

Revista da
**Propriedade
Industrial**

Nº 2633
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Comunicados
Seção I



REPÚBLICA FEDERATIVA DO BRASIL

Presidente

Jair Bolsonaro

MINISTÉRIO DA ECONOMIA

Ministro da Economia

Paulo Roberto Nunes Guedes

INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL

Presidente

Claudio Vilar Furtado

De conformidade com a Lei nº 5.648 de 11 de dezembro de 1970, esta é a publicação oficial do Instituto Nacional da Propriedade Industrial, órgão vinculado ao Ministério da Economia, República Federativa do Brasil, que publica todos os seus atos, despachos e decisões relativos ao sistema de propriedade industrial no Brasil, compreendendo Marcas e Patentes, bem como os referentes a contratos de Transferência de Tecnologia e assuntos correlatos, além dos que dizem respeito ao registro de programas de computador como direito autoral.

As established by Law nº 5.648 of december 11, 1970, this is the official publication of the National Institute of Industrial Property, an office under the Ministry of Economy, Federative Republic of Brazil, which publishes all its official acts, orders and decisions regarding the industrial property system in Brazil, comprising Trademarks and Patents, as well as those referring to Technology Transfer agreements and related matters, besides those regarding software registering as copyright.

D'après la Loi nº 5.648 du 11 décembre 1970, celle-ci est la publication officielle de l'Institut National de la Propriété Industrielle, un office lié au Ministère de l'Économie, République Fédérative du Brésil, qui publie tous ses actes, ordres et décisions concernant le système de la propriété industrielle au Brésil, y compris marques et brevets, aussi que ceux référents aux contrats de transfert de technologie et des sujets afférents, en outre que ceux se rapportant à l'enregistrement des programmes d'ordinateur comme droit d'auteur.

Según establece la Ley nº 5.648 de 11 diciembre 1970, esta es la publicación oficial del Instituto Nacional de la Propiedad Industrial, oficina vinculada al Ministerio de la Economía, República Federativa del Brasil, que publica todos sus actos, ordenes y decisiones referentes al sistema de propiedad industrial en Brasil, comprendendo marcas y patentes así que los referentes a contratos de transferencia de tecnologia y asuntos corelacionados, además de los referentes al registro de programas de ordenador como derecho de autor.

Laut Gezets Nr. 5.648 vom 11. dezember 1970, ist dies das Amtsblatt des Nationalen Instituts für gewerbliches Eigentum (INPI), eines Organs des Bundesministerium für Wirtschaft, der Bundesrepublik Brasilien, welches alle Amtshandlungen, Beschlüsse und Entscheidungen über gewerbliches Eigentum in Brasilien, einschliesslich Warenzeichen und Patente, ebenso wie auch Übertragungsverträge von Technologie und Computerprogramme als Urheberrecht veröffentlicht.

**DIRETORIA DE ADMINISTRAÇÃO
COORDENAÇÃO-GERAL DE ORÇAMENTO E FINANÇAS
DIVISÃO DE CONTABILIDADE GERAL
SERVIÇO DE ARRECADAÇÃO**

Segue abaixo a lista dos processos de restituição de retribuição deferidos. De acordo com a Resolução INPI 204/2017, após a publicação em RPI, o pagamento das restituições será feito em até 15 dias.

Nº do Processo	Nº da GRU		Nº do Processo	Nº da GRU
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Nº do Processo	Nº da GRU		Nº do Processo	Nº da GRU
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52402007015/18	29409171809735684		52402002235/20	29409171916615879
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52402014233/19	29409161903855631		52402012303/19	29409231909336045
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52402014122/19	29409161911527621		52402004370/20	29409171916579163
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52402014654/19	29409171913851130		52402012530/19	29409161906302749
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52402010594/19	29409171905483917		52402003195/18	29409171709853626
52402012959/19	29409161911489533		52402003194/18	29409171709853278
52402012957/19	29409161910786267		52402014564/19	29409171900244698
52402013040/19	29409161900960540		52402013167/19	29409171911895989
52402013032/19	29409161900985704		52402014210/19	29409161912544325
52402011390/19	29409161809090643		52402014207/19	29409161912544694
52402013031/19	29409161906357691		52402014248/19	29409171906147406
52402013030/19	29409161809055929		52402014247/19	29409171909522860
52402002082/20	29409171908978690		52402014224/19	29409191911059484
52402008157/20	29409171922415681		52402014297/19	29409171912933035
52402013041/19	29409161906356016		52402015005/19	29409171913988542
52402003775/20	29409231913322509		52402013778/19	29409161911690565

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Chefe do Serviço de Arrecadação



MINISTÉRIO DA ECONOMIA
INSTITUTO NACIONAL DA PROPRIEDADE INDUSTRIAL
DIRETORIA DE PATENTES, PROGRAMAS DE COMPUTADOR E TOPOGRAFIAS DE CIRCUITOS INTEGRADOS.

Comunicado

Em obediência à decisão da ADI 5529, proferida em 13 de maio de 2021, pelo Ministro Dias Toffoli, que extinguiu o dispositivo previsto no parágrafo único do art. 40 da LPI, o mesmo não será mais aplicado às patentes concedidas a partir desta data. Isto significa que todas as patentes de invenção concedidas a partir desta data terão vigência de 20 anos e que todas as patentes de modelo de utilidade concedidas a partir desta data terão vigência de 15 anos, contadas a partir da data de depósito.

Além disso, considerando a modulação da decisão publicada em 14 de maio de 2021, que estabelece o efeito *ex tunc*, retroativo, às patentes relacionadas a produtos e processos farmacêuticos e a equipamentos e/ou materiais de uso em saúde, informamos que as patentes destas áreas sofrerão ajustes nos seus prazos de vigência, conforme estabelecido abaixo.

Para fins de ajuste de vigência e de eventual extinção, foram consideradas todas as patentes concedidas com alguma extensão de prazo (nos termos do extinto parágrafo único do Art. 40), que ainda estavam vigentes em 14/05/2021. As patentes concedidas com extensão de vigência foram divididas em dois grupos:

i) patentes de invenção que ainda não ultrapassaram 20 anos da data do depósito (ou 15 anos, para modelos de utilidades);

ii) patentes de invenção que ultrapassaram 20 anos da data do depósito (ou 15 anos, para modelos de utilidades).

Desta forma, considerando estes dois grupos, temos as seguintes situações:

Patentes relacionadas a produtos e processos farmacêuticos e a equipamentos e/ou materiais de uso em saúde, concedidas com extensão de vigência, mas ainda fora do prazo de extensão em 14/5/2021 serão REPUBLICADAS, para ajuste de vigência;

Patentes relacionadas a produtos e processos farmacêuticos e a equipamentos e/ou materiais de uso em saúde, concedidas com extensão de vigência e já no prazo de extensão em 4/5/2021 serão REPUBLICADAS, para ajuste de vigência, e EXTINTAS.

Para seleção das patentes relacionadas a produtos e processos farmacêuticos e a equipamentos e/ou materiais de uso em saúde que sofrerão verificação pelo INPI, para fins de republicação da carta patente ou de extinção, foram utilizados os seguintes critérios:

1. Patentes enviadas para análise da ANVISA, para fins de concessão de anuência prévia;
2. Patentes com classificação IPC A61B, A61C, A61F, A61G, A61H, A61J, A61L, A61M, A61N; H05G (tecnologias associadas à medicina segundo a OMPI);
3. Patentes com classificação IPC A61K/6, C12Q/1, G01N/33, G16H;

4. Patentes com decisão de ação judicial publicada (despacho 19.1);

5. Certificados de Adição concedidos.

Na presente RPI está sendo publicada uma terceira lista contendo 97 patentes com classificação IPC A61K/6, C12Q/1, G01N/33, G16H, que sofrerão correção da data de vigência, através da retificação da carta patente, e eventual extinção, para os casos em que o prazo de extensão da vigência já estiver sendo usufruído.

A partir da data de publicação da correção da vigência (despacho 16.3), o titular disporá de 60 dias para requerer a revisão do ato do INPI, por meio do serviço 261, isento de retribuição. A motivação apresentada para a revisão será analisada; caso a mesma seja considerada pertinente, a vigência da patente será reajustada para o prazo original, por meio da publicação de novo despacho 16.3. Caso a motivação não seja considerada pertinente, a vigência não será reajustada, sendo notificado o indeferimento da petição, excepcionalmente por meio despacho 22.2, juntamente com o parecer da motivação do indeferimento. Deste ato administrativo caberá interposição de recurso administrativo nos termos do art. 212 da LPI, sendo devido o recolhimento da retribuição.

LISTAS ADICIONAIS serão publicadas nas próximas RPIs, conforme a análise dos casos for sendo concluída pela equipe da DIRPA.

MU8102008	PI0015947	PI9710363	PI9908914
MU8203598	PI0016173	PI9711144	PI9909191
MU8503600	PI0016249	PI9713891	PI9909282
PI0000465	PI0017535	PI9800337	PI9909456
PI0000967	PI0017548	PI9801092	PI9910394
PI0001536	PI0017573	PI9805021	PI9912047
PI0002963	PI0017596	PI9808485	PI9912175
PI0004305	PI0100199	PI9809126	PI9912227
PI0005340	PI0107761	PI9809153	PI9912663
PI0005616	PI0107781	PI9810519	PI9912726
PI0007177	PI0108364	PI9811031	PI9913018
PI0007481	PI0109131	PI9811688	PI9913730
PI0008719	PI0109443	PI9811940	PI9914571
PI0009022	PI0109674	PI9813001	PI9914741
PI0009249	PI0110312	PI9813397	PI9914996
PI0009299	PI0117360	PI9814894	PI9915201
PI0009956	PI9508825	PI9815122	PI9915208
PI0010891	PI9509411	PI9815772	PI9915669
PI0011812	PI9509819	PI9816332	PI9916264
PI0012475	PI9600729	PI9900296	PI9916820
PI0012922	PI9603626	PI9900417	122013003013
PI0013439	PI9608082	PI9902623	122014028365
PI0014390	PI9702918	PI9903302	
PI0014735	PI9703099	PI9903436	
PI0015283	PI9705650	PI9908319	