

How to do business in Brazil

Legal considerations

There is a complex system of regulations for goods being imported into Brazil. The packaging, labelling, quality and safety requirements for products involve a number of government agencies.

It is essential to consult with an import agency or legal professional to gain expert advice, before you export to Brazil. The UK Government website provides a list of lawyers in Brazil, see: <https://www.gov.uk/government/publications/brazil-list-of-lawyers>. The British Chamber of Commerce in Brazil also provides a list of members who offer legal advice and services. Visit: <http://www.britcham.com.br/>.

For more advice, contact the Department for International Trade (DIT) Brazil: <https://www.gov.uk/world/organisations/department-for-international-trade-brazil#contact-us>.

[Source – DIT: Doing business in Brazil: Brazil trade and export guide]

Standards and technical regulations

It is important to check if your product requires any certification before being sold in Brazil.

[Source – DIT: Doing business in Brazil: Brazil trade and export guide]

Intellectual Property (IP)

As a member of the World Intellectual Property Organization (WIPO), Brazil's legal provisions are mainly in line with international standards.

In 1996, Brazil enabled a new trademark and patent agreement law, which adheres to the international standards of the Trade-Related Aspects of Intellectual Property (TRIPS).

Certain legal proceedings in Brazil can take a lot of time and money, it is therefore recommended that you grasp an understanding of the process and seek professional legal advice about Intellectual Property rights.

For more information about protecting your Intellectual Property in Brazil, visit: <https://www.gov.uk/government/publications/intellectual-property-rights-in-brazil>, or contact the DIT team in Brazil at: DITBrazil@fco.gov.uk.

[Source – DIT: Doing business in Brazil: Brazil trade and export guide]

IP rights are territorial, meaning that they only provide protection within the countries where they are registered or granted. You should consider registering your IP rights (if necessary) in Brazil, before entering the market. There is an online guide to protecting your IP in Brazil from the Intellectual Property Office at: <https://www.gov.uk/government/publications/intellectual-property-rights-in-brazil>.

If you do not possess sufficient IP protection, it may become very hard to trade in Brazil and you could swiftly lose your place within the market. It is also crucial to have competent trademark registration and patent protection in place. These are covered by the Brazilian IP Office based in Rio de Janeiro: Indústria Nacional de Propriedade Industrial (INPI). See: <http://www.inpi.gov.br/>.

Although the trademark, patent, copyright and industrial design structures comply with the World Trade Organization (WTO) TRIPS law, there can be major delays in processing. For example, dependent on categories it can take up to 6 years for trademarks and 12 years for patents. Although experience in the courts when dealing with IP claims is growing and they are fair, legal proceedings can be slow. In order to reduce risks, it is recommended that you contact the IP attaché who can also advise on current delays.

Ensure that your IP rights are protected by contacting a local lawyer who is specialised in Intellectual Property. Remember that it is easier and more cost effective to prevent any issues by preparing correctly, rather than dealing with problems and legal issues that arise later from a dispute.

Visit the DIT Intellectual Property page at: <https://www.gov.uk/government/organisations/intellectual-property-office>, for more information.

[Source – DIT: Overseas Business Risk – Brazil]

Taxation

In Brazil, the tax year runs from January to December. Taxes in Brazil include the following:

- COF, a social security tax
- STT, a state tax of 17% or 18%
- PIS, income tax
- ICMS, value added tax which varies between states
- IPI, excise tax

- ISS, service tax
- IOF, financial transactions tax
- import tax – value depends on product classification defined by WTO regulation (origin and specifications), 60% for less than £2,000 regardless of product classification

There is a special tax regime which gives temporary reduction in import duty rates on capital goods, information technology (IT) and telecommunications goods produced outside of Brazil, called the Brazilian Chamber of Foreign Trade (CAMEX) ex-tariff list.

For more information about the ex-tariff list, applying for an exemption from import duty or general taxation advice, contact the Department for International Trade team in Brazil at:
<https://www.gov.uk/world/organisations/department-for-international-trade-brazil#contact-us>.

[Source – DIT: Doing business in Brazil: Brazil trade and export guide]

Customs

Before exporting to Brazil, you should research the import duties on your product. Be aware that high duties on certain products may make an export too expensive for the market.

The Market Access Database (MADB) has information about import tariffs, see: <http://madb.europa.eu/madb/indexPubli.htm>, and a full list of trade barriers for Brazil, visit: http://madb.europa.eu/madb/barriers_result.htm?isSps=false&countries=BR.

Receita Federal, the tax authority in Brazil, grants Authorized Economic Operator (AEO) certificates to credible Brazilian companies. Companies with these certificates are prioritised when importing and exporting goods. For more information about the AEO programme and certificates, contact: oea.df@rfb.gov.br.

[Source – DIT: Doing business in Brazil: Brazil trade and export guide]

Shipping your goods to Brazil

You can use a freight forwarder to move your goods if you are not well-informed about international shipping procedures. A freight forwarder will have vast expertise and familiarity of regulations, documentation requirements and transportation costs in Brazil.

The British International Freight Association (BIFA) at: <http://www.bifa.org/> and the Freight Transport Association (FTA) at: <http://www.fta.co.uk/> can assist in locating freight forwarders to transport your goods to Brazil.

Posting goods

For information about sending goods to Brazil by post, visit Royal Mail at: <http://www.royalmail.com/brazil>.

Shipping restricted, banned and dangerous goods

Certain goods are classed as restricted or dangerous. If you wish to import any of these goods into Brazil they are subject to special rules. For more information visit: <https://www.gov.uk/shipping-dangerousgoods/what-are-dangerous-goods>.

Seek advice on the latest import licensing requirements, or even consider employing a local agent who will have this knowledge. For information and assistance contact the Department for International Trade (DIT) team in Brazil at: <https://www.gov.uk/world/organisations/departments-for-international-trade-brazil#contact-us>.

Terms of delivery

Your contract should include agreement on terms of delivery using incoterms. Visit: <https://www.gov.uk/guidance/internationaltrade-paperwork-the-basics#internationaltrade-contracts-and-incoterms> for more information.

UK Export Finance

The UK Government can provide finance or credit insurance specifically to support UK exports through UK Export Finance (UKEF) – the UK's export credit agency. See: <https://www.gov.uk/government/organisations/uk-export-finance>.

For up-to-date country-specific information on the support available see UKEF's cover policy and indicators for Brazil at: <https://www.gov.uk/guidance/countrycover-policy-and-indicators#brazil>.

[Source – DIT, UKEF, gov.uk]

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