


Intellectual Property

45th Edition | 2026

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

INDEX

Click at the topic of your interest
and browse through the content 

BRAZILIAN REALITY

BPTO releases report with proposals to improve the Brazilian IP Law:

You may access the full report [here](#).

BPTO releases final result of public consultation on new-use patents in chemistry:

See [here](#) the full report.

BPTO allows more than one registration in applications for recognition of highly renowned trademarks

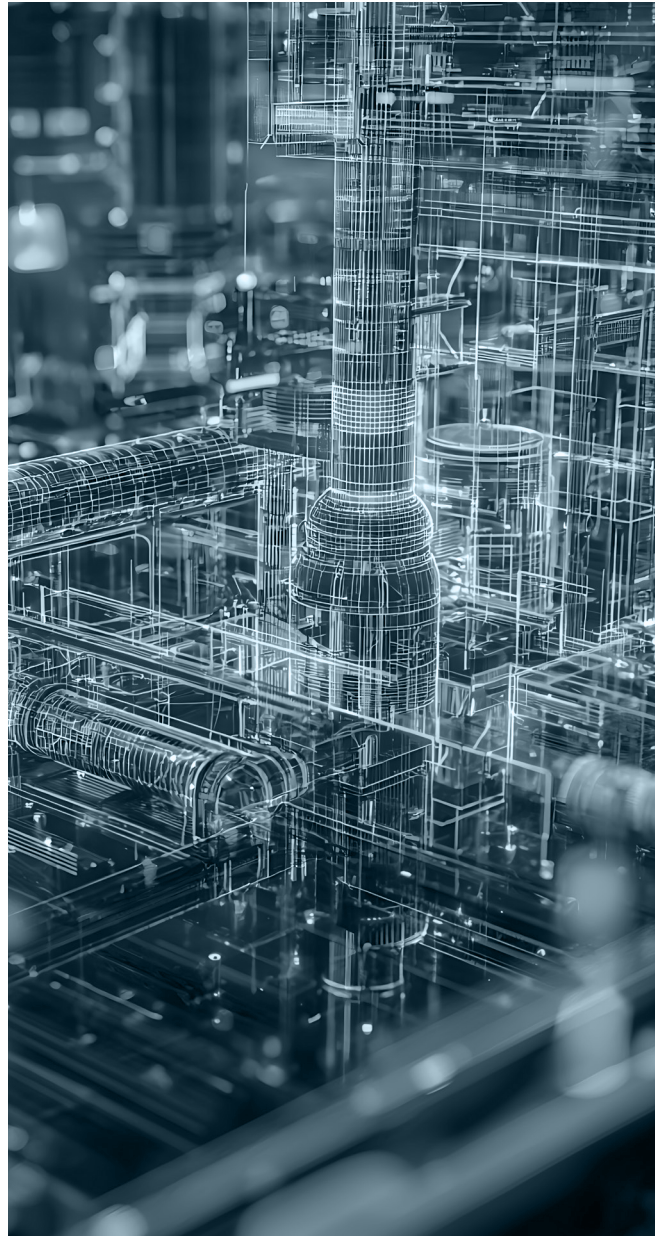
The Brazilian Patent and Trademark Office (BPTO) has published INPI/PR Normative Ordinance No. 68/2026, which allows owners to indicate more than one trademark registration in the same application for recognition of high renown under Article 125 of the Brazilian IP Law. The change aims to make the procedure more efficient for trademarks used across different classes of goods and services, allowing related registrations to be consolidated into a single application.

BPTO expands partnerships with industry federations for industrial property initiatives

The BPTO has expanded its cooperation with state industry federations, reaching 15 agreements to promote the protection and strategic use of industrial property through regional programs, including capacity-building, mentoring, technical support for funding calls, anti-counterfeiting measures, and the dissemination of indicators.

BPTO publishes transition rule for examination of industrial designs

The BPTO has established a transition rule for the application of the second edition of the Industrial Designs Manual. The measure allows the previous guidelines to remain applicable to applications filed within 60 days after the new Manual enters into force, as well as to the review of compliance with office actions issued under the previous version, provided that application of the new guidelines could potentially prejudice the protection sought.



Source: <https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/inpi-amplia-parcerias-com-federacoes-das-industrias-para-acoes-em-propriedade-industrial>

Source: <https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/inpi-publica-regra-de-transicao-para-exame-de-desenhos-industriais>

COURT CASES

CBF accuses 99 of ambush marketing in campaign inspired by Endrick

The Brazilian Football Confederation (CBF) sent an extrajudicial notice to 99 Tecnologia Ltda. over a campaign launched during the World Cup, accusing the company of ambush marketing and infringing its intellectual property rights. The campaign used the slogan “O Brasil está pedindo, a 99 vai entregar” and linked promotions for mobility and delivery services to drivers and couriers named Endrick, Hendrick, Endrique or Hendrique.

According to the CBF, the campaign went beyond the limits of a standard commercial initiative by creating an unauthorized association with the Brazilian National Team, the World Cup and the CBF’s intellectual assets. The entity also alleged acts of unfair competition and harm to its interests, as well as to those of its official sponsors.

The case underscores the importance of conducting prior legal review of advertising campaigns, especially when they involve sporting events, athletes, symbols, colors or messages that may suggest an institutional association. The legal risk is not limited to FIFA or the CBF and may also affect official sponsors, whose exclusivity rights are contractually protected.



Source: <https://www.infomoney.com.br/negocios/cbf-acusa-99-de-marketing-de-emboscada-apos-campanha-inspirada-em-endrick/>

Minas Gerais Court of Appeals upholds prohibition on Nestlé's use of the "Coffee+" trademark

The 12th Civil Chamber of the Minas Gerais Court of Appeals unanimously denied an appeal filed by Nestlé and upheld the injunction prohibiting the multinational from using the "Coffee+" trademark in Brazil. The decision, authored by Justice Maria Lúcia Cabral Caruso, confirmed the validity of the trademark registrations held by Coffee++, a Minas Gerais-based specialty coffee company, and concluded that Nestlé's use of a similar sign is likely to cause consumer confusion and to dilute the distinctiveness of the prior mark. The Court rejected Nestlé's argument that the expression "Coffee+" was merely descriptive of vitamin-enriched coffees.

The dispute arose after Nespresso (a Nestlé brand) launched a product named "Coffee+" in Brazil and abroad. Coffee++, founded in 2020 and holding BPTO trademark registrations for over five years, as well as registrations in 31 countries, sent an out-of-court notice to Nestlé, claiming prior registration

rights and investments of approximately BRL 20 million in building its visual identity. Nestlé, in turn, filed a lawsuit in Federal Court against both Coffee++ and the BPTO. In a parallel development, the Federal Regional Court for the 2nd Region (TRF-2) had already reinstated Coffee++'s trademark registrations, overturning an earlier injunction that had partially suspended them.

The case underscores the importance of trademark registration as a key tool for protecting brand identity. The Minas Gerais Court of Appeals' decision signals a trend in the judiciary toward favoring rights holders who demonstrate prior registration and effective use of their marks, rather than strategies that seek to characterize distinctive signs as merely descriptive expressions. For companies that invest in building their brands, this precedent reinforces the importance of maintaining up-to-date registrations and systematically documenting branding investments.

Source: <https://oglobo.globo.com/blogs/capital/post/2026/06/duelo-do-cafe-justica-nega-recurso-a-nestle-na-%E2%80%A6>

São Paulo Court of Justice rules that BR gas stations do not have exclusive rights to the national flag's colors

The São Paulo Court of Justice recently issued a decision against Vibra Energia, operator of BR gas stations, which had alleged that the Alto da Serra gas station was using visual elements typically associated with BR gas stations, such as the combination of green and yellow, to mislead consumers. According to Vibra, the practice constituted unfair competition, as it could lead consumers to believe they were purchasing fuel with the quality guaranteed by the brand, even though it was a “white-flag” station with no ties to distributors, potentially exposing consumers to the risk of inferior products.

The Court of Justice, however, ruled in favor of Alto da Serra, holding that the colors themselves are not exclusive to Vibra but rather correspond to national symbols, such as the Brazilian flag. Justice Rui Cascaldi emphasized that the mere use of these colors does not necessarily create visual confusion with the BR trademark, concluding that there was no unlawful act by the gas station. Vibra announced that it will appeal the decision, reiterating that the case involves a violation of its image and industrial property rights, and that it will take all necessary measures to protect its trademark and consumers.



Source: <https://www1.folha.uol.com.br/mercado/2026/05/posto-br-nao-tem-direito-exclusivo-sobre-as-cores-da-%E2%80%A6>

TST upholds compensation for patent-related loss of chance



The 7th Panel of the Superior Labor Court (TST) upheld an order requiring a company to pay compensation to employees who developed industrial equipment whose patent application was finally shelved after the company failed to pay annuities owed to the BPTO. As a result, the invention entered the public domain, and the inventors lost the opportunity to obtain formal recognition of the patent and the corresponding remuneration.

The Regional Labor Court of the 3rd Region (TRT-3) applied the loss-of-chance doctrine, finding that, while there was no certainty that the patent would be granted, there was a

genuine probability of success that was frustrated by the company's omission. The TST upheld that understanding, emphasizing that the compensable harm consisted of the loss of the opportunity for the employees to be recognized as co-owners of the invention and to receive fair remuneration.

The decision reinforces the importance of effectively managing intellectual property assets and closely monitoring proceedings before the BPTO, demonstrating that failures to maintain patent applications may generate liability even before the definitive grant of the right.

Source: <https://www.tst.jus.br/-/inventores-receberao-indenizacao-apos-empresa-perder-patente-de-equipamento-industrial>

IP ABROAD

Portuguese brand defeats Louis Vuitton in dispute over “LV” logo

The Portuguese court ruled in favor of Licores do Vale, a small producer based in the Monção region, in a dispute brought by Louis Vuitton regarding the use of the “LV” sign. The French fashion house claimed that the “LV - Licores do Vale” sign replicated distinctive elements of the Louis Vuitton trademark and could constitute misappropriation of its reputation.



Illustration: Licores do Vale logo, left; Louis Vuitton logo, right




The court held that the sign used by Licores do Vale could coexist with the Louis Vuitton mark, rejecting the argument that there was sufficient identity or similarity to justify denying registration. The decision brought to an end a dispute that lasted more than a year and drew attention in Portugal due to the disparity between the parties: on one side, one of the world’s most valuable luxury brands; on the other, a small family business focused on the production and sale of liqueurs and artisanal products.

The decision reinforces that, even for widely recognized trademarks, the assessment of trademark conflict depends on the specific circumstances of the case, including how the sign is presented and the actual likelihood of consumer association.

Source: <https://oglobo.globo.com/economia/epoca/noticia/2026/05/12/louis-vuitton-e-derrotada-em-processo-contra-marca-portuguesa-por-uso-de-logotipo-o-l-e-o-v-sao-de-todos.shtml>



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