



INTERNATIONAL ASSOCIATION OF SCIENTIFIC, TECHNICAL & MEDICAL PUBLISHERS

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European Commission  
DG Trade

Email: [TRADE-IPR-SURVEY@ec.europa.eu](mailto:TRADE-IPR-SURVEY@ec.europa.eu)

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**STM submission  
EU IPR survey 2010 on IPR protection and  
enforcement in third countries**

**BRAZIL**

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**Identification number in the register: 98356852465-08**

E-mail contact: [beadle@stm-assoc.org](mailto:beadle@stm-assoc.org)

**How do you globally assess the IPR situation in this country?**

**Effectiveness of current IPR (protection and enforcement)  
situation in this country (from 0 = very poor to 10 = excellent)**

3

**Extent to which IPR protection and enforcement has improved in  
this country in the last two years (5 = no change; less than 5 =  
worsening; more than 5 = improving)**

5

**In a few words, what do you consider as the main WEAKNESSES of the  
country concerned regarding IPR PROTECTION? (legislation and  
procedures for the registration of IP rights, including oppositions, etc.)**

- Brazilian Penal Code allows suspension of sentences by Judges
- State of Sao Paulo University has a harmful administrative rule which allows widespread reprographic copying of portions of (academic) books and the like by commercial, i.e. for-profit, copy centres

**In a few words, what do you consider as the main WEAKNESSES of the country concerned regarding IPR ENFORCEMENT? (legislation, deterrence of the sanctions, customs measures, speed, lack of trained officials, fear of retaliation, corruption, lack of awareness or of political will, etc.)**

- Lack of deterrent and expeditious criminal prosecution and civil judgments against copyright infringement
- Current copyright amendment bill lacks appropriate framework to adequately address online piracy
- Almost no specialised courts are set up, existing courts are unreliable as regards copyright infringements
- Lack of enforcement efforts against copy-shops around universities where students copy material beyond the permitted limit
- Notorious marketplaces where pirated goods are sold remain operational despite enforcement actions

**In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR PROTECTION?**

- Brazilian government has actively worked with the copyright industry to develop and implement strategies aimed at education, enforcement and expansion of commercial opportunities of rights holders
- Private-public sector partnership in addressing piracy remains strong

**In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR ENFORCEMENT?**

- No safe harbour rule for ISPs, which could be considered as a strength to a very limited extent because ISPs are generally liable with regard to

criminal prosecution and damages. On the downside, however, the lack of such rules means that ISPs are not statutorily obliged to participate in a notice and takedown mechanism

- Quite good co-operation between the law enforcement authorities and rightsholders as regards the seizing of hardcopy infringements

**Which degree of PRIORITY do you think should be given by the EU to the country concerned? (0 = lowest priority; 3 = highest priority)**

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