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Consulting Services, Technology Transfer  
and Licensing in Brazil

Background

Given the complexity of government regulations and the protectionism affecting not only the sale of Canadian products but also services and technology, the Embassy has prepared the following report based on interviews with the relevant government agencies and consultants. The report is not exhaustive because of the many variations from the rule of thumb. The major focus of the report is on consulting services and technology transfer which are the two areas most frequently enquired about.

This report will show that Brazilian regulations in these areas are complex and will require carefully drafted proposals. The intent of the controls is to (a) ensure that the country obtains the full benefit of foreign technology and services; (b) that the technology and services can be used to fullest advantage following the transfer; (c) to afford some protection for a national capability when this has been developed; (d) to control the flow of

**CONSULTING SERVICES, TECHNOLOGY TRANSFER**

**AND**

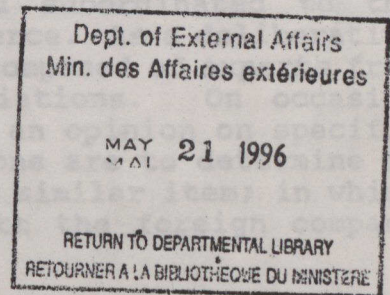
**LICENSING IN BRAZIL**

With regard to consulting services and technology, the key player is the INPI (National Institute for Industrial Property) which must approve all contracts of this nature for which payment is to be affected in foreign currency.

The INPI is a government Board established by the Ministry of Industrial Development and Commerce. Its composition varies, usually being composed of INPI staff, plus members of trade associations. Individual companies are called to provide information in specific cases. The main thrust of INPI deliberations is whether the local company produces or can produce a similar item; in which case authorization for the transaction will be denied.

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