

Brazilian Presidency
Chief of Staff
Deputy Head for Legal Affairs

LAW No. 9.610, OF FEBRUARY 19, 1998.

Amends, updates and consolidates the
copyright legislation and makes other
determinations.

THE BRAZILIAN PRESIDENT To whom it may concern, the National Congress decrees and I sanction the following Law:

Title I

Preliminary Provisions

Article 1 This Law regulates the copyright, being understood under this denomination the copyrights and those related to them.

Article 2 Nonresident aliens shall enjoy the protection assured in the agreements, conventions, and treaties in effect in Brazil.

Sole paragraph. The provisions of this Law apply to Brazilians or persons domiciled in a country that ensures reciprocity in the protection of copyright or equivalent to Brazilians or persons domiciled in Brazil.

Article 3 Copyrights are considered, for legal effects, personal property.

Article 4 The legal transactions about copyrights are interpreted restrictively.

Article 5 For the effects of this Law, it is considered:

I - publication - the offering of a literary, artistic or scientific work to the knowledge of the public, with the consent of the author, or any other copyright holder, by any form or process;

II - transmission or broadcasting - the broadcasting of sounds or sounds and images, by means of radio waves; satellite signals; wire, cable or other conductor; optical medium or any other electromagnetic process;

III - retransmission - the simultaneous broadcasting of the transmission of one company by another;

IV - distribution - the making available to the public the original or copy of literary, artistic or scientific works, fixed performances, and phonograms, by means of sale, rental, or any other form of transfer of ownership or possession;

V - communication to the public - act by which the work is made available to the public, by any means or procedure, and which does not consist of the distribution of copies;

VI - reproduction - the copy of one or more copies of a literary, artistic or scientific work or phonogram, in any tangible form, including any permanent or temporary storage by electronic means or any other means of fixation that may be developed;

VII - forgery - the unauthorized reproduction;

VIII - work:

a) co-authorship - when it is created jointly, by two or more authors;

b) anonymous - when the name of the author is not given, either because he/she does not want to be named or because he/she is unknown;

c) pseudonymous - when the author hides under an assumed name;

d) unpublished - that which has not been published;

e) posthumous - that which is published after the author's death;

f) original - the first creation;

g) derivative - that which, constituting a new intellectual creation, results from the transformation of the original work;

h) collective - that created by initiative, organization and responsibility of an individual or legal person, who publishes it under his name or brand and is constituted by the participation of different authors, whose contributions merge into an autonomous creation;

i) audiovisual - that which results from the fixation of images with or without sound, with the purpose of creating, by means of its reproduction, the impression of movement, regardless of the processes for its capture, the support used initially or subsequently to fix it, as well as the means used for its broadcasting;

IX - phonogram - any fixation of sounds from performances or interpretation or other sounds, or from a representation of sounds that is not a fixation included in an audiovisual work;

X - publisher - the individual or legal entity to whom is granted the exclusive right of reproduction of the work and the duty to disclose it, within the limits provided for in the publishing contract;

XI - producer - the individual or legal entity that takes the initiative and has the economic responsibility for the first fixation of the phonogram or audiovisual work, whatever the nature of the support used;

XII - broadcasting - the wireless transmission, including by satellites, of sounds or images and sounds or their representations, for reception by the public, and the transmission of coded signals, when the decoding means are offered to the public by the broadcasting organization or with its consent;

XIII - performing or interpreting artists - all actors, singers, musicians, dancers or other people who play a role, sing, recite, declaim, interpret or perform in any form literary or artistic works or expressions of folklore.

XIV - original holder - the author of an intellectual work, the performer, the phonographic producer and the broadcasting companies. [\(Included by Law No. 12.853, of 2013\)](#)

Article 6 - Works that are simply subsidized by the Federal Government, the States, the Federal District, or the Municipalities, shall not belong to the Federal Government, the States, the Federal District, or the Municipalities.

Title II

Intellectual Works

Chapter I

Protected Works

Article 7 Protected intellectual works are creations of the spirit, expressed by any means or fixed in any support, tangible or intangible, known or to be invented in the future, such as:

I - the texts of literary, artistic or scientific works;

II - conferences, speeches, sermons, and other works of the same nature;

III - the dramatic and dramatic-musical works;

IV - the choreographic and pantomimes works, whose theatrical performance is fixed in writing or in any other form;

V - musical compositions, with or without lyrics;

VI - audiovisual works, with or without sound, including cinematographic ones;

VII - photographic works and those produced by any process analogous to photography;

VIII - the works of drawing, painting, engraving, sculpture, lithography, and kinetic art;

IX - illustrations, geographic maps and other works of the same nature;

X - projects, sketches and plastic works concerning geography, engineering, topography, architecture, landscaping, scenography and science;

XI - adaptations, translations and other transformations of original works, presented as new intellectual creations;

XII - the computer programs;

XIII - the collections or compilations, anthologies, encyclopedias, dictionaries, databases and other works, which, for their selection, organization or content disposition, constitute an intellectual creation.

Paragraph 1 - Computer programs are subject to specific legislation, observing the provisions of this Law that are applicable to them.

Paragraph 2 The protection granted in item XIII does not encompass the data or material in itself, and is understood without prejudice to any copyright that subsists with respect to the data or material contained in the works.

Paragraph 3 In the sciences field, protection shall fall over the literary or artistic form, not covering its scientific or technical content, without prejudice to the rights that protect the other fields of intangible property.

Article 8 The following are not subject to protection as copyrights under this Law:

I - the ideas, normative procedures, systems, methods, projects or mathematical concepts as such;

II - the schemes, plans or rules for performing mental acts, games or business;

III - the blank forms to be filled out by any kind of information, scientific or otherwise, and their instructions;

IV - the texts of treaties or conventions, acts, decrees, regulations, court orders, and other official acts;

V - information of common use such as calendars, agendas, registers or captions;

VI - the names and titles alone;

VII - the industrial or commercial use of the ideas contained in the works.

Article 9 - The copy of a work of plastic art made by the author himself is assured the same protection as the original.

Article 10. The protection of the intellectual work encompasses its title, if original and unmistakable with that of a work of the same kind, previously published by another author.

Sole paragraph. The title of periodical publications, including newspapers, is protected until one year after the last issue is published, unless they are annual, in which case this period will be two years.

Chapter II

Authorship of Intellectual Works

Article 11. An author is the individual who creates a literary, artistic, or scientific work.

Sole paragraph. The protection granted to the author may apply to legal entities in the cases foreseen in this Law.

Article 12. To identify himself as the author, the creator of the literary, artistic or scientific work may use his civil name, complete or abbreviated to his initials, a pseudonym or any other conventional sign.

Article 13. In the absence of proof to the contrary, the author of the intellectual work is considered to be the one who, by one of the means of identification referred to in the previous article, has, in accordance with use, indicated or announced this capacity in its use.

Article 14. One who adapts, translates, arranges or orchestrates a work that has entered the public domain is the holder of copyrights, and cannot oppose to another adaptation, arrangement, orchestration or translation, unless it is a copy of his own.

Article 15. The co-authorship of the work is attributed to those in whose name, pseudonym or conventional sign it is used.

Paragraph 1 Anyone who merely assisted the author in the production of the literary, artistic or scientific work, reviewing it, updating it, as well as supervising or directing its publishing or presentation by any means, is not considered a co-author.

Paragraph 2 The co-author, whose contribution may be used separately, is assured all the permissions inherent to his/her creation as an individual work; however, any use that may harm the exploitation of the common work is prohibited.

Article 16. Co-authors of the audiovisual work are the author of the literary, musical or literary-musical subject matter or argument, and the director.

Sole paragraph. Cartoon co-authors are considered to be those who create the drawings used in the audiovisual work.

Article 17. Protection is ensured for individual participations in collective works.

Paragraph 1 Any of the participants, in the exercise of their moral rights, may forbid that their name be indicated or announced in the collective work, without prejudice to the right to receive the agreed remuneration.

Paragraph 2 The organizer is the owner of property rights over the collective work as a whole.

Paragraph 3 The contract with the organizer shall specify the participant's contribution, the deadline for delivery or completion, the remuneration and other conditions for its performance.

Chapter III

Registration of Intellectual Works

Article 18. The protection of the rights referred to in this Law does not depend on registration.

Article 19. The author is entitled to register his/her work at the government agency defined in the *head of the Article* and in [Paragraph 1 of Article 17 of Law No. 5.988, of December 14, 1973](#).

Article 20. For the registration services foreseen in this Law, a retribution shall be charged, whose value and collection process shall be established by act of the holder of the body of the federal government to which the register of intellectual works is linked.

Article 21. The registration services referred to in this Law shall be organized in accordance with the provisions of [Paragraph 2 of Article 17 of Law No. 5.988, of December 14, 1973](#).

Title III

Author's Rights

Chapter I

Preliminary Provisions

Article 22. Belong to the author the moral and property rights over the work he/she created.

Article 23. The co-authors of the intellectual work shall exercise their rights by mutual agreement, unless otherwise agreed.

Chapter II

Author's Moral Rights

Article 24. These are moral rights of the author:

I - claiming, at any time, the authorship of the work;

II - having his name, pseudonym or conventional sign indicated or announced as the authors in the use of his/her work;

III - preserving the unpublished work;

IV - ensuring the integrity of the work, opposing any modifications or the practice of acts that, in any way, may damage it or affect the author's reputation or honor;

V - modifying the work, before or after it is used;

VI - removing the work from circulation or suspending any form of use already authorized, when circulation or use imply affront to his/her reputation and image;

VII - having access to a unique and rare copy of the work, when it is legitimately in the possession of someone else, for the purpose of preserving its memory by means of a photographic or similar process, or audiovisual, in such a way as to cause the least possible inconvenience to its holder, who, in any case, shall be compensated for any damage or injury caused to him/her.

Paragraph 1 Upon the death of the author, the rights referred to in items I to IV are vested in his/her successors.

Paragraph 2 It is up to the State to defend the integrity and authorship of the work that has entered the public domain.

Paragraph 3 In the events of items V and VI, prior compensation to third parties, when applicable, are exempted.

Article 25. It is up to the director alone to exercise moral rights over the audiovisual work.

Article 26. The author may repudiate authorship of architecture projects altered without his/her consent during performance or after completion of construction.

Sole paragraph. The owner of the construction is liable for the damages caused to the author if, after the repudiation, he/she attributes authorship of the repudiated project to the author.

Article 27. The author's moral rights are inalienable and indispensable.

Chapter III

Author's Property Rights and its Duration

Article 28. The author has the exclusive right to use, enjoy and dispose of the literary, artistic or scientific work.

Article 29. The author's prior and express authorization is required for the use of the work, by any means, such as:

I - partial or complete reproduction;

II - edition;

III - adaptation, musical arrangement, and any other transformations;

IV - translation into any language;

V - the inclusion in phonogram or audiovisual production;

VI - distribution, when not intrinsic to the contract signed by the author with third parties for the use or exploitation of the work;

VII - the distribution for supply of works or productions by cable, optical fiber, satellite, waves or any other system that allows the user to select the work or production in order to receive it at a time and place previously determined by the person who makes the demand, and in the cases in which access to works or productions is made by any system involving payment by the user;

VIII - the direct or indirect use of the literary, artistic or scientific work, by means of:

a) representation, recitation or declamation;

b) musical performance;

c) use of loudspeaker or analog systems;

d) sound or television broadcasting;

e) reception of broadcasting transmission in places where literary, artistic or scientific works are represented, performed or transmitted;

f) surround sound;

g) exhibition through audiovisual, cinematographic, or similar process;

h) use of artificial satellites;

i) use of optical systems, telephone wires or not, cables of any kind, and similar means of communication that may be adopted;

j) exhibition of works of plastic and figurative art;

IX - inclusion in data bases, the computer storage, microfilming and other similar archive forms;

X - any other existing use means or that may be invented.

Article 30. In exercising the right of reproduction, the copyright holder may make the work available to the public, in the form, place and for the time he/she wishes, by onerous or gratuitous title.

Paragraph 1 The exclusive right to reproduction shall not apply when the reproduction is temporary and only has the purpose of making the work, phonogram or performance perceptible in an electronic medium, or when it is of a transitory and incidental nature, as long as it occurs in the course of the holder's duly authorized use.

Paragraph 2 In any method of reproduction, the quantity of copies shall be informed and controlled, being the reproducer responsible for keeping the records that allow the author to control the economic use of the making of profit.

Article 31. The various means of use of literary, artistic or scientific works or phonograms are independent from each other, and the authorization granted by the author or producer, respectively, does not extend to any of the others.

Article 32. When a co-authored work is not divisible, none of the co-authors, under penalty of being held liable for losses and damages, may publish it or authorize its publication without the consent of the others, except in the collection of their complete works.

Paragraph 1 In case of divergence, the co-authors shall decide by majority vote.

Paragraph 2 The dissenting co-author is assured the right not to contribute to the publication expenses, waiving his/her share in the profits, and to prevent his/her name from being included in the work.

Paragraph 3 Each co-author can, individually, without the acquiescence of the others, register the work and defend his/her own rights against third parties.

Article 33. No one may reproduce a work that does not belong to the public domain, under the pretext of annotating, commenting on, or improving it, without the author's permission.

Sole paragraph. Comments or annotations may be published separately.

Article 34. The private letters, whose publication is subject to the author's permission, may be joined as evidence in an administrative or judicial process.

Article 35. When the author, by virtue of a revision, has given the work a definitive version, his/her successors may not reproduce previous versions.

Article 36. The right of economic use of the writings published by the press, daily or periodical, with the exception of those signed or bearing a reservation sign, belongs to the publisher, unless otherwise agreed upon.

Sole paragraph. The authorization for economic use of signed articles, for publication in newspapers and periodicals, is not effective beyond the periodicity term plus twenty days as of its publication, after which the author regains his/her rights.

Article 37. The acquisition of the original of a work, or of a copy, does not grant the acquirer any of the property rights of the author, except as otherwise agreed between the parties and in the events foreseen in this Law.

Article 38. The author has the indispensable and inalienable right to receive at least five percent of the price increase that may occur in each resale of the work of art or manuscript, being originals, which he/she has sold.

Sole paragraph. If the author does not realize his/her right to follow upon resale, the seller is considered the depositary of the amount due to him/her, except if the transaction is carried out by an auctioneer, when the latter shall be the depositary.

Article 39. The authors' property rights except for the income resulting from their exploitation, are not communicated, unless a prenuptial agreement to the contrary.

Article 40. In the case of an anonymous or pseudonymous work, whoever publishes it shall be responsible for exercising the author's property rights.

Sole paragraph. The author who makes himself/herself known shall assume the exercise of the property rights, with the exception of rights vested in third parties.

Article 41. The property rights of the author last for seventy years counted as of January 1st of the year subsequent to his/her death, obeying the order of succession of the civil law.

Sole paragraph. The period of protection mentioned in the *head of this article* applies to posthumous works.

Article 42. When the literary, artistic or scientific work carried out in co-authorship is indivisible, the period provided for in the previous article shall be counted from the death of the last of the surviving co-authors.

Sole paragraph. The rights of a co-author who dies without successors shall be added to those of the survivors.

Article 43. The period of protection for property rights over anonymous or pseudonymous works shall be seventy years, counting from January 1st of the year immediately following that of the first publication.

Sole paragraph. The provisions of Article 41 and its sole paragraph shall apply, whenever the author becomes known before the period established in the *head of this article*.

Article 44. The property rights protection period over audiovisual and photographic works shall be seventy years, as of January 1st of the year subsequent to that of its disclosure.

Article 45. In addition to works for which the property rights protection period has expired, belong to the public domain:

I - those of deceased authors who have left no successors;

II - those of unknown authorship, with the exception of legal protection for ethnic and traditional knowledge.

Chapter IV

Limitations to Copyright

Article 46. It does not constitute violation of copyright:

I - reproduction:

a) in the daily or periodical press, of news or informative articles, published in newspapers or periodicals, mentioning the author's name, if signed, and the publication from which they were transcribed;

b) in newspapers or periodicals, of speeches made in public meetings of any nature;

c) of portraits, or any other form of image representation, made to order, when made by the owner of the object ordered, without the opposition of the person represented therein or of his/her heirs;

d) of literary, artistic or scientific works, for the exclusive use of the visually impaired, whenever reproduction, for non-commercial purposes, is made using the Braille system or any other procedure in any support for such recipients;

II - the reproduction, in a single copy of small passages, for the private use of the copyist, as long as it is made by him/her, with no intention of profit;

III - the quotation in books, newspapers, magazines, or any other media, of passages from any work, for the purposes of study, criticism, or polemic, to the extent justified for the purpose to be achieved, indicating the author's name and the origin of the work;

IV - the summary of lessons in educational establishments by those to whom they are addressed, and their publication, either in full or in part, is forbidden without the prior and express authorization of those who gave them;

V - the use of literary, artistic or scientific works, phonograms, and radio and television broadcasting in commercial establishments, exclusively for demonstration to the clients, as long as these establishments sales the supports or equipment that allow their use;

VI - theatrical performances and musical performances, when performed during family break or, for exclusively didactic purposes, in educational establishments, in any case with no profit intent;

VII - the use of literary, artistic or scientific works to produce judicial or administrative evidence;

VIII - the reproduction, in any works, of small passages of pre-existing works, of any nature, or of an entire work, in the case of plastic arts, as long as the reproduction itself is not the main purpose of the new work, and as long as it does not harm the normal exploitation of the reproduced work or cause unjustified prejudice to the legitimate interests of the authors.

Article 47. Paraphrases and parodies that are not true reproductions of the original work and do not discredit it are free.

Article 48. Works permanently located in public places may be freely represented, by means of paintings, drawings, photographs, and audiovisual procedures.

Chapter V

Transfer of Copyrights

Article 49. The copyrights may be totally or partially transferred to third parties, by him/her or by his/her successors, by universal or particular title, personally or through representatives with special powers, by means of licensing, concession, assignment or by other means admitted by Law, observing the following limitations:

I - total transfer includes all copyrights, except those of a moral nature and those expressly excluded by law;

II - total and definitive transfer of rights shall only be allowed through written contractual stipulation;

III - in the event there is no written contractual stipulation, the maximum term shall be five years;

IV - the assignment shall only be valid for the country where the contract was signed, unless stipulated otherwise;

V - the assignment shall only transact for the means of use that already exist on the date of the contract;

VI - there being no specifications as to the means of use, the contract shall be interpreted restrictively, it being understood as limited to only one that is indispensable to the fulfillment of the contract's purpose.

Article 50. The total or partial assignment of copyrights, which shall always be made in writing, is presumed to be onerous.

Paragraph 1 The assignment may be registered on the margin of the registration referred to in Article 19 of this Law, or, if the work is not registered, the instrument may be registered in a Registry of Deeds and Documents.

Paragraph 2 The instrument of assignment shall contain as essential elements its purpose and the conditions for exercising the right in terms of time, place and price.

Article 51. The assignment of copyrights on future works shall cover a maximum period of five years.

Sole paragraph. The period shall be reduced to five years whenever it is indefinite or longer, and the stipulated price shall be reduced accordingly.

Article 52. The omission of the author's name or co-author's name from the work's disclosure does not presume anonymity or assignment of rights.

Title IV

Use of Intellectual Works and Phonograms

Chapter I

Publishing

Article 53. By means of a publishing contract, the publisher, undertaking to reproduce and disclose the literary, artistic or scientific work, is authorized on an exclusive basis to publish and make profit from it for the term and under the conditions agreed upon with the author.

Sole paragraph. In each copy of the work the publisher shall mention:

I - the title of the work and its author;

II - in the case of a translation, the original title and the name of the translator;

III - the year of publication;

IV - its name or brand that identifies it.

Article 54. By the same contract, the author may undertake to produce a literary, artistic or scientific work whose publication and dissemination the publisher is committed to.

Article 55. If the author dies or is unable to complete the work, the publisher may:

I - consider the contract terminated, even if a considerable part of the work has been delivered;

II - publish the work, being autonomous, upon proportional payment of the price;

III - order someone else to finish it, provided that the successors consent and the fact is indicated in the edition.

Sole paragraph. Partial publication is forbidden if the author has expressed the wish to publish it only in full, or if his successors so decide.

Article 56. It is understood that the contract covers only one edition, if there is no express clause to the contrary.

Sole paragraph. If not otherwise stated in the contract, each edition is considered to consist of three thousand copies.

Article 57. The price of the retribution shall be arbitrated, based on the uses and customs, whenever the author has not expressly stipulated it in the contract.

Article 58. If the originals are not delivered as stipulated and the publisher does not reject them within thirty days of receipt, the changes made by the author shall be considered accepted.

Article 59. Regardless of the conditions of the contract, the publisher is obliged to allow the author to examine the bookkeeping in the corresponding part, as well as to inform him/her about the status of the edition.

Article 60. It is up to the publisher to set the sale price, without, however, being able to raise it to the point of hindering the circulation of the work.

Article 61. The publisher shall be obliged to render monthly accounts to the author whenever the author's retribution is conditioned to the sale of the work, unless a different period has been agreed.

Article 62. The work shall be published within two years of the contract execution, unless otherwise stipulated in an agreement.

Sole paragraph. If the work is not published within the legal or contractual term, the contract may be terminated, and the publisher shall be liable for damage caused.

Article 63. Until all editions to which the publisher is entitled have been sold out, the author may not dispose of his/her work, and the publisher shall bear the burden of proof.

Paragraph 1 During the term of the publishing contract, the publisher is entitled to demand that any edition of the same work made by another be removed from circulation.

Paragraph 2 The edition is considered to be sold out when there are less than ten percent of the total number of copies of the edition left in stock in the publisher's possession.

Article 64. Only one year after the launch of the edition, the publisher may sell, as equilibrium, the remaining copies, provided that the author is notified that, within thirty days, he/she will have priority in the acquisition of said copies at the equilibrium price.

Article 65. When the edition is sold out and the publisher, entitled to another one, does not publish it, the author may notify him/her to do so within a certain period, under penalty of losing that right, besides being liable for damages.

Article 66. The author has the right to make, in successive editions of his/her works, such modifications and alterations as he/she sees fit.

Sole paragraph. The publisher may object to alterations that harm his/her interests, offend his/her reputation, or increase his/her liability.

Article 67. If, due to its nature, it is indispensable to update the work in new editions, the publisher, if the author refuses to do it, may entrust it to someone else, mentioning the fact in the edition.

Chapter II

Communication to the Public

Article 68. Theatrical works, musical or literary-musical compositions, and phonograms cannot be used in public representations and performances without the prior and express authorization of the author or holder.

Paragraph 1 Public representation is considered to be the use of theatrical works of the genre drama, tragedy, comedy, opera, operetta, ballet, pantomime and the like, set to music or not, through the participation of artists, paid or not,

in places where literary, artistic or scientific works are represented, performed or transmitted or by broadcasting, transmission and cinematographic exhibition.

Paragraph 2 Public performance is considered to be the use of musical or literary-musical compositions, through the participation of artists, paid or unpaid, or the use of phonograms and audiovisual works in places where literary, artistic or scientific works are represented, performed or transmitted, by any means, including broadcasting or transmission, by any means, and cinematographic exhibition.

Paragraph 3 Places where literary, artistic or scientific works are represented, performed or transmitted are considered to be theaters, cinemas, ballrooms or concert halls, discos, bars, clubs or associations of any nature, stores, commercial and industrial establishments, stadiums, circuses, fairs, restaurants, hotels, motels, clinics, hospitals, directly or indirectly administrated, foundational and state government agencies, means of transportation for passengers on land, sea, river or air, or wherever literary, artistic or scientific works are represented, performed or transmitted.

Paragraph 4 Before the public performance, the business owner shall present to the central office, foreseen in Article 99, proof of collection of the copyrights.

Paragraph 5 When the remuneration depends on public attendance, the business owner may, by agreement with the central office, pay the price after the public performance has taken place.

~~Paragraph 6 The business owner shall deliver to the central office, immediately after the public performance or transmission, a complete list of the works and phonograms used, indicating the names of the respective authors, artists and producers.~~

Paragraph 6 The user shall deliver to the entity responsible for collecting the rights related to public performance or exhibition, immediately after the act of communication to the public, a complete list of the works and phonograms used, and shall make it public and freely accessible, together with the amounts paid, on its website, or if there is no website, at the place of the communication and at its headquarters. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 7 Film and broadcasting companies shall keep at the immediate disposal of interested parties, an authentic copy of the contracts, adjustments or agreements, individual or collective, authorizing and disciplining the remuneration for public performance of musical works and phonograms contained in their programs or audiovisual works.

Paragraph 8 For the companies mentioned in Paragraph 7, the term for compliance with the provisions of Paragraph 6 will be up to the tenth business day of each month, regarding the complete list of works and phonograms used in the previous month. [\(Included by Law No. 12.853, of 2013\)](#)

Article 69. The author, observing local uses, shall notify the business owner of the term for representation or performance, unless previous conventional stipulation.

Article 70. The author has the right to oppose any representation or performance that is not sufficiently rehearsed, as well as to supervise it, having, for this purpose, free access during the representations or performances, in the place where they take place.

Article 71. The author of the work cannot change its substance without agreement with the business owner who represents the work.

Article 72. The business owner, without the author's license, cannot deliver the work to a person outside the representation or performance.

Article 73. The principal performers and orchestra or choir conductors, chosen by mutual agreement by the author and producer, cannot be replaced by order of the latter without the author's consent.

Article 74. The author of a theatrical work, when authorizing its translation or adaptation, may set a term for its use in public representations.

Sole paragraph. After the expiration of the term referred to in this article, the translator or person who adapts it may not oppose the use of another authorized translation or adaptation, unless it is a copy of his/her own.

Article 75. Once the performance of a theatrical work done in co-authorship is authorized, none of the co-authors may revoke the authorization given, causing the suspension of the contractually adjusted season.

Article 76. The part of the proceeds from the shows reserved for the author and the artists is inalienable.

Chapter III

Use of the Work of Plastic Art

Article 77. Unless otherwise agreed upon, the author of a work of plastic art, when disposing of the object in which it is materialized, transfers the right to exhibit it, but does not transfer to the acquiror the right to reproduce it.

Article 78. The authorization to reproduce works of plastic art, by any process, shall be in writing and is presumed onerous.

Chapter IV

Use of the Photographic Work

Article 79. The author of a photographic work has the right to reproduce it and put it up for sale, observing the restrictions on the exhibition, reproduction

and sale of portraits, and without prejudice to copyrights on the photographed work, if of protected plastic arts.

Paragraph 1 The photograph, when used by third parties, shall legibly indicate the name of its author.

Paragraph 2 The reproduction of photographic work that is not in absolute harmony with the original is forbidden, unless previously authorized by the author.

Chapter V

Use of Phonogram

Article 80. When publishing the phonogram, the producer will mention on each copy:

- I - the title of the included work and its author;
- II - the name or pseudonym of the performer;
- III - the year of publication;
- IV - its name or brand that identifies it.

Chapter VI

Use of Audiovisual Work

Article 81. The authorization of the author and the performer of a literary, artistic or scientific work for audiovisual production implies, unless otherwise stated, consent for its economic use.

Paragraph 1 The exclusivity of the authorization depends on an express clause and ceases ten years after the contract is closed.

Paragraph 2 In each copy of the audiovisual work, the producer shall mention:

- I - the title of the audiovisual work;
- II - the names or pseudonyms of the director and other co-authors;
- III - the title of the adapted work and its author, if applicable;
- IV - the performing artists;
- V - the year of publication;
- VI - its name or brand that identifies it.

VII - the name of the voice actors.
[2009\)](#)

[\(Included by Law No. 12.091, of](#)

Article 82. The audiovisual production contract shall establish:

I - the remuneration due by the producer to the co-authors of the work and to the performers, as well as the time, place and method of payment;

II - the period for the conclusion of the work;

III - the producer's liability towards co-authors, interpreters or performers, in the case of co-production.

Article 83. The participant in the production of the audiovisual work who interrupts, temporarily or definitively, his/her performance, cannot oppose its use in the work, nor can he/she oppose a third party to replace him/her, safeguarding the rights he/she acquired for the part already performed.

Article 84. If the remuneration of the co-authors of the audiovisual work depends on the income from its economic use, the producer shall render accounts to them every six months, if no other term has been agreed.

Article 85. If there is no provision to the contrary, the co-authors of the audiovisual work may use, in a different genre, the part that constitutes their personal contribution.

Sole paragraph. If the producer does not complete the audiovisual work within the adjusted period or does not start its exploitation within two years from its completion, the use referred to in this article shall be free.

Article 86. The musical performance copyrights related to musical and literary-musical works and phonograms included in audiovisual works shall be owed to their holders by those responsible for the places or establishments referred to in Paragraph 3 of Article 68 of this Law, which exhibit them, or by the television stations that broadcasting them.

Chapter VII

Use of Database

Article 87. The holder of the property right over a database shall have the exclusive right, with respect to the form of expression of the structure of said database, to authorize or prohibit:

I - its total or partial reproduction, by any means or process;

II - its translation, adaptation, rearrangement, or any other modification;

III - the distribution of the original or copies of the database or its communication to the public;

IV - the reproduction, distribution or communication to the public of the results of the operations mentioned in clause II of this article.

Chapter VIII

Use of the Collective Work

Article 88. When publishing the collective work, the organizer shall mention it in each copy:

I - the title of the work;

II - the list of all participants, in alphabetical order, if no other has been agreed upon;

III - the year of publication;

IV - its name or brand that identifies it.

Sole paragraph. To avail himself/herself of the provisions of Paragraph 1 of Article 17, the participant shall notify the organizer in writing by the time of delivery of his/her participation.

Title V

Related Rights

Chapter I

Preliminary Provisions

Article 89. The rules concerning copyright apply, as appropriate, to the rights of performers or interpreters, phonographic producers, and broadcasting companies.

Sole paragraph. The protection of this Law to the rights foreseen in this article leaves intact and does not affect the guarantees assured to the authors of literary, artistic or scientific works.

Chapter II

Interpreters or Performers' Rights

Article 90. The interpreters or performer has the exclusive right to, by onerous or gratuitous title, authorize or prohibit:

I - the fixing of its performances;

II - the reproduction, public performance, and rental of their fixed interpretations or performances;

III - the broadcasting of their interpretations or performances, fixed or not;

IV - the making available to the public of his/her interpretations or performances, so that anyone may have access to them, at the time and place he/she individually chooses;

V - any other means of use of his/her interpretations or performances.

Paragraph 1 When several artists participate in the interpretation or performance, the group director shall exercise their rights.

Paragraph 2 The protection for performers or interpreting artists extends to the reproduction of their voice and image, when associated to their performances.

Article 91. Broadcasting companies may make fixations of performances or interpretations by artists who have permitted them for use in a given number of broadcasts, with the option of keeping them in a public archive.

Sole paragraph. Subsequent reuse of the fixation, in Brazil or abroad, shall only be licit upon written authorization from the holders of the intellectual property included in the program, with additional remuneration due to the holders for each new use.

Article 92. The performers are entitled to the moral rights of integrity and authorship of their interpretations, even after the assignment of property rights, without prejudice to the reduction, summarization, editing or dubbing of the work they have participated in, under the responsibility of the producer, who cannot disfigure the artist's performance.

Sole paragraph. The death of any participant in an audiovisual work, completed or not, does not prevent its exhibition and economic use, nor does it require additional authorization, and the remuneration provided for the deceased, under the terms of the contract and the law, shall be made in favor of the heirs collectively or successors.

Chapter III

Phonographic Producers' Rights

Article 93. The producer of phonograms has the exclusive right, by onerous or gratuitous title, to authorize or prohibit:

I - the direct or indirect , total or partial reproduction;

II - the distribution through sale or rental of copies of the reproduction;

III - the communication to the public by means of public performance, including by radio broadcasting;

IV -~~(VETOED)~~

V - any other means of use, existing or to be invented.

~~Article 94. The phonographic producer is responsible for receiving from the users referred to in Article 68, and paragraphs of this Law the monetary gain resulting from the public performance of the phonograms and share them with the artists, as agreed among them or their associations.~~ [\(Revoked by Law No. 12.853, of 2013\)](#)

Chapter IV

Broadcasting Companies' Rights

Article 95. Broadcasting companies have the exclusive right to authorize or prohibit retransmission, fixation and reproduction of their broadcasts, as well as the communication to the public by television in places where literary, artistic or scientific works are represented, performed or transmitted, without prejudice to the rights of the holders of intellectual property included in the programming.

Chapter V

Duration of the Related Rights

Article 96. The period of protection of the related rights is seventy years, counted as of January 1st of the year subsequent to the fixation, for phonograms; to the transmission, for the broadcast of broadcasting companies; and to the public performance and representation, for the other cases.

Title VI

Associations of Holders of Copyrights and Related Rights

Article 97. For the exercise and defense of their rights, authors and holders of related rights may associate without profit intent.

~~Paragraph 1 It is forbidden to belong to more than one association for the collective management of rights of the same nature.~~

Paragraph 1 The associations regulated by this article exercise activities of public interest, by determination of this Law, and must meet their social function. [\(Wording given by Law No. 12.853, of 2013\)](#)

~~Paragraph 2 The holder may transfer himself/herself, at any time, to another association, and shall communicate the fact, in writing, to the original association.~~

Paragraph 2 It is forbidden to belong, simultaneously, to more than one association for the collective management of rights of the same nature. [\(Wording given by Law No. 12.853, of 2013\)](#)

~~Paragraph 3 The associations with headquarters abroad shall be represented, in Brazil, by national associations incorporated in the form foreseen in this Law.~~

Paragraph 3 The holder may transfer himself/herself, at any time, to another association, and must communicate the fact, in writing, to the original association. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 4 The associations with headquarters abroad shall be represented, in Brazil, by national associations incorporated in the form foreseen in this Law. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 5 Only the original holders of copyright or related rights directly affiliated to the national associations may vote or be voted in the associations regulated by this article. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 6 Only the original holders of copyright or related rights that are Brazilians or resident aliens in Brazil and directly affiliated to the national associations may assume management positions in the associations regulated by this article. [\(Included by Law No. 12.853, of 2013\)](#)

~~Article 98. With the act of affiliation, the associations become agents of their associates for the practice of all necessary acts for the judicial or extrajudicial defense of their copyrights, as well as for its collection.~~

~~Sole paragraph. The copyright holders shall be able to perform, personally, the acts referred to in this article, upon previous communication to the association to which they are affiliated.~~

Article 98. With the act of affiliation, the associations mentioned in Article 97 become agents of their associates for the practice of all acts necessary for the judicial or extrajudicial defense of their copyrights, as well as for the exercise of the collection activity of these rights. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 1 The exercise of the collection activity mentioned on the head of this article shall only be lawful for associations that obtain a license from a Federal Government agency, under the terms of Article 98-A. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 2 The associations must adopt the principles of equal protection, efficiency and transparency when charging for the use of any work or phonogram. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 3 The associations shall be responsible, in the interest of their associates, to establish the prices for the use of their repertoires, considering reasonableness, good faith and the uses of the place where the works are used. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 4 The charge shall always be proportional to the degree of use of the works and phonograms by the users, considering the importance of the public performance in the exercise of their activities, and the particularities of each segment, as provided in the regulation of this Law. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 5 Associations shall treat their associates equally, and unequal treatment is forbidden. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 6 The associations shall keep a centralized record of all contracts, representations or documents of any nature that prove authorship and ownership of works and phonograms, as well as individual participations in each work and phonogram, preventing falsification of data and fraud and promoting disambiguation of similar titles of works. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 7 The information mentioned in Paragraph 6 are of public interest and access to them should be made available electronically to any interested party, free of charge, also

allowing the Ministry of Culture continuous and full access to such information. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 8 Upon communication by the interested party and preserving the broad defense and the right to adversary proceeding, the Ministry of Culture may, in the event of inconsistency in the information mentioned in Paragraph 6 of this article, determine its rectification and other measures necessary for its regularization, as provided in the regulation. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 9 The associations shall provide an information system for periodic communication, by the user, of all works and phonograms used, as well as for monitoring, by rights' holders, of the amounts collected and distributed. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 10. Unidentified credits and amounts shall remain withheld and available to the holders for a period of five (5) years, and shall be distributed as they are identified. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 11. After the period of five (5) years established in Paragraph 10, without the identification of the credits and amounts withheld, they shall be distributed to the holders of copyright and related rights within the same item in which they were collected and in the proportion of their respective collections during the period of withholding of those credits and amounts, being prohibited their destination for another purpose. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 12. The administration fee practiced by the associations in the exercise of the collection and distribution of copyright shall be proportional to the effective cost of their operations, considering the peculiarities of each one of them. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 13. The officers of the associations shall be elected for a term of three (3) years, with one reappointment preceded by a new election. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 14. The association's officers shall act directly in their management, by means of personal vote, being forbidden to act represented by third parties. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 15. The copyright holders may personally practice the acts referred to in the head of this article and in Paragraph 3 of this article, upon communication to the association to which they are affiliated, up to forty-eight (48) hours in advance of their practice. [\(Included by Law No. 12,853, of 2013\)](#)

Paragraph 16. The associations, by decision of their highest deliberating body and as provided in their bylaws, may allocate up to twenty percent (20%) of all or part of the resources arising from their activities for actions of cultural and social nature that benefit their associates collectively. [\(Included by Law No. 12.853, of 2013\)](#)

Article 98-A. The exercise of the collection activity referred to in Article 98 shall depend on previous license from a Federal Government Agency, as provided by regulation, whose administrative process shall observe: [\(Included by Law No. 12.853, of 2013\)](#)

I - the compliance, by the bylaws of the requesting entity, with the requirements established in the legislation for its constitution; [\(Included by Law No. 12.853, of 2013\)](#)

II - the demonstration that the requesting entity meets the necessary conditions to ensure an effective and transparent management of the rights entrusted to it and significant

representativeness of registered works and holders, by means of proof of the following documents and information: [\(Included by Law No. 12.853, of 2013\)](#)

- a) registers of the works and holders that they represent; [\(Included by Law No. 12.853, of 2013\)](#)
- b) contracts and agreements with users of works from its repertoire, when applicable; [\(Included by Law No. 12.853, of 2013\)](#)
- c) bylaws and respective amendments; [\(Included by Law No. 12.853, of 2013\)](#)
- d) minutes of the ordinary or extraordinary meetings; [\(Included by Law No. 12.853, 2013\)](#)
- e) reciprocal representation agreements with similar foreign entities, when existing; [\(Included by Law No. 12.853, of 2013\)](#)
- f) annual report of its activities, when applicable; [\(Included by Law No. 12.853, of 2013\)](#)
- g) annual financial statements, when applicable; [\(Included by Law No. 12.853, of 2013\)](#)
- h) prove that the administration fees are proportional to the collection and distribution costs for each type of use, when applicable; [\(Included by Law No. 12.853, of 2013\)](#)
- i) annual report of external audit of its accounts, provided that the entity has been operating for more than one (1) year and that the audit is demanded by the majority of its associates or by a union or professional association, pursuant to Article 100; [\(Included by Law No. 12.853, of 2013\)](#)
- j) details of the association's governance model, including a representation structure that assures equal protection of the laws for the associates; [\(Included by Law No. 12.853, of 2013\)](#)
- k) a plan of positions and salaries, including the value of the remuneration of the officers, awards, bonuses and other forms of remuneration and awards, with updated values; [\(Included by Law No. 12.853, of 2013\)](#)

III - other information stipulated in regulation by a Federal Government agency, such as that proving compliance with international contractual obligations of the requesting entity that may give rise to questioning to the Brazilian State within the scope of international agreements to which it is a party. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 1 The documents and information referred to in items II and III of the head of this article shall be submitted annually to the Ministry of Culture. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 2 The license referred to in Paragraph 1 of Article 98 is an act of qualification linked to compliance with the requirements established by this Law and its regulations, and need not be renewed periodically, but may be annulled by decision in administrative or judicial process when the association is found to not comply with the provisions of this Law, always assuring the adversary proceeding and broad defense, as well as communication of the fact to the Prosecution Office. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 3 The annulment of the license referred to in Paragraph 1 of Article 98 shall take into account the seriousness and relevance of the irregularities identified, the good faith of

the violator and the recurrence of irregularities, as provided in regulations, and shall only be effective after a warning has been given, when a reasonable term shall be granted for compliance with the requirements identified by the competent authority. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 4 The absence of an association that is the agent of a certain category of holders due to the application of Paragraph 2 of this article does not exempt the users from the obligations foreseen in Article 68, which shall be discharged in relation to the period between the denial of the request for license, the annulment or cancellation of the license and the obtaining of a new license or the constitution of a successor entity under the terms of this article, becoming the successor entity responsible for fixing the values of copyright or related rights for the period between the denial of the request for license or its annulment and the obtainment of a new license by the successor entity. [\(Included by Law under No. 12.853, of 2013\)](#)

Paragraph 5 The association whose license, under the terms of this article, is annulled, nonexistent or pending examination by the competent authority, or presents any other form of irregularity, cannot use these facts as an impediment to the distribution of any amounts already collected, under penalty of being held directly responsible under the terms of Article 100-A, without prejudice to the applicable punitive sanction. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 6 - The associations of copyright collective management must keep the documents and information provided for in items II and III of this Article updated and available to the associates. [\(Included by Law No. 12.853, of 2013\)](#)

Article 98-B. The associations of copyright collective management, in the performance of their functions, shall: [\(Included by Law No. 12.853, of 2013\)](#)

I - make public and transparent, by means of their own websites, the forms of calculation and collection criteria, specifying, among other information, the type of user, time and place of use, as well as the distribution criteria of the collected copyright amounts, including the spreadsheets and other records of use of the works and phonograms provided by the users, except for the amounts distributed to the holders individually; [\(Included by Law No. 12.853, of 2013\)](#)

II - make public and transparent, by means of their own websites, the bylaws, collection and distribution regulations, the minutes of their deliberative meetings and the registrations of the works and holders that they represent, as well as the amount collected and distributed and the credits eventually collected and not distributed, their origin and reason for their withholding; [\(Included by Law No. 12.853, of 2013\)](#)

III - seek operational efficiency, among other means, by reducing its administrative costs and the terms for distribution of amounts to rights holders; [\(Included by Law No. 12.853, of 2013\)](#)

IV - offer rights' holders the technical means to access the balance sheet of their credits in the most efficient manner within the state of the art; [\(Included by Law No. 12.853, of 2013\)](#)

V - improve its systems for an increasingly accurate calculation of the public performances carried out and publish annually its methods of verification, sampling and measurement; [\(Included by Law No. 12.853, of 2013\)](#)

VI - guarantee to associates access to information regarding the works to which they hold rights and the performances measured for each one of them, refraining from signing contracts, agreements or covenants with confidentiality clauses; [\(Included by Law No. 12.853, of 2013\)](#)

VII - guarantee to the user access to information regarding the uses made by him/her. [\(Included by Law No. 12.853, of 2013\)](#)

Sole paragraph. The information contained in items I and II shall be updated periodically, with an interval never exceeding six (6) months. [\(Included by Law No. 12.853, of 2013\)](#)

Article 98-C. The associations of copyright collective management shall render accounts of the amounts due, regularly and directly, to their associates. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 1 The right to render accounts may be exercised directly by the associate. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 2 If the accounts are not rendered in the form of Paragraph 1, the request by the associate may be forwarded to the Ministry of Culture which, after its examination, may determine the rendering of accounts by the association, in the form of the regulation. [\(Included by Law No.12.853, of 2013\)](#)

~~Article 99. The associations shall maintain a single central office for the collection and distribution, in common, of the rights related to the public performance of musical and literary-musical works and phonograms, including through broadcasting and transmission by any means and the exhibition of audiovisual works.~~

~~Paragraph 1 The central office organized in the form foreseen in this article shall not be for profit and shall be directed and managed by the associations that integrate it.~~

~~Paragraph 2 The central office and the associations referred to in this Title shall act, in and out of court, in their own names as substitutes for the holders linked to them.~~

~~Paragraph 3 The collection of any amounts by the central office shall only be made by bank deposit.~~

~~Paragraph 4 The central office may have supervisors, who are prohibited from receiving money from the business owner for any reason.~~

~~Paragraph 5 The non-compliance with the rule in the previous paragraph shall render the violator unqualified for the function of supervisor, without prejudice to the applicable civil penalties and punitive sanctions.~~

Article 99. The collection and distribution of the rights related to the public performance of musical and literary-musical works and phonograms shall be done through collective management associations created for this purpose by their holders, which shall unify the collection in a single central office for collection and distribution, which will function as a collecting entity with its own legal personality and shall observe Paragraphs 1 to 12 of Article 98 and articles 98-A, 98-B, 98-C, 99-B, 100, 100-A and 100-B. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 1 The collecting entity organized as provided in the head of this article shall not have the purpose of profit and shall be directed and managed through the single vote of each association that integrates it. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 2 The collecting entity and the associations referred to in this Title shall act, in and out of court, in their own names as substitutes for the holders linked to them. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 3 The collection of any amounts by the collecting entity shall only be made by bank deposit. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 4 The portion destined to distribution to authors and other rights' holders may not, in one year from the date of publication of this Law, be less than seventy-seven point five percent (77.5%) of the amounts collected, such portion increasing at the rate of two integers and five tenths percent per year (2.5% p.a.), until it is no less than eighty-five percent (85%) of the amounts collected within four (4) years from the date this Law is published. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 5 The collecting entity may keep supervisors, who are forbidden to receive money from the user for any reason. [\(Wording given by Law No. 12.853, of 2013\)](#)

Paragraph 6 Non-compliance with the rule in Paragraph 5 shall render the violator ineligible for the function of supervisor, without prejudice to communicating the fact to the Prosecution Office and the application of applicable civil penalties and punitive sanctions. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 7 The collecting entity and the collective management associations are responsible for the continuity of the collection and, in case of loss of license by any association, it is up to them to cooperate so that the transition between associations is made without any damage to the holders, transferring all information necessary for the process of collection and distribution of rights. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 8 Without prejudice to the provisions of Paragraph 3 of Article 98, the associations shall establish and unify the price of their repertoires with the collecting entity for its charging, the latter acting as an agent for the associations that integrate it. [\(Included by Law No. 12.853, of 2013\)](#)

Paragraph 9 The collecting entity shall charge the user in a unified manner, and shall be responsible for the due distribution of the collection to the associations, observing the provisions of this Law, especially the criteria established in Paragraphs 3 and 4 of Article 98. [\(Included by Law No. 12.853, of 2013\)](#)

Article 99-A. The collecting entity referred to in the head of Article 99 shall admit in its staff, in addition to the associations that have constituted it, the associations of copyright holders that are relevant in its area of activity and have a license from a Federal Government agency in the form of Article 98-A. [\(Included by Law No. 12.853, of 2013\)](#)

Sole paragraph. Resolutions on the criteria for distribution of the collected resources shall be made through the single vote of each association integrating the collecting entity. [\(Included by Law No. 12.853, of 2013\)](#)

Article 99-B. The associations referred to in this Title are subject to the competition rules defined in specific legislation dealing with the prevention and repression of violations against the economic order. [\(Included by Law No. 12.853, of 2013\)](#)

~~Article 100. The union or professional association comprising not less than one-third of the members of a copyright association may, once a year, after eight days' notice, inspect, through an auditor, the accuracy of the accounts rendered to its principals.~~

Article 100. The union or professional association that congregates affiliates of a copyright collective management association may, once a year, at its own expenses, after notification with 8 (eight) days in advance, inspect, through independent auditor, the accuracy of the accounts

rendered by such authorial association to its principals. ([Composition given by Law n. 12,853, of 2013](#))

Article 100-A. The officers of the associations of copyright collective management are jointly liable, with their separate property, for deviation of purpose or regarding the breach of obligations with the associates, through intent or fault. ([Included by Law No. 12.853, of 2013](#))

Article 100-B. Disputes between users and copyright holders or their agents, regarding the lack of payment, the criteria for collection, the forms of offering repertoire and the collection amounts, and between holders and their associations, in relation to the values and distribution criteria, may be subject to the action of a Federal Government agency for the resolution of conflicts by means of mediation or arbitration, in the form of the regulation, without prejudice to the examination by the Judicial Branch and by the agencies of the Brazilian Competition System, when applicable. ([Included by Law No. 12.853, of 2013](#))

Title VII

Sanctions for Copyright Infringements

Chapter I

Preliminary Provision

Article 101. The civil penalties referred to in this Chapter apply without prejudice to the applicable punishments.

Chapter II

Civil Penalties

Article 102. The holder whose work is fraudulently reproduced, disclosed or used in any way may request the seizure of the reproduced copies or the suspension of the disclosure, without prejudice to the applicable damages.

Article 103. Whoever publishes a literary, artistic or scientific work, without the authorization of the holder, shall forfeit to the holder any copies that are seized and pay to such holder the price of those that he has sold.

Sole paragraph. If the number of copies constituting the fraudulent edition is not known, the offender shall pay the amount of three thousand copies, in addition to the seized ones.

Article 104. Whoever sells, displays for sale, hides, acquires, distributes, holds in deposit or uses works or phonograms reproduced fraudulently, with the purpose of selling, obtaining gain, advantage, benefit, direct or indirect profit, for themselves or for others, shall be jointly and severally liable with the counterfeiter, under the terms of the previous articles, and the importer and distributor shall be liable as counterfeiters in case of reproduction abroad.

Article 105. The transmission and retransmission, by any means or process, and the communication to the public of artistic, literary and scientific

works, of performances and phonograms carried out in violation of the rights of their holders shall be immediately suspended or interrupted by the competent judicial authority, without prejudice to the daily fine for non-compliance and other applicable damages, regardless of the punitive sanctions applicable; if the violator is proven to be a repeat offender in the violation of the rights of the holders of copyrights and related rights, the amount of the fine may be doubled.

Article 106. The judgment of conviction may order the destruction of all illicit copies, as well as the matrixes, molds, negatives and other elements used to practice the civil wrong, as well as the loss of machines, equipment and inputs destined to this purpose, or, if they serve only for the illicit purpose, their destruction.

Article 107. Regardless of the loss of the equipment used, shall be liable for losses and damage, never less than the amount that would result from the application of the provisions of Article 103 and its sole paragraph, he/she who:

I - alters, suppresses, modifies or renders useless, in any way, technical devices introduced in the copies of protected works and productions to avoid or restrict their copying;

II - alters, suppresses or renders useless, in any way, the coded signs intended to restrict communication to the public of protected works, productions or broadcast, or to prevent their copying;

III - suppresses or alters, without authorization, any information about rights management;

IV - distributes, imports for distribution, broadcasts, communicates or makes available to the public, without authorization, works, performances, copies of performances fixed in phonograms and broadcasts, knowing that information on rights management, coded signs and technical devices have been suppressed or altered without authorization.

Article 108. Whoever, in the use, by any means, of an intellectual work, fails to indicate or announce, as such, the name, pseudonym or conventional sign of the author and performer, besides being liable for moral damages, is obliged to disclose their identity as follows:

I - in the case of a broadcasting company, at the same time as the infringement occurred, for three consecutive days;

II - in the case of a graphic or phonographic publication, through the inclusion of an erratum in the copies not yet distributed, without prejudice to the communication, highlighting three times in succession, in a widely circulated newspaper, of the domiciles of the author, the performer and the publisher or producer;

III - in the case of other means of use, through the press, in the manner referred to in the previous item.

Article 109. Public performances not in compliance with articles 68, 97, 98 and 99 of this Law shall subject those responsible to a fine of twenty times the amount that should have been originally paid.

Article 109-A. The failure to provide or the provision of false information in compliance with the provisions of Paragraph 6 of Article 68 and Paragraph 9 of Article 98 shall subject those responsible, by determination of the competent authority and under the terms of the regulation of this Law, to a fine of ten (10) to thirty percent (30%) of the amount that should have been originally paid, without prejudice to losses and damage. [\(Included by Law No. 12.853, of 2013\)](#)

Sole paragraph. The rules of civil legislation apply regarding the nonperformance of obligations in the event of noncompliance, by users, of their legal and contractual duties with the associations referred to in this Title. [\(Included by Law No. 12.853, of 2013\)](#)

Article 110. The owners, directors, managers, business owners, and lessees are jointly liable with the people who organize the shows for the violation of copyrights in shows and public hearings, held in the places or establishments mentioned in Article 68.

Chapter III

Limitation of the Action

Article 111([VETOED](#))

Title VIII

Final and Transitional Provisions

Article 112. If a work, as a consequence of having expired the term of protection previously recognized by [Paragraph 2 of Article 42 of Law No. 5.988, of December 14, 1973](#), has entered the public domain, it shall not have the term of protection of the property rights extended by force of Article 41 of this Law.

Article 113. Phonograms, books, and audiovisual works shall be subject to seals or identification signs under the responsibility of the producer, distributor, or importer, at no cost to the consumer, in order to certify compliance with the legal rules in force, as provided by the regulation. [\(Regulation\)](#) [\(Regulation\)](#)

Article 114. This Law goes into effect one hundred and twenty days after its publication.

Article 115. Articles [649 to 673](#) and [1.346 to 1.362 of the Civil Code](#) and [Laws No. 4944 of April 6, 1966; No. 5.988 of December 14, 1973](#), with the exception of [Article 17 and its Paragraphs 1 and 2; No. 6.800 of June 25, 1980; No. 7.123 of September 12, 1983; No. 9.045 of May 18, 1995](#), and other provision to the contrary are revoked, remaining in effect [Laws No. 6.533 of May 24, 1978](#) and [No. 6.615 of December 16, 1978](#).

Brasília, February 19, 1998; 177th of the Independence and 110th of the Republic.

FERNANDO HENRIQUE CARDOSO

Francisco Weffort

This text does not replace the one published in the DOU (Official Federal Gazette) of 02/20/1998