

SEI

Another key factor which must not be forgotten, is that Brazil is encouraging, in certain cases, the organization of joint ventures with the majority control held by Brazilians. An example of this is the computer sector. The Special Secretariat for Informatics (SEI) - an agency of the National Security Council - formulates and executes the national policy for informatics. A commission composed of members from SEI and from INPI get together periodically to examine and recommend the registration of acts and contracts for the transference of technology in this field. Approval will be granted only if no national similar exists. National similars comprise any technology that in the judgement of SEI/INPI can be adapted or developed in the country.

As it can be noted by the above, it is most difficult to land consulting and technology transfer contracts in Brazil. Success will be dictated by the degree of sophistication of the technology offered.

Registration of agreements

Registration of agreements for the transfer of technology is governed by 11 Normative Acts. As mentioned above, the National Institute for Industry Property (INPI) is the entity responsible for the application of these regulations.

Draft documents must be submitted to INPI, in English and Portuguese, for approval before an agreement is signed.

Registration with INPI, and with the Central Bank for remittances abroad, are required in order to:

- a) legalise payments, within Brazil or abroad;
- b) claim tax deductions against royalty and service payments;
- c) provide evidence of the agreement.

There are 5 categories of transfer of technology agreements, details of each will be outlined separately:

- 1) specialized technical services agreements (consultancy);
- 2) agreement for technical-industrial cooperation;
- 3) agreement for the supply of industrial technology;
- 4) licence agreement for trademark;
- 5) licence agreement for patent.

In general, contracts for technical-industrial cooperation agreements are limited to 5 years but may be extended to take account of new developments during the life of the agreement. The validity period for patents may be up to 15 years.