

# Kluwer Patent Blog

## Brazilian patent office highlights the relevance of finance of IP & patents

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Intellectual property is one of the most valuable assets a business can own. Companies that actively protect and manage IP portfolios can secure stronger market positions, higher valuations, and long-term financial stability. Recent data from the Brazilian Patent and Trademark Office (*Instituto Nacional da Propriedade Industrial* – INPI), in collaboration with the European Union Intellectual Property Office (EUIPO), highlights the growing importance of IP in Brazil's economy.<sup>[1]</sup>

According to the study, IP-intensive sectors accounted for more than half of Brazil's GDP between 2020 and 2022, employed nearly 40% of the country's formal workforce, and played a dominant role in international trade.

Notably, the economics advantages related to IP ownership aren't limited to large corporations. The study cited identified over 460 economic sectors in Brazil as IP-intensive, spanning industries such as agribusiness, petrochemicals, and medical devices. Companies operating in these sectors consistently attract more investment, expand internationally at a faster rate, and demonstrate greater stability during economic downturns.

Despite overwhelming evidence of IP's economic value, many businesses fail to capitalize on it strategically. Some perceive IP protection as an unnecessary expense, while others assume that only groundbreaking inventions justify patent filings, for instance. However, history has shown that even minor innovations can yield substantial competitive advantages.

A well-known example is Amazon's 1-Click patent, which revolutionized online shopping and remained a valuable business asset for nearly two decades. Similarly, in Brazil, patent-intensive industries such as petroleum refining, industrial machinery, and medical devices have thrived not only through groundbreaking innovations but also through incremental improvements protected by patents. Even relatively simple enhancements—such as optimized agricultural equipment or improved manufactured products—can lead to measurable gains in efficiency, productivity, and profitability.

Trademarks, often overlooked as a form of IP, are equally powerful business assets. A significant portion of Brazil's economic activity is driven by companies that rely on branding, consumer trust, and product differentiation. Businesses that protect their trademarks gain stronger customer loyalty, higher market valuations, and long-term financial stability. In a rapidly evolving digital economy, where brand recognition is crucial, failing to safeguard trademarks exposes businesses to

competitors ready to capitalize on weak IP strategies.

## **Challenges in Leveraging IP for Financial Growth**

While IP is undeniably valuable, many Brazilian companies struggle to translate IP protection into tangible economic gains. In contrast to the United States, China, and Europe—where patents and trademarks are commonly used as collateral for financing—Brazil lacks a well-established system for IP-backed lending and investment.

The BRPTO report of January 31, 2025, highlights that financial institutions in Brazil remain hesitant to recognize IP as a viable asset class.<sup>[2]</sup> The primary obstacles include the absence of standardized valuation methodologies and clear legal frameworks for IP-backed transactions. This structural gap limits the ability of Brazilian companies, particularly startups and innovation-driven enterprises, to secure funding based on their IP portfolios.

By contrast, countries like Canada and South Korea have developed robust IP-backed financing systems, supported by government-backed funds that allow businesses to secure loans using patents and trademarks as collateral. In these markets, companies with strong IP portfolios gain greater access to investment and credit, enabling them to scale operations, fund research, and accelerate commercialization. The absence of similar mechanisms in Brazil represents a missed opportunity for businesses that could otherwise leverage their IP assets for expansion.

Further according to the BRPTO report, a study by Nguyen and Hille (2018) found that early-stage companies that secured patents without a well-defined market strategy often underperformed compared to those that did not pursue patents at all. This underscores the importance of integrating IP protection into a company's broader business strategy. A patent alone does not generate value unless it is aligned with commercialization, licensing, or competitive positioning efforts.

One solution to this challenge is the adoption of structured IP audits and valuations as part of corporate financial planning. The BRPTO and IPOS business guide, published on February 11, 2025, emphasizes that companies conducting regular IP audits gain a clearer understanding of their intangible assets, mitigate risks, and strengthen their position when seeking financing or investment.<sup>[3]</sup>

## **The Growing Role of IP in Green Technologies**

One sector where IP is becoming a key differentiator is green technology. As global markets shift toward sustainability, patents related to renewable energy, carbon reduction, and eco-friendly materials are gaining commercial and strategic significance.

In Brazil, green patents are an emerging area of focus, with over 56 economic sectors classified as green patent intensive. Between 2017 and 2022, Brazilian companies filed more than 260 green patents, many of which contribute to reducing carbon emissions, optimizing energy efficiency, and developing sustainable agricultural practices. These businesses generate an annual trade surplus of up to \$18 billion and offer salaries up to 34% higher than non-IP-intensive sectors—reinforcing the economic value of sustainability-driven innovation.

As governments worldwide prioritize green innovation, businesses with strong patent portfolios in this sector may benefit from regulatory incentives, tax breaks, and exclusive government contracts. Companies that actively patent their environmental innovations can secure exclusive

commercialization rights, attract investment from sustainability-focused funds, and position themselves as leaders in an evolving eco-conscious market.

### **Building an IP-Driven Business Strategy for Brazil**

To fully capitalize on the potential of intellectual property in Brazil, businesses must move beyond a reactive approach and integrate IP into their core strategies. A well-structured IP management framework is essential to ensure that companies not only protect their innovations but also leverage them for growth, investment, and competitive advantage. Given Brazil's economic reliance on IP-intensive industries, the need for a more sophisticated and business-oriented approach to IP has never been greater.

The foundation of an effective IP strategy lies in structured identification, protection, and valuation of intangible assets. Companies should establish internal teams or work closely with specialized advisors to ensure that valuable innovations, trademarks, and industrial designs receive proper protection. However, protection alone is not enough. Businesses must align their IP strategies with broader corporate objectives, ensuring that patents, trademarks, and trade secrets contribute directly to market positioning, revenue generation, and long-term financial stability.

In addition, businesses should adopt a more dynamic approach to IP intelligence. Monitoring competitor filings, tracking industry trends, and analyzing the evolving regulatory landscape can provide crucial insights that inform strategic decisions. This is particularly relevant in Brazil, where global players are increasingly looking to enforce their IP rights, and local companies must navigate an evolving legal and economic environment to remain competitive. By proactively assessing risks and opportunities, businesses can anticipate market shifts and position themselves as industry leaders.

Another key element is the monetization of IP assets. In markets such as the United States and Europe, companies actively license their patents and trademarks, use IP as collateral for financing, and integrate it into technology transfer agreements. In Brazil, where IP-backed financing is still underdeveloped, businesses must take the initiative to explore alternative ways of unlocking the financial potential of their IP. This may involve structuring licensing deals, forming strategic partnerships, or seeking international investors who recognize the value of strong IP portfolios. The increasing importance of IP in Brazil's trade balance, particularly in high-value sectors such as agribusiness, petrochemicals, and medical devices, further reinforces the need for companies to adopt a more sophisticated IP monetization strategy.

Ultimately, to fully harness the economic potential of IP, businesses must embed structured IP management into their corporate strategies. This means conducting regular IP audits, integrating valuation methodologies into financial planning, and actively pursuing avenues for commercialization and investment. The companies that embrace this approach will not only protect their innovations but also position themselves for long-term success in an increasingly knowledge-driven and competitive global economy.

[1] Available on <https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/lancado-estudo-sobre-impacto-de-dpis-na-economia-brasileira/LanamentodoestudodossetoresintensivosemDPIeimpactosnaeconomiabrasileira.pdf>

[2] Available on

<https://www.gov.br/inpi/pt-br/central-de-conteudo/noticias/inpi-lanca-estudo-sobre-o-ip-finance-no-brasil/DesbloqueandoIPFinancenoBrasil.pdf>

[ 3 ] Available on  
<https://www.gov.br/inpi/pt-br/central-de-conteudo/publicacoes-de-propriedade-industrial/CCFAIPMBusinessGuides05MBUAPTv3.pdf>

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