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# Newsletter

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## **RESOLUTION No. 210 - ON THE PRESENTATION OF SEQUENCE LISTINGS FOR THE PURPOSES OF COMPLEMENTING THE DESCRIPTION OF PATENT APPLICATIONS, applicable as of September 1<sup>st</sup>, 2009**

On May 7, 2009, by means of publication made in the Brazilian Federal Official Gazette, the Brazilian Patent Office established new rules for the presentation of nucleotide and/or amino acid sequences, for the purposes of complementing the description of patent applications. These rules shall be applied as of September 1<sup>st</sup>, 2009 to both national applications and those filed under the PCT, when entering the national phase in Brazil.

According to this Resolution the Applicant of a patent application having one or more nucleotide and/or amino acid sequences, which are essential for describing the invention, will have to present them in a "Sequence Listing", mandatorily in electronic format, in a non-rewritable compact disc (CD) or in a non-rewritable digital disk (DVD).

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According to these new proceedings, the Sequence Listings may optionally be further submitted in printed format, in addition to the electronic file, accompanied with a Declaration from the Applicant reciting that the information contained therein is identical to that in the electronic format.

The representation of biological sequences in the “Sequence Listing” shall follow the WIPO standard ST 25, and must be reproduced in two separate files, one of them in the text format (TXT) and the other in the Portable Document Format (PDF).

Resolution 210 disposes that the “Sequence Listing” in the electronic format should be presented at filing or no later than the date the Examination is requested.

In case the “Sequence Listing” is submitted separately from the filing of the patent application itself, the petition is exempted from the payment of official fees.

In the event the “Sequence Listing” in electronic format is not submitted within the specified deadlines, the Brazilian PTO may issue an official action, the compliance of which being subject to payment of the applicable official fees.

Resolution 210 further rules on the attribution of an “Alphanumeric Control Code” to the electronic “Sequence Listing” for certificating the authenticity of its contents. Said Control Code is to be generated by means of a computer program which shall be made available at the Brazilian PTO website ([www.inpi.gov.br](http://www.inpi.gov.br)). Up to the present moment said software has not been made accessible yet.

The Letters-Patent will comprehend the CD or DVD, also indicating the above-referenced “Alphanumeric Control Code”.

For applications filed at the Brazilian PTO before the Resolution enters into force, which contain “Sequence Listings” in the printed format, an electronic version of said section may be also submitted on the conditions set out in the Resolution at stake, accompanied with a Declaration from the Applicant that the contents of the electronic file resemble the one of the printed document. **The presentation for these applications is therefore not mandatory.**

**All the previous dispositions concerning the presentation of “Sequence Listings” are to be revoked as from the date this Resolution comes into force.**

**Please find enclosed herein an English language version of Resolution 210 for your prompt reference.**

Should you have any questions or concerns in this respect, please contact our Attorneys or email us at [momsen@leonardos.com.br](mailto:momsen@leonardos.com.br).