In Brazil, the procedure for a patent application in Brazil is initiated by filing an application form with the National Institute of Industrial Property (Portuguese abbreviation: INPI), in which at least an application form, draft of descriptions, scope of claims, abstract, and proof of payment of the application fee must be submitted. Failure to fulfill these requirements will cause INPI to issue a notification by an examiner in relation to formality, to which the applicant must respond to this within 30 days. If the applicant fails to respond to the notification, failure to respond to the notification leads to the application will be deemed invalid and withdrawal.

According to the IP Code in Brazil, a filed patent application may be publicized in the publication of unexamined patent applications after 18 months from the date of application. However, with a consideration of the high volume of the backlog, if patent applications retained by the INPI, a filed patent application is typically publicized after approximately two to three 2–3 years from the date of application. During the period from the date of the publication of unexamined patent applications until the end of examination, any third party, and the applicant for the purpose of assisting the examiner are allowed to submit their opinions for assisting the examination.

An applicant is required to file a request for examination of the application within 36 months from the date of application. Failure to file a request for examination within 36 months will be deemed withdrawal of the application. However, an applicant is allowed to recover the withdrawn application by paying a predetermined fee within 60 days of the withdrawal date of the withdrawal. Even so, if the applicant still fails to comply with the time limit as well, the application will be confirmed as withdrawn.

Further, according to the IP Code in Brazil, an applicant may be given an opportunity to submit amendments to the draft of descriptions and scope of claims by the time when the applicant he/she files a request for examination, in order to clarify or define the contents of filed application. However, nevertheless, any amendment should be restricted to the amendment of the contents first disclosed at the time of filing an application. After an examination request for examination has been filed, any amendment, either by an applicant’s spontaneous decision or by an examiner’s notification by an examiner, is not unacceptable if the amendment could change or expand the claimed scope of protection. In this sense, the only amendments limiting the claimed subject matter may be accepted.
During the examination period, two types of official notifications will be issued, i.e., notification by an examiner and non-final notification of reasons for refusal will be issued. The applicant must respond to these notifications within 90 days from the date of publication of unexamined patent applications.

To put it simply, in simple terms, an examiner’s notifications are generally composed of formal requirements such as a violation of requirements of clarity or a violation of support requirements. In a case of a non-final notification of reasons for refusal, an application may be rejected. This typically occurs due to a violation of the requirements of patentability such as lack of novelty and inventive step. No limit is stipulated in the number of issuable official notifications. INPI announces its decision to grant or refuse a patent in the publication of unexamined patent applications, thus thereby ending the examination process of examination.

Comment [A7]: Academic writing should not contain lengthy and wordy sentences as they can hamper clarity. The sentence has been divided into two to introduce clarity and better formal expression.