

Brazilian National Directory against Trademark Counterfeiting

The Brazilian Patent and Trademark Office (PTO) has recently launched the National Directory against Trademark Counterfeiting in cooperation with the Brazilian National Council against Piracy (CNCP in the Portuguese acronym). The legal ground for creation of this Directory was CNCP's Resolution No. 1 of December 2, 2013.

The Directory is basically an information system with aims to concentrate all relevant data for tackling trademark counterfeiting and its most important features are:

- (a) the Directory is a "pilot project" and is being implemented on an experimental base;
- (b) all the information already in the Brazilian PTO's trademark database concerning registered marks will be automatically inserted in the Directory (including information regarding agents or attorneys of record with the Brazilian PTO);
- (c) the information contained in the Directory will be accessible only by enforcement authorities and will not be treated as confidential;
- (d) use of the Directory is recommended in case the trademark owner wish to empower a different agent or attorney for enforcing the mark in Brazil (meaning that this agent is not the same agent or attorney of record for the marks with the Brazilian PTO) or if the trademark owner wishes to furnish additional information about its original products and branded merchandise;
- (e) a specific Power of Attorney will be required (and it will not replace or revoke the Power of Attorney for the current agent or attorney of record with the Brazilian PTO);
- (f) a specific form must be filled in and send together with the Power of Attorney and additional documents (if any) by e-mail to the Brazilian PTO in order for the mark and relevant information to be inserted in the Directory (filling and submission of new forms will be required to change or update the information on the Directory); and
- (e) no official fees will be charged for recording the information in the Directory until June 2014.

After June 2014, performance of the system will be assessed by the Brazilian PTO and changes (including applicable fees) may be introduced (occasional changes may even require resubmission of the form, relevant information and documentation).

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Any apprehension of counterfeits will be communicated to the agent or attorney registered with the Directory (the default option for communication will be the agent or attorney of record with the Brazilian PTO).

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