

Morton in Life Sciences Intellectual Property Review: Comparing Life Sciences IP in Brazil and the U.S.

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PRACTICES Intellectual Property, Life Sciences, Biotechnology

Haynes Boone Partner [Jeff Morton](#) authored an article with [Daniela Fasoli](#) of Simões Propriedade Intelectual for *Life Sciences Intellectual Property Review* describing key similarities and differences between the patent systems in Brazil and the United States, particularly in biotech.

Read an excerpt below.

Brazil and the US represent two of the world's most important jurisdictions for protecting life science inventions. This article discusses similarities and distinctions between these two important patent systems.

The granting of patent applications in Brazil is ruled by the Industrial Property Law No. 9279 (IPL), from 1996. When compared to the levels of protection from countries like the US, it includes important restrictions that are especially important for life sciences inventions.

Furthermore, Article 18 excludes from patentability all living beings, except for transgenic microorganisms, and "what is contrary to morals, good customs and public security, order and public health".

In addition to patent legislation, the granting of life science, and especially biotechnology-related inventions, is governed by resolutions, regulations and examination guidelines, such as the Guidelines for Examining Patent Applications in the area of biotechnology, established by Instituto Nacional da Propriedade Industrial PR Normative Instruction No. 118, of November 12, 2020.

The granting of patent applications in the US is largely ruled by key sections of federal law (35 U.S.C.), as interpreted and supplemented by relevant case law, and from guidance regularly published by the US Patent and Trademark Office (USPTO).

While the legislation does not contain express restrictions on biotechnology-related inventions, the developed case law has provided guidance on the patentability of such inventions in the US.

To read the full article from *Life Sciences Intellectual Property Review*, click [here](#).