

DANNEMANN SIEMSEN BIGLER & IPANEMA MOREIRA

Eduardo Dannemann (1919 - 1959)

PROPRIEDADE INDUSTRIAL
Desde 1900

Catharina Bigler (1947 - 1981)
Carl Buschmann (1900 - 1941)
Luiz de Ipanema Moreira (1927 - 1990)

C/o: Legal Department
Confidencial
Circular No 04/2011

Conselheiros
Gert Egon Dannemann
Gisela Fischer

Rio de Janeiro

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Peter Dirk Siemsen
David Merrylees
José Antonio B. L. Faria Correa
Luiz Henrique O. do Amaral

Important Notice

The Brazilian Patent and Trademark Office (INPI) has announced that official fees will be raised as of **January 01, 2012**. The increases will be variable in accordance with the particular service involved but should result in an average increase in user costs, in local currency, of about 18% for patents, trademarks and other IP related services. It is to be noted, however, that the last fee raise was on June 01, 2009 and that for the most part the increase in local currency is slightly higher than inflation during that period.

Patent examination costs, however, will be **increased considerably**, specifically as they are applied to claims in excess of the first ten. They will now be as follows:

Examination request for 10 claims	approx.	US\$ 340,00
each claim from the 11th to the 15th	approx.	US\$ 60,00
each claim from the 16th to 30th	approx.	US\$ 115,00
each claim from the 31st upwards	approx.	US\$ 290,00

In order to take advantage of the present rates that are applicable up to December 29, 2011 (December 30, 2011 will be a bank Holiday), the advice is that you send **us instructions to pay any necessary fees earliest as possible prior to the above date**. However, since the volume of orders from our clients is expected to be much higher than normal during the next two months, we cannot guarantee payment for those fees for which the due date is after January 01, 2012 unless prior payment is received. This includes trademark renewals which can be requested at any time during the last twelve months of the ten year protection period.

Amendments in patent applications: Voluntary amendments by Law should be submitted until the request of examination. The submission of amendments submitted during the examination phase in the form of a proposal has always been a usual practice and such amendments were routinely entered and considered by the examiner. The Brazilian PTO has, however, changed its position related to the matter and is currently objecting and rejecting amendments filed **after** the request for examination, especially for adding a new class or category of claims or even claims covering embodiments not claimed in the claims which were pending prior to the

Rio de Janeiro

São Paulo

Brasília

Agente da Propriedade Industrial
Registro nº 192

Rua Marquês de Olinda, 70
22251-040 Rio de Janeiro RJ BRASIL

Av. Indianópolis, 739
04063-000 São Paulo SP BRASIL

SCS, Quadra 1, Bloco H, nº 30, 3º andar - Asa Sul
Edifício Morro Vermelho
70399-900 Brasília DF BRASIL

Associado à A.B.A.P.I.

Tel. +55 21 2237 8700
Fax +55 21 2237 8922
mail@dannemann.com.br

Tel. +55 11 2155 9500
Fax +55 11 5549 2300
spmail@dannemann.com.br

Tel. +55 61 3433 6694
Fax +55 61 3433 6695
dfmail@dannemann.com.br

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David Merrylees
José Antonio B. L. Faria Correa
Luiz Henrique O. do Amaral
Raul Hey
Carlos Cezar Cordeiro Pres
Ivan Bacellar Ahler
Maria Carmen de Souza Brito
Peter Eduardo Siemsen
Elisabeth Siemsen do Amaral
Joaquim Eugenio Goulart
Attilio José Ventura Gorini
Ana Lúcia de Sousa Borda
A. Weber N. Milagre
José Eduardo Campos Vieira
Alvaro Loureiro Oliveira
Rafaela Borges Walter Carneiro
José Henrique Vasi Werner
Marcos Velasco Figueiredo
Rodrigo Borges Carneiro
Mauro Ivan C. R. dos Santos
Markus Michael de M. Wolff
José Marcelo de O. Fernandes
Eduardo da Gama Camara Junior
Cândida Ribeiro Caffé
Sandra Leis
Mauricio Teixeira Desiderio
Filipe Fonteles Cabral
Rafael Dias de Lima
Bruno Lopes Hoflinger

Manuela Romana Gomes Carneiro
Márcia de Oliveira Anechinno
Sydinea de Souza Trindade
Roberto da Silveira Torres Junior
Jussara Tolentino N. Trindade
Roberta X. da S. Calazans
André Ferreira de Oliveira
Volkhart Hanewald
Gustavo Piva de Andrade
Amâncio Paulo Neto
Rafael Atab de Araujo
Saulo Murari Calazans
Marc Hargen Ehlers
Giselle da Silveira Mauricio
Felipe Dannemann Lundgren
Maria Moura Malburg
Pedro Martini de Castro Visconti
Adriana Diogo de Ipanema Moreira
Marcelo Leite da Silva Mazzola
Maria Isabel C.C. Bingemer
Roberta Moreira de Magalhães
Rodrigo de Assis Torres
Ana Sylvia Batista Coelho Alves
Daniel Mariz Gudiño
Tatiana Campos Matos
Mariana Reis Abenza
Renata Karvaly Viegas Fernandes
Maria Luiza Cotia
Ursula Trindade de Almeida
Fernanda Salomao Mascarenhas
Mariana Mostardeiro
Monique Rodrigues Teixeira
Eduardo C. A. de Mello e Souza
Pedro Moreira
Marcia Lamarão Rosa e Silva
Silvia Taketsuma
Bernardo Marinho F. Alexandre

Paulo Roberto Diamante

São Paulo

Gustavo de Freitas Moraes
Henrique Steuer I. de Mello
Frank Fischer
Marina Inês Fuzita Karakanian
Rodrigo Rocha de Souza
Cláudio França Loureiro
Luís Carlos S. Duarte
Daniela Thompson S. Martinez
Ana Carolina Lee Barbosa
Ana Claudia Mamede Carneiro
Luiz Augusto Lopes Paulino
Carlos Eduardo Eliziário de Lima
Marcelo Toledo de Camargo
Daniel Avila Failla

examination request. Therefore, if you wish to submit such type of amendments, the advice is to file them **before** the request of examination. The new claims should be mailed to us.

You can also submit an amendment to reduce the number of claims in order to have a reduction of the charges for requesting examination. A petition for amendment will have to be filed and charges will also be involved for the petition (usually in the region of US\$ 500.00).

Since patent annuities are only payable as from the anniversary date, the new fee rates for annuities will in any case apply for patents and patent applications for which the base date is on or after December 30, 2011.

We do not intend to increase our professional service charges as a result of the new official fees.

Please check the matter and specify the cases for which some action should be taken by this stage.

Dannemann Siemsen

This Circular is not a legal advice and is confidential and intended solely for use by the individual or company to which it was addressed. If you have received it by mistake, please notify us at (+55 21) 2237-8700.

Agente da Propriedade Industrial
Registro nº 192

Associado à A.B.A.P.I.