

Specialised courts in IP matters ensure greater protection for rights holders in Brazil.

Intellectual property is of strategic and fundamental importance in the contemporary world. In an age where people are trying to copy any product or brand, the protection of IP rights is essential for any country that wishes to establish itself as a world economic power.

In the past decade, the number of patents, trademarks and industrial design applications filed before the Brazilian National Institute of Industrial Property (INPI) has increased dramatically. Further, according to INPI's official data, 11,090 patents were granted last year. This shows an increase of 77.4%, as there were 6,250 grants in the previous year only. As a result, Brazil has seen a substantial increase in the number of lawsuits related to IP matters. This is directly linked to the country's economic growth and national and international rights holders' interest in protecting their brands and technologies.

The creation of specialised lower courts and courts of appeal to decide IP lawsuits was necessary in order to ensure high-quality to decisions and thereby create reliable jurisprudence in this area, as well as reduce the duration of litigation.

In 2001 the Federal Court of Rio de Janeiro became the first federal court to create specialised lower courts for matters involving trademarks and patents. This took place five years after the Brazilian Industrial Property Law (9279/1996) came into force, which allowed the judiciary to create special courts.

Subsequently, the Regional Federal Court of the Second Region, responsible for ruling on appeals from the federal courts of Rio de Janeiro and Espirito Santo, also adopted the same measure. At the time, Judge André Fontes, who is the current president of the court, stated that it "promoted a series of specialization courses, including postgraduate courses so that judges could better understand the matter. There has also been an increase in the library and concentration of Jurisprudence".

In 2011 the Court of Justice of the State of Sao Paulo, the financial centre of Brazil, created specialised chambers for ruling appeals involving IP matters. Following this, specialised lower courts were created in 2017.

The Courts of Justice of Rio de Janeiro, Rio Grande do Sul, Minas Gerais and other states have also created specialised lower courts and/or courts of appeal to rule on IP lawsuits. This demonstrates not only the high number of cases involving intellectual property, but also that this matter is recognised as being in the public interest.

In this sense, Brazil has played its part in stimulating the creation of lower courts and courts of appeal specialising in IP matters in its main courts of justice as a way of giving greater credibility and quality to the decisions handed down. The current situation is still not ideal, but the efforts of the Brazilian judiciary to protect rights holders are undeniable.