

In an unprecedented setback, the BPTO published a note on 01/07/2023 informing that the deliberations on new guidelines aimed at facilitating and reducing bureaucracy in services related to the registration of technology transfer agreements require specific regulatory revision to be effectively implemented, namely:

- Removal of the requirement to initial the parties on all pages.
- Waiver of requirements for notarization and apostille/legalization of foreign signatures and allowance of electronic signatures without the ICP Brazil certification.
- No need for two witnesses to sign the agreements when a Brazilian city is provided as the place of signature since the Brazilian legal system does not impose this obligation on private contracts, although such requirement is needed to ensure the execution of such agreements based on extrajudicial title, under the terms of the Brazilian Civil Procedure Code.
- No need to present the bylaws, articles of association, or articles of incorporation of the legal entity, and the last amendment on the consolidated corporate purpose and legal representation of the legal entity as assignee, franchisee or licensee, or resident in Brazil was waived.
- Unequivocal the acceptance of transfer technology agreements based on non-patented technology, such as know-how, with a view to aligning to international practices for promoting technological innovation in OECD countries.
- Understanding the allowance of payment of remuneration in relation to agreements that have as object applications (and not registrations) of trademarks for those related to patents, industrial designs, and other intellectual and industrial property assets.

That is, the current rules remain in force until the implementation of each item of the changes above.