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## The remote work of Brazilian Courts during COVID-19 Pandemic

**Brazil** | May 24 2020

As in most countries, Brazil has been facing a severe confinement strategy as an attempt to slow down the spread of COVID-19. Basically, all non-essential services are currently closed in most metropolitan areas.

Although the Justice system is an essential service to any modern society, in Brazil the courts have approximately 450.000 employees, including more than 18.000 judges. If we also consider 1,2 million attorneys, it is reasonable to say that the Justice system in Brazil involves at least 1,65 million people. During national or local holidays, the courts operate with a very reduced staff just to handle emergency cases, like injunctions to secure supply of medicines or health care. Considering that the confinement is expected to take at least several weeks, it is not possible to prosecute only emergency cases, once there is a backlog of almost 80 million lawsuits pending from judgment, with a good part of them not urgent but certainly very important to the involved parties and also the society.

Therefore, to coordinate the decisions of many local courts, the Brazilian National Council of Justice (CNJ) issued a resolution on March 19th determining that all Brazilian courts will be closed, with exception of urgency cases that are handled by a very reduced staff, but authorizing local courts to establish remote working systems.

Naturally, this determination was received with some skepticism, with many lawyers expecting a significant delay in the prosecution of the cases and the issuance of decisions. However, after one month with the courts closed, many Federal and State Courts, like Rio de Janeiro, Sao Paulo, and Santa Catarina, indeed established an effective system of remote work to Judges, assistants, and clerks.

According to the official number provided by CNJ, since the beginning of the confinement (between March 17th and April 12th) more than 3 million decisions were issued by Judges working remotely in Brazil, almost 1 million only in Sao Paulo's courts. Also, Rio de Janeiro's State Courts reported that the productivity of the Judges in March/20 was even higher than in March/19, even considering that they worked remotely half of the month.

Within last month, we attended several virtual meetings with Judges to discuss the cases, many new lawsuits were filed and also preliminary injunction reliefs were granted in relevant cases. For example, during this quarantine period, we filed a court action about trade dress infringement and unfair competition against a client's competitor that was copying the design of its famous products. In a few days, we managed to have a

videoconference with the Trial Judge, and a preliminary Injunction relief was granted to order the Defendant to immediately cease the manufacturing and commercialization of the product. Also, in that decision, the Trial Judge stated that the order must be complied with during the confinement period.

Also, we filed appeals and responses to appeals that were quickly and remotely analyzed by the Appellate Judges. Even virtual judgment sessions are being scheduled by Appellate Courts for this period. As the efficiency of the remote works of the courts was confirmed, the CNJ issued on April 20th another resolution determining the court's deadlines on cases with electronic files (which corresponds to more than 83% of the new lawsuits in Brazil) are going to be resumed from May 4th.

Therefore, although physically closed, Brazilian courts have managed to efficiently work remotely in this period. Therefore, with some adjustments in the routines and by pushing the cases forward it is possible to keep protecting and enforcing intellectual property rights at the courts in a fast and effective way even in this difficult period.

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