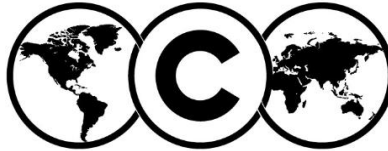


# INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE®



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May 21, 2010

*Submitted via email to  
marcocivildainternet@mj.gov.br*

The Secretary of Legislative Affairs  
of the Brazilian Ministry of Justice and  
The Center for Technology and Society  
from Fundação Getúlio Vargas

Re: Comments on the Draft Bill Proposition  
on a Civil Rights Framework for the  
Internet in Brazil (“Internet Bill”)

Dear Mr. Secretary and Project Members:

The International Intellectual Property Alliance (IIPA) would like to share with you our initial comments on the proposal for possible Brazilian legislation concerning the establishment of a legal framework for the use of the Internet. We appreciate the transparent process the Brazilian government is following to develop this Internet bill.

The IIPA is a coalition of seven trade associations representing copyright-based industries in bilateral and multilateral efforts working to improve international protection of copyrighted materials and address market access barriers for the creative industries we represent.<sup>1</sup>

Because this Internet bill appears to be in a somewhat fluid stage of development, we will not comment in detail on its specific provisions. We do, however, have several broad observations about the proposal. First, we are concerned that the bill’s stated objectives are incomplete. The bill endeavors to govern the structure of rights and responsibilities for using the internet, and address issues related to providing both access and content. Missing from these objectives is the essential

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<sup>1</sup> IIPA’s seven member associations are: the Association of American Publishers (AAP), the Business Software Alliance (BSA), the Entertainment Software Association (ESA), the Independent Film & Television Alliance (IFTA), the Motion Picture Association of America (MPAA), the National Music Publishers’ Association (NMPA) and the Recording Industry Association of America (RIAA). IIPA’s seven member associations represent over 1,900 companies producing and distributing materials protected by copyright laws throughout the world—all types of computer software, including business applications software and entertainment software (such as videogame discs and cartridges, personal computer CD-ROMs, and multimedia products); theatrical films, television programs, DVDs and home video and digital representations of audiovisual works; music, records, CDs, and audiocassettes; and textbooks, trade books, reference and professional publications and journals (in both electronic and print media).

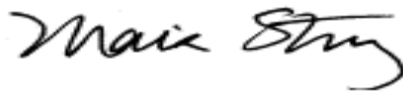
goal of protecting intellectual property -- and specifically, copyright -- in the online environment. This draft internet bill does not, at least without further detailed review and amendment, satisfactorily address this critical issue.

Second, IIPA is concerned that this particular bill would create impediments to effective copyright enforcement on the Internet. Elements of the bill would remove incentives for cooperation between right holders and Internet Service Providers, and could stifle development of effective tools and policies for combating online infringement. For example, the proposed legislation in its current form would create broad and unlimited limitations from liability (thereby undermining incentives for cooperation), and pre-empt the potential use of a variety of mechanisms to address online piracy.

As Brazil develops legislation on rights and responsibilities on the Internet, it should follow a balanced approach that takes copyright protection and the needs of Brazilian and international creative industries into account and does not foreclose the possibility of effective online enforcement.

We appreciate this opportunity to convey our impressions about this proposed internet bill. We believe that further consideration of this bill, including its impact on the protection of copyright materials in the online environment, is desirable and warranted. IIPA and its members would like to work with you on sharing international best practices on how to ensure effective online enforcement against copyright piracy.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Maria Strong". The signature is fluid and cursive, with the first name "Maria" and the last name "Strong" clearly distinguishable.

Maria Strong  
for the International Intellectual Property Alliance (IIPA)  
[www.iipa.com](http://www.iipa.com)