



CESCON
BARRIEU

The Cannabis Industry in Brazil

May 2025

Regulatory Landscape in Brazil

- ✅ Since 2019: Anvisa authorizes cannabis-based medicinal products
- ❌ Domestic cultivation not yet allowed
- ? ANVISA's recent vote

Turning Point – Anvisa's Vote

Draft regulation allowing the cultivation of industrial hemp (*Cannabis sativa L.* with THC levels $\leq 0.3\%$).

The regulation will establish requirements for companies registered with Brazil's National Registry of Seeds and Seedlings, using cultivars approved.

Turning Point – Anvisa's Vote

- Approval would enable domestic cultivation, significantly reducing Brazil's dependence on imported cannabis-based products.
- This move follows a judicial decision from Brazil's Superior Court of Justice (STJ), mandating Anvisa and the Federal Government to regulate cannabis cultivation for medicinal and industrial uses by May 2025.
- This would well-position Brazil to develop pharma inputs and industrial cannabis 🌱

IPRs and the Cannabis Industry - Patents



Allowed

- Cannabis-based formulations
- Extraction/purification methods
- Innovative therapeutic uses

✗ Not Allowed:

- Cannabis plants or parts
- Natural substances (CBD, THC)
- Biological reproduction processes

IPRs and the Cannabis Industry - Patents Challenges

 Cultivation not allowed = limited R&D

 BPTO requires high inventive step

 Example: Myalo patent annulled by BPTO

IPRs and the Cannabis Industry - Trademarks



Terms like "cannabis",
"hemp" under Art. 124, III



Trademarks aligned with
Anvisa-regulated products

BPTO decisions still inconsistent 

IPRs and the Cannabis Industry – Geographical Indications - GIs


📍 product tied to regional quality, tradition or a consolidated reputation or traditional knowledge tied to a specific Brazilian region.

❌ Not yet viable: cannabis cultivation not legally authorized

🌿 Future potential: regional hemp or medical strains

Plant Breeders' Rights (PBR)

 Legal framework for PBR exists (Law 9.456/97)

 Prohibition of Cultivation: Currently, the cultivation of cannabis for medicinal or industrial purposes is not broadly authorized in Brazil, limiting the practical application of PBRs in this sector.

 Future: regulations may enable variety protection

The Future of Cannabis in Brazil

Regulation → Local innovation & investment

IP strategy → Market access & competitive edge



Cultivation approval → Unlocks R&D and exports

Thank you!



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