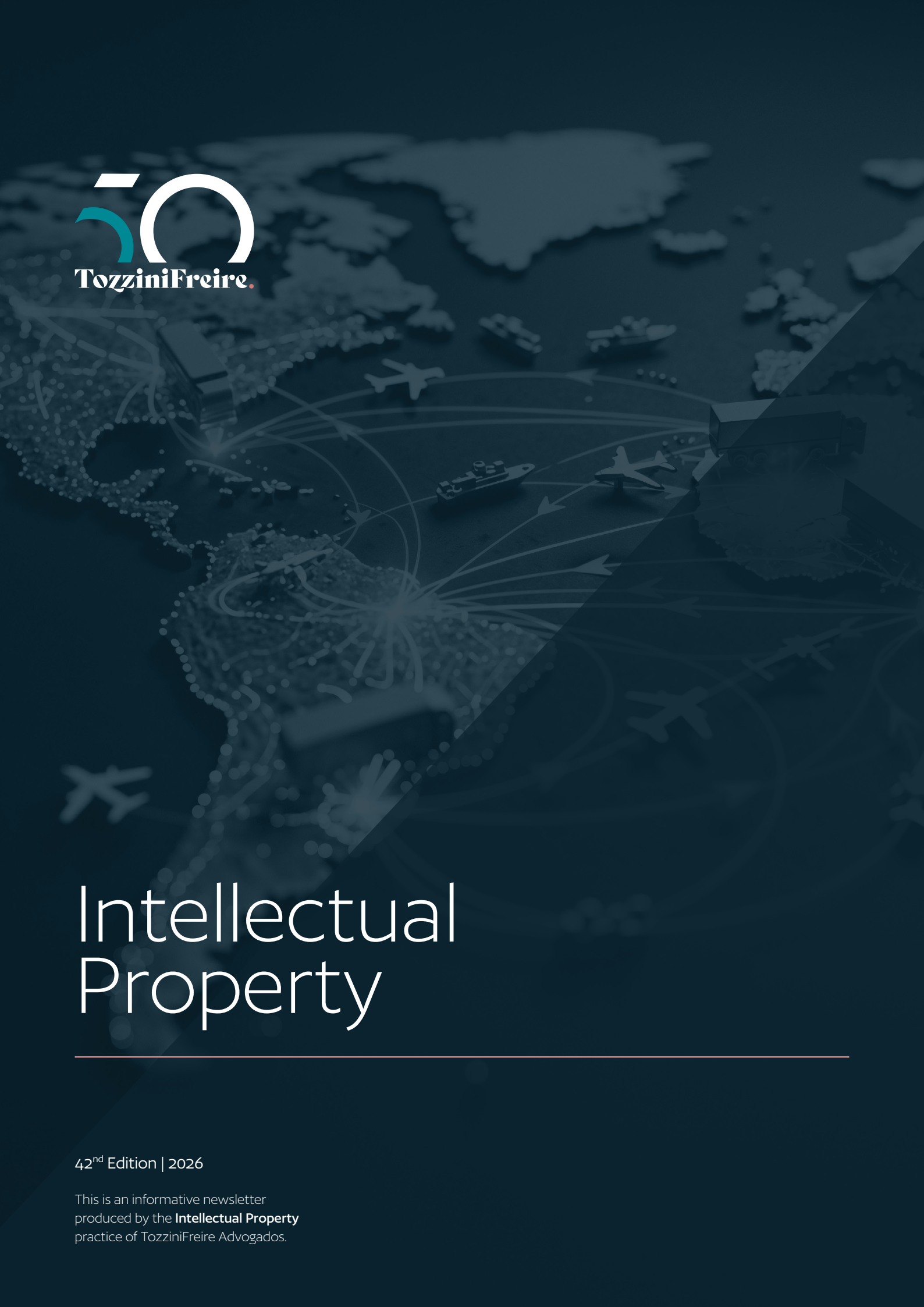

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Intellectual Property

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BRAZILIAN REALITY

Government stands against breaking and extending patents on obesity medicines

Vice President and Minister Geraldo Alckmin expressed the federal government's opposition to two proposed laws that directly impact the pharmaceutical and intellectual property sectors. The first proposal involves a compulsory license (a "patent waiver") for the drugs Mounjaro and Zepbound, used to treat diabetes and obesity. The minister stated that such a measure undermines legal certainty and market predictability in Brazil-essential factors for attracting foreign investment and fostering technological innovation.

The government has also opposed extending the terms of existing patents, as the second proposal establishes. Extending the exclusivity period makes access to essential treatments more expensive for the end consumer and negatively impacts other sectors, such as agribusiness. The Ministry of Development's current policy seeks to maintain the stable rules of the Industrial Property Law. Adhering to the original terms is the best way to balance economic development and social well-being.

Brazil Innovation Movement and Patent Term Adjustment (PTA)

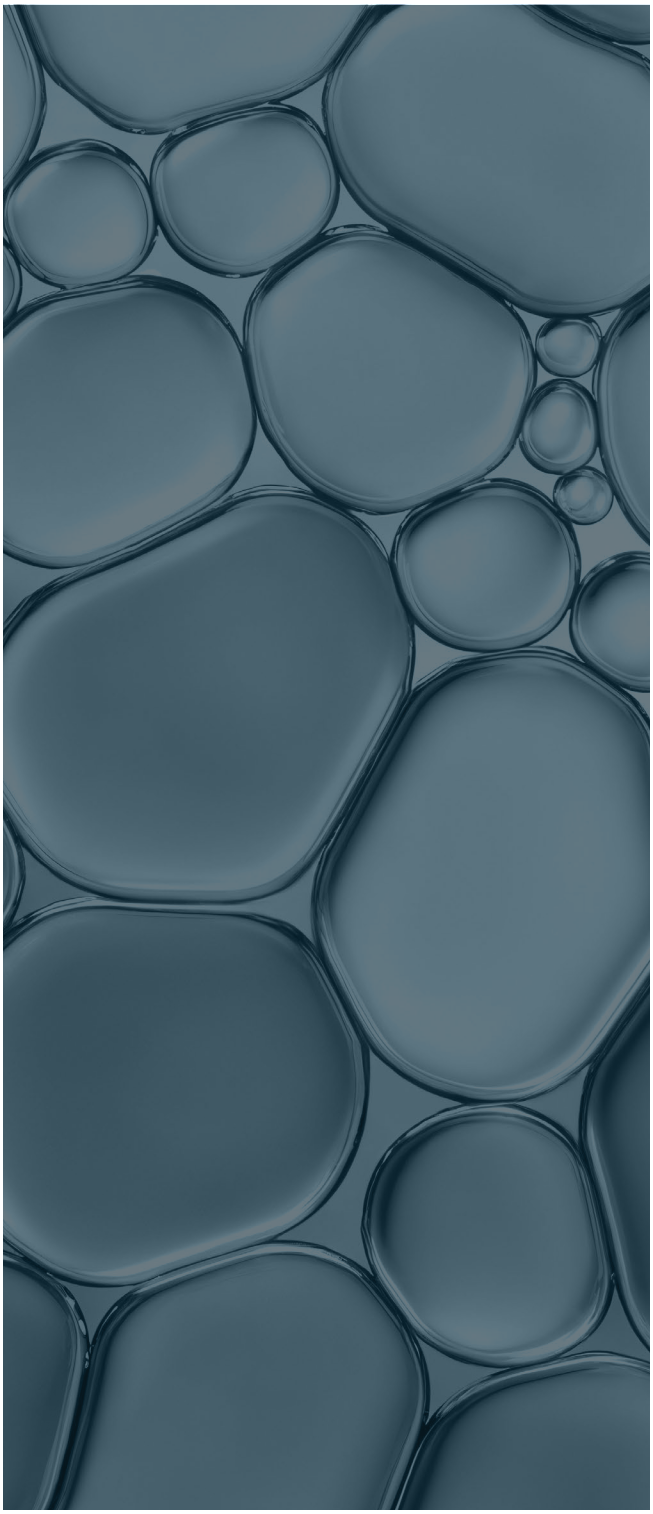
The Brazilian Intellectual Property Association (ABPI) announced the creation of the Brazil Innovation Movement, a coalition dedicated to strengthening innovation, legal certainty, and technological development in the country. The initiative brings together entities representing innovation intensive sectors. It aims to address structural challenges in the Brazilian regulatory environment and promote greater predictability, institutional trust, and adequate conditions for research, development, and long term investment in innovation.

The Movement disagreed with the statement issued by Grupo FarmaBrasil and other entities opposing Bill No. 5,810/2025 and Amendment No. 4 to Bill No. 2,210/2022. It considers it mistaken to characterize the Patent Term Adjustment (PTA) as an automatic and undue extension of patent terms. The Movement defends the PTA as an exceptional, legally circumscribed mechanism, consistent with the case law of the Federal Supreme Court. The PTA exclusively compensates delays attributable to the State and preserves the value of innovation, legal certainty, and Brazil's attractiveness for research and development investments.

The Movement also considers it overly simplistic to associate the PTA with restrictions on access to medicines and increased healthcare costs. Adequate protection of innovation is an indispensable condition for future innovation, qualified competition, and the sustainability of the healthcare ecosystem itself, including the generic drugs industry. The objective is not to create private privileges, but to preserve the legal and economic value of patents against state inefficiency. The polylaminin case illustrates this problem: its examination took nearly 17 years. By acknowledging recent improvements at the Brazilian Patent and Trademark Office (BPTO), critics weaken their own opposition to the PTA. This mechanism would apply only exceptionally, aligning Brazil with practices adopted in mature economies and reducing the legal uncertainty that currently discourages investment in innovation.

Patent related to the production of polylaminin ensures exclusivity in Brazil

Polylaminin is an experimental substance developed by the Federal University of Rio de Janeiro for treating spinal cord injuries. It has patent protection in Brazil until December 2042. Cristália laboratory, the university's partner in developing and commercializing the drug, filed the patent application in 2022. The patent covers the manufacturing process of the substance.



The first patent application, filed in 2007, related to the molecule itself. The most recent protection covers the extraction, purification, and polymerization steps necessary to obtain the final product for commercialization as a drug. The laboratory also filed an international patent application in 2023, with potential protection until 2043 in several countries.

The case demonstrates a recurrent strategy in the pharmaceutical sector: innovation is protected progressively throughout the technological development process. Early scientific discoveries, often originating in academic institutions, are later supplemented by patents related to production processes, formulations, or therapeutic applications. This set of complementary protections increases the technological exclusivity and economic viability of innovation, especially in areas that demand high investments in clinical research and industrial development.

COURT CASES

Brazilian Superior Court of Justice rules out likelihood of confusion and upholds clothing trademark featuring the word "Champagne"

The 4th Panel of Brazil's Superior Court of Justice (STJ) unanimously upheld the validity of the clothing trademark "Rosa Champagne" and dismissed the appeal filed by the Comité Interprofessionnel du Vin de Champagne (CIVC). The French entity sought to cancel the trademark registration before the BPTO. It argued that the Brazilian Industrial Property Law, under Article 124, item IX, grants absolute protection to geographical indications and prevents the use of the word "Champagne" to identify any product or service, regardless of the market segment. The trial court and the Federal Regional Court of the 2nd Circuit (TRF-2) had already denied the request. Both courts held that legal protection is tied to the actual risk of consumer confusion or false indication of origin.

The reporting justice emphasized that the collective trademark "Champagne" is associated with a geographical indication linked to sparkling wines of recognized quality and bears no connection to the clothing market. The reporting justice found no likelihood of confusion or consumer misleading when comparing clothing and beverage products. The principle of specialty applies: trademark protection is limited to the market segment in which the trademark operates. STJ denied the special appeal and upheld the clothing trademark registrations before the BPTO.

The ruling reinforces the principle of specialty as an important criterion in trademark disputes but sets a precedent regarding disputes involving trademarks versus geographical indications. On the one hand, "Rosa Champagne" trademark uses a term protected as a geographical indication that carries an undeniable reputation; on the other hand, one must weigh whether there is a risk of misleading the public.

IP ABROAD

Perplexity seeks to limit copyright infringement lawsuit filed by The New York Times

Artificial intelligence company Perplexity AI filed a request with a U.S. federal court to dismiss parts of the allegations made by The New York Times in a copyright infringement lawsuit. The lawsuit claims that the platform used and reproduced protected journalistic content to feed responses generated by its AI-based search system.

Perplexity argues that the display of content excerpts in the system's responses results from users' queries and the search engine's operation. This does not constitute direct reproduction or replacement of access to original publications. The company also argues that The New York Times' claims should be partially dismissed for lack of sufficient legal basis, seeking to reduce the scope of the dispute. The case is part of a series of recent litigations in which media outlets challenge the use of journalistic content by artificial intelligence companies.

The controversy highlights one of the most sensitive points in the contemporary debate on copyright and artificial intelligence: defining the liability of platforms that synthesize or reproduce information from protected content. As courts address these disputes, their decisions will significantly influence the legal parameters applicable to the use of protected works by AI systems. These rulings may impact both technology developers and rights holders in the media and information sector.

Caltech files lawsuit against Zoom for patent infringement related to video conferencing

The California Institute of Technology (Caltech) sued Zoom Video Communications (Zoom) in Delaware federal court. Caltech accuses the tech company of infringing one of the university's patents covering video-conferencing technology. Caltech professors developed patented innovations to improve videoconferencing system performance and reliability. They originally created this technology to support scientists at the European Organization for Nuclear Research (CERN). Zoom did not immediately respond to the complaint.

The case illustrates a growing trend: universities and research institutions are turning to courts to protect their intellectual property assets against major tech companies. This underscores the strategic importance of patent registration and active portfolio management, particularly for innovations developed in academic settings that later find large-scale commercial application. For tech companies, the case serves as a reminder to conduct robust freedom-to-operate analyses before launching products and services. Such analyses mitigate the risk of high-impact litigation both financially and reputationally.

Partners responsible for the newsletter

- Carla do Couto Hellu Battilana
- Luiza Sato
- Stephanie Consonni de Schryver

Contributed to this newsletter

Bianca Patrinhani Okuma
Carolina Soares Franco
Eduarda Guerra de Almeida Prado
Igor Baden Powell
Isabella de Freitas Moraes Sampaio Pereira
Julie Lissa Kagawa
Maria Eugenia Geve de Moraes Lacerda
Miguel Lima Carneiro
Nathalia Yu Lin