



# MEETING SERIES

**Liane Lage**

*Director of Patents, Computer Software, and  
Integrated Circuits Topography at the Brazilian PTO*

DANIEL

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## “The future is around the corner.”

The anti-backlog plan has completed one year, with surprising results for the country and the world alike.”

The statement that opens another issue of our Meeting Series is from Liane Lage, Director of Patents, Computer Software, and Integrated Circuits Topography at the Brazilian PTO (BPTO), in an interview with Roberto Ribeiro, a partner at Daniel Law.

The World IP Review magazine selected Liane Lage as one of the 100 most influential women worldwide in the IP field. This acknowledgment highlights the work carried out with the Anti-Backlog Plan to reduce the time required for patent review. For Lage, it represents the recognition of the BPTO's work, and particularly of the Patents Department team, whose commitment allowed increasing the productivity and eliminating thousands of pending applications from the review queue.

Holding a Master's and a Doctoral degree in Chemical Engineering, Lage works at BPTO since 1998, when she joined the Institute as an Industrial Property researcher. She headed the Organic Chemistry division and the General Coordination Office for Patents I. Before joining BPTO she worked for almost 15 years in R&D as a researcher at Petroquímica do Nordeste (Copene) and at the Cross-Membrane Processes Laboratory of Coppe/UFRJ (Alberto Luiz Coimbra Graduate Courses and Engineering Research Institute).

Get to know a little more about her career path and how she arrived at the world of Intellectual Property (IP).

*“I believe that we are creating a sustainable path for intellectual property to be a decisive factor in the economic and social development of the country.”*

**Liane Lage**

*Director of Patents, Computer  
Software, and Integrated  
Circuits Topography at the  
Brazilian PTO*



**Roberto Ribeiro** – Let's start our interview by talking a little bit about you. Tell us about your career at the Brazilian PTO (BPTO) and how you fell in love with the work you do.

**Liane Lage** – After graduating in Chemical Engineering at UFMG (Federal University of Minas Gerais), in 1981, I came to Rio de Janeiro at 23 years of age to take a Master's degree in the Chemical Engineering Program COPPE/UFRJ, the most significant reference in excellence at the time. This was my first major challenge for my personal and professional life. Then, I worked at COPENE Petroquímica do Nordeste as a researcher for six years, and, after that, I returned to COPPE to work in its Chemical Engineering Program, also as a researcher. After some years, I started my Ph.D. in the same program and was finishing it when I decided to take the competitive exam for the Brazilian PTO.

I began at the Brazilian PTO in 1998, from its first competitive exam. My contact with patents was, until that point, relatively little, and even less with the Brazilian PTO itself. In fact, I was just aware of the Brazilian PTO because I had conducted a research in its patent database. This experience made me think a lot if I should try the competitive exam or not. It was frightening to see that paperwork world, entire floors. We had to conduct the research with gloves and mask due to the dust and mold. However, these three days of research in the patent database were crucial to decide on my future. In the search I performed, I found a patent request of a technology that was very close to the one I was researching in the Ph.D. thesis, and what is most surprising is that it was recorded five years prior to a scientific article that was recently published. Thus, although the Brazilian PTO's physical world had scared me, the Information Technology world that was contained in that space captivated me. At the time, we didn't have the digital resources we currently have.

And that is how my passion for Industrial Property began. I confirmed in practice that the technological novelties should be searched first in the patent databases, and this is the first step to be taken by any researcher. Considering that I studied at one of the largest universities in Brazil, UFMG, that I took my Master's degree and Ph.D. in one of the most renowned research programs, PEQ/COPPE/UFRJ, hearing little about patents during this period and, even in the industry people only thought about patents to create opposition, I realized that, in this sector, there was a great challenge ahead. Since then, I never stopped, believing that we would need to change the IP history in Brazil.

**Roberto Ribeiro**

*Partner At Daniel Law*



**RR** - How was the Brazilian PTO when you started your job at the autonomous entity? And how is it currently in terms of resources, staff, budget, etc.? Could you give us a general overview of these two moments?

**LL** - It was very different from what we have nowadays, 22 years later. The first group of civil servants experienced moments of internal resistance, as well as internal support. We were a group of young people, mostly coming from the university, with great familiarity with computers and with a Master's degree. In a certain way, we represented the hope for an institutional boost, but at the same time, for some, we represented a threat. Gradually, we started to open spaces and started training in industrial property. We must remember that we were in 1998, and the new law was enacted in May 1996. We were studying legislation that was unknown by many civil servants at the Brazilian PTO. In terms of infrastructure, we were at Mauá (higher education institution), in not very adequate conditions, we shared the computer for a certain period, and the search for precedence was made in the patent database or in INPADOC, always on paper, and we had to be on a line for service at the old CEDIN. But, for those who had just left university, where the productivity control was basically nonexistent, the Brazilian PTO surprised me with its organization, even in its incipient form, and with its productivity control. It was an intermediary world, in terms of organization, between industry and university. It was also notable the the concentration level of the civil servants in the work they performed.

At the time, resources were limited and, I shall say that, currently, they still are. We don't have the necessary budget for investments, but we have a modern the Brazilian PTO, completely digital, with different databases available and with different professionals. We didn't have pharmacists, had only a few biologists, and most of the patent examiners were engineers.

It is interesting to observe that, due to the legal requirement of a Master's degree, throughout the years, we couldn't fill the vacancies, for example, of mechanical engineers, who were immediately absorbed by the market. Still, we could fill the vacancies with degrees in other areas. Besides, our facilities became more modern, with a clean structure, and our computers current with two large screens, which facilitates a lot the examiner's work.

**RR** - What is your academic degree? And what have you had to do with time in order to always keep ahead of changes?

**LL** - I graduated as a Chemical Engineer with a Master's degree and a Ph.D. in Chemical Engineering. I usually say I am a triple helix professional, university/industry/ government, the basis for an innovation system. The knowledge that I acquired in the industry, at the university, and in government, in addition to my academic degrees, guided my work at the Brazilian PTO. Right after I started, due to my education, I began working with chemical compositions, which, due to the Industrial Property Code, were a dilemma in the patent examination. It was also a time for pipelines, which were mostly from the pharmaceutical area. It was a very complex moment for the Organic Chemistry Division; previously DIQUOR, because there was the TRIPS agreement, with application deadlines that were not very clear and, by the end of 1999, overnight, a decree was put in effect that established the participation of another institution in the patent examination process, ANVISA (National Health Surveillance Agency), starting a saga, a history that deserves a memory of its own. There were so many subjects and doubts that I felt the need to study. So, I took a taught postgraduate course at CETEC, a course that sadly has been canceled. There, I had the opportunity to have renowned lecturers Industrial Property area, who widened my views. I chose the theme of Pharmaceutical Patents for my dissertation, and, with the

acquired knowledge, I kept working and making proposals that I believed to be good for Brazil and the Brazilian PTO. The feeling of serving Brazil was always very strong, and due to believing that the Industrial Property System was good for Brazil. But, for this to happen, we had to learn to use it strategically, and I faced many challenges. When I look back, I see that knowledge is the basis for any change because there are no arguments against facts.

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**RR** - Tell us a little bit about your personal life and about the main challenges for you to perform your job in the entity.

**LL** - When I joined the BPTO, I was already married, with two small children, a boy, and a girl. As my own nature, I have always dedicated myself to work, regardless of where I was. Indeed, throughout my entire career, the family support, especially from my husband, was essential to achieve what I achieved, since for many times I had to be absent; although I have never sought any roles, they happened, giving me the opportunity to implement actions in which I believed. My work and my personal life complement each other.

**RR** - The program to fight Backlog is currently already a success. How was it created? And which adaptations or adjustments had to be made for it to take off and continue in the expected path?

**LL** - We knew that, without the acquisition of new examiners, it would be impossible to overcome the backlog, which grew continuously. With each new management, we believed that we would be able to open new competitive exams because we had already received the approval by the Congress for the vacancies. This expectation somehow hindered the search for alternative solutions at the Brazilian PTO. The basis of the program to fight Backlog was established under the Director Júlio César’s management, with the pilot project to leverage the search that presented results that showed the feasibility of this alternative.

In fact, Júlio even published a resolution, Resolution 193/2018, which would allow a productivity increase. But the corporate pressure, allied to political issues and proximity to elections, imposed a setback to the process. When I took the director’s role, I tried to continue with this alternative, proposing a project to attack the sole paragraph of article 40 of LPI (Industrial Property Law), with voluntary participation by the examiners, and the possibility of an increase in productivity in exchange for the release of attendance.

This project had a great acceptance among the civil servants who were still in the probation phase. Unfortunately, a change in the normative instruction by the government on the working terms and conditions made the project impossible. Still, during the movement, we noticed that, although there was a pressure against it, we would also have the support from many civil servants. Thus, with the change of government, we were confronted with an alternative that was still with the Civil House, which, although it could apparently solve the



backlog issue quickly, it wouldn't have the legal safety that the search leverage alternative offered. The management team at DIRPA (Directorate of Patents, Computer Software and Topographies of Integrated Circuits) gathered to draft a feasible plan, with more legal safety, which, in principle, would not have the promptness of the Approval of Official Letter alternative. We presented the plan to President Cláudio Furtado, warning of the fact that, if there were no support from the government for a potential movement by the associations, there would be no feasibility of execution. With the support guaranteed by Secretary Carlos da Costa, the plan was prepared and assessed by all of the Brazilian PTO's control bodies. At the plan's launch, with minister Paulo Guedes present it made the total support from the government explicit. There was the first pillar to progress with the plan, the second was the undeniable support from the society, and the most important was the acceptance by everyone at DIRPA, initially reluctant, but, gradually, engaging with this plan that opens doors for the future of a Brazilian PTO 4.0.

**RR** - What is your expectation for a result at the end of this program? When do you expect this to happen?

**LL** - This plan was carefully based on data and is monitored weekly by the management team in order to make small amendments in the path. It is a highly competent team. It is important to emphasize that, with the pandemic, we still maintained our ambitious target to complete 80% of the backlog by August 1, 2021, when we complete two years of the plan in effect. We know that, for some technologies, achieving this target will be more difficult, but everyone at DIRPA is working so we can achieve it together.

My expectation for the end of this program is the beginning of a new history, a full-page turned for the Brazilian PTO.

**RR** - Tell us a little bit about the Prosperity Fund investment by the British government. Where and how will these resources be applied? What are the performance indicators being considered for the program to be successful?

**LL** - The Prosperity Fund is already in its phase III and at full speed. A consortium of high-level companies is executing this phase, and technicians from the Brazilian PTO are working jointly, aiming at solutions to elevate the quality of our services. The program is divided into five great axes: Quality Management System, Process Management, Human Resources Management, Information Technology Management, and Price and Cost Policy. All the axes are being executed in parallel, with, as central scope, the mapping, and redesign of the processes of these areas, as well as the pursuit to establish parameters and quality requirements for the final processes. The analysis and redesign of the organizational structure of the Institute are also planned. There is a convergence of factors to position the Brazilian PTO as a global reference in the Intellectual Property system.

*“It is important to emphasize that, with the pandemic, we still maintained our ambitious target to complete 80% of the backlog by August 1, 2021, when we complete two years of the plan in effect.”*

**RR** - And what about the future? What will come next after the fight against the backlog and Prosperity Fund?

**LL** - The future is right there. The Plan to Fight Backlog completed one year with results that surprised the country and the world. Even the most skeptical believe now that we are turning a page at the Brazilian PTO. Our proposal is, in one year, to decide on patent applications up to two years from the examination request. Allied to this work, it is important to emphasize the National Strategy for Intellectual Property that the federal government is building. In this transformation journey, we count on the support by ABDI (Brazilian Agency of Industrial Development) and Prosperity Fund. What will come next? As our current President says, we will be a 4.0 organization, totally connected to the 21st century, which will stand out in the world as efficient, ensuring IP rights and that supports the international trade program.

**RR** - In your view, what do the offices and users still need to be aware of to better use the Brazilian PTO's services?

**LL** - The responsibility for the Industrial Property System in Brazil cannot be only attributed to the BPTO, although we are overseeing it. It is very important that there is a commitment by the Associations and large offices in looking for the system's balance and assessing the impacts of their actions. I understand that it is part of the game to interpret the laws in a way that favors the causes of their clients. However, frequently these interpretations for a single case may cause an impact for a long time, and sometimes these impacts hit the office itself for another client. If we want a strong system, we cannot have individual actions weakening it. We can mention many cases, but I highlight here the article 32, article 36, article 26, among others, which had specific actions, in the public prosecutor's office, in justice, ultimately, actions for a specific client

by offices that didn't measure the impact on the Brazilian PTO's procedures and, more severely, on the Industrial Property System in Brazil. We shall study these cases to find interpretations that are favorable to society.

The user must know the services that Brazilian PTO offers, even those who have access to large offices. We are transforming our portal, and the most important basic information may be found there. Also, with PI Digital (Digital IP), we will make access to all this information easier. The Brazilian PTO has worked in a sense to enable and encourage the strategic use of the Industrial Property System. Still, I understand that this is a responsibility that must be shared with the large offices and associations. To establish partnerships in this sense is very important.

**RR** - To close this interview, we would like to leave the space open so you may leave your message to the users of the intellectual property system, commenting on the role that the Brazilian PTO plans to take in the country's development.

**LL** - I believe that we are creating a sustainable path for intellectual property to be a decisive factor in the economic and social development of the country. The Brazilian PTO will finally perform its role favoring a safe business environment, protecting investment and encouraging innovation.

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