



Patents wrapped in red tape

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IT TAKES PATIENCE TO APPLY for a patent in Brazil—the average waiting time is a decade. In the United States and other developed nations it takes about 3.5 years and even in China and South Korea, it can be done in half the time as in Brazil. The reluctance to grant patents—whether for new technologies or for inventions in health, engineering, information technology or oil, for example—undermines Brazilian competitiveness because it is such a high hurdle for innovation. According to the INPI per year, 15,000 applications are reviewed, but only 30% of applications are approved.

“Most of the technology undergoing patent examination will become obsolete before the process is finished. Innovation has come out of university research labs but has not reached the society in the form of products,” says Segen Estefen, director of technology and innovation, Luiz Coimbra Institute for Graduate Studies and Research in Engineering, Federal University of Rio de Janeiro (UFRJ). Some action is being taken to relieve the situation. Particularly promising is online filing of patents, the *e-patent*, launched last March by the National Institute of Industrial Property (INPI). The goal is to reduce processing time from ten to four years by 2017.

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The effort is part of a set of federal government incentives to innovation, which also includes the Business Innovation Plan that will provide R\$33 billion for Brazilian companies to invest in technology. However, it is still doubtful whether the INPI has the capacity to meet the “innovative wave” if companies listen to the government’s call. Experts and INPI itself believe so, although with some caveats: It takes more than investment and digitalization to speed up the processing of a patent. More INPI analysts are needed, as well as greater understanding between companies and researchers, and consolidation of a culture that recognizes the importance of intellectual property for building knowledge. “By next year we plan to hire more than 400 analysts,” says Júlio César Moreira, INPI director of patents. “We

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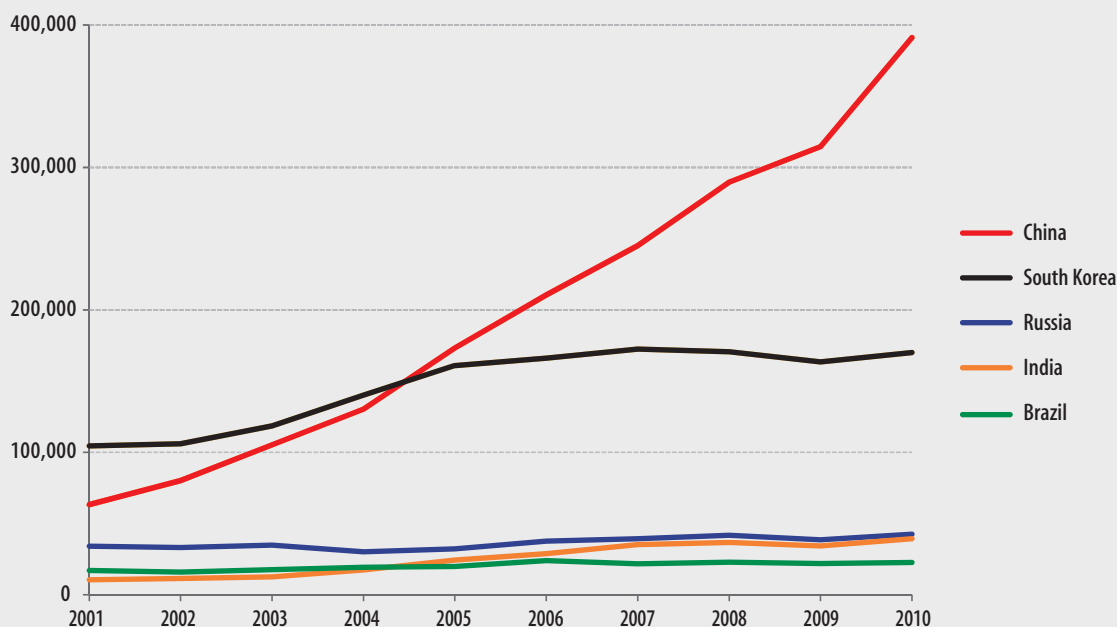
Segen Estefen

have also sought to raise the awareness among small and medium entrepreneurs of the importance of depositing technology with the INPI. The immediate impact was an increased number of patent applications from universities.”

Vanderlei Bagnato, coordinator, Innovation Agency of the University of São Paulo (USP), recognizes the efforts to reduce patent-processing delays but believes it is not enough. “We need to improve the analysis process. Entrepreneurs need support to learn how to apply for invention patents,” he says, adding that if a country cannot process patents efficiently it runs the risk of having all its planning compromised. Estefen is more optimistic. He believes that if more experts can be hired, and the red tape and paperwork are cut, patent application requests will be granted much faster than they are today.

“It’s what I’d like to believe,” adds Eliezer Barreiro, coordinator, National Institute of Science and Technology of Drugs and Medicines (INCT-InoFar). Since 1999, 15 of his patent applications have not yet been analyzed. The first, filed in late 1990 in Brazil and the United States, was a molecule that restores the strength of the heartbeat and can be used in medicines for patients with

Number of patent applications filed by countries



Source: Thomson Reuters Derwent World Patents Index (DWPI).

heart problems and hypertension. It did take the United States Patent and Trademark Office (USPTO) until 2006 to grant the patent—but INPI has not yet analyzed it.

UFRH's Estefen is another researcher whose application succeeded abroad last year but not in Brazil. "In 2004, we applied for patent of a device to generate electricity from ocean waves in Brazil. In 2005, we applied to the USPTO for a patent of the same invention and obtained approval," he says. He also emphasizes the losses to a company caused by the dilatory process. "You can negotiate with the application letter, but your invention has less value." USP's Bagnato agrees that if a patent is not yet registered, companies are reluctant to use the technology—and researchers

are discouraged from negotiating their inventions because patent approval is not yet secured.

LAST IN THE PACK

Of Brazil, Russia, India, China, and South Korea, Brazil is in last place in terms of generating patents. A February report from Thomson Reuters, *Building Bricks*, shows that in 2010 China and South Korea accounted for 84% of total patent applications. In contrast in the overall ranking of number of articles published in journals indexed by Thomson Reuters in 2009, Brazil is in 13th above countries like Russia, Taiwan and Sweden. Proof that knowledge is not lacking in Brazil, but it is lacking its use in new products. ■