




Intellectual Property

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BRAZILIAN REALITY

BPTO adopts WIPO's e-Filing for international trademark applications

The Brazilian Patent and Trademark Office (BPTO) announced that, starting April 13, it began using the World Intellectual Property Organization (WIPO)'s e-Filing system to certify international trademark applications under the Madrid System. This change brings greater efficiency and standardization to the process. Key features include automatically importing data from the BPTO to reduce errors, assistance with product and service translations, tools for correcting irregularities, and fee calculation and payment directly through the platform.





Ancine publishes Normative Instruction to fight digital piracy

Brazil's National Film Agency (Ancine) has published the new Normative Instruction No. 174, which strengthens the efforts against digital piracy. The regulation took effect upon publication in the Federal Gazette, on April 10, 2026. It authorizes Ancine to act on its own initiative, initiating administrative proceedings to curb unauthorized distribution of audiovisual works. The instruction also enables cooperation with digital platforms, facilitating consensual removal of pirated content without court action.

COURT CASES

STJ upholds ruling on the use of “Prada” trademark by financial consulting firm

The 4th Panel of Brazil’s Superior Court of Justice (STJ in Portuguese) denied an appeal filed by Italian fashion house Prada S.A. and upheld a ruling that allows Prada Assessoria, a financial consulting firm, to continue using “Prada” in its corporate name and internet domain. The dispute began when the luxury goods manufacturer sent a cease-and-desist letter demanding that the consulting firm stop using the trademark and change its trade name. Prada Assessoria responded by filing a declaratory judgement action of non-infringement. Prada S.A. filed a counterclaim alleging trademark infringement and unfair competition. Both the trial court and São Paulo Court of Appeals ruled in favor of the financial consulting firm. They found that the “Prada” trademark is well-known only in the fashion and haute couture industry, with no risk of consumer confusion with financial services.

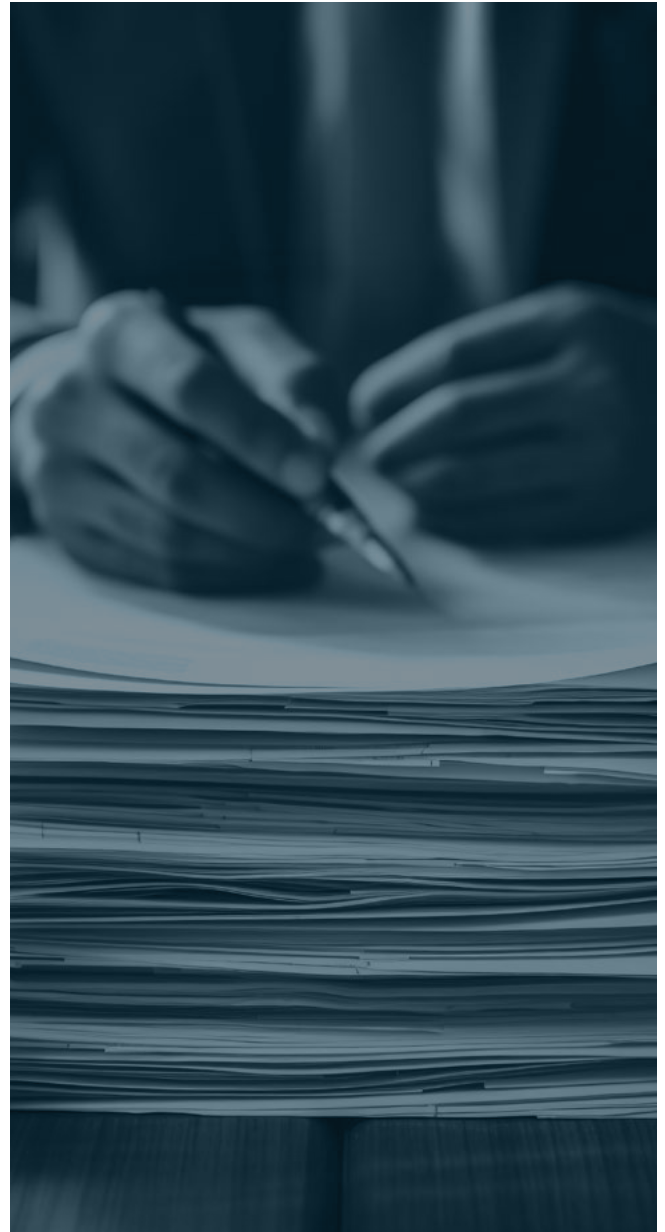
At the STJ, justice João Otávio de Noronha, the rapporteur, reaffirmed that a trademark must obtain formal “high renown” status from the BPTO to enjoy protection beyond its specific market segment. Since Prada S.A. lacked this recognition at the time, the principle of specialty prevailed. Under this principle, trademark protection is limited to the field of activity for which the mark is registered.

The decision reinforces the relevance of the principle of specialty within Brazil’s trademark system. The ruling signals that even internationally prestigious trademarks may have their protection limited to their market segment unless they obtain formal high renown status from the BPTO. This underscores that high renown registration is not a mere formality but an essential strategic measure to secure trademark protection across all market segments.

TRF-2 orders BPTO to grant “Bem Doce” trademark registration after initial rejection

The 2nd Specialized Panel of the Regional Federal Appellate Court of the 2nd Region (TRF-2) unanimously ruled that the BPTO must grant registration for mixed trademark “Bem Doce.” The court declared the previous rejection invalid. It concluded that the trademark has sufficient distinctiveness when analyzed as a whole. Protection is limited to the graphic design of the mark, without granting exclusivity over the words “bem” (very) and “doce” (sweet) in isolation.

The company filed the lawsuit after the BPTO rejected the application, alleging that the term lacked distinctiveness under the Industrial Property Law. However, the judge-rapporteur found that the trademark’s graphic elements confer a unique visual identity, ruling out its characterization as a descriptive or generic expression. The court held that the registration must grant exclusivity only to the trademark as a whole, as filed, allowing the company to identify its products in the fruit and vegetable market.



Superior Court of Justice orders Federal District to compensate artist for unauthorized use of his work

On April 17, 2026, the 4th Panel of the Superior Court of Justice ordered the Federal District to compensate an artist for the unauthorized reproduction of his work in booklets distributed free of charge as part of an educational project. The artist claimed that his work was used without authorization and filed an action for damages. Lower courts had already ordered the public entity to pay R\$ 20,000 as non-pecuniary damages but rejected the claim for pecuniary damages.

The panel reviewed the appeal and ruled that pecuniary damages should also be awarded, regardless of whether the Federal District profited from distributing the booklets. The judge-rapporteur stated that the Superior Court of Justice's precedents provide that civil liability in copyright infringement cases does not require proof of economic gain but only verification of unauthorized use of the work.



TRF-2 authorizes rapper L7NNON to keep stage name in dispute with Yoko Ono



The 2nd Panel of the Regional Federal Appellate Court of the 2nd Region (TRF-2) denied, by majority, an appeal filed by Yoko Ono, widow of John Lennon, and upheld the authorization for rapper L7NNON (born Lennon dos Santos Barbosa Frasseti) to continue using his stage name. The dispute began when Yoko Ono filed an opposition to the name registration with the BPTO, which initially accepted the request on the grounds that it could cause confusion with “Lennon” trademark.

The rapper challenged the decision in court, and the TRF-2 concluded that the “L7NNON” sign has significant graphic stylization — vowel “e” is replaced with number “7” — creating a distinct identity targeted at a young, urban audience of rap and trap, different from the public associated with John Lennon and

rock music. The court emphasized that the temporal and cultural distance between the artistic proposals reduces the likelihood of association with John Lennon’s estate and that the solution allowing peaceful coexistence of the marks should prevail, based on the absence of actual market confusion. Yoko Ono may still appeal.

The ruling is significant for reinforcing that trademark conflict analysis should not be limited to isolated phonetic or graphic similarities but must consider market context, target audience, and the overall impression of the sign. The case also signals that stage names derived from given birth names may receive trademark protection when they have sufficient distinguishing elements, even in the face of preexisting well-known trademarks.



Football club Atlético and carnival group Galo da Madrugada settle trademark dispute

Atlético Mineiro football club and carnival group Galo da Madrugada reached an agreement to end a lawsuit pending before the Federal Court of Rio de Janeiro over the registration and use of “Galo Folia” trademark. Under the settlement, each party had its trademark rights recognized with clear boundaries for their respective fields of activity. Galo da Madrugada retains rights to “Galo Folia” trademark, already registered with the BPTO, and will not seek new registrations using “Galo” for sports-related activities. Atlético will not challenge the carnival group’s existing

registrations or oppose new applications in culture, events, and entertainment. Atlético also commits not to seek trademark registrations for “Galo” related to carnival events.

This case demonstrates how negotiation can serve as an efficient alternative to litigation in intellectual property matters. Rather than waiting for a court decision that could restrict either party’s rights, the institutions chose a solution that preserves trademark coexistence in distinct market segments, consistent with the principle of specialty.

IP ABROAD



Trademark lawsuit in the US challenges Taylor Swift's use of expression in album title

Performer Maren Wade has sued singer Taylor Swift in the United States for alleged trademark infringement related to the title of her album *The Life of a Showgirl*. Wade claims ownership of trademark *Confessions of a Showgirl*, which she has used for years in shows and artistic projects linked to the showgirl universe.

According to the lawsuit, the U.S. Patent and Trademark Office (USPTO) had already denied Swift's application for registration of the album title due to possible confusion with the expression "of a Showgirl." Despite this, Swift

allegedly continued commercially exploiting the expression, including in merchandising products associated with her album.

The case draws attention to the allegation of reverse confusion, a situation in which use by a highly renowned party overshadows and diminishes a prior mark of lesser reach. The controversy reinforces the importance of prior trademark risk assessments, especially in contexts of high commercial exposure, where even apparently distinct expressions can trigger significant intellectual property conflicts.

Düsseldorf Court recognizes Stratocaster design as copyrighted work in the European Union

The Düsseldorf Regional Court ruled that the body design of Fender's Stratocaster guitar constitutes a work of applied art protected by German and European copyright law.

The case involved Chinese manufacturer Yiwu Philharmonic, which sold replicas through AliExpress, shipping it to Germany. The court found that the design reflects original creative expression, rather than mere functional form, and prohibited the defendant from manufacturing or distributing Stratocaster-shaped guitars in the EU.

The decision creates enforceable rights against any Stratocaster-shaped guitar manufactured, sold, or distributed in the EU, regardless of the country of origin. Manufacturers based outside Europe can be affected by this ruling if their products are offered or distributed in the European market.

The case signals that copyright protection for applied art can offer broader and more lasting defense than design or trademark rights - a path that deserves attention in global IP portfolios.



Illustration: Fender Stratocaster, launched in 1954



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