

Official actions taken by INPI disclose the fact that certain agreements which conform broadly to the existing guidelines, are nevertheless subject to close scrutiny and diverse interpretation by INPI examiners, and as a result of this, the parties to the agreements have been required to amend or delete certain provisions in order to conform to other laws and regulations, not specifically related to technology transfer and industrial property legislation. Some official actions also show that, while apparently complying with the required guidelines, the parties were requested to submit further information or explanations to enable the examining board to evaluate what is considered as basic data for approval of agreements. In other instances it can be shown that the interpretation of national similar can be very narrow and thus facilitating the arguments for technology transfer.

The selection of a Brazilian partner who is familiar with the INPI regulations is a key step in obtaining quick approval of proposals.

When a company submits its applications for the purpose of contracting foreign technology, it must justify the need for the foreign technology, the choice of the supplier on the basis of a technical and economic study comparing the foreign technology and supplier with other available technologies and suppliers according to a survey to be made at the patents bank of the Technological Documentation and Information Center of the INPI.

Remittances of funds abroad for the payment of transference of technology, consulting services, trademark licensing, etc, are the responsibility of the Central Bank of Brazil. Registration with the Central Bank of the contract duly approved by INPI is necessary in order to receive authorization for remittances abroad.

Any further information regarding matters treated in this paper can be obtained directly from INPI's headquarters at the following address:

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Normally the whole process of examination, approval and registration of contracts at INPI may take from one to twelve months. However, with the help of specialized attorneys such as those listed at the end of this work, the time length of the process can be reduced considerably.