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Newsletter

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BRAZILIAN CONTEXT

Brazilian Patent and Trademark Office (BPTO) News

- **Brazil Innovation and Development Index (IBID):** In early August, the BPTO launched an index with Brazil's innovation map, aiming to identify opportunities and challenges from a regional perspective, as well as to guide the development of public policies and corporate strategies. See the index [here](#).
- **BPTO's Contracts' System and Internal Revenue Service:** As of August 2nd, 2024, the BPTO's Contracts' System was integrated with the Brazilian Internal Revenue Service database. Thus, the data contained in the Brazilian Federal Revenue Service database will be imported to the BPTO's forms for purposes of annotation/registration of contracts. See the BPTO's publication on the subject [here](#).
- **Sustainability:** To reinforce its commitment to sustainability, the BPTO participated, in July, in a sustainability event focused on green solutions and promoted by the World Intellectual Property Organization (WIPO). See the BPTO's publication on the subject [here](#).



LEGAL CASES

Brazilian Court prohibits Luísa Sonza from using trademark “*Modo Turbo*”

Brazilian Court has prohibited Luísa Sonza from promoting, manufacturing and selling a nail polish named “*Modo Turbo*,” which refers to her single in collaboration with Anitta and Pablo Vittar. The decision was issued after a lawsuit was filed by company Modo Turbo Royalties e Licenças, which claimed **(i)** to be the owner of trademark “*Modo Turbo*” before the BPTO and **(ii)** that Luísa Sonza’s conduct constituted unfair competition. The singer was also ordered to pay BRL 25,000.00 in damages for pain and suffering.

Luísa Sonza argued that “*Modo Turbo*” is her intellectual work and that she had the right to use the trademark, since the song was registered before the company from Santa Catarina obtained its trademark. She also highlighted that the company does not produce nail polishes with the same name and that there was no visual similarity between the products. However, the judge did not accept the defense arguments, emphasizing that the similarity in names could cause confusion among consumers in the cosmetics market, resulting in customer diversion.

This decision demonstrates how important it is to register a trademark with the BPTO, as the mere creation of the intellectual work is not enough to guarantee trademark protection. Furthermore, in cases like this, it is important to analyze the feasibility of registering the trademark with the BPTO to confirm whether there are obstacles for the registration and use of the desired trademark.



São Paulo court orders “Patati Patatá” trademark owner and music producer to pay composer for pain and suffering and pecuniary damages

In late July, São Paulo Court ordered Rinaldi Produções, responsible for characters Patati and Patatá, and its music producer, Ricardo Andrade, to pay composer Jorge Bragança Caetano da Silva fifty thousand reais for pain and suffering damages. The ruling also includes compensation for pecuniary damage related to 14 musical works of which Jorge was a co-author, since he was not properly credited and did not receive payment for the exhibition of those works. The judge ordered the company to update all credits on streaming platforms to include the composer’s name.

Rinaldi’s defense attorneys argued that Jorge did not own copyrights, since the

works were commissioned and duly paid for. However, the ruling recognized Jorge as a co-author, stating that the commission does not eliminate the author’s pecuniary rights. Rinaldi and the producer still have the option to appeal this decision.

This decision draws attention to the care that parties must take when negotiating contracts that require hiring third parties to produce works and provide services, and it is especially important to pay attention to the clauses on assignment of copyrights and payment.

Case No. 1074409-21.2023.8.26.0002. See the full ruling [here](#).



IP ABROAD

Amazon files lawsuit against Nokia alleging patent infringement

On July 30th, 2021, Amazon filed a lawsuit against Nokia, in the United States District Court for the District of Delaware, alleging that Nokia was infringing 12 patents related to cloud computing innovations. This legal action follows a prior lawsuit initiated by Nokia, which accused Amazon of infringing its video streaming technology patents.

In sum, Amazon argued that Nokia is a company attempting to reinvent itself in the technology sector by focusing on the sale of 5G network infrastructure and, consequently, is using Amazon's patented cloud innovations

without permission. Nokia's licensing director, Arvin Patel, stated that discussions with Amazon have taken place over several years, but acknowledged that in some instances, litigation becomes necessary when companies do not adhere to established rules.

Both lawsuits are ongoing, and the Court now bears the responsibility of examining the arguments and evidence presented by the companies. This scrutiny is essential to determine whether either of the companies has committed patent infringement.



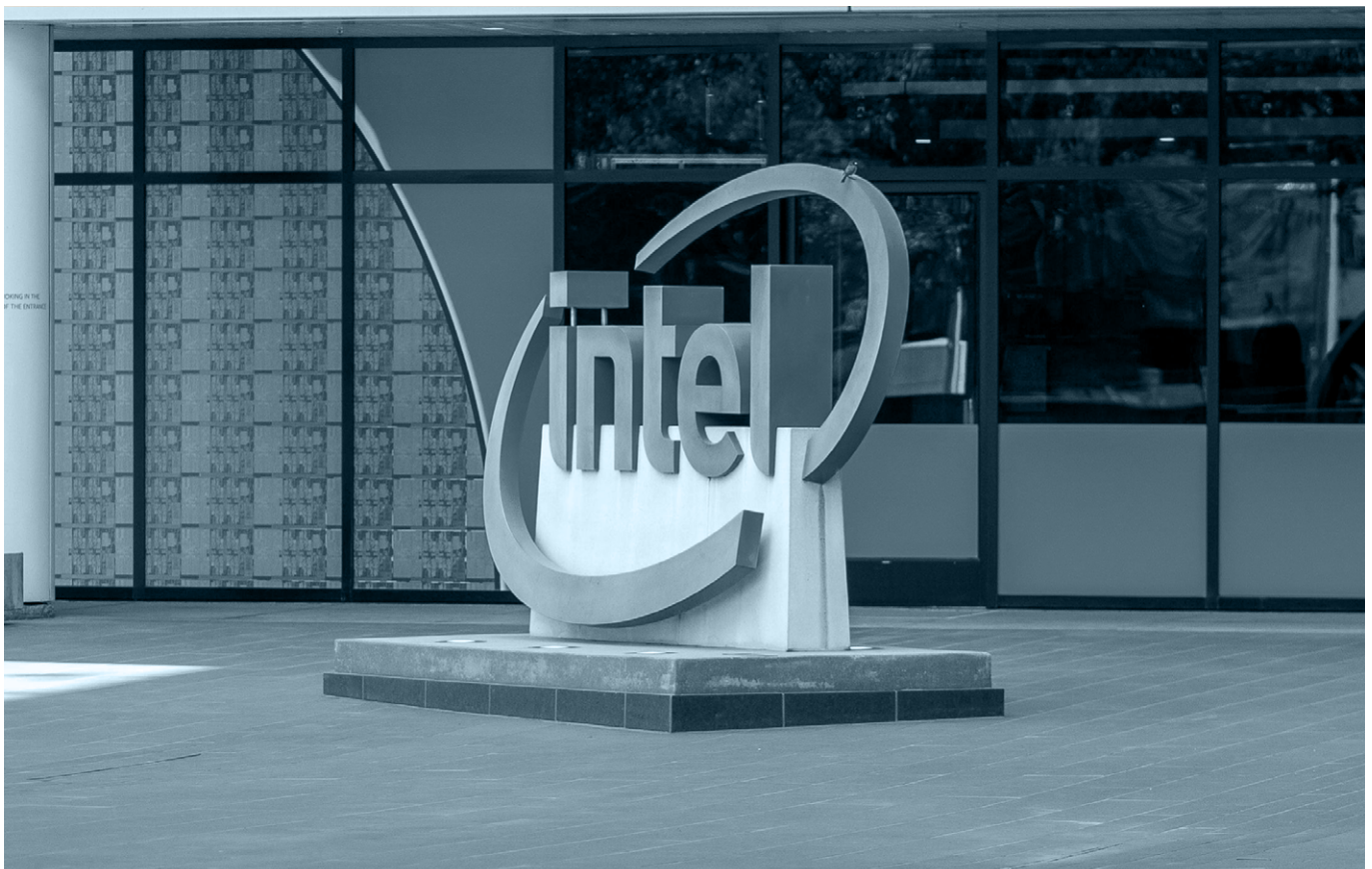
Intel wins patent infringement case against R2 Semiconductor in the UK

In late July, Intel won a significant dispute before the Superior Court of England and Wales, where the court ruled in favor of the semiconductor industry leader in a dispute with R2 Semiconductor over the alleged infringement of a patent related to voltage regulation technology in processors.

R2 alleged that Intel infringed its intellectual property, which could result in a ban on the sale of Intel's chips. However, the judge invalidated R2's patent, arguing that a previous search, from 2007, demonstrated lack of





innovation of the patent object, allowing Intel to continue using this technology in its 10th to 12th generation processor lines.

Despite this victory in the UK, Intel's situation is more complicated in other jurisdictions. In February, the company faced a preliminary defeat in Germany that resulted in the banning of some of its chips, with a pending appeal. In addition, similar disputes are ongoing in France and Italy.





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