnovation in Brazil, since the filing process would be significantly more efficient and less bureaucratic.





# CURRENT AFFAIRS OF IP IN BRAZIL

## **Mercado Livre signs naming rights agreement with Pacaembu Stadium**

Mercado Livre announced, on January 31st, the execution of a naming rights agreement with Pacaembu Stadium worth BRL 1 billion. Now the stadium will bear the name “Mercado Livre Arena Pacaembu” for a period of 30 years.

In addition to the name of the stadium, other Pacaembu’s areas and equipment will receive names associated with Mercado Livre, such

as cabins Mercado Pago and Meli+, Mercado Pago Hall, Estúdio Mercado Play, Ginásio Mercado Livre, Centro de Tênis Mercado Livre, Piscina Olímpica Mercado Livre.

According to the companies involved in the deal, this was the highest value naming rights agreement related to a Brazilian soccer arena.

## **Ecad launches campaign for the benefit of songwriters and artists during Carnival**

Despite the campaign launched in January by the Brazilian Collection and Distribution Central Office (Ecad), focused on Carnival, which intends to value songwriters and artists through the payment of copyrights during Brazilian Carnival, Ecad notified the city hall of São Luiz and the government of the state of Maranhão due to the non-payment of copyrights in Carnival’s events that took place this year.

Prior to the carnival’s events, organizers must pay fees to obtain a license from Ecad, which allows the use of the previously informed songs list, which then can be reproduced unlimitedly.

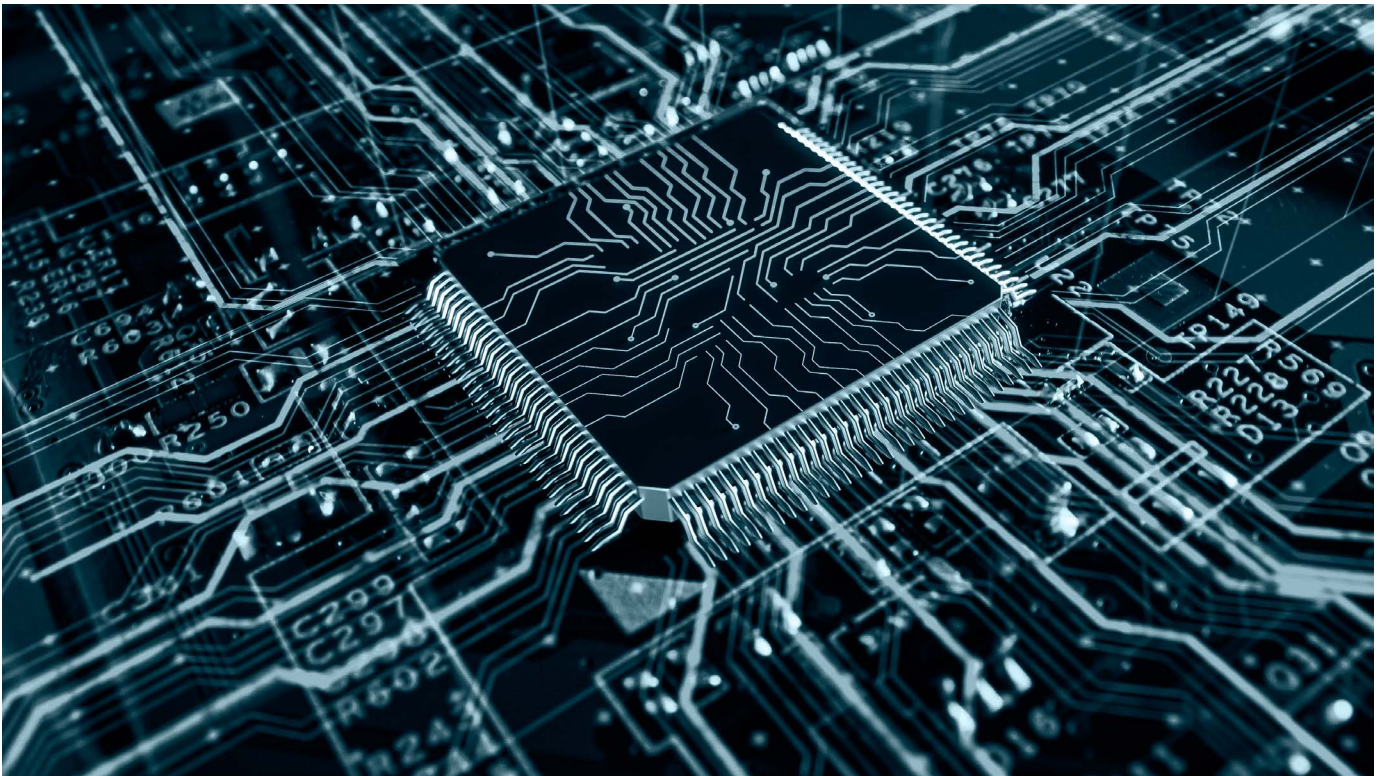
Last Carnival, Ecad distributed almost BRL 20 million in copyrights to more than 12 thousand songwriters, performers, musicians, and other artists.

# LEGAL CASES

## Court orders exclusion of domain that infringes BPTO's intellectual property rights

On January 22nd, the 6th Federal Court of Campinas granted the injunction request made by the BPTO and ordered that the entity responsible for domain "https://portalinpi.com.br" exclude the domain and cease the unauthorized use of the BPTO's trademark on websites and social media.

The decision establishes a daily fine of BRL 3 thousand in case of non-compliance with those obligations.





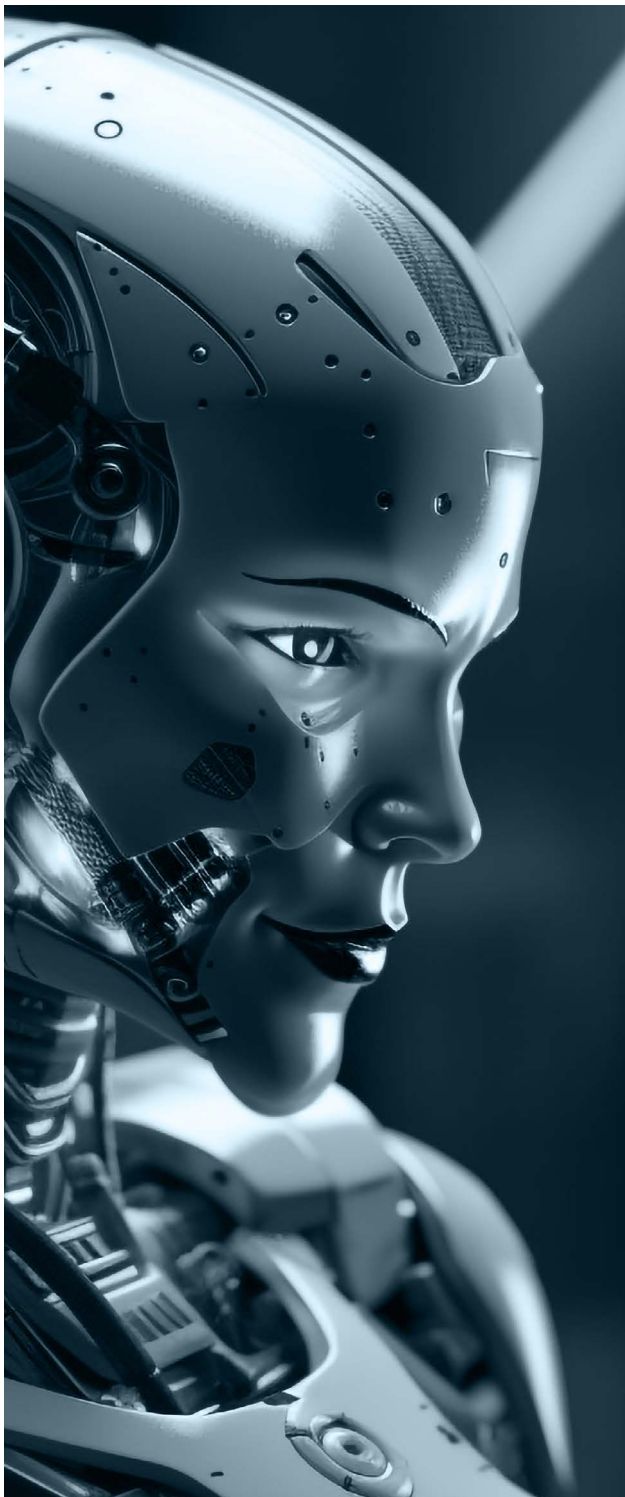
## São Paulo court condemns brewery for imitating Estrella Galicia

A Brazilian brewery called Cervejaria do Amazonas (Cervam) was ordered by São Paulo courts to pay a compensation for moral damages worth approximately USD 10.000,00 for selling a beer named “Estrella Sirius,” accused of imitating the brand and label of Spanish beer “Estrella Galicia” and of having colors like those of the renowned Spanish beer. The court understood that Cervam used fraudulent means to divert customers, ruling that the similarity between the products was improper and determining financial penalties for the Brazilian company.

In its defense, Cervam argued that the word “Estrela” (star) is a common word and that its packaging highlights the word “Sirius,” so there would be no confusion between both brands. However, the court rejected these arguments.



# IP ABROAD



## Lawsuit against podcast for using AI

In January this year, the heirs of a famous American comedian, George Carlin, filed a [lawsuit against podcasters](#) in the state of California for imitating the comedian's voice in a podcast episode. In sum, it was argued that the comedian's name and image rights had been violated, in addition to the copyrights of the comedian, whose materials had been used to train artificial intelligence (AI).

With the increased use of AI to create audiovisual, musical and scenography works, there has been a rise in lawsuits seeking compensation for damages suffered by copyright owners.

In Brazil, both the use of names and images and the use of intellectual works by third parties for commercial purposes must be authorized in advance by the owners of these rights. The training of AI systems must therefore observe and respect third parties' rights, including strictly personal rights - name and image - and intellectual property rights.





## CareDx owes Natera USD 96 million in genetic-testing patent case

Genetic testing company Natera has been awarded more than USD 96.3 million in damages by a Delaware federal jury, finding that rival CareDx's AlloSure and AlloSure kidney transplant tests infringed a Natera patent. The decision includes more than USD 83.6 million in lost profits and USD 12.6 million in royalties. The case involves Natera's accusations of infringement of its patents related to the use of cell-free DNA to assess the risk of kidney transplant rejection.

Despite the jury's finding that CareDx infringed one of Natera's two patents in the case, CareDx plans to appeal and says the decision will not affect the availability of the company's tests.



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