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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

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inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS  
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

**BRAZIL**

**Addendum**

The present document reproduces the text<sup>1</sup> of Law 10.196 of 14 February 2001, which amends and adds provisions to Law 9.279, which regulates rights and obligations regarding industrial property (circulated in document IP/N/1/BRA/I/1), as notified by Brazil under Article 63.2 of the Agreement by means of a communication from its Permanent Mission, dated 17 September 2001.

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**Conseil des aspects des droits de propriété  
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES  
À LA PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES  
AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

**BRÉSIL**

**Addendum**

Le présent document contient le texte<sup>1</sup> la Loi n° 10.196 du 14 février 2001 - modifiant et complétant la Loi n° 9.279 - qui régit les droits et obligations concernant la propriété industrielle (distribuée sous la cote IP/N/1/BRA/I/1), notifié par le Brésil au titre de l'article 63:2 de l'Accord dans une communication de sa Mission permanente datée du 17 septembre 2001.

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**Consejo de los Aspectos de los Derechos de Propiedad  
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA  
PROPIEDAD INTELLECTUAL NOTIFICADOS EN VIRTUD  
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

**BRASIL**

**Addendum**

En el presente documento se reproduce el texto<sup>1</sup> de la Ley 10.196 de 14 de febrero de 2001, que enmienda y agrega disposiciones a la Ley 9.279, por la que se regulan los derechos y las obligaciones relativos a la propiedad industrial (texto distribuido en el documento IP/N/1/BRA/I/1), notificado por el Brasil en virtud del párrafo 2 del artículo 63 del Acuerdo mediante una comunicación de su Misión Permanente de fecha 17 de septiembre de 2001.

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<sup>1</sup> In English only./En anglais seulement./En inglés solamente.

**Law 10.196, February 14 2001**

Alters and adds provisions to Law n° 9.272, of May 14, 1996, which regulates rights and duties regarding industrial property and provides other measures.

Article 1°. Law n° 9.279, of May 14, 1996, will hereafter be in force with the following amendments:

“Art. 43.....

VII - to acts performed by non-authorized third parties, regarding patented inventions, which aim exclusively the production of information, data and test results directed to procure commerce registration, in Brazil or any other country, to allow the exploitation and commercialisation of the patented product, after the termination of the terms provided in article 40.”

“Art. 229. The provisions of this Law shall be applied to all pending applications, except with respect to the patentability of applications filed until December 31, 1994, whose object of protection comprises substances, matter or products obtained by chemical means or processes and alimentary and chemical-pharmaceutical substances, matter, blends or products and medicaments of any type, as well as the respective attainment or modification processes, and whose applicants have not used the right provided in Articles 230 and 231 of this Law, which shall be considered rejected for all purposes, the Brazilian Patent and Trademark Office being bound to publish the referred rejections.

Sole Paragraph. The criteria for patentability set in this Law shall be applied to applications connected with pharmaceutical and chemical products intended for agriculture, which were filed between January 1, 1995 and May 14, 1997, on the effective filing date of the application in Brazil or of the priority, wherever applicable, the protection being assured from the date when patent is granted, throughout the remaining term counted from the filing date in Brazil, limited to the term provided in the caput of Article 40.”

“Article 229-A The patent applications of processes filed between January 1, 1995 and May 14, 1997, to which no protection was provided by Article 9, Subparagraph “c” of Law n° 5.772 of December 21, 1971, shall be considered rejected and the Brazilian Patent and Trademark Office shall provide the publication of the referred rejections.”

“Article 229-B The patent applications of products filed between January 1, 1995 and May 14, 1997, to which no protection was provided in Article 9, Subparagraphs “b” and “c” of Law n° 5.772 of December 21, 1971, and whose applicants failed to avail themselves of the right provided in Articles 230 and 231, shall be decided until December 31, 2004, pursuant to this Law.”

“Article 229-C The granting of patents on pharmaceutical products or processes shall depend on the prior consent of the National Sanitary Supervision Agency (ANVISA).”

Article 2°. The acts performed in pursuance of the Provisional Decree n° 2.105-14, of December 27, 2000, are confirmed.

Article 3° This Law shall be in force from the date of the publication thereof.

National Congress, February 14, 2001; 180<sup>th</sup> Year of Independence and 113<sup>th</sup> Year of the Republic.

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