

Biotech patents in Brazil: Senate approves accession to the Budapest Treaty



On June 11, 2025, the Brazilian Senate **approved the accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.**

When an invention involves biological material essential for the practical execution of the subject matter of the patent application, and this material is not accessible to the public and cannot be otherwise described, *"the specification will be supplemented by a deposit of the material in an institution authorized by Brazilian PTO or indicated in an international agreement"* (Art. 24, Brazilian IP Law).

Deposit of microorganisms is performed at a recognized International Depositary Authority (IDA) in any signatory country, and that deposit is recognized in all other signatory countries. Currently, the only IDAs located in Latin America are in Mexico and Chile.

Construction and implementation, initiated in 2008, of the Brazilian Biological Material Center (CBMB), which would be capable of operating as an IDA under WIPO standards, were not finalized.

This recent approval by the Brazilian Senate opens now the door for Brazilian institutions, such as Fiocruz and Embrapa's Cenargen, to become eligible as IDAs.

The conditions are in place to move forward with this strategic project. **The existence of an IDA in Brazil would allow streamlining the deposit process and empowering local innovation ecosystems.**

If you have any questions or require additional information, please do not hesitate to contact us via e-mail at brasil@ungria.com.br