

FACTSHEET

IMPORTANT ISSUES



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1. What is it for?

In Brazil, trademarks are a territorial right, which means that signs are only protected in this country after being successfully registered before the Instituto Nacional da Propriedade Industrial (INPI) and if they remain in force. On the other hand, protection is only granted for the specific item that has been registered (i.e. the representation of the sign related to the particular products/services).



TIPS and WATCH OUTS

Since Brazil is not yet (as of early 2018) a party to the Madrid Protocol, registering before INPI in Brazil is the only way to get a trademark registered in Brazil.

Before operating on the Brazilian market, and especially before registering a trademark in the country, we recommend you to consult specialised databases in order to avoid affecting the rights of third parties or committing trademark infringements.

Benefits of trademark searches:

- Check whether your trademark can be introduced onto this market.
- Stay ahead of competition by registering signs that have not been protected yet.
- Save money by detecting protected trademarks that might be infringed by your registration. This will allow you to negotiate a coexistence agreement with the right holder or to modify your application to avoid the infringement. In this way, additional costs due to potential legal and registration fees could be prevented.
- Keep track of the trademark registration process.

2. How to conduct a trademark search, step by step

A INPI database

In Brazil, the competent authority for the registration of trademarks is the INPI. This body can conduct searches by trademark, product/service class or owner, upon payment of a fee.

Furthermore, a free-of-charge database is available on their website: <http://www.inpi.gov.br/portal/> (Marca -> Busca) or through the following link: https://gru.inpi.gov.br/pePI/jsp/marcas/Pesquisa_classe_basica.jsp.



TIPS and WATCH OUTS

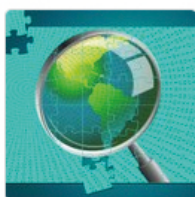
INPI database is only available in Portuguese..

The database proposes two options for the search: users can log into the system (for those who already have an account on PUSH-INPI, such as Industrial Property Agents) or may use it without logging in. This document shall focus on the latter option.

For further information on the PUSH-INPI system, please see our Factsheet 'Guide on trademark registration in Brazil' or contact our experts through our [Helpline](#).

Confira os principais dados
relativos às marcas no INPI

Passo 2: Faça a busca



Verifique se o que você pretende solicitar não foi protegido antes por terceiros. Mesmo não sendo obrigatória, a busca é um importante indicativo para decidir se você entra com o pedido ou não.

É possível fazer a busca por palavra-chave, número do processo e nome do depositante. [Acesse o sistema de busca de marcas](#). Veja a [lista de marcas de alto renome](#) em vigência no Brasil.

Passo 3: Pague a taxa



Confira os [valores das taxas](#). Pessoas físicas e microempresas, entre outros, têm direito a desconto.

Emita e pague a [Guia de Recolhimento da União \(GRU\)](#). Se for seu primeiro acesso, [cadastre-se aqui](#).

Guarde o número deste documento, pois ele será necessário para o início do processo.

After clicking 'ferramenta de busca online', then OK to continue (our browser might ask for permission due to the website's security certificate), you will be taken to the search screen.

The search can be carried out on the basis of the following criteria:

- File number (Nº do Processo): This number can be introduced, if known.
- Key words (Field: Marca): The results may consist either of the exact terms of the search (Tipo de Pesquisa: Exato), or of trademarks containing these terms or series of letters (Tipo de Pesquisa: Radical). This option filters results by product/service class according to the International Nice Classification (10th edition).



TIPS and WATCH OUTS

If the trademark consists of several words, it is recommended to conduct several searches:

- One with the whole name of the trademark
- One with each of the words that the name of the trademark is composed of

For more precise results, searches should first be conducted by exact terms and then expanded to approximate terms (Radical).

An advanced search is also available (Pesquisa Avançada), by means of both Boolean operators (which complete words) and fuzzy logic (that corrects possible spelling mistakes).

- Trademark owner (Titular): In addition to the owner's registered name (Nome), you can search for the identification number either in the National Register of Legal Persons (CNPJ: Cadastro Nacional da Pessoa Jurídica) or in the Register of Natural Persons (CPF: Cadastro de Pessoas Físicas).

- Class of the international classification (Cód. Figura), including the Nice Classification (Field: Classificação de Nice – NCL) and the Vienna Classification (Classificação de Viena – CFE). It only enables the search by joint use of both criteria. This type of search collects trademarks that are graphically similar and is particularly useful for mixed and figurative trademarks.



TIPS and WATCH OUTS

If you do not know which to which class which your product/service belongs, please refer to the International Nice Classification, 11th edition (available in [English](#)). Additionally, the national classification has been made available by INPI (available in [Portuguese](#)).

E.g. If you wish to know what trademarks including the word 'ZEBRA' have been registered in class 25 of the Nice Classification, click 'Pesquisar' to obtain the search results, the following fields will appear (from left to right):

- File number (Número de processo)
- Priority date (Prioridade)
- Type of Trademark: It may be figurative (F), nominative, (N), mixed (M), three-dimensional (T).
- Trademark name (Marca): In this example, we decided to search for trademarks that simply include the term, not just the ones that consist of the exact term (Pesquisa radical).
- tatus (Situação): It indicates whether the trademark is in force (®), revoked (X) or pending ().
- Owner (Titular)
- International Nice Classification Class (Classe)





TIPS and WATCH OUTS

It is advisable to use Boolean operators when searching for the owner's name. For further information on this type of operator, please see our Factsheet 'How to conduct a patent search', available on the Latin America IPR SME Helpdesk website <http://www.latinamerica-ipr-helpdesk.eu/>

Ministério do Desenvolvimento, Indústria e Comércio Exterior

Consulta à Base de Dados do INPI

[Início | Ajuda?]

» Consultar por: Pesquisa Básica | Marca | Titular | Cód. Figura |

RESULTADO DA PESQUISA (19/02/2018 às 06:43:41)

Marca: "zebra"

Foram encontrados 67 processos que satisfazem à pesquisa. Mostrando página 1 de 4.

Número	Prioridade	Marca	Situação	Titular	Classe
006817696	26/05/1972	N ZEBRA	Extinto	INDÚSTRIA E COMÉRCIO DE DOCES SANTA FÉ LTDA	33 : 10
006385290	29/07/1974	N ZEBRA	Extinto	COOPERATIVA AGRÍCOLA DE COTIA	10 : 10
006617514	06/09/1976	N ZEBRA	Extinto	COOPERATIVA CENTRAL	28 : 99
006993761	01/11/1978	N ZEBRA	Extinto	GLASSLITE S/A. INDÚSTRIA DE PLÁSTICOS	25 : 99
800309863	23/10/1980	N ZEBRA	Extinto	COMPANHIA BRASILEIRA DE ENTREPÓSITOS E COMERCIO (COBEC)	02 : 10
810639203	05/10/1981	M ZEBRA	Registro de marca em vigor	PARAGON TÉCNICA EM ENGENHARIA IND E COM LTDA	16 : 30
810906546	09/07/1982	M ZEBRA	Registro de marca em vigor	ZEDRA CO., LTD.	08 : 20
811098230	25/02/1983	N ZEBRA	Extinto	WÜRTH INTERNATIONAL AG	09 : 55
813280095	11/02/1987	M ZEBRA	Arquivado	GTECH BRASIL HOLDINGS S.A.	25 : 10
813280060	11/02/1987	N ZEBRA	Arquivado	ZEDRA CONFECÇÕES LTDA	40 : 15
813576601	17/06/1987	N ZEBRA	Arquivado	ZEDRA CONFECÇÕES LTDA	40 : 34
813576610	17/06/1987	N ZEBRA	Extinto	DASLO PROGRAMACAO E DESENVOLVIMENTO DE SISTEMAS LTDA	41 : 30
813827981	15/09/1987	N ZEBRA	Arquivado	CASA LUNO LOTERIAS LTDA	09 : 40
813794005	23/10/1987	N ZEBRA	Arquivado	JRI COM ASSES DESENVOLVIMENTO E INFORMATICA LTDA	40 : 34
814309364	24/06/1988	N ZEBRA	Extinto	GTECH BRASIL HOLDINGS S.A.	NCL(7) 08
815483694	04/04/1990	N ZEBRA	Arquivado	THE GILLETTE COMPANY	16 : 30
816737142	05/06/1992	N ZEBRA	Registro de marca extinto	NEWS INTERNACIONAL INDUSTRIA E COMERCIO LTDA	28 : 20
817544470	16/09/1993	N ZEBRA	Extinto	RAM GOLF CORPORATION.	34 : 10
818393564	23/03/1995	N ZEBRA	Registro de marca em vigor	THE LION MATCH (PTY) LIMITED	07 : 10
818393572	23/03/1995	N ZEBRA	Registro de marca em vigor	ZIH CORP.	NCL(7) 16

Páginas de Resultados:

1 | 2 | 3 | 4<Próxima>

Páginas de Resultados:
1 | 2 | 3 | 4-Próximas»

More information on the trademark, such as the sign or the expiration date (Vigência), among others, can be obtained by clicking on the file number.

BRASIL

Acesso à informação

Participe

Serviços

Legislação

Canais

Instituto Nacional da Propriedade Industrial
 Ministério do Desenvolvimento, Indústria e Comércio Exterior

Consulta à Base de Dados do INPI

[\[Início | Ajuda? \]](#)

» Consultar por: No.Processo | Marca | Titular | Cód. Figura]

Anterior 6/67 Próximo

Marca

Nº do Processo: **810639203**

Titular: ZEBRA CO., LTD.
 Marca: ZEBRA
 Procurador: DANNEMANN SIEMSEN BIGLER & IPANEMA MOREIRA
 Data do Depósito: 05/10/1981
 Data da Concessão: 07/06/1983
 Situação: Registro de marca em vigor **Vigência: 07/06/2023**
 Apresentação: Mista
 Classe Prod./Serv.: 16 : 30
 Natureza: De Produto
 Especificação:

Prazos para a Prorrogação
 Início do Prazo Ordinário: 08/06/2022
 Fim do Prazo Ordinário: 07/06/2023
 Início do Prazo Extraordinário: 08/06/2023
 Fim do Prazo Extraordinário: 07/12/2023

CFE(4):27.5.1

Petições ?

Pgo	Protocolo	Data	Img	Serviço	Cliente	Delivery	Data
✓	850130080275	03/05/2013	-	379	ZEBRA CO. LTD.		-
✓	800130088780	03/05/2013	-	374	ZEBRA CO. LTD.		-
✓	850120063682	02/05/2012	-	363	ZEBRA CO. LTD.		-
✓	020070041484	02/04/2007	-	366	DANNEMANN, SIEMSEN, BIGLER & IPANEMA MOREIRA		-
✓	020030017005	28/05/2003	-	840	DINMA/CABINETE		-

! TIPS and WATCH OUTS

This database is updated every Tuesdays and it therefore might not work properly on this day.



3. Practical advice

According to Brazilian regulations (art. 124 LPI), CANNOT the following CANNOT be registered as Trademarks, trademarks consisting in whole or in part of a reproduction or imitation of a registered trademark that intend to distinguish or certify an identical or similar product or service, thus causing confusion or a misleading association with a third party's trademark.

Nevertheless, not all of the trademarks included in the database prevent other trademarks from being registered or used. Only those with the status "(®)" may prevent another registration and, among these, only the ones that are already in force (marca em vigor), the rest are still pending administrative procedures. In the example above, the last three trademarks (ZebraZuca; Banana Zebra; 2. ZZ DOISZZE BRASIL) may become a risk for your trademark only from the date when they are granted.

On the other hand, some trademarks that are not included in the database (non-registered trademarks) may also determine the use and/or registration of another trademark.

E.g. In *Sabor de Fruta Sucos Ltda. v. Pizzaria Pires Ltda.*, the court acknowledged that the previous use in good faith of the trademark PIZZA PARK made by Sabor de Fruta Sucos Ltda entitled this company to obtain the registration. Therefore, the trademark registered by Pizzaria Pires Ltda. was declared invalid.

Source: [INTA trademark reportes](#)



4. How to compare two trademarks

Some of the usual practices of the INPI to establish the similarity of signs and products/services are described below, including some examples from their Trademark manual (only available in Portuguese).

A. Comparison of products and services

Product/service comparison is achieved taking into account the class they belong according to the Nice Classification. However, just because two products/services belong to the same class, does not automatically indicate similarity. Therefore, an extensive analysis of the content is required.

E.g. fire-extinguishers and sound recording discs are not similar products, though they are both classified under class 9.



TIPS and WATCH OUTS

Both national and international product and service classifications coexist in Brazil, which means that the class number is not always the best criterion to determine similarity: you should always analyse the specific contents.

In this regard, the similarity of products/services may also be determined by the following criteria (other criteria might also be used if deemed):

- Class
- Type of product
- Raw material
- Purpose
- Complementarities (parts and accessories)
- Market of commercialisation
- Distribution channels or means of promotion (publicity)

Examples:

- Vegetables and cereals (similarity of goods)
- Sportswear and tennis rackets (similarity of purpose)
- Machines for the textile industry and industrial machine repair (similarity of the specific purpose)
- Mobile phones and clocks (similarity due to the existence of a product combining both functions)



**TIPS and WATCH OUTS**

When comparing products/services, the degree of specialisation of prospective buyers must be taken into account. In the case of products related to consumer health, such as medicines, INPI is particularly scrupulous with regard to the establishment of product/service similarity because of the risks associated with a potential confusion between trademarks.

On the other hand, the protection of highly reputed trademarks covers more than the products/services for which their signs are registered.

E.g. if a person, not authorised by Coca-Cola, intends to register this trademark for medical services (class 44), Coca-Cola may request that the registration be prevented although their sign is not registered in the same class.

PRODUCT/SERVICE AND CLASS	PRODUCT/SERVICE AND CLASS	SIMILARITY CRITERIA
KACTON Field: missiles	KACTON Field: tractors	Signs identity. Lack of similarity as regards the purpose. There is no likelihood of confusion due to the different technological characteristics of the products, their specific use and their particular market actions.
LIQUOVEM Field: neurological medicine	LYKORVEN Field: cardiovascular medicine	Similar signs, market identity, likelihood of confusion because of the specific purpose of the product and the heterogeneity of the target market.
PHATO Field: clocks	FATO Field: measurement devices	Similar signs, specific products and specialised consumers. Therefore, there is no likelihood of confusion.
MIOTO Field: communication devices	MYOTTO Field: computers	Similar signs and specific products. In the first instance, there is a conflict because of the vagueness of the term 'communication devices'.

A. Comparison of signs

Signs may be identical (total reproduction of a sign with or without added elements) or similar (the signs have some common elements).

According to Brazilian legislation, the similarity between signs must be established by considering the overall impression of the graphic elements on the targeted buyers. Attention should also be given to the importance and distinctiveness of the elements composing the sign.

The overall impression refers to the elements is composed regarding their graphic, phonetic and ideological characteristics. Although the sign comprises several elements, they should not be individually assessed.

- Graphic characteristics: The use of shapes, colours, lines, syllables, strings of letters/words or sentences.
- Phonetic characteristics: Strings of syllables, word pronunciation and sentence/expression rhythm and intonation. In spite of being graphically different, two trademarks might have a similar phonetic pronunciation, e.g. Sacha vs Sasha.
- Ideological characteristics: Some signs that are very different on a graphic or phonetic level might have a meaning that is likely to be confused by the consumer. When comparing signs in two different languages, the level of knowledge of the language in the target market must be taken into account. E.g.



Field: Hand tools

BLACK HORSE

Field: Trade of hardware

Keep in mind that not all the elements of the sign are equally relevant. In the following example, the term 'GUARAPIRANGA' does not have the same importance for both trademarks. For the first one, it is the core of the trademark, while for the second one, it is only testimonial (describing its location).

CHURRASCARIA GUARAPIRANGA

Field: Grill/barbecue services



Guarapiranga

Despite being used by both signs, some elements do not create confusion, these are non-distinctive signs. Usually, they are common elements of the specific sector of activity, e.g.:

CLÍNICA ORTOPÉDICA DO RIO DE JANEIRO

Field: medical services

HOSPITAL DAS CLINICAS DO RIO DO JANEIRO

Field: medical services



GOOD PRACTICES FOR CONDUCTING A TRADEMARK SEARCH

- List the products/services that are marketed under the trademark concerned.
- Try to identify the specific terms for your product/service according to the nomenclature used in the corresponding field and in already registered trademarks. The INPI trademark manual might be useful for this purpose.
- Classify your products/services by class. Brazil has its own classification in addition to the International Nice Classification (11th edition).
- For figurative and mixed trademarks, check the Vienna Classification.
- Check already existing services/products that are similar to yours and the classes they belong to.
- Identify the relevant and distinctive elements of your trademark; they should be the main focus of your search.
- Do not search only for exact terms: expand your search to trademarks containing part of the sign, synonyms, terms with a similar ideological meaning, etc.



5. Glossary

International Nice Classification: The Nice classification is a classification of products and services used in the registration of trademarks. The countries party to the Nice Agreement constitute a Special Union within the framework of the Paris Union for the Protection of Industrial Property.

Each of the countries party to the Nice Agreement is obliged to apply the Nice Classification in connection with the registration of marks, either as the principal classification or as a subsidiary classification, and has to include in the official documents and publications relating to its registrations of marks the numbers of the classes of the Classification to which the goods or services for which the marks are registered belong. (source: [WIPO](#)).

International Vienna Classification: It is an international classification system used to classify the figurative elements of marks. The complete title of the Classification is International Classification of the Figurative Elements of Marks. (source: [WIPO](#)).

Madrid Protocol: This system makes it possible to protect a mark in a large number of countries by obtaining an international registration that has effect in each of the designated Contracting Parties. This system simplifies the application procedure since only one international application is filed, in one language (English, French or Spanish) and only one set of fees are paid. (source: [WIPO](#))

6. Related links and additional information

Latin America IPR SME Helpdesk:
<http://www.latinamerica-ipr-helpdesk.eu/>

INPI trademark manual:
<http://manualdemarcas.inpi.gov.br/>

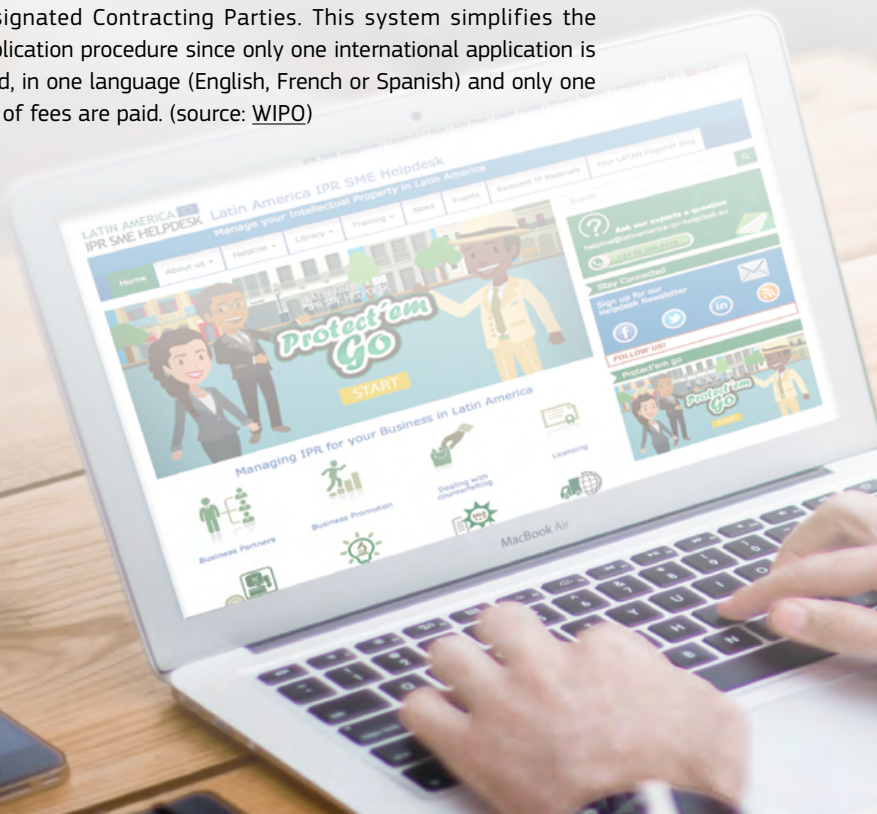
INPI trademark search database:
https://gru.inpi.gov.br/pePI/jsp/marcas/Pesquisa_num_processo.jsp

Nice Classification (11th edition):

- English
http://www.wipo.int/nice/its4nice/ITSsupport_and_download_area/20180101/guide_in_pdf/nice-en-flat-nice-20180101.pdf
- French
http://www.wipo.int/nice/its4nice/ITSsupport_and_download_area/20180101/guide_in_pdf/nice-fr-flat-nice-20180101.pdf

Vienna Classification

- English
<http://www.wipo.int/classifications/nivilo/vienna/index.htm?lang=EN>
- French
<http://www.wipo.int/classifications/nivilo/vienna/index.htm?lang=FR>



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TEL: +52 (81) 86256000

E-MAIL: mexico@latinamerica-ipr-helpdesk.eu

WORKING HOUR: 9h00-17h30 (GMT-5)

CHILE

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TEL: (56-2) 2 787 8422 – 2 787 8400

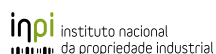
E-MAIL: chile@latinamerica-ipr-helpdesk.eu

WORKING HOUR: 9h30-18h30 (GMT-3)

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