

Kluwer Copyright Blog

Copyright in Brazil in 2025: What to Expect?

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Introduction

Discussions about copyright have once again returned to the political agenda in Brazil. Various national – and international – regulatory initiatives seek to address the accumulating challenges.

Until recently, no significant legislative progress had been made since the enactment of the [Brazilian Civil Rights Framework for the Internet](#) (Marco Civil da Internet) and the advent of [Law 12.853/13](#) which introduced a regulatory perspective on the collective management of these rights.

The availability of generative artificial intelligence (GenAI) systems, particularly with the launch of ChatGPT in November 2022, marks a new technological era and has catalyzed this renewed attention. Thus, old issues merge with new discussions, fueling an essential debate that we hope will be addressed constructively. Here, we highlight some key topics to follow in 2025.

Artificial Intelligence and Copyright

Regulating AI systems is complex, yet urgent and necessary. Uncertainty regarding their functioning and their profound social, economic, political, and legal impacts presents both

unprecedented challenges and unique opportunities. The real fear of functional replacement haunts authors and artists. The effects on cultural and creative industries must not be underestimated. At the same time, copyright has historically been tied to technological innovation, and these concerns are not new—which does not diminish their importance or severity.

Against this backdrop, the Brazilian AI Bill ([Bill 2338/23](#)) was approved by the Senate in December 2024, and it now moves to the next stage of discussion in the House of Representatives.

An entire previous debate was held between April 2020 and Sept. 2021, resulting in [Bill 21/2020](#), which was, however, summarily discarded upon reaching the Senate. It now returns to the House of Representatives as a substantially different proposal, with a dedicated full chapter on copyright being one of its novelties.

Regarding the dilemmas at the intersection of AI and copyright represented in the AI Bill, the most relevant aspects are highlighted in the study *Artificial Intelligence and Copyright: Contributions to the Regulatory Debate in Brazil* (see [executive summary in English here](#)) and [here](#).

The Bill is structured around the creation of a remuneration scheme to be paid by providers of commercial AI systems in relation to the use of copyrighted works in the training of the systems. The primary beneficiaries are rightholders, not authors or artists, who are not even expressly mentioned in the Bill.

The proposals of the AI Bill are likely to have a negative impact on research, as excessive restrictions on who can access funding sources will negatively impact relationships between academia and industry, a crucial element under the current innovation ecosystem.

Nonetheless, as with nearly every contemporary public debate, misinformation and distortion are significant problems that cloud any possible solution. There is a risk that the discussion will devolve into a sentimental and fundamentalist dialogue—or rather, a non-dialogue. In this scenario, creation, innovation and public interest are framed as mutually exclusive, when, as history shows, they must coexist in a healthy regulation.

The debate will intensify as the legislative year starts after a long summer in the global south. The House of Representatives will likely broaden the debate as it tries to bridge the different interests and questions surrounding the ever-growing AI challenges.

Video on Demand (VoD), CONDECINE, and Screen Quotas

Approved by the Senate on April 25, 2024, [Bill 2331/22](#) is now due to be analysed by the House of Representatives.

As explained in more detail [here](#), it addresses three distinct topics: regulation of video on demand, the establishment of screen quotas for VoD, and an expansion of the Contribution for the Development of the National Film Industry ([CONDECINE](#)), which is a tax applied to commercial exploitation of audiovisual works in each mode of use (eg.: Theaters, Pay TV, Free TV, so on).

This bill is under review in the [Committee on Culture](#), with Deputy Jandira Feghali ([PCdoB-RJ](#)) as the rapporteur. Meanwhile, another bill ([Bill 8.889/17](#)), which also seeks to regulate streaming, is

ready for a floor vote. This second bill specifically addresses screen quotas for streaming services and is significantly more favorable to Brazilian productions, which are currently thriving.

The most interesting aspect, from the copyright point of view, is the expansion of CONDECINE incidence beyond regular streaming services, to include the payment of commercially exploited user-generated-content by platforms, based on a percentage of its revenues.

CONDECINE feeds into the Audiovisual Fund, which mostly supports the independent audiovisual production in the country. There are issues yet to be tackled concerning who, in fact, profits the most from the structure and actually owns the rights or the control over the distribution and economic flow. But that is unlikely to be addressed anytime soon.

Residual or Additional Compensation

At the end of 2024, Senator Randolfe Rodrigues introduced [Bill 4.968/24](#), which amends the Copyright Law ([Law 9.610/98](#)) in essential aspects. He declared that its “main objective is to ensure compensatory remuneration for authors and artists for the use of their works, phonograms, performances, and executions within internet service providers.”

The ideal is noble and deserves recognition. However, as often, the details are problematic. Key questions arising from this proposal are how the actual creators and artists are effectively compensated and whether essential public uses and fundamental rights such as education, preservation, research, etc. will be guaranteed.

Also unexplained is the justification for introducing the attribution of original neighboring rights to audiovisual producers. It promises to completely throw out of balance the already strongly unbalanced legislation, by expanding companies’ rights at the expense of essential rights of access.

One must also consider the fundamental regulatory question: who truly benefits or loses from the proposal and why?

Making this mechanism work in favor of authors and artists—both in legislation and in reality—is challenging, and, unfortunately, may turn out to be ineffective.

The glaring absence of the public interest and broader fundamental rights, which should be reflected in the limitations and exceptions but have been entirely disregarded, as in many other recent regulatory proposals, shows clearly that the most vulnerable will suffer the most.

There are several other bills related to copyright in the pipeline, but it remains to be seen whether any will gain traction and move forward and potentially even become law.

Conclusion

There appears to be a specific political focus on major technology companies, which undoubtedly must assume numerous responsibilities due to the impact of their products and services, particularly when they function as replacements. Technological disruptions have real-life consequences that must not be ignored.

However, it is crucial to reflect more deeply on the issues of copyright and AI, remuneration schemes and the necessary limitations and exceptions, especially regarding regulatory effects on the entire ecosystem, whether authors, artists, the general public (from where authors emerge) or public interest institutions.

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The image is a promotional graphic for a survey report. It features a dark background with a circular inset showing a gavel resting on a glowing digital circuit board. The text is white and blue. At the top left, it says '2024 Future Ready Lawyer Survey Report'. Below that, in large bold letters, is 'Legal innovation: Seizing the future or falling behind?'. A blue button with white text says 'Download your free copy →'. At the bottom left is the Wolters Kluwer logo. At the bottom right is a white box with the 'FR Future Ready' logo and the word 'LAWYER' below it.

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This entry was posted on Thursday, April 10th, 2025 at 12:49 pm and is filed under [Artificial Intelligence \(AI\)](#), [Brazil](#), [Legislative process](#), [Remuneration \(equitable\)](#)

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