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Patent Annuities Region Guide

South America

Argentina | Brazil | Chile

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Working in technology transfer for over 20 years, IP Pragmatics is a trusted, independent partner to universities, research institutes and corporates in over 20 countries. Our team of experienced ex-industry, university TT and IP specialists has active global industry networks and contacts. We use this collective expertise alongside extensive market, IP and scientific information resources, to provide analytical rigour and practical insights.

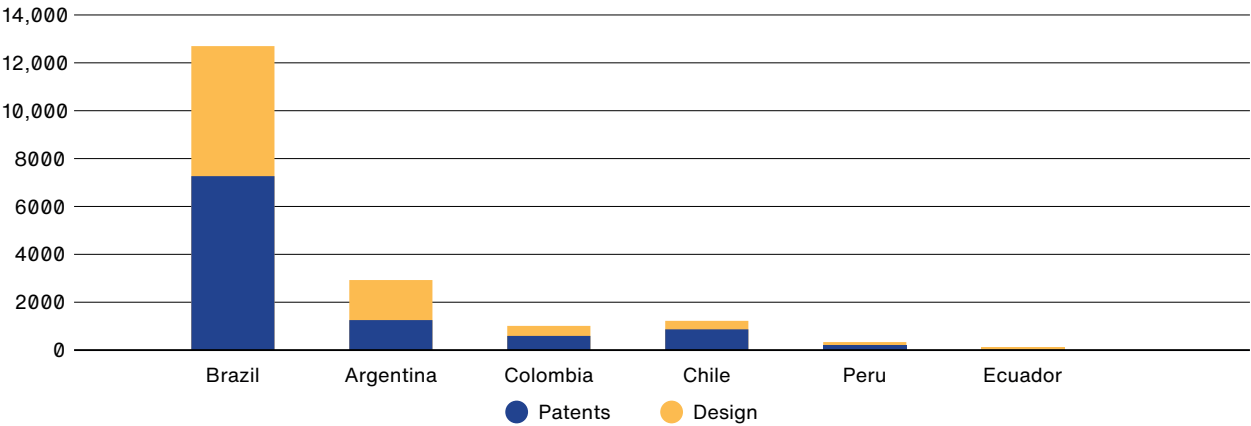
IP Pragmatics is an official partner of IPRIS and Wellspring Worldwide.

As a continuation from our 2021 country annuity guides, in 2022 we are pleased to share this South American Guide, that provides a short overview of IP filing activities in the region and then focuses on patent renewal rules in Argentina, Brazil and Chile.

As an overview of IP activities in the region, data from the World Intellectual Property Organisation (WIPO) was reviewed in order to determine the top countries by GDP, patent, design and trademark filing rates in 2020.

The top six countries in South America by GDP in 2020 and the number of patent and design filings are provided in the stacked chart below.

Top 6 Countries by GDP in South America by GDP (2020) Patent and Design Filings



As expected, with Brazil being the largest country and GDP in the region, the total number of patent and design filings at 12,687 is in a magnitude larger than the next largest filing country – Argentina with a total of 2,932 and third largest filer of patents and designs in 2020 with Chile at 1,225. In terms of designs as a proportion of total patent and design filings in 2020 Argentina has highest ratio of designs at 58% of the total compared to Chile and Ecuador where designs are lowest at 30% design filings as a proportion of total patents and designs.

For trademark filings in 2020, WIPO statistics list Brazil, Argentina and Chile as the top 3 countries in the region with Brazil once again at 281,493 trademarks filed which is greater than the following top five countries of Argentina, Colombia, Chile, Peru and Ecuador combined at 213,624 trademarks filed in 2020.

Source: [WIPO Statistics](#)

Trademarks



Patent Annuities



Argentina



Grant
Pay accumulated fees



Lifespan
Pay renewal fees annually



Expiry

In Argentina, renewals are due once the patent application is granted. Renewals in Argentina start from 2nd year of filing anniversary, in IPRIS this would be the 3rd renewal year. It takes up to 4 to 5 years for an Argentinian patent application to be granted. Therefore, accumulated fees from the third year of the filing date to the year of grant must be paid upon grant.

Renewals are calculated in 2-steps

- 1 IPRIS calculates the renewal date.
- 2 IPRIS calculates the renewal year.

Subsequent renewal fees are due annually before the expiry of each succeeding year.

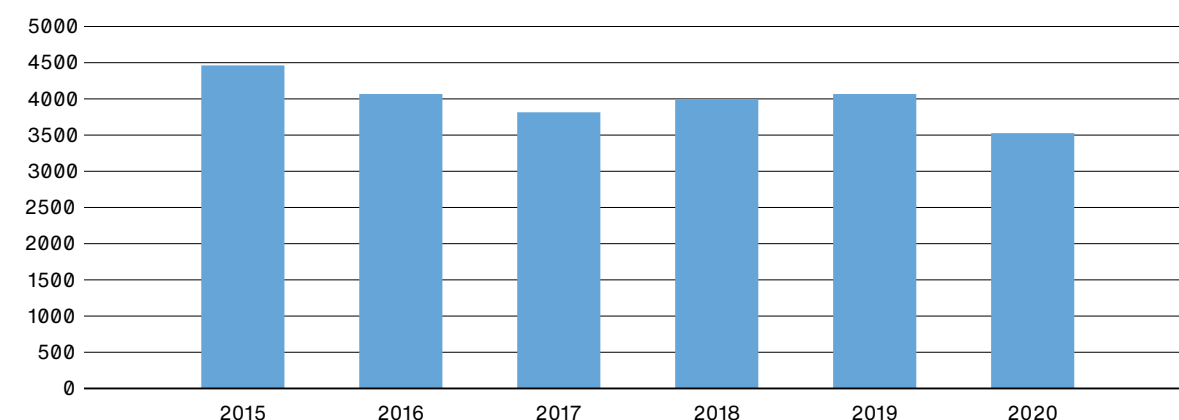
For IPRIS to calculate the renewals in Argentina, the Application date, Application number, Grant number, and Grant date for the patent are required.

FACT

Argentina is not part of the PCT convention. Therefore, patents cannot be filed in Argentina through the National Phase entry. Patents have to be filed directly in Argentina.

Number of Patent Applications

Source: INPI - Instituto Nacional De La Propriedad Industrial Argentina



The rate of filed patent applications has remained relative flat from 2015-2019, with a marked decline in 2020.

This recent drop in filing rate could be attributed to the pandemic and so over the coming 2-3 years it will be clearer if there is a declining trend in applications or if the rate will remain stable.



Useful link

Here is a useful link to search patents listed on the Argentinian platform for patent information.
[INPI - Instituto Nacional De La Propriedad Industrial Argentina](#)

Worked example

If a patent application has the filing date of 20/11/2017 and is granted on 28/04/2022, you would have to pay the accumulated fees for the 3rd year, 4th year, 5th year, and 6th year at the time of grant. Post-grant you will pay the 7th renewal on 20/11/2023 and the subsequent renewals annually.

If you fail to pay the renewal fees before the anniversary of the filing date, you can utilise the 6 month grace period available in Argentina to pay the outstanding fees. However, if the fees are not paid within the 6 month grace period the patent will lapse due to non-payment of maintenance fees.



Patent Annuities



Brazil



In Brazil, renewals are due on the 2nd anniversary of the filing date this would be the 3rd renewal year in IPRIS. Subsequent renewal fees are due annually on the filing anniversary date.

Once the Brazilian application has been granted, the renewal fees will increase to reflect the transition of the patent application to a granted patent.

Renewals are calculated in 2-steps

- 1 IPRIS calculates the renewal date.
- 2 IPRIS calculates the renewal year.

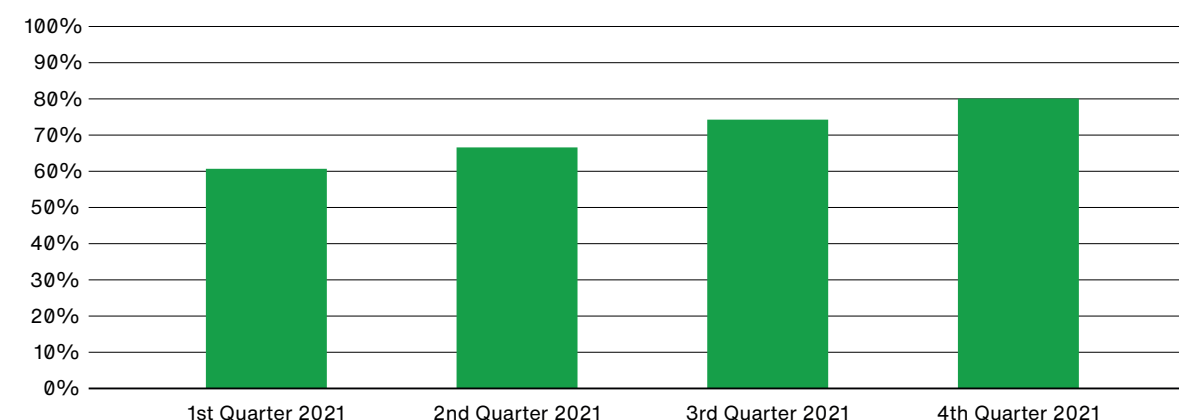
For IPRIS to calculate and pay renewals on pending Brazilian applications, we need the Application date and Application Number for the case.

FACT

If you fail to pay renewals within the 6-month grace-period the patent will lapse due to non-payment of maintenance fees. However, you can restore the application if you respond within 3 months from the Notice of the dismissal, pay the restoration fees, and the outstanding renewal fee.

Number of Patent Applications

Source: INPI - Instituto Nacional da Propriedade Industrial (Brazil PTO)



At the start of 2021, the Brazilian PTO embarked on the task to reduce the backlog for patent application examinations. In the first quarter the Brazilian PTO had managed to reduce the backlog by 60.6%. Their desired goal at the end of the year was to reduce the backlog by 80%.

This is encouraging, because it gives hope to the notion that the patent prosecution process will no longer be as delayed as it has been in the past.

Useful link

Here is a useful link to search patents listed on the Brazilian platform for patent information.

[INPI - Instituto Nacional da Propriedade](#)

Worked example

If the patent application was filed on 20/11/2020, the first renewal will be due on 20/11/2022. After the first payment renewal fees will be due annually.

If you fail to pay the renewal fees before the anniversary of the filing date, you can utilise the 6 month grace period available in Brazil. However, if the fees are not paid within the 6 month grace period and you do not respond to the Notice of the dismissal in 3 months the patent will lapse due to non-payment of maintenance fees.



Patent Annuities



Chile



Grant
Pay 10 years of renewals



10 year filing anniversary
Pay 10 years of renewals



Expiry

In Chile, renewals are due once the patent has been granted; renewals are not paid annually, instead, you pay a decade's worth of renewals on grant and then you pay the remainder of the renewals on the 10 year filing anniversary.

Renewals are calculated in 2-steps

- 1 IPRIS calculates the renewal date.
- 2 IPRIS calculates the renewal year.

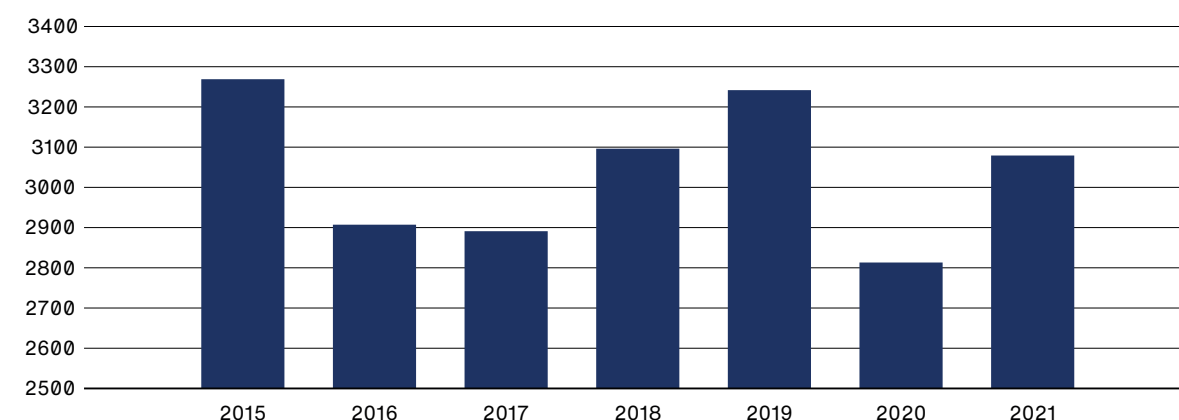
For IPRIS to calculate the renewals in Chile, we need the Application date, Application number, Grant number, and Grant date for the patent.

FACT

Renewals are due twice in Chile and not annually like Argentina and Brazil.

Number of Patent Applications

Source: [INAPI - Instituto Nacional de Propiedad Industrial](#)



2015 was the year that Chile received the most patent applications with a total of 3271 applications. In 2016, there was a dip with a total of 2907. The amount of patent applications finally increased in 2019 to 3239, however the numbers decreased once again in 2020, this could have been due to COVID-19. 2021, was a great year for Chile as the amount of patent applications increased once again hitting the 3k mark.



Useful link

Here is a useful link to search patents listed on the Chilean platform for patent information.

[INAPI - Instituto Nacional de Propiedad Industrial](#)

Worked example

If a patent application has the filing date of 20/11/2020 and is granted on 28/04/2022, you would have to pay the first renewal fee on 28/04/2022 upon grant. The second renewal should be paid before 20/11/2030.

If you fail to pay the renewals by the renewal deadline, you will have a grace period of 6 months to pay the renewals, there will be a surcharge fee if you pay the renewals in the grace period. If the renewals are not attended to in the 6 month grace period the patent will lapse due to non-payment of maintenance fees.





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Talk to us about your patent renewal needs
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