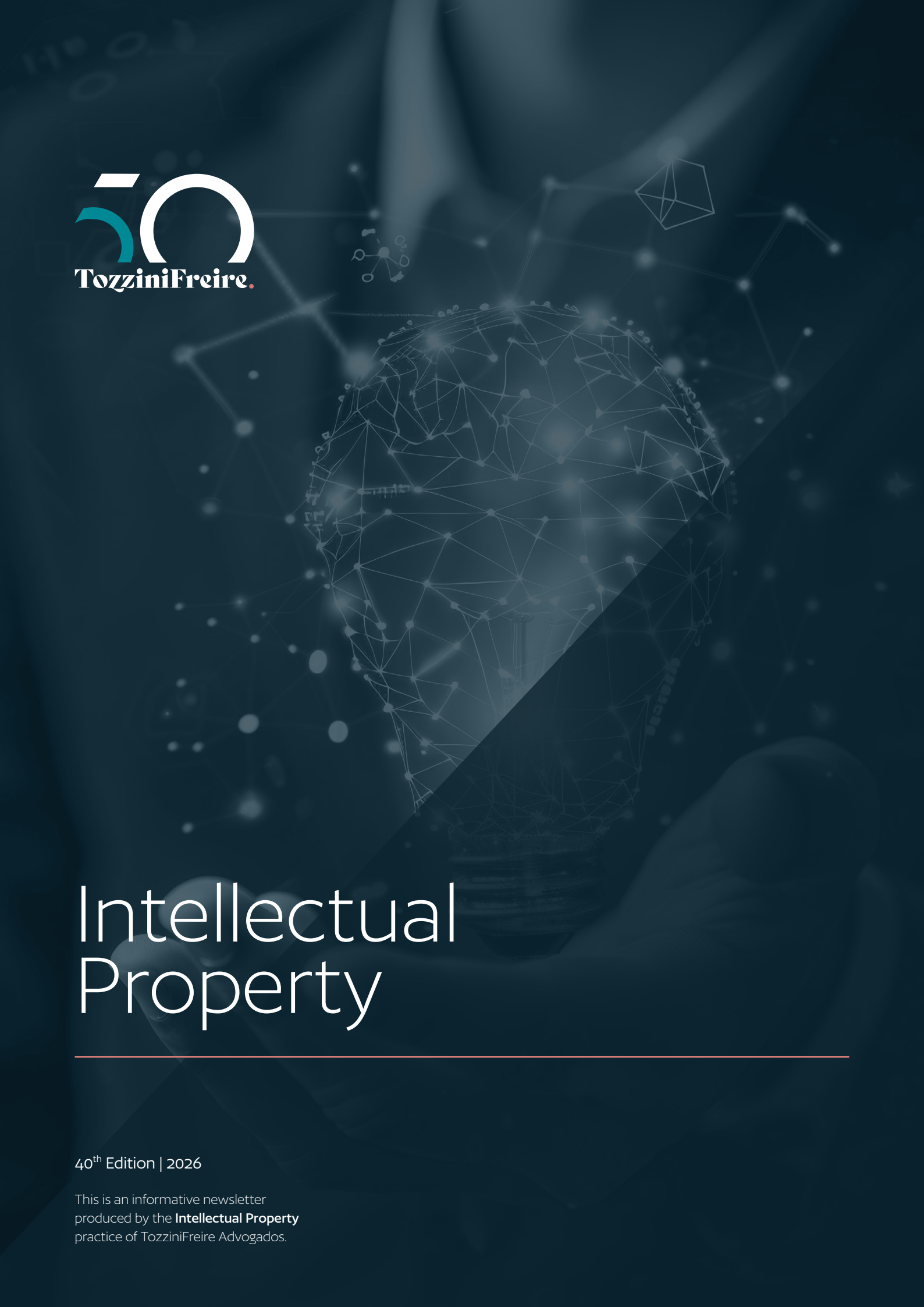

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Intellectual Property

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This is an informative newsletter produced by the **Intellectual Property** practice of TozziniFreire Advogados.

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BRAZILIAN REALITY

New Federal Revenue guideline eases seizure of counterfeit products

On December 4, the Brazilian Federal Revenue Office has published the Declaratory Interpretative Act RFB No. 3/2025, which allows inspectors to seize counterfeit goods without the owner of the trademark rights having to go to court, provided that there is evidence intellectual property rights have been violated.

Brazil and China discuss advancements in patent cooperation

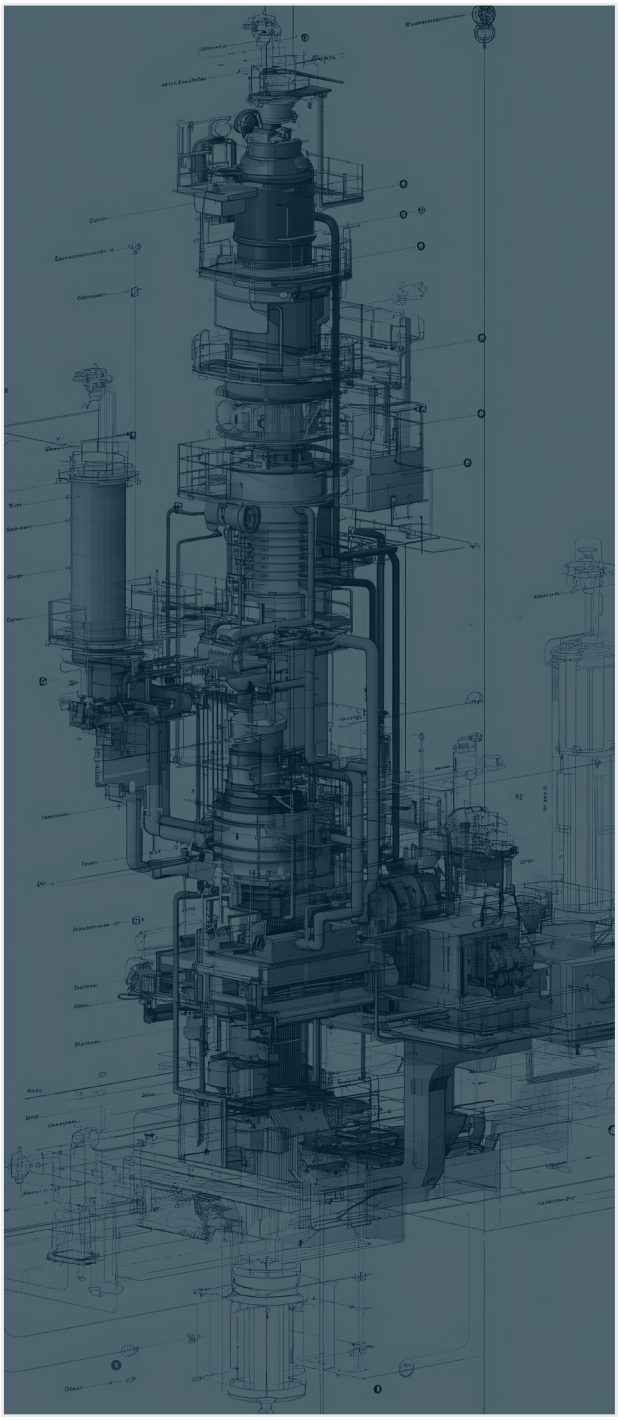
On December 10, the Brazilian Patent and Trademark Office (BPTO) met with the delegation from the China National Intellectual Property Administration (CNIPA) to discuss new actions for 2026 aimed at enhancing their partnership in the field of patents.

BPTO publishes 2025 IP statistics

The monthly newsletter shows a growing number of applications filed and granted at the BPTO, with records in patents, trademarks, industrial designs and computer programs. There were 29,557 patent applications (+6.7%), 504,461 trademark applications (+7.9%), 9,872 design applications (+35.7%) and 7,236 computer program applications (+36.2%).

BPTO updates Manual of Industrial Designs and tightens priority rules

The BPTO has recently published the updated Manual of Industrial Designs. Recent changes include new provisions on the conditions for maintaining priority. The aim is to streamline and make examination less onerous. The full list of changes will be available in the “Updates” section on the website of the Manual of Industrial Designs.



Supplementary Law No. 227 and provisions on trademark and patent services

On January 13, 2026, Supplementary Law No. 227, one of the central pieces of the Tax Reform, was enacted and complements Supplementary Law No. 214/2025.

The law introduced a relevant innovation by amending Supplementary Law No. 214/2025 to establish that: "The provision (...) in which the purchaser and the recipient are residents or domiciled abroad is considered consumption abroad of a service or an intangible good, including rights (...)."

Based on this criterion, it is now consolidated that providing, within national territory, services for trademark registration, for obtaining patents, and other services related to intellectual property constitutes export of services whenever both the purchaser and the recipient are residents abroad.

Bill seeks to prevent convicted individuals from profiting from artistic works related to their crimes

The Commission on Constitution, Justice, and Citizenship (CCJ in Portuguese) of the House of Representatives has approved a Bill aimed at preventing individuals convicted of crimes from receiving payments for intellectual works related to offenses they committed.

The text provides that if a convict receives any payment for works depicting their crime, the victim or their heirs have the right to pursue, through a civil action, the full amount earned as well as compensation for pain and suffering, irrespective of any punitive damages or compensation that have already been paid.

The proposal strengthens the protection of victims and imposes restrictions on the economic exploitation of crimes, but it faces practical challenges in preserving artistic freedom and public interest. Adopting objective criteria is necessary to avoid legal uncertainty, prevent undue censorship, and ensure that the prohibition does not turn into indefinite punishment for convicted individuals, while also discouraging the commercialization of works that foster criminal behavior.

COURT CASES

STJ denies the extension of Novo Nordisk's patents

The 4th Panel of the Superior Court of Justice (STJ in Portuguese) denied the extension of validity of the patents for drugs Ozempic and Rybelsus, owned by pharmaceutical company Novo Nordisk. With the application of the precedent established by the Federal Supreme Court (STF in Portuguese) in Direct Action for the Declaration of Unconstitutionality (ADI) 5,529, STJ reaffirmed that the validity of invention patents must be limited to 20 years from the date of filing, pursuant to the head provision of article 40 of Law No. 9,279/1996 (Industrial Property Law), ruling out any court extension due to BPTO's alleged administrative delay. Thus, Novo Nordisk's patents will expire in March 2026, and not in 2038, as claimed by the company.

The decision has a direct impact on the Brazilian pharmaceutical market, as it will allow the entry of generic drugs based on semaglutide, Ozempic's active ingredient, which is already the subject of at least 11 applications for registration with Anvisa (Brazilian Health Regulatory Agency). In the session, the judge-rapporteur highlighted that STJ's decision considered the interests of the company and the consumers of medicines, specifically the Unified Health System (SUS) and chose to privilege the interests of consumers and SUS itself. The decision also highlighted that the Brazilian legal system does not provide objective legal criteria for patent extension, which prevents a case-by-case analysis by the Judiciary Branch.

STJ's decision reinforces the understanding established by ADI 5,529.

IP ABROAD

Startup seeks cancellation of "Twitter" and "tweet" trademarks following rebranding to X

A U.S. startup called Operation Bluebird has filed a request with the United States Patent and Trademark Office (USPTO) for having the registrations of trademarks "Twitter" and "tweet" cancelled, alleging that X Corp., controlled by Elon Musk, would have abandoned the use of these signs after rebranding the platform to "X." The petition points out, among other factors, the replacement of the name, the removal of the blue bird logotype and the migration of the twitter.com domain to x.com as indications of the discontinuity of the brand.

According to Operation Bluebird, X would have eliminated the Twitter brand from its products, services and institutional communications, which would indicate the intention to abandon it. The startup also mentions public statements by Elon Musk to the effect that the company would no longer use the brand, and says that it intends to employ it on a new social media platform called "Twitter.new," if the request is accepted.

Discontinuing the use of widely recognized signs can weaken trademark protection and create room for challenges by third parties. At the same time, it raises the question of possible "free riding" on such a well recognized mark — the result of substantial investments — set against the mark's social function. In this regard, rebranding can (and should) be accompanied by strategies aimed at protecting the trademark rights in the sign that ceases to be used as the primary mark.

US court rejects copyright claim in movie "Top Gun: Maverick"

The 9th United States of America (USA) Circuit Court of Appeals in Pasadena, California, has rejected the copyright claim filed by the widow and son of the author of the article that inspired the film "Top Gun: Maverick." They claimed that the 2022 feature film shared plot elements, characters, and themes with Ehud Yonay's 1983 article about the US Navy fighter pilot school. However, the Court of Appeals ruled that "Maverick" is not substantially similar to the original article, noting that many significant plot elements, such as the romantic subplot and the main character's return to train young pilots, were not present in the original material.

In addition, the court further clarified that the agreement between Yonay and Paramount for the first "Top Gun" movie did not apply to the second movie "Top Gun: Maverick," freeing the production company from granting credit to the original author. The decision upholds the previous ruling that had already dismissed the claims.

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