



ABEL GOMES

Partner

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PRACTICE AREAS

- Intellectual Property
- Patents
- Trademark, Trade Dress & Publicity Rights
- Litigation

LANGUAGES

- Portuguese
- English
- Italian

BIOGRAPHY

Appellate Judge (ret.) Abel Gomes joined Licks Attorneys as a partner in August, 2021, after his retirement from the Regional Federal Court of the 2nd Region, where he served for 16 years as appellate judge. Before that, he had 12 years of career as a federal judge.

Abel Gomes is the Appellate Judge who has dedicated himself the longest to classes specialized in Industrial Property of the Regional Federal Court of the 2nd Region. He joined the 1st class in 2005 and was rapporteur for more than 300 decisions related to patents, trademarks and industrial designs. He is also known for being one of the most experienced Brazilian magistrates in this subject matter.

REPRESENTATIVE CASES

- As Appellate Judge of the Regional Federal Court of the 2nd Region, Abel Gomes was responsible for many decisions considered as important precedents in the area.
- In 2007, he stood out for facing complex issues of industrial property. He was the rapporteur of the first decisions related to intertemporal law and the terms of patents and utility models in light of the succession of laws over time and the application of international treaties.
- In 2008, the Appellate Judge addressed a crucial matter for the research community of regulated products: the relationship of samples sales and licenses to determine the safety and efficacy of products against patentability requirements. In 2010, he judged the impact of adjustments and term extensions for foreign patents (PTAs and PTEs) with corresponding ones in Brazil.
- In 2017, he was responsible for the judgment of a case assessing the non prohibition of software registration by article 10.V of the Brazilian Patent Statute, pursuant to Decree n. 2,556/98.

PROFESSIONAL HIGHLIGHTS

- Awarded with the Peacemaker Medal by the Ministry of the Army (1997); the Medal of Order of Military Merit (2007); Pedro Ernesto Medal (2007), among others.
- Visiting Professor at the School of Magistracy of the State of Rio de Janeiro (EMERJ), Vice-President of the Permanent Forum of Philosophy, Ethics and Legal Systems of EMERJ, Member of the Permanent Forum of Criminal Law and Criminal Procedure of EMERJ.
- Member of the Editorial Board of Editora Lumen Juris, Rio de Janeiro.
- In 2016, he was one of the speakers at the Symposium “20 Years of Industrial Property Law”, held by the Federal Regional Magistracy School of the 2nd Region - EMARF
- In 2020, he was one of the speakers at the 40th International Congress on Industrial Property, on the panel on “Standardization of Decision-Making in Intellectual Property in Courts”.
- In 2021, he was one of the highlights at an event of the Superior Court of Justice (STJ), speaking on the topic “Patents: fundamentals, basic concepts and challenges for the Judiciary”.
- He was one of the participants at the “Seminario sobre La Corrupción Pública Y Controles Internos Regional tri-fronteriza”, held by the Federal Bureau of Investigation (FBI) of the United States in December 1999, in Rio de Janeiro.
- Participant and exhibitor at the “Seminar on the Recovery of the Proceeds of Acts of Corruption: In compliance with commitments agreed to by the G-8 and Summti of the Americans”. Conducted by the Organization of American States (OAS) and the US Department of Justice in May 2006 in Florida.

AFFILIATIONS

- Brazilian Bar Association – Rio de Janeiro (OAB/RJ)
- Association of Federal Judges of Brazil (AJUFE).

EDUCATION

- Doctorate in Fundamental Rights and New Rights, Estácio de Sá University, 2021
- Master’s Degree in Criminal Law, State University of Rio de Janeiro (UERJ), 2013
- Bachelor of Laws, Cândido Mendes University, 1989

PUBLICATIONS

Books :

- 1 - *Temas de Direito Penal e Processo Penal : em especial na Justiça Federal*. Editora Renovar, RJ, 1999 (co-authored with Guilherme Calmon Nogueira da Gama);
- 2 - *Crime Organizado e suas conexões com o poder público*. Editora Impetus, RJ, 2000 (co-authored with Geraldo Prado and William Douglas) ;
- 3 - *A Nova Lei Antidrogas*. Editora Impetus, RJ, 2006 (co-authored with Antônio César Bochenek and others) ;
- 4 - *Lavagem de Dinheiro : comentários à Lei pelos juízes das varas especializadas em homenagem ao* ►

Ministro Gilson Dipp. Livraria do Advogado Editora, PA, 2007 (co-authored with Cassio Granzinoli and others) ;

- 6 - *A Ética da Punição*. Editora Unisinos/Editora Lumen Juris, 2018 (co-authored with Vicente Barretto)
- 7 - *Estudos Hermenêuticos : em homenagem ao professor doutor Lenio Streck*. Thoth Editora, Londrina, 2019 (co-authored with Alex Maia E. de Oliveira and others).

Articles :

- 1 - « *As provas do crime de tortura* » : *Revista do Centro de Estudos Judiciários do Conselho da Justiça Federal*. Year V, #14 – May-August 2001, p. 38-43.
- 2 - « *A Obrigação de Comunicar Operações Suspeitas* » : *Revista da Associação dos Juizes Federais do Brasil*. Year 21, #75/76, 2004.
- 3 - « *O Problema do Ônus da Prova nos Crimes de Lavagem de Dinheiro* » : *Revista da Escola da Magistratura Regional Federal da 2ª Região*. Special Historical Edition #1. August 2005.
- 4 - « *Persecução Penal e Devido Processo Penal no Brasil e no Common Law Tradition : análise histórica e comparativa à luz da aplicação de princípios democráticos* » (collective article with Eduardo Leite Chazan et alii). *Revista da Seção Judiciária do Rio de Janeiro*. #22 of 2008.
- 5 - « *Juiz das Garantias : inconsistência científica ; mera ideologia – como se só juiz já não fosse garantia* » *Revista do Centro de Estudos Judiciários do Conselho da Justiça Federal*. Year XIV. #51 Oct./Dec. 2010.
- 6 - « *Responsabilidade Penal pela Omissão de Compliance* » : *In O Direito em Perspectiva*. Coord. Cleyson de Moraes Melo and others. Academic Coord. João Eduardo de Alves Pereira et alii. *Juiz de Fora: Editar*, 2015.
- 7 - « *A Homologação da Delação Premiada e a Atuação Judicial* » : *In Colaboração Premiada: Perspectivas Teóricas e Práticas*. Coord. João Pedro Gebran Neto. Porto Alegre: Verbo Jurídico, 2020.
- 8 - « *Direito Penal Moderno, Crimes do Colarinho Branco e Déficit Democrático* ». *In Criminalidade Econômica e Empresarial*. Written in Homage to Professor Artur Gueiros. Org. Cecilia Choeri and others. Tirant Lo Blanch. In print.