

QUESTION Q 157

The Relationship between Technical Standards and Patent Rights

In Brazil, national standards are those established by ABNT (Brazilian Association of Technical Norms), a private, non-profit organization officially recognized by the government as being the only national forum for standardization. ABNT has the role of the National Standard Body of Brazil, and is responsible for all voluntary, consensus-based standards. These standards can be based on international, regional or other countries standards, or they can be equivalent to ISO and IEC standards (adoption in full).

Brazilian Standards are de jure and they have the objective of attending to the needs of the Brazilian society (Government, industry, academy, labs, etc.). The Brazilian Standards cover the following fields:

- Generalities, infrastructures and sciences;
- Health, safety and environment;
- Engineering technologies;
- Electronics, information technology and telecommunications;
- Transport and distribution of goods;
- Agriculture and food technology;
- Materials technologies;
- Construction;
- Special technologies

The standards are of voluntary use, but when they are cited in official documents such as Technical Regulations (compulsory standards), law or decree, they become compulsory.

The subject is incipient in Brazil and for this reason the Brazilian Group has the intention of analyzing this complex subject and to endeavor to provide AIPPI with a result of its findings.