



FICPI EXECUTIVE COMMITTEE MEETING

Washington, DC, June 6 & 10 2009

COUNTRY REPORTS FROM EXCO DELEGATES

Paper No:	EXCO/US09/BUR/004-PT	Date:	April 27, 2009
Association/Section:	PORTUGUESE ASSOCIATION		
Drawn up by:	Gonçalo de Sampaio		
Purpose :	For information	Tabled To :	All Attendees

SECTION A: ACTIVITIES OF FICPI ASSOCIATION/SECTION

The information supplied in Section A will remain confidential on FICPI's website after the ExCo (will require a password).

SECTION B: CHANGES IN LAW

Information supplied under Sections B and C will be published on FICPI's website after the ExCo and will be available to the public.

B1. LEGISLATION

Please give details of any adopted changes to the IP legislation in your country as well as any changes entering into force.

On October 1, 2008 the changes to the Law mentioned in our previous report came into force. The Association filed its comments, but some were not attended, focusing in 5 areas: Representation, Language, new examination system, Use requirement for the marks, payment of official fees.

In an overall perspective the Association considered that the proposed changes are bad solutions, namely considered that it would have a significant impact on the quality of the work performed before the Portuguese PTO, with a clear deregulation of the capability for acting before said Institute. Also, although there was clear purpose of simplifying the procedures, said "simplification" was not sufficiently studied, and in some cases it would have the enforceability of the rights.

The deadlines to answer notification were significantly reduced, making more difficult for the Owner to defend its rights.

B2. MAJOR CASES

Please give brief details of any new case law of general interest.

There is, for the last 2/3 years major Court cases involving the infringement /validity of Pharmaceutical patents. These cases have been developing both in Commerce Court and Administrative Courts. Presently the situation is more favorable to patent owners.

B3. OFFICIAL PRACTICE

Please describe any changes in official practice of general interest.

Nothing relevant.

B4. PROPOSALS FOR CHANGES

Please mention here any proposed changes in law or practice, enquiries/consultations, and name any working parties or committees involved.

The Association proposed an immediate revision of the changes to the Law that came into force on October 1, 2008. Until now this request was not successful.

SECTION C: OTHER INFORMATION OF GENERAL INTEREST

Please mention here any other information pertaining to your country or region that would be of interest to FICPI members and others browsing FICPI's website.

Nothing relevant.

End of report