

Submission of the Brazilian Intellectual Property Association (ABPI)

Regarding the USTR Investigation Report under Section 301 for Brazil (2026)

Rio de Janeiro, June 19, 2026

The Brazilian Intellectual Property Association (ABPI) has been closely monitoring the developments of the investigation conducted by the United States Trade Representative (USTR) pursuant to Section 301 and, in this context, expresses its concern regarding the preliminary conclusions and recommendations set forth in the report published on June 1, 2026, particularly with respect to the proposed imposition of additional tariffs of 25% on certain Brazilian products based on alleged deficiencies in Brazil's intellectual property system.

ABPI is a non-profit private association founded in 1963 as the Brazilian branch of the International Association for the Protection of Intellectual Property (AIPPI). Today, ABPI brings together more than 900 members, including some of the leading scholars and practitioners in Intellectual Property Law. Among its statutory objectives is the continuous improvement of Brazil's intellectual property system. In Brazil, ABPI is the only organization participating in the public debate on intellectual property that is not affiliated with any particular economic sector, private interest, or governmental interest. It has consistently advocated for the strengthening of the patent system as an essential component for the country's social and technological development.

Each year, ABPI takes a position on the USTR investigation concerning the intellectual property landscape in Brazil and, in 2025, also submitted comments regarding the new investigation addressing broader aspects of trade relations between the United States and Brazil. In September 2025, ABPI participated in the hearing held in Washington, D.C., as part of this new investigation. Accordingly, this submission is intended to contribute to that investigation, reflecting ABPI's commitment to preserve and promote the flow of trade and investment between the two countries.

ABPI understands that the strengthening of economic and trade relations between Brazil and the United States has historically been guided by constructive dialogue, institutional cooperation, and mutual respect for the international commitments undertaken by both countries. In this spirit, ABPI considers it important to present objective elements that differ from the conclusions reached in the USTR report and that may contribute to a proper and balanced assessment of issues related to the protection of intellectual property in Brazil.

In this regard, ABPI emphasizes that foreign intellectual property rights holders—including, notably, companies from the United States—receive treatment in Brazil equivalent to that afforded to domestic rights holders. This principle is observed both in administrative proceedings and in the judicial system. For example, the Brazilian judiciary is equipped with specialized intellectual property courts and specialized judicial bodies in key jurisdictions, as well as civil and criminal enforcement mechanisms for the protection of intellectual property rights. Brazilian law allows for the granting of preliminary and injunctive reliefs in cases involving intellectual property infringement, including orders for the immediate cessation of unlawful acts and, where legally authorized, the seizure of counterfeit goods, in accordance with Brazilian laws and the country's international obligations.

ABPI is not aware of any laws, administrative practices or procedures that establish discrimination against, or less favorable treatment for, foreign intellectual property rights holders. On the contrary, the Brazilian intellectual property protection system is founded on the principles of equality, non-discrimination and the effective protection of legally established rights.

Like in any large and complex intellectual property system, there are opportunities for institutional and operational improvement. Such improvements, which are a shared objective of all users of the Brazilian intellectual property system, both domestic and foreign, have been the subject of ongoing dialogue among Brazilian public authorities, the private sector and other stakeholders.

ABPI reaffirms its conviction that any concerns relating to the protection of intellectual property can be more appropriately addressed through a balanced assessment, technical dialogue, and bilateral cooperation. These are the tools that have historically contributed to strengthening economic relations between the two countries and to fostering an environment conducive to innovation, investment and economic development.

In this context, ABPI considers it necessary to provide objective clarifications to facilitate an accurate assessment of the current situation. This submission focuses specifically on the intellectual property issues addressed in the aforementioned report.

According to the USTR's preliminary report, Brazil:

- does not sufficiently enforce its criminal laws and customs regulations to address the commercialization of counterfeit goods;
- does not implement continuous and consistent anti-piracy measures; and

- does not adopt adequate measures to address excessive delays in patent examination, particularly in the biopharmaceutical sector.

While historical structural challenges remain in these areas, the Brazilian government and its institutions have continuously implemented public policies and concrete measures aimed at overcoming or mitigating such challenges.

At the outset, it is important to highlight the National Intellectual Property Strategy (ENPI), established by Decree No. 10,886/2021. This public policy is coordinated by the Interministerial Intellectual Property Group (GIPI), which is composed of several ministries and coordinated by the Ministry of Development, Industry, Trade and Services (MDIC).

Through biennial action plans that define priority initiatives for each implementation cycle, the Brazilian government, together with various stakeholders from civil society, including ABPI, has promoted measures aimed at disseminating knowledge of intellectual property and strengthening its protection. Among these initiatives are several measures directly related to the issues identified in the USTR report.

The existence of a structured national strategy, coordinated and implemented through the integrated efforts of multiple stakeholders, clearly demonstrates the continued maturation of Brazil's intellectual property ecosystem.

➤ **Brazil's Actions to Combat the Commercialization of Counterfeit Goods and Piracy.**

Brazil has demonstrated a continuous commitment to combating piracy and the commercialization of counterfeit goods. This commitment has been reflected in coordinated actions, public policies and enforcement measures implemented in recent years, particularly following the establishment of the National Council for Combating Piracy (CNCP), as well as through the integrated efforts of anti-counterfeiting and anti-piracy enforcement agencies, regulatory authorities, law enforcement bodies and the judiciary.

Large-scale enforcement operations are regularly conducted with the objective of suppressing illicit activities, protecting intellectual property rights holders, and fostering a safer, more competitive and innovation-friendly business environment.

Among the recent initiatives aimed at combating piracy and counterfeiting, the following deserve to be mentioned:

- **Federal Revenue Service Interpretative Declaratory Act (ADI) No. 3/2025:** Published in December 2025, this regulation authorizes customs authorities to detain, on their own accord, goods suspected of trademark infringement or false indications of origin, without the need for a prior court order, subject to the provisions of Brazil's Customs Regulations. The measure standardized the actions of customs enforcement authorities, overcoming ambiguous interpretations that

had previously required judicial authorization to prevent infringing goods from entering the national territory.

- **National Anti-Piracy Policy:** Structured by the National Council for Combating Piracy (CNCP), the policy stems from Decree No. 9,875/2019¹. It brought together 62 actions organized under four strategic pillars, with particular emphasis on digital piracy². The new 2026–2029 cycle prioritizes the integration of enforcement authorities, the fight against infringement in the digital environment and the strengthening of product traceability³.
- **CNCP–INPI Directories:** The National Directory for Combating Trademark Counterfeiting (CNCP Resolution No. 01/2013) serves as a strategic information center accessible exclusively by public officials engaged in anti-counterfeiting activities and authorized by the Ministry of Justice and Public Security (MJSP), including Customs Authorities, Judicial Police Authorities and Public Prosecutors. As of January 2026, the directory contained more than 40,000 trademarks and was expanded to include a public contact page for trademark and geographical indication (GI) representatives, enabling access by authorities vested with law enforcement powers⁴. In November 2024, an equivalent directory for geographical indications (GIs) was launched⁵.
- **Border Enforcement Operations (Results):** Operation “Blackbeard” (October 29, 2024, São Paulo), with expected seizures of up to BRL 500 million and more than 20,000 shipments of apparel and footwear reported in the preliminary results⁶; and the detention of more than 300 tons of counterfeit goods at the Port of Santos in May 2026⁷.
- **Operation 404** Coordinated by the Ministry of Justice and Public Security (MJSP) since 2019, with the support of ANATEL, ANCINE, and the Civil Police, Operation

¹“National Anti-Piracy Policy (Decree No. 9,875/2019; PNCP 2022–2025, 62 actions).” MJSP/Senacon, January 15, 2025. Available at: <https://www.gov.br/mj/pt-br/assuntos/sua-protECAo/combate-a-pirataria/politica-nacional-de-combate-a-pirataria>

²“Ministry Launches the New National Anti-Piracy Plan (2022–2025).” MJSP, December 3, 2021. Available at: <https://www.gov.br/mj/pt-br/assuntos/noticias/ministerio-da-justica-e-seguranca-publica-lanca-o-novo-plano-nacional-de-combate-a-pirataria>

³“Integration, Digital Enforcement, and Prevention to Guide the National Anti-Piracy Plan.” MJSP/Senacon, January 5, 2026. Available at: <https://www.gov.br/mj/pt-br/assuntos/noticias/integracao-fiscalizacao-no-ambiente-digital-e-prevencao-vaonortear-o-plano-nacional-de-combate-a-pirataria>

⁴“National Directory for Combating Trademark Counterfeiting.” Available at: <https://www.gov.br/inpi/pt-br/projetos-estrategicos/combate-a-falsificacao/dncf-marcas>

⁵“INPI Launches the National Directory for Combating the Counterfeiting of Geographical Indications.” INPI, November 29, 2024. Available at: <https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/inpi-lanca-diretorio-nacional-de-combate-a-falsificacao-de-igs>

⁶“Federal Revenue Service Launches Operation to Combat the Trade of Illicit Goods (Operation Blackbeard).” Brazilian Federal Revenue Service, October 29, 2024. Available at: <https://www.gov.br/receitafederal/pt-br/assuntos/noticias/2024/outubro/receita-federal-inicia-operacao-de-combate-ao-comercio-de-produtos-ilicitos>

⁷“Federal Revenue Service at the Port of Santos Detains More Than 300 Tons of Counterfeit Goods.” Brazilian Federal Revenue Service, May 2026. Available at: <https://www.gov.br/receitafederal/pt-br/assuntos/noticias/2026/maio/receita-federal-no-porto-de-santos-retem-mais-de-300-toneladas-de-mercadorias-falsificadas>

404 has taken down more than 3,000 websites and applications throughout its eight phases⁸. In its 8th phase (November 27, 2025), 535 websites and one application were blocked, 44 warrants were executed, and the United States and Mexico observed the Brazilian methodology as observers⁹. These actions have resulted in criminal convictions: in December 2025, five defendants in the CONTROLIPTV case (originating from the second phase of the operation) were sentenced to imprisonment and fined BRL 5 million¹⁰.

- **ANCINE Legislation to Combat Online Audiovisual Piracy:** Law No. 14,815/2024 granted ANCINE the authority to determine, through administrative proceedings, the suspension and cessation of the unauthorized use of audiovisual works, including in the digital environment¹¹. ANCINE Normative Instruction No. 174/2026 (April 10, 2026) regulated Article 3 of Law No. 14,815/2024, establishing an administrative procedure with a deadline of up to 30 business days (and 48 hours for the infringer to remove the content or challenge the measure), as well as dynamic and continuous blocking mechanisms and ex officio enforcement authority¹². The regulation provides for real-time blocking of live broadcasts and the sharing of infringer data with the CNCP, the WIPO ALERT global list, and TAG (Trustworthy Accountability Group) for advertising blacklisting purposes, as well as the suspension of payment processing services.¹³
- **ANATEL Plan to Combat the Use of Illegal Set-Top Boxes:** Since February 2023, ANATEL has been implementing the Plan to Combat the Use of Illegal SeAC Set-Top Boxes, aimed at blocking non-certified TV boxes (estimated at 5–7 million devices currently in use)¹⁴. Between October 2018 and May 2025, 1.5 million devices, valued at BRL 353.2 million, were seized; since September 2023, the Anti-Piracy Laboratory has blocked 24,700 IP addresses and 4,428 domain

⁸“Operation 404 Marks Five Years (More Than 3,000 Websites and Applications Taken Down).” TargetHD, December 2025. Available at: <https://www.targethd.net/operacao-404-completa-cinco-anos/>

⁹“International Anti-Piracy Task Force Takes Down 535 Websites and One Streaming Application (8th Phase).” MJSP, November 27, 2025. Available at: <https://www.gov.br/mj/pt-br/assuntos/noticias/forca-tarefa-internacional-contra-pirataria-tira-do-ar-535-sites-e-um-aplicativo-de-streaming>

¹⁰“Five Defendants Sentenced to Imprisonment and a BRL 5 Million Fine for Piracy in the CONTROLIPTV Case.” TELA VIVA News, December 12, 2025. Available at: <https://telaviva.com.br/12/12/2025/justica-condena-cinco-acusados-a-prisao-e-multas-de-r-5-milhoes-por-pirataria-no-caso-controliptv/>

¹¹“Law No. 14,815, of January 15, 2024.” Presidency of the Republic, January 15, 2024. Available at: http://www.planalto.gov.br/ccivil_03/_ato2023-2026/2024/lei/l14815.htm

¹²“ANCINE Issues Normative Instruction and Strengthens the Fight Against Online Audiovisual Piracy (Normative Instruction No. 174).” Ministry of Culture / ANCINE, April 10, 2026. Available at: <https://www.gov.br/cultura/pt-br/assuntos/noticias/ancine-publica-instrucao-normativa-e-amplia-combate-a-pirataria-audiovisual-na-internet>

¹³“ANCINE Normative Instruction No. 174 Regulates Website Blocking.” Sou Legal (Analysis of Normative Instruction No. 174/2026), April 24, 2026. Available at: <https://soulegal.tv.br/2026/04/24/instrucao-normativa-174-ancine/>

¹⁴“ANATEL Approves Plan to Combat Illegal Pay-TV Set-Top Boxes.” CNN Brasil (based on ANATEL data), February 10, 2023. Available at: <https://www.cnnbrasil.com.br/economia/macroeconomia/anatel-aprova-plano-para-combater-decodificadores-clandestinos-de-tv-por-assinatura/>

names¹⁵; and more than 2 million unlawful addresses were removed in 2023 alone¹⁶.

- **ANCINE–ANATEL Cooperation:** On May 15, 2025, ANCINE and ANATEL entered into a Technical Cooperation Agreement (24 months, renewable for up to 48 months), under which ANCINE orders blocking measures and ANATEL coordinates more than 20,000 broadband service providers to implement and audit such measures¹⁷.
- **Operation SLIM:** An operation coordinated by the Federal Police and ANVISA (Brazilian Health Regulatory Agency) aimed at combating the illicit production, distribution and commercialization of weight-loss medications. The operation focused on products containing tirzepatide that were being unlawfully marketed under the name “Mounjaro.” The operation was carried out in four Brazilian states and involved the execution of 24 search and seizure warrants, as well as the arrest of a medical professional involved in the investigated scheme.

➤ **Measures Adopted by Brazil to Address the Patent Application Examination Backlog**

With regard to reducing the examination time for patent applications, as well as the patent backlog, including in the biopharmaceutical sector, Brazil has adopted through the National Institute of Industrial Property (INPI) several concrete measures aimed at addressing this issue.

Since the beginning of the Patent Backlog Reduction Program, the stock of pending applications covered by the program has decreased from 147,217 in 2019 (September 11, 2019) to 527 in 2026 (January 16, 2026)¹⁸. In January 2026, INPI declared that the project had achieved its objective and discontinued the “Backlogômetro.”¹⁹

¹⁵“Pirate Streaming Services Suspended in Brazil Following an Operation in Argentina (Based on ANATEL Enforcement Data).” Mercado&Consumo, November 4, 2025. Available at: <https://mercadoeconsumo.com.br/04/11/2025/economia/servicos-de-streaming-piratas-sao-suspenso-no-brasil-apos-operacao-na-argentina/>

¹⁶“The Fight Against Digital Piracy Must Go Beyond the Major Studios (2 Million Addresses Removed in 2023, According to ANATEL Data).” *Meio & Mensagem*, May 23, 2025. Available at: <https://www.meioemensagem.com.br/opiniao/o-combate-a-pirataria-digital-precisa-ir-alem-dos-grandes-estudios>

¹⁷“ANATEL and ANCINE Sign Agreement to Combat Audiovisual Content Piracy.” ANCINE/ANATEL – Agência Gov, May 15, 2025. Available at: <https://agenciagov.ebc.com.br/noticias/202505/anatel-e-ancine-firmam-acordo-para-combater-pirataria-de-conteudos-audiovisuais>

¹⁸“Progress of the Patent Backlog Reduction Program.” National Institute of Industrial Property (INPI). Available at: [Evolução do Plano de Combate ao Backlog de Patentes — Instituto Nacional da Propriedade Industrial](https://www.inpi.gov.br/pt-br/servicos/patentes/plano-de-combate-ao-backlog)

¹⁹“Patent Backlog Reduction Program.” INPI, updated on January 21, 2026. Available at: <https://www.gov.br/inpi/pt-br/servicos/patentes/plano-de-combate-ao-backlog>

The average patent decision time (measured from the filing date) was reduced to 4.7 years in 2023, 4.4 years in 2024, and 4.3 years in 2025, with a target of reaching 3.5 years in 2026²⁰. Specifically with respect to pharmaceutical patents, the average time between filing and the first patent grant decision was 6.8 years in 2025.²¹ In 2025, patent application filings totaled 29,557, representing a 6.7% increase compared to the previous year. During the same period, 13,624 patents were granted, a figure 5.5% higher than that recorded in 2024.²²

Indeed, the increase in patent application filings compared to the number of patent grants still presents a structural challenge, particularly over the last three years (2022–2025), during which patent grants showed a downward trend due to workforce reductions and the exhaustion of applications covered by the Patent Backlog Reduction Program²³, and this has been reflected in longer examination times.

However, INPI is actively working to rebuild its workforce and adopting technological policies involving the use of artificial intelligence to accelerate examination times, including for patent applications²⁴. The reinforcement of patent examiners in 2025 specifically prioritized the biopharmaceutical patent sector: of the 40 new patent examiners, 33 were allocated to biotechnology (Pharma and Agro) and 7 to telecommunications²⁵.

Other measures, such as accelerated examination programs, are contributing to the faster granting of patents, including biopharmaceutical patents. Under the priority examination procedure, the decision time was reduced to 6.3 months in 2025 (counted from the filing of the request for prioritization), with a target of 6 months in 2026²⁶. INPI established Phase V of the Global Patent Prosecution Highway through Ordinance INPI/PR No. 48/2024, allowing up to 3,200 requests annually as of January 1, 2025,

²⁰[ids.org.br/wp-content/uploads/2026/04/RELATORIO ANUAL DE-PI BRASIL 2025.pdf](https://ids.org.br/wp-content/uploads/2026/04/RELATORIO_ANUAL_DE-PI_BRASIL_2025.pdf), pag 7

²¹ Data provided in an article published by Interfarma: 6.8 years: <https://www.interfarma.org.br/patentes-farmaceuticas-demoram-20-mais-que-a-media-geral-para-decisao-no-brasil/>

²²“ INPI Monthly Intellectual Property Bulletin – December 2025.” INPI, January 19, 2026, p. 11. Available at: <https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/recordes-de-pedidos-sao-o-destaque-nas-estatisticas-de-pi-em-2025>

²³ INPI Monthly Intellectual Property Bulletin – December 2025.” INPI, January 19, 2026, p. 11. Available at: <https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/recordes-de-pedidos-sao-o-destaque-nas-estatisticas-de-pi-em-2025>

²⁴“ INPI Releases the 2025 Management Report (More Than 500,000 Trademark Applications and Approximately 30,000 Patent Applications; Use of AI in Examination; Workforce Rebuilding as a Challenge).” INPI, March 31, 2026. Available at: <https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/inpi-divulga-o-relatorio-de-gestao-2025>

²⁵“INPI Gains Efficiency with New Staff, Lawyers Highlight.” Migalhas (based on INPI data), November 21, 2025. Available at: <https://www.migalhas.com.br/quentes/444857/inpi-ganha-eficiencia-com-novos-servidores-destacam-advogados>

²⁶“ INPI Publishes Its 2026 Action Plan.” IDS (based on INPI data), December 2025. Available at: <https://ids.org.br/noticia/inpi-publica-seu-plano-de-acao-para-2026/>

thereby expanding accelerated examination, including for biopharmaceutical technologies²⁷.

Thus, it can be observed that the country, through concrete actions undertaken by INPI, is actively working to ensure patent grant timeframes compatible with the practices of leading international patent offices.

➤ **ABPI Position**

As demonstrated, although there remain areas for improvement in Brazil's intellectual property public policies, the country has implemented continuous, coordinated, and effective measures to address each of the issues identified in the USTR report.

In this context, ABPI believes that the conclusions set forth in the report, as well as the resulting recommendations for retaliatory measures, particularly the preliminary recommendation to impose additional tariffs of 25% on certain Brazilian products, are not supported by the institutional and regulatory reality currently observed in the country with respect to its intellectual property system.

ABPI firmly believes that there is room for further dialogue and negotiations between Brazil and the United States, allowing for the development of balanced solutions to the issues under discussion, while preserving the economic and trade relations between the two countries and recognizing the concrete progress achieved by Brazil in strengthening its intellectual property system.



Peter Eduardo Siemsen
President of ABPI



Rodrigo A. de Ouro Preto Santos
First Vice President of ABPI

²⁷“Ordinance INPI/PR No. 48, of November 29, 2024 – Phase V of the PPH Pilot Program; Accession to the Global PPH on July 6, 2024.” INPI, December 10, 2024, pp. 1–3. Available at: https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/fase-v-do-projeto-piloto-pph-entrara-em-vigor-em-01-01-2025/PortariaINPI48_2024.pdf