



December 2025

URGENT: SUSPENSION OF PRIORITY PATENT EXAMINATION FOR H04 TECHNOLOGIES BY THE INPI

1. Introduction

This report provides a critical update regarding a significant regulatory change from the Brazilian Patent and Trademark Office (BRPTO/INPI) that directly impacts your patent portfolio. On December 4, 2025, the INPI issued Ordinance /INPI/DIRPA No. 17, which will take effect on January 1, 2026.

The new ordinance temporarily suspends the acceptance of priority examination requests for all patent applications whose main classification is H04 (Telecommunications). Given that you hold pending patent applications within this classification, this measure requires your immediate attention and action.

2. Key Provisions and Impact on Your H04 Portfolio

The central provision of Ordinance No. 17/2025 is a moratorium on new requests for accelerated examination for H04-class patents. This directly affects your ability to fast-track the prosecution of key telecommunications patents in Brazil.

While the ordinance provides exceptions for requests based on an applicant's status (e.g., elderly, individuals with disabilities, or startups), it suspends the most commonly used grounds for acceleration, including for technologies already available on the market.

As a result, any of your H04 patent applications that do not have a priority examination request filed before the deadline will be processed in the standard examination queue, which currently has a significantly longer backlog.

3. CRITICAL DEADLINE: DECEMBER 30, 2025

There is a narrow window of opportunity to act. You have until December 30, 2025, to file any priority examination requests for your existing H04 patent applications on the grounds that the technology is already being commercialized.

After this date, it will no longer be possible to request accelerated examination for H04-classified patents under this modality. This suspension will remain in effect indefinitely until the INPI either revokes or amends the ordinance.



Action	Deadline	Consequence of Inaction
File Priority Examination Request (H04 Patents)	December 30, 2025	Application enters the standard, slower examination queue.

4. Strategic Recommendations

To mitigate the impact of this new regulation, we recommend the following immediate actions:

- 1 Immediate Portfolio Review: We must conduct an urgent review of your entire Brazilian patent portfolio to identify all pending applications with the H04 classification.
- 2 Identify Commercialized Technologies: From this list, we need to pinpoint every application for which the underlying product or technology is already available on the market.
- 3 File Before the Deadline: For all applications identified in the step above, we must prepare and file the corresponding priority examination requests with the BRPTO no later than December 30, 2025.

5. Conclusion

The INPI's new ordinance presents a significant strategic challenge that requires swift and decisive action to protect your competitive advantage in Brazil. By filing for priority examination before the deadline, we can ensure your most critical H04 patents are examined on an accelerated timeline.

We are prepared to assist with the immediate review of your portfolio and the filing of these urgent requests. Please confirm at your earliest convenience how you wish to proceed.

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