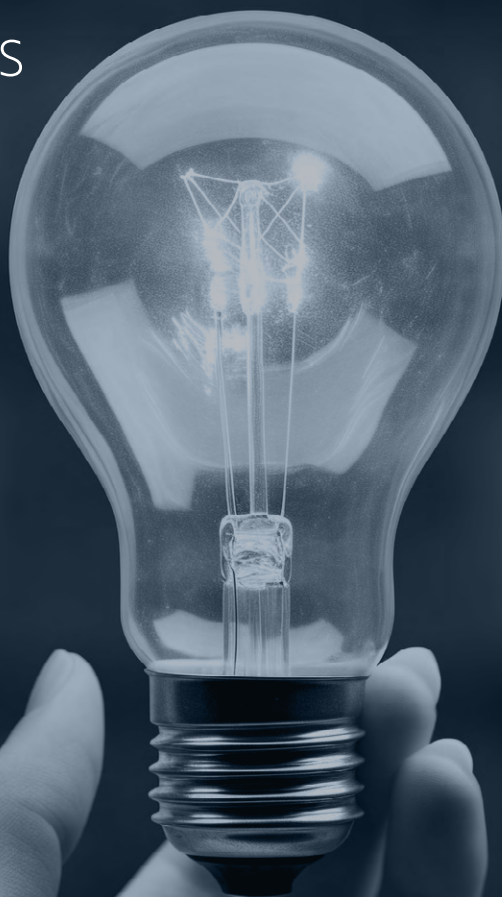


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INTELLECTUAL

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01 Brazilian Context.

Approval of the 2023-2025 Action Plan of the National Intellectual Property Strategy

The 2023-2025 Action Plan of the National Intellectual Property Strategy was approved by GIPI/MDIC Resolution No. 8 published on October 24th, 2023.

The goals prepared and announced by the Intellectual Property Interministerial Group (GIPI) aim to improve the efficiency of registrations, filings, and training in Intellectual Property (IP), benefiting innovation projects with training and mentoring.

The actions will include the implementation of measures to promote and strengthen the knowledge economy and IP in different areas, training of professionals on the subject, monetization of IP assets, governance and institutional strengthening, modernization of legal frameworks, legal certainty, and a vision of the future for the IP area, aiming to project Brazil in the global IP system.



02

Court Orders.

Publishers must pay BRL 4.2 million for copyrights to Chico Buarque

A decision by the judge of the 21st Civil Court of São Paulo ordered that the publishers Musical Arlequim, Trevo and Três Marias pay BRL 4.2 million to Chico Buarque and to his company for the recovery of copyrights relating to musical works of the artist. The publishers had not transferred the amounts owed under the contract with the artist maintained since 2007, nor even those resulting from the undue exploitation of the works after termination of the contract in 2012. You can read the full decision [here](#).



Trial on the use of the Iphone trademark will start over

The trial on the use of the “Iphone” trademark will have to be restarted, as Dias Toffoli, Attorney General of the Federal Supreme Court (STF) and rapporteur of the case, requested an in-person trial on October 23rd, 2023, last day of the trial that was taking place in the virtual plenary session of the Federal Supreme Court.

Before the request made by the Attorney General, the score stood at 5 votes in favor of the US company Apple Inc., against 3 votes in favor of the Brazilian company IGB Eletrônica S/A (Gradiente). Up to that point, the majority of the STF’s justices understood that the decision rendered in the court of origin was correct in declaring the partial nullity of the mixed trademark registration “G GRANDIENTE IPHONE” and determining the Brazilian Trademark and Patent Office (BPTO) to proceed with a new publication of the trademark, noting that Gradiente does not have exclusivity over the term “Iphone” alone.

With the request for an in-person trial, the score has been reset and the justices may change their votes. There is no date set yet for the STF’s in-person trial. Check more details on the development of this case by accessing our full report [here, Portuguese only](#).

SouthRock loses license to use the “Starbucks” trademark in Brazil

SouthRock, master licensee of the “Starbucks” trademark in Brazil, was recently surprised by a letter sent by Starbucks Coffee International, on October 13th, 2023, terminating both the Starbucks’ Trademark License Agreement and the Master License Agreement, under which SouthRock was authorized to operate the stores in Brazil. The decision was made after SouthRock delayed the payment of royalties to Starbucks.

Starbucks Coffee International’s decision to terminate the agreements accelerated the urgency of SouthRock’s reorganization petition and the company is currently trying to reverse the decision suspending the license, which is essential to enable the restructuring of the company’s debt, estimated at BRL 1.8 billion, and for the stores to continue operating in Brazil.



STJ orders TJ/SP to judge vertical garden block patent infringement

Following the favorable decision of the special appeal filed in a patent infringement lawsuit, the 3rd panel of the Superior Court of Justice (STJ) ordered the São Paulo Court of Justice (TJ/SP) to rule again on whether a patent for a vertical garden block has been infringed.

According to the rapporteur, justice Nancy Andrichi, the title (patent certificate) that was granted by the BPTO should be used as a parameter for judging the case and the potential infringement, and the object protected under the title will be the reference for analyzing whether or not the physical object is part of this scope of protection, as this analysis is based on the content of the claims contained in the title granted by the BPTO. Under the Industrial Property Law, claims determine the protected object and, consequently, the protection granted to the applicant and owner of such rights.

Finally, the justice explained that the case was sent back to the TJ/SP, as the appellate decision did not support the conclusion itself, but only the future assessment of the case, and granted the appeal. The decision was unanimous.

03 IP Abroad.

Copyrights and ChatGPT

In early November, ChatGPT announced its initiative to protect customers who may be involved in copyright complaints. The so-called “Copyright Shield” indemnifies and reimburses customers in copyright infringement lawsuits arising from their use of ChatGPT.

Considering that ChatGPT database contains thousands of pieces of information, including copyrighted works, the risk of creating content made up of a work whose use and dissemination has not been authorized by its author is significant.

Up to this moment, the Copyright Shield only applies to ChatGPT Enterprise and to developers who use the ChatGPT API.



Artist Ryder Ripps is hit with \$1.6 million in damages for selling replicas of Bored Ape Yacht Club NFTs

Conceptual artist Ryder Ripps must pay damages of US\$1.6 million for profiting from an alleged satire of Bored Apes, which are non-fungible tokens (NFTs) created by Yuga Labs.

The US Court of Appeals decided not to accept the artist's argument that the creation of his NFTs were a parody, created to criticize Yuga Labs' NFTs, which according to Ripps incorporated racist and anti-Semitic elements.

The court concluded that the design elements added to Ripps' NFTs are not sufficient to be considered distinctive from Yuga's work.

Vivint hit \$45.4 million verdict for infringing video doorbell patents

The company Vivint has been ordered to pay US\$45.4 million to Skybell Technologies for infringing two of the company's video doorbell patents.

Vivint claims there is no infringement since it believes Skybell's patents are invalid. Skybell, on the other hand, said that its technology is licensed to companies such as video doorbell manufacturer Ring, and still maintains its patent defense that its patents are valid.

In any case, the decision against Vivint prevailed, and there was a separate \$189.7 million verdict in the Federal Court of North Carolina in February, over allegations that the company tricked customers of rival CPI Security into switching suppliers, under the false pretext that such company has been acquired by Vivint.

Please read the decision [here](#).

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