

**Presidency of the Republic  
Chief of Staff  
Deputy Chief of Legal Affairs**

**LAW No. 9.610, OF FEBRUARY 19, 1998.**

It amends, updates and consolidates copyright legislation and makes other provisions.

**THE PRESIDENT OF THE REPUBLIC**- I hereby make it known that the National Congress decrees and I asanction the following Law:

Section I

Preliminary Provisions

Art. 1 This Law regulates the copyright, being understood under this denomination the ownership rights and related rights.

Art. 2 Foreigners domiciled abroad shall enjoy the protection provided in the agreements, conventions and treaties in force in Brazil.

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

Art. 3 The copyright is considered, for legal purposes, personal property.

Art. 4 The legal deals on copyright are strictly interpreted.

Art. 5 For the purposes of this Law, it is considered:

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

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

III - retransmission - the simultaneous transmission from one company to another;

IV - distribution - the making available to the public of the original or copy of literary, artistic or scientific works, fixed interpretations or performances and phonograms, through the sale, lease 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 not consisting of the distribution of copies;

VI - reproduction - the copy of one or more copies of a literary, artistic or scientific work or of a 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 - counterfeit - unauthorized reproduction;

VIII - work:

- a) in co-authorship - when it is created in common by two or more authors;
- b) anonymous - when the name of the author is not indicated, by his will or by being unknown;
- c) pseudonym - when the author hides under a supposed name;
- d) unpublished - which has not been published;
- e) posthumous - to be published after the death of the author;
- f) original - the primitive creation;
- g) derived - that, constituting new intellectual creation, results from the transformation of original work;
- h) collective - the one created by initiative, organization and responsibility of a natural or legal person, who publishes it under its name or brand and which is constituted by the participation of different authors, whose contributions are based on an autonomous creation;
- i) audiovisual - which results from the fixing of images with or without sound, which has the purpose of creating, by means of its reproduction, the impression of movement, independently of the processes of its capture, of the original or later used support to fix it, as well as the means used for their distribution;

IX - phonogram - any fixation of sounds of an execution or interpretation or of other sounds, or of a representation of sounds other than a fixation included in an audiovisual work;

X - publisher - the individual or legal entity to which the exclusive right of reproduction of the work is attributed and the duty to disclose it, within the limits established in the publishing contract;

XI - producer - the natural or legal person who takes the initiative and has the economic responsibility of the first fixation of the phonogram or audiovisual work, whatever the nature of the medium used;

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

XIII - performers - all actors, singers, musicians, dancers or other persons who play a part, 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 broadcasters. (Included by Law No. 12,853, of 2013)

Art. 6 The works they simply subsidized will not be in the domain of the Union, the States, the Federal District or the Cities.

## Section II

### Intellectual Works

#### Chapter I

## Protected Works

Art. 7 Protected intellectual works include the creations of the mind, expressed by any means or on any kind of medium, tangible or intangible, known currently or invented in the future, such as:

I - texts of literary, artistic or scientific works;

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

III - dramatic and dramatic-musical works;

IV - choreographic and pantomime works, whose scenic execution is fixed in writing or in any other way;

V - musical compositions, whether or not lettered;

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

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

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

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

X - projects, sketches and plastic works relating to geography, engineering, topography, architecture, landscape, scenery and science;

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

XII - computer programs;

XIII - collections or compilations, anthologies, encyclopedias, dictionaries, databases and other works, which, in selection or arrangement of their contents, constitute intellectual creations.

§ 1 Computer programs are object of specific legislation, observing the provisions of this Law that apply to them.

§ 2 The protection granted on item XIII does not cover the data or materials themselves and it is understood without prejudice to any remaining copyright in respect of the data or materials contained in the works.

§ 3 In the field of sciences, the protection will fall on the literary or artistic form, not covering its scientific or technical content, without prejudice to the rights that protect the other fields of immaterial property.

Art. 8 The following are not subject to protection such as the copyright addressed in this Law:

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

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

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

IV - texts of treaties or conventions, laws, decrees, regulations, judgments and other official acts;

V - information in common use, such as calendars, diaries, registers or captions;

VI - isolated names and titles;

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

Art. 9 The copy of a work of plastic art made by the author himself is guaranteed the same protection as the original.

Art. 10. The protection of the intellectual work covers its title, if original and unmistakable with the work of the same genre, previously promoted by another author.

Sole paragraph. The title of periodicals, including newspapers, is protected up to one year after the last issue of the journal, unless they are annual, in which case the term will be two years.

## Chapter II

### Authorship of Intellectual Works

Art. 11. Author is the individual creator of literary, artistic or scientific work.

Sole paragraph. The protection granted to the author may be applied to legal entities in the cases provided for in this Law.

Art. 12. In order to identify himself as an author, the creator of the literary, artistic or scientific work may use his civil name, complete or abbreviated by his initials, pseudonym or any other conventional sign.

Art. 13. It is considered author of the intellectual work, and there is no evidence to the contrary, which, by one of the methods of identification referred to in the previous article, has, according to use, indicated or announced that quality in its use.

Art. 14. It is the copyright holder who adapts, translates, arranges or orchestrates works in the public domain, and can not oppose any other adaptation, arrangement, orchestration or translation, unless it is a copy of his.

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

§ 1 It is not considered a co-author who simply assisted the author in the production of the literary, artistic or scientific work, revising it, updating it, as well as supervising or directing its editing or presentation by any means.

§ 2 The co-author, whose contribution may be used separately, is guaranteed all the faculties inherent to its creation as an individual work, but is prohibited, however, the use that may cause damage to the exploitation of the common work.

Art. 16. They are co-authors of the audiovisual work the author of the subject or literary, musical or literary-musical argument and the director.

Sole paragraph. Those who create the drawings used in the audiovisual work are considered cartoon co-authors.

Art. 17. Protection of individual participation in collective works is ensured.

§ 1 Any of the participants, in the exercise of their moral rights, may prohibit the indication or announcement of their name in the collective work, without prejudice to the right to have the remuneration contracted.

§ 2 The organizer shall be responsible for the ownership of the ownership rights over the collective work as a whole.

§ 3 The contract with the organizer shall specify the participant's contribution, the deadline for delivery or realization, the remuneration and other conditions for its execution.

### Chapter III

#### Register of Intellectual Works

Art. 18. The protection of the rights referred to in this Law is independent of registration.

Art. 19. The author is allowed to register his work in the public agency defined in the *caput* and in § 1 of art. 17 of Law 5,988, of December 14, 1973.

Art. 20. For the registration services provided for in this Law, remuneration will be charged, whose value and the collection process will be established by act of the holder of the federal public administration body to which the registration of intellectual works is bound.

Art. 21. The registration services referred to in this Law shall be organized in accordance with § 2 of art. 17 of Law 5,988, of December 14, 1973.

### Section III

#### Copyrights

##### Chapter I

#### Preliminary Provisions

Art. 22. The author's moral and ownership rights belong to the work he has created.

Art. 23. The co-authors of intellectual work shall jointly exercise their rights, unless otherwise agreed.

##### Chapter II

#### Author's Moral Rights

Art. 24. The followings are moral rights of the author:

I - to claim, at any time, the authorship of the work;

II - to have his name, pseudonym or conventional sign indicated or announced, as that of the author, in the use of his work;

III - to preserve the unpublished work;

IV - to ensure the integrity of the work, opposing any modification or practice of acts that, in any way, could harm it or him, as an author, in his reputation or honor;

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

VI - to withdraw from circulation the work or to suspend any form of use already authorized, when the circulation or use implies an affront to its reputation and image;

VII - to have access to a unique and rare copy of the work, when it is legitimately in the possession of another, for the purpose of preserving its memory, by means of a photographic or similar process, in a way that causes the least inconvenience possible to the holder, who shall in any case be compensated for any damage or loss caused to him or her.

§ 1 Upon the death of the author, the rights referred to in items I to IV shall be transmitted to their successors.

§ 2 It is the responsibility of the State to defend the integrity and authorship of the work that falls into the public domain.

§ 3 In the cases of items V and VI, prior indemnifications to third parties, when applicable, are excepted.

Art. 25. It is the director's sole responsibility to exercise moral rights over audiovisual works.

Art. 26. The author may repudiate the altered architectural project authorship without their consent during execution or after completion of construction.

Sole paragraph. The owner of the building responds for the damages that cause to the author whenever, after the repudiation, it gives as being of that the authorship of the repudiated project.

Art. 27. The moral rights of the author are nonalienable and nontransferable.

### Chapter III

#### Ownership Rights of the Author and its Duration

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

Art. 29. It depends on the prior and express authorization of the author to use the work, by any modalities, such as:

I - partial or full reproduction;

II - edition;

III - adaptation, musical arrangement and any other transformations;

IV - translation into any language;

V - inclusion in phonogram or audiovisual production;

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

VII - distribution for the supply of works or productions by cable, fiber optics, satellite, waves or any other system that allows the user to make the selection of the work or production to perceive it in a time and place previously determined by who formulates the demand, and in cases where access to the works or productions is made by any system that imports in payment by the user;

VIII - use, directly or indirectly, of literary, artistic or scientific work, by means of:

- a) representation, recitation or declamation;
- b) musical performance;
- c) use of loudspeaker or similar systems;
- d) radio or TV broadcasting;
- e) capture of broadcasting in places of collective frequency;
- f) environmental sound;
- g) audiovisual, cinematographic or similar process exhibition;
- h) use of artificial satellites;
- i) use of optical systems, telephone wiring or not, cables of any type and similar means of communication that may be adopted;
- j) exhibition of works of plastic and figurative arts;

IX - inclusion in database, computer storage, microfilming and other forms of filing of the genre;

X - any other methods of use, existing or which may be invented.

Art. 30. In the exercise of the right of reproduction, the copyright holder may make the work available to the public in the form, place and for as long as he wishes, whether for a consideration or free of charge.

§ 1 The exclusive right of reproduction shall not be applicable when it is temporary and is only intended to make the work, phonogram or interpretation noticeable in an electronic medium or when it is of a transitional and incidental nature, provided that it occurs in the course of duly authorized use of the work, by the holder.

§ 2 In any type of reproduction, the number of copies shall be informed and controlled, and it shall be for those who reproduce the work to keep the records that allow the author to supervise the economic exploitation of the work.

Art. 31. The various forms of use of literary, artistic or scientific works or of phonograms are independent of one another and the authorization granted by the author or the producer respectively does not extend to any of the others.

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

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

§ 2 The dissenting co-author is guaranteed the right not to contribute to the expenses of publication, renouncing his share of the profits, and to ensure that his name is inscribed in the work.

§ 3 Each co-author may, individually, without the others' acquiescence, register the work and defend their own rights against third parties.

Art. 33. No one can reproduce a work that does not belong to the public domain, under the pretext of writing it down, commenting on it or improving it, without permission of the author.

Sole paragraph. Comments or annotations may be published separately.

Art. 34. Missive letters, whose publication is conditioned to the permission of the author, may be added as evidence in administrative and legal proceedings.

Art. 35. When the author, by virtue of revision, has given the work definitive version, its successors can not reproduce previous versions.

Art. 36. The right of economic use of articles published by the press, daily or periodically, with the exception of those signed or that present a reservation signal, belongs to the publisher, unless otherwise agreed.

Sole paragraph. Authorization for economic use of signed articles for publication in journals and periodicals shall not take effect beyond the periodicity period of twenty days from the date of its publication, after which the author recovers his right.

Art. 37. The acquisition of the original of a work, or a copy, does not grant the acquirer any of the author's economic rights, unless otherwise agreed between the parties and the cases provided for in this Law.

Art. 38. The author has the nonalienable and nontransferable right to perceive at least five percent of the increase in the price that may be verifiable in each resale of work of art or manuscript, being original, which has been alienated.

Sole paragraph. In the event that the author does not perceive his right of sequestration in the act of resale, the seller is considered a depository of the amount due to him, unless the transaction is carried out by auctioneer, when this will be the depository.

Art. 39. The ownership rights of the author, except for the income derived from his exploitation, are not communicated, unless otherwise agreed.

Art. 40. In the case of an anonymous or pseudonymous work, it is up to those who publish it to exercise the author's ownership rights.

Sole paragraph. The author who makes himself known shall assume the exercise of the ownership rights, except for the rights acquired by third parties.

Art. 41. The ownership rights of the author remain for seventy years counted from January 1 of the year subsequent to the one of his death, obeyed the order of succession of the civil law.

Sole paragraph. The term of protection to which the *caput of this article* alludes applies to the posthumous works.

Art. 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 the co-author who dies without successors shall be added to those of the survivors.

Art. 43. The term of protection of the ownership rights on anonymous or pseudonymous works will be of seventy years, counted from January 1 of the year immediately after the first publication.

Sole paragraph. The provisions of art. 41 and its sole paragraph shall be applied, whenever the author makes himself known before the end of the period provided for in the *caput* of this article.

Art. 44. The term of protection of the ownership rights over audiovisual and photographic works will be of seventy years, starting from January 1 of the year subsequent to the one of its disclosure.

Art. 45. In addition to the works in respect of which the term of protection of the ownership rights has elapsed, they belong to the public domain:

I - those of deceased authors who have not left successors;

II - those of unknown author, except for the legal protection of ethnic and traditional knowledge.

#### Chapter IV

#### Limitations on Copyright

Art. 46. Does not constitute copyright infringement:

I - reproduction:

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

b) in journals or periodicals, of speeches given at public meetings of any nature;

c) of portraits, or other form of representation of the image, made to order, when performed by the owner of the object ordered, not being the opposition of the person represented in them or their heirs;

d) of literary, artistic or scientific works, for the exclusive use of the visually impaired, where the non-commercial reproduction is made by the Braille system or other procedure on any medium for those recipients;

II - reproduction, in a single copy of short excerpts, for the private use of the copyist, provided that it is made by the latter, without profit intention;

III - citation in books, newspapers, magazines or any other means of communication, of passages of any work, for purposes of study, criticism or controversy, to the extent justified for the purpose to be achieved, indicating the name of the author and the origin of the work;

IV - collection of lessons in educational establishments by those to whom they are addressed, forbidden its publication, in whole or in part, without prior and express authorization of the person who gave them;

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

VI - theatrical performance and musical performance, when carried out in the family recess or, for exclusively didactic purposes, in educational establishments, and in no case profit intention;

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

VIII - reproduction, in any works, of small stretches of pre-existing works, of any nature, or of integral works, in the case of plastic arts, where reproduction itself is not the main objective of the new work and does not prejudice exploitation reproduction nor cause unjustified prejudice to the legitimate interests of the authors.

Art. 47. Paraphrases and parodies that are not true reproductions of the original work are not free nor imply disrepute.

Art. 48. Works permanently located in public places can be represented freely, through paintings, drawings, photographs and audiovisual procedures.

## Chapter V

### Transfer of Copyright

Art. 49. Copyright may be transferred, in whole or in part, to a third party, by the author or his successors, in a universal or singular capacity, either personally or through representatives with special powers, through licensing, concession, assignment or other means admitted to Law, subject to the following limitations:

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

II - only full and definitive transmission of the rights will be admitted through written contractual agreement;

III - in the hypothesis of not having contractual stipulation written, the maximum term will be of five years;

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

V - the assignment will only be carried out for terms of use already existing at the date of the contract;

VI - in the absence of specifications as to the type of use, the contract will be interpreted restrictively, being understood as limited only to one that is indispensable to the fulfillment of the purpose of the contract.

Art. 50. The total or partial transfer of copyright, which shall always be in writing, shall be deemed to be onerous.

§ 1 The assignment may be registered in the margin of the registry referred to in art. 19 of this Law, or, if the work is not registered, the instrument may be registered in the Registry of Deeds and Documents.

§ 2 The object of the assignment instrument and the conditions for the exercise of the right in terms of time, place and price shall be essential elements of the assignment instrument.

Art. 51 The assignment of copyright to future works will be limited to a period of five years.

Sole paragraph. The term will be reduced to five years whenever undetermined or higher, decreasing, in due proportion, the stipulated price.

Art. 52. The omission of the author's name, or of the co-author, in the disclosure of the work does not presume the anonymity or the assignment of his rights.

## Section IV

### Use of Intellectual Works and Phonograms

#### Chapter I

##### Edition

Art. 53. By means of an editing contract, the publisher, being obliged to reproduce and disseminate the literary, artistic or scientific work, is authorized, on an exclusive basis, to publish it and to exploit it for the term and in the conditions agreed upon with the author.

Sole paragraph. In each copy of the work the editor will mention:

I - the title of the work and its author;

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

III - the year of publication;

VI - its name or brand that identifies it.

Art. 54. Through the same contract, the author can be obliged to make a literary, artistic or scientific work in the publication and dissemination of which the publisher undertakes.

Art. 55. In case of death or impediment of the author to complete the work, the publisher may:

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

II - edit the work, being autonomous, by means of proportional payment of the price;

III - have another terminate it, provided that the successors are consented to and that is the fact indicated in the edition.

Sole paragraph. Partial publication is prohibited if the author has expressed a desire to publish it only in full or if so decided by his successors.

Art. 56. It is understood that the contract relates only to one edition, if there is no express provision to the contrary.

Sole paragraph. In the silence of the contract, it is considered that each edition consists of three thousand copies.

Art. 57. The price of the remuneration will be arbitrated, based on the uses and customs, whenever the contract has not expressly stipulated the author.

Art. 58. If the originals are delivered in disagreement with the adjusted one and the publisher does not refuse them within thirty days after the receipt, the modifications introduced by the author will be accepted.

Art. 59. Whatever the terms of the contract, the publisher is obliged to provide the author with the examination of the bookkeeping in the part that corresponds to him, as well as to inform him about the state of the edition.

Art. 60. It is the publisher's responsibility to set the price of the sale, but he can not raise it to the point of embarrassing the circulation of the work.

Art. 61. The publisher will be obliged to render monthly accounts to the author whenever the latter's remuneration is conditional on the sale of the work, unless a different term has been agreed upon.

Art. 62. The work must be published within two years of the conclusion of the contract, except for a different term stipulated in a convention.

Sole paragraph. If there is no edition of the work within the legal or contractual term, the contract may be terminated, the publisher being responsible for damages caused.

Art. 63. As long as the editions to which the publisher is entitled have not exhausted, the author can not dispose of his work, and the publisher shall bear the burden of proof.

§ 1 In the term of the publishing contract, the publisher assumes the right to demand that an edition of the same work done by another person be removed from circulation.

§ 2 The edition shall be deemed to have been exhausted when there are fewer than ten percent of the total edition remaining in stock, in the publisher's possession.

Art. 64. Only one year after the publication of the edition, the publisher may sell the remaining copies, as long as the author is notified that, within thirty days, priority will be given to the purchase of the copies for the balance price.

Art. 65. Once the edition has been exhausted, and the publisher, with the right to another, do not publish it, the author may notify him to do so in a certain period, otherwise he will lose that right, in addition to being liable for damages.

Art. 66. The author has the right to make, in the successive editions of his works, the amendments and alterations that he deems fit.

Sole paragraph. The publisher may object to changes that may harm his interests, offend his reputation or increase his responsibility.

Art. 67. If, due to its nature, it is essential to update the work in new editions, the publisher, if the author is denied to do so, may commission another, mentioning the fact in the edition.

## Chapter II

### Communication to Public

Art. 68. Without previous and express authorization of the author or holder, theatrical works, musical compositions or literary-musicals and phonograms may not be used in public performances.

§ 1 The use of theatrical works in the genre of drama, tragedy, comedy, opera, operetta, ballet, pantomime and the like, music or not, by means of the participation of artists, paid or not, in places of collective frequency or broadcasting and cinematographic exhibition.

§ 2 The use of musical or literary-musical compositions, through the participation of artists, whether paid or not, or the use of phonograms and audiovisual works, in places of collective frequency, by any process, including broadcasting or transmission by any means, and the cinematographic exhibition.

§ 3 The following shall be considered as places of collective frequency: theaters, cinemas, ballrooms or concerts, nightclubs, bars, clubs or associations of any nature, shops, commercial and industrial establishments, stadiums, circuses, fairs, restaurants, hotels, clinics, hospitals, public bodies of the direct or indirect administration, foundational and state, means of transport of passengers by land, sea, river or air, or wherever they represent, perform or transmit literary, artistic or scientific works.

§ 4 Before executing the public performance, the entrepreneur must present to the central office, foreseen in art. 99, proof of collections relating to copyright.

§ 5 When the remuneration depends on the frequency of the public, the businessman may, by agreement with the central office, pay the price after the execution of the public performance.

§ 6 The user shall deliver to the entity responsible for collecting the rights related to the performance or public performance, 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 electronic website or, if this is not the case, at the place of communication and at its headquarters. (Wording provided by Law no. 12,853, of 2013)

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

§ 8 For the companies mentioned in paragraph 7, the period for compliance with the provisions of paragraph 6 shall be up to the tenth working day of each month, in relation to the complete list of works and phonograms used in the previous month. (Included by Law No. 12,853, of 2013)

Art. 69. The author, observing the local uses, will notify the entrepreneur of the term for the representation or performance, unless prior conventional stipulation.

Art. 70. The author assumes the right to object to the representation or performance that is not sufficiently rehearsed, as well as to supervise it, having, for that, free access during the representations or performances, in the place where they take place.

Art. 71. The author of the work can not change the substance without agreement with the entrepreneur who makes it represent.

Art. 72. The entrepreneur, without the author's license, can not deliver the work to a person outside the representation or performance.

Art. 73. The principal performers and the directors of orchestras or choir, chosen by agreement between the author and the producer, can not be replaced by order of this, without consent.

Art. 74. The author of the play, when authorizing its translation or adaptation, may set a term for its use in public performances.

Sole paragraph. After the expiration of the term referred to in this article, the translator or adapter may not object to the use of another authorized translation or adaptation, unless it is a copy of his.

Art. 75. Authorized the performance of the play made in co-authorship, neither of the co-authors may revoke the authorization given, causing the suspension of the contractually adjusted season.

Art. 76. The part of the product of the performances reserved for the author and the artists is unenclosed.

### Chapter III

#### Use of Plastic Artwork

Art. 77. Unless otherwise agreed, the author of a plastic artwork, in transferring the object in which it materializes, transmits the right to exhibit it, but does not give the purchaser the right to reproduce it.

Art. 78. Authorization to reproduce a plastic artwork in any form must be in writing and presumed to be onerous.

### Chapter IV

#### Use of the Photographic Work

Art. 79. The author of a photographic work has the right to reproduce it and place it for sale, subject to restrictions on the exhibition, reproduction and sale of portraits, and without prejudice to the copyright of the work photographed, if of protected plastic arts.

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

§ 2 The reproduction of photographic work that is not in absolute agreement with the original, unless prior authorization of the author, is prohibited.

### Chapter V

#### Use of Phonogram

Art. 80. When publishing the phonogram, the producer shall state in each copy:

I - the title of the work and its author;

II - the name or pseudonym of the performer;

III - the year of publication;

VI - its name or brand that identifies it.

### Chapter VI

## Use of Audiovisual Work

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

§ 1 The exclusivity of the authorization depends on an express clause and ceases ten years after the conclusion of the contract.

§ 2. In each copy of the audiovisual work, it shall mention the producer:

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 performers;

V - the year of publication;

VI - its name or brand that identifies it.

VII - the name of the voice actors. (Included in Law No. 12,091, of 2009)

Art. 82. The audiovisual production agreement shall establish:

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

II - the deadline for completion of the work;

III - producer responsibility towards co-authors, performers, in the case of co-production.

Art. 83. The participant in the production of the audiovisual work that interrupts, temporarily or definitively, its performance, can not oppose that it be used in the work or to which third party replaces it, safeguarding the rights that it has acquired for the part already executed.

Art. 84. If the remuneration of the co-authors of the audiovisual work depends on the income from their economic use, the producer will give them accounts every six months, if no other term has been agreed.

Art. 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 set timeframe or does not start operating within two years of its completion, the use referred to in this Article shall be free.

Art. 86. The musical execution rights related to musical works, music and phonograms included in audiovisual works shall be owed to their holders by those responsible for the places or establishments referred to in § 3 of art. 68 of this Law, that they exhibit them, or by the television transmitters that transmit them.

## Chapter VII

## Using Databases

Art. 87. The holder of the right to property on a database shall have the exclusive right, in respect of the form of expression of the structure of said base, to authorize or prohibit:

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

II - its translation, adaptation, reordering 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 item II of this article.

## Chapter VIII

### Use of the Collective Work

Art. 88. When publishing the collective work, the organizer will mention in each copy:

I - the title of the audiovisual work;

II - the list of all the participants, in alphabetical order, if another has not been agreed;

III - the year of publication;

VI - its name or brand that identifies it.

Sole paragraph. In order to use the provisions of § 1 of art. 17, the participant shall notify the organizer, in writing, until delivery of his participation.

## Section V

### Related Rights

#### Chapter I

##### Preliminary Provisions

Art. 89. The rules on copyright apply, where appropriate, to the rights of performers, producers of phonograms and broadcasters.

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

#### Chapter II

##### Rights of Performers

Art. 90. The performer has the exclusive right, whether for consideration or free of charge, to authorize or prohibit:

I - the fixing of its interpretations or executions;

II - the reproduction, public execution and rental of its fixed interpretations or executions;

III - the broadcasting of its interpretations or executions, fixed or not;

IV - the making available to the public of their interpretations or executions, so that any person to them may have access, at the time and place individually chosen;

V - any other modality of use of its interpretations or executions.

§ 1. When performing various artists, their rights shall be exercised by the director of the ensemble.

§ 2. Protection to performers extends to the reproduction of voice and image, when associated with their performances.

Art. 91. Broadcasters may make fixations on the interpretation or performance of artists that have allowed them to be used in a certain number of issues, and may be kept in public archives.

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

Art. 92. Interpreters shall be entitled to the moral rights of integrity and paternity of their interpretations, including after the assignment of the economic rights, without prejudice to the reduction, compression, edition or dubbing of the work in which they participated, under the responsibility of the producer, who can not disfigure the interpretation of the artist.

Sole paragraph. The death of any participant in an audiovisual work, whether completed or not, does not impede 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, is made in favor of the estate or successors .

### Chapter III

#### Rights of Phonographic Producers

Art. 93. Producers of phonograms shall have the exclusive right, whether for a consideration or free of charge, to authorize or prohibit them:

I - direct or indirect, total or partial reproduction;

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

III - communication to the public through public performance, including broadcasting;

IV - (VETOED)

V - any other methods of use, existing or which may be invented.

### Chapter IV

#### Rights of Broadcasting Companies

Art. 95. Broadcasters have the exclusive right to authorize or prohibit the retransmission, fixation and reproduction of their broadcasts, as well as the communication to the public by television in

places of collective frequency, without prejudice to the rights of the holders of intellectual property included in the programming .

## Chapter V

### Duration of Related Rights

Art. 96. The term of protection of related rights is counted from seventy years, counted from January 1st of the year subsequent to the fixation, for the phonograms; transmission, for the broadcasters' broadcasts; and to the execution and public representation, for the other cases.

## Section VI

### Associations of Copyright Holders and Associates

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

§ 1 The associations regulated by this article carry on an activity of public interest, as determined by this Law, and must attend to its social function. (Drafting provided by Law no. 12,853, of 2013)

§ 2 It is prohibited to belong, simultaneously, to more than one association for the collective management of rights of the same nature. (Drafting provided by Law no. 12,853, of 2013)

§ 3. The holder may at any time transfer to another association and must communicate the fact in writing to the association of origin. (Drafting provided by Law no. 12,853, of 2013)

§ 4 - Associations established abroad shall be represented in the country by national associations constituted in the manner set forth in this Law. (Included by Law No. 12,853, of 2013)

§ 5 Only holders originating from copyright or related rights directly affiliated with national associations may vote or be voted in the associations regulated by this article. (Included by Law No. 12,853, of 2013)

§ 6 Only holders of copyright or related rights, national or foreign domiciled in Brazil, 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)

Art. 98. With the act of affiliation, the associations referred to in art. 97 become mandatory of their associates for the practice of all the acts necessary for the judicial or extrajudicial defense of their copyrights, as well as for the exercise of the activity of collection of these rights. (Drafting provided by Law no. 12,853, of 2013)

§ 1 - The exercise of the collection activity mentioned in the caput is only permissible for associations that obtain authorization in an organ of the Federal Public Administration, under the terms of art. 98-A. (Included by Law No. 12,853, of 2013)

§ 2 The associations shall adopt the principles of isonomy, efficiency and transparency in the collection for the use of any work or phonogram. (Included by Law No. 12,853, of 2013)

§ 3. It will be up to the associations, in the interest of their associates, to establish the prices for the use of their repertoires, considering the reasonableness, the good faith and the uses of the place of use of the works. (Included by Law No. 12,853, of 2013)

§ 4. The collection will always be proportional to the degree of use of the works and phonograms by the users, considering the importance of the public execution in the exercise of its activities, and the particularities of each segment, as provided in the regulation of this Law. (Included by Law No. 12,853, of 2013)

§ 5 Associations shall treat their associates in an equitable manner, and unequal treatment shall be prohibited. (Included by Law No. 12,853, of 2013)

§ 6 - Associations shall maintain a centralized register of all contracts, declarations or documents of any nature that prove authorship and ownership of works and phonograms, as well as individual participations in each work and in each phonogram, preventing the falsification of data and fraud and promoting the disambiguation of similar titles of works. (Included by Law No. 12,853, of 2013)

§ 7 The information mentioned in § 6 is of public interest and access to it shall be made available by electronic means to any interested party, free of charge, and the Ministry of Culture shall also be granted continued and integral access to such information. (Included by Law No. 12,853, of 2013)

§ 8 - In the event of inconsistency in the information mentioned in paragraph 6 of this article, the Ministry of Culture may, through communication of the interested party and preserving the ample defense and the right to the adversary, determine its rectification and other measures necessary for its regularization, as provided in Regulation. (Included by Law No. 12,853, of 2013)

§ 9º The associations shall provide information system for periodic communication by the user of all the works and phonograms used, as well as for the monitoring by the rights holders of the amounts collected and distributed. (Included by Law No. 12,853, of 2013)

§ 10. Credits and unidentified amounts should be retained and available to the holders for a period of 5 (five) years, and should be distributed as they are identified. (Included by Law No. 12,853, of 2013)

§ 11. At the end of the period of five (5) years provided for in § 10, without identifying the credits and amounts retained, they shall be distributed to holders of copyright and related rights within the same line in which they were collected and in proportion to their collections during the period of retention of those credits and amounts, and their destination is prohibited for another purpose. (Included by Law No. 12,853, of 2013)

§ 12. The rate of administration practiced by the associations in the exercise of the collection and distribution of copyright should be proportional to the effective cost of their operations, considering the peculiarities of each of them. (Included by Law No. 12,853, of 2013)

§ 13. The leaders of the associations shall be elected for a term of three (3) years, with a single renewal preceded by a new election. (Included by Law No. 12,853, of 2013)

§ 14. The directors of the associations will act directly in their management, by means of personal vote, being forbidden that they act represented by third parties. (Included by Law No. 12,853, of 2013)

§ 15. The copyright holders may personally practice the acts referred to in the caput and § 3 of this article, by communication to the association to which they are affiliated, within 48 (forty eight) hours prior to their practice. (Included by Law No. 12,853, of 2013)

§ 16. Associations, by decision of their maximum decision-making body and as provided for in their bylaws, may allocate up to twenty percent (20%) of all or part of the resources resulting

from their activities to cultural and social actions that benefit their members collectively. (Included by Law No. 12,853, of 2013)

Art. 98-A. The exercise of the collection activity referred to in art. 98 will depend on previous qualification in a Federal Public Administration body, as set forth in regulations, whose administrative process will observe: (Included by Law no. 12,853, of 2013)

I - compliance, by the statutes 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 efficient and transparent administration of the rights entrusted to it and a significant representativity of works and registered owners, upon 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 maintained with users of works from their repertoires, 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 ordinary or extraordinary meetings; (Included by Law No. 12,853, of 2013)

e) agreements of reciprocal representation with foreign counterparts, when they exist; (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) demonstration that administration fees are proportional to collection and distribution costs for each type of use, where applicable; (Included by Law No. 12,853, of 2013)

i) annual external audit report of its accounts, as long as the entity has operated for more than one (1) year and the audit is demanded by the majority of its members or by a trade union or professional association, pursuant to art. 100; (Included by Law No. 12,853, of 2013)

j) detailing the governance model of the association, including the association's isomeric representation structure; (Included by Law No. 12,853, of 2013)

k) position and salary plan, including the amount of directors' remuneration, gratuities, bonuses and other remuneration and award procedures, with updated values; (Included by Law No. 12,853, of 2013)

III - other information stipulated in a regulation by a Federal Public Administration body, such as those that demonstrate compliance with the contractual international obligations of the requesting entity that may lead to questioning of the Brazilian State within the scope of the international agreements to which it is a party. (Included by Law No. 12,853, of 2013)

§ 1 The documents and information referred to in items II and III of the caput of this article shall be submitted annually to the Ministry of Culture. (Included by Law No. 12,853, of 2013)

§ 2 - The qualification mentioned in § 1 of art. 98 is an act of qualification linked to the fulfillment of the requirements established by this Law and by its regulation and does not need to be renewed

periodically, but may be annulled by means of a decision rendered in an administrative or judicial process, when verified that the association does not comply with the provisions of this Law, always ensuring the contradictory and ample defense, as well as the communication of the fact to the Public Prosecution Service. (Included by Law No. 12,853, of 2013)

§ 3. The annulment of the authorization referred to in § 1 of art. 98 shall take into account the seriousness and relevance of the irregularities identified, the good faith of the offender and the recurrence of irregularities, as provided in the regulations, and shall only take effect after the application of a warning, when a reasonable deadline will be granted to meet the stated requirements by the competent authority. (Included by Law No. 12,853, of 2013)

§ 4 The absence of an association that is mandated by a certain category of holders due to the application of § 2 of this article does not exempt users from the obligations set forth in art. 68, which shall be discharged in respect of the period between the rejection of the request for authorization, the cancellation or cancellation of the authorization and the obtaining of a new authorization or constitution of successor entity under the terms of this article, being the successor entity responsible for setting the values of the copyright or related rights in relation to the period between the rejection of the application for authorization or its annulment and obtaining a new authorization by the successor entity. (Included by Law No. 12,853, of 2013)

§ 5. The association whose authorization under this article is annulled, nonexistent or pending review by the competent authority, or presents any other form of irregularity, may not use such facts as an impediment to the distribution of any amounts already collected, under pain of direct accountability of its managers under the terms of art. 100-A, without prejudice to applicable criminal sanctions. (Included by Law No. 12,853, of 2013)

§ 6 - Collective rights management associations shall keep the documents and information provided for in items II and III of this article up to date and available to the members. (Included by Law No. 12,853, of 2013)

Art. 98-B. Collective copyright management associations, in the performance of their duties, shall: (Included by Law No. 12,853, of 2013)

I - give publicity and transparency, through its own electronic websites, to the calculation methods and collection criteria, including, among other information, the type of user, time and place of use, as well as the criteria for distribution of rights values including spreadsheets and other records of use of the works and phonograms provided by users, except for the values distributed to the individual owners; (Included by Law No. 12,853, of 2013)

II - to publicize and transparency, through its own electronic websites, the statutes, the regulations for collection and distribution, the minutes of its deliberative meetings and the registers of the works and holders they represent, as well as the amount collected and distributed and credits collected and undistributed, their origin and the reason for their retention; (Included by Law No. 12,853, of 2013)

III - seek operational efficiency, among other means, by reducing its administrative costs and the deadlines for distribution of the amounts to the right holders; (Included by Law No. 12,853, of 2013)

IV - offer the right holders the technical means so that they can access the balance of their credits in the most efficient way within the state of the art; (Included by Law No. 12,853, of 2013)

V - improve their systems for increasingly accurate investigation of public executions carried out and annually publish their verification, sampling and verification methods; (Included by Law No. 12,853, of 2013)

VI - guarantee members access to information on the works on which they are entitled and the executions assessed for each of them, refraining from signing contracts, agreements or agreements with a clause of confidentiality; (Included by Law No. 12,853, of 2013)

VII - guarantee the user access to information regarding the uses made by him. (Included by Law No. 12,853, of 2013)

Sole paragraph. The information contained in items I and II must be updated periodically, in an interval never exceeding 6 (six) months. (Included by Law No. 12,853, of 2013)

Art. 98-C. The associations of collective management of copyright should be accountable for the amounts owed, on a regular and direct basis, to their members. (Included by Law No. 12,853, of 2013)

§ 1 The right to the rendering of accounts may be exercised directly by the member. (Included by Law No. 12,853, of 2013)

§ 2. If the accounts are not provided in accordance with § 1, the associate's request may be referred to the Ministry of Culture which, after its assessment, may determine the association's rendering of accounts, in the form of the regulation. (Included by Law No. 12,853, of 2013)

Art. 99. The collection and distribution of the rights related to the public execution of musical and literomusical works and of phonograms will be done through collective management associations created for this purpose by their owners, which should unify the collection in a single central office for collection and distribution, which will act as a collecting entity with its own legal personality and will observe § § 1 to 12 of art. 98 and arts. 98-A, 98-B, 98-C, 99-B, 100, 100-A and 100-B. (Redaction given by Law No. 12,853, of 2013)

§ 1. The collecting entity organized in the manner set forth in the caput shall not have a profit purpose and shall be directed and administered by means of the unit vote of each association that integrates it. (Drafting provided by Law no. 12,853, of 2013)

§ 2. The collecting entity and the associations referred to in this Title shall act in court and outside it in their own names as procedural substitutes of the holders linked to them. (Drafting provided by Law no. 12,853, of 2013)

§ 3. The collection of any amounts by the collecting entity shall only be made by bank deposit. (Drafting provided by Law no. 12,853, of 2013)

§ 4. The portion destined to the distribution to the authors and other rights holders may not, in one year from the date of publication of this Law, be less than 77.5% (seventy-seven integers and five tenths percent) of the amounts collected, increasing 2.5% p.y. (two and five tenths percent per year), until, within four (4) years of the date of publication of this Law, it shall not be less than 85% (eighty five percent) of the amounts collected. (Drafting provided by Law no. 12,853, of 2013)

§ 5 The collecting entity may maintain tax exemptions, which are forbidden to receive from the cash user under any title. (Drafting provided by Law no. 12,853, of 2013)

§ 6. Failure to comply with the rule of § 5 will render the defaulter unfit for the function of prosecutor, without prejudice to the communication of the fact to the Public Prosecutor's Office and to the application of applicable civil and criminal sanctions. (Included by Law No. 12,853, of 2013)

§ 7 - It is incumbent upon the collecting entity and the collective management associations to ensure continuity of collection and, in the case of loss of qualification by any association, it is incumbent upon it to cooperate so that the transition between associations is carried out without any prejudice to the holders, all necessary information to the process of collection and distribution of rights. (Included by Law No. 12,853, of 2013)

§ 8. Without prejudice to the provisions of § 3 of art. 98, associations must establish and unify the price of their repertoires with the collecting entity to collect them, acting as agent of the associations that are part of it. (Included by Law No. 12,853, of 2013)

§ 9 The collecting entity will collect the user in a unified form, and will be in charge of the distribution of the collection to the associations, observing the provisions of this Law, especially the criteria established in §§ 3 and 4 of art. 98. (Included by Law No. 12,853, of 2013)

Art. 99-A. The collecting entity dealt with in the caput of art. 99 shall admit in its staff, in addition to the associations that constituted it, associations of copyright holders that are relevant to their area of activity and are qualified in a Federal Public Administration body in the form of art. 98-A. (Included by Law No. 12,853, of 2013)

Sole paragraph. The deliberations regarding the criteria for the distribution of the resources collected will be taken by means of the unit vote of each association that integrates the collecting entity. (Included by Law No. 12,853, of 2013)

Art. 99-B. The associations referred to in this Title are subject to the competition rules defined in specific legislation that deals with the prevention and repression of infractions against the economic order. (Included by Law No. 12,853, of 2013)

Art. 100. The trade union or professional association that brings together members of a collective copyright management association may, once a year, at its expense, after 8 (eight) days' notice, to supervise, through an independent auditor, the accuracy of the accounts rendered by this authorial association to its represented. (Drafting provided by Law no. 12,853, of 2013)

Art. 100-A. The directors of collective copyright management associations are jointly and severally liable for their misconduct or for breach of their obligation to members for fraud or guilt. (Included by Law No. 12,853, of 2013)

Art. 100-B. Disputes between users and copyright holders or their agents in relation to non-payment, collection criteria, forms of repertory offering and collection amounts, and between owners and their associations, in relation to the values and criteria may be the object of the action of a Federal Public Administration body for the resolution of disputes through mediation or arbitration, in the form of the regulation, without prejudice to the appreciation by the Judiciary and by the bodies of the Brazilian System for the Defense of Competition, when appropriate. (Included by Law No. 12,853, of 2013)

## Section VII

### Sanctions for Copyright Infringement

#### Chapter I

##### Preliminary Provision

Art. 101. The civil penalties referred to in this Chapter shall apply without prejudice to appropriate penalties.

## Chapter II

### Civil Sanctions

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

Art. 103. Any person who publishes a literary, artistic or scientific work without the authorization of the owner shall lose the copies he has seized and shall pay him the price of those he has sold.

Sole paragraph. Not knowing the number of copies that constitute the fraudulent edition, will pay the transgressor the value of three thousand copies, in addition to those seized.

Art. 104. Whoever sells, exposes the sale, hides, purchases, distributes, deposits or uses works or phonograms reproduced with fraud, for the purpose of selling, obtaining gain, advantage, profit, direct or indirect profit, for himself or for others, will be jointly and severally liable with the counterfactor, under the terms of the preceding articles, responding as counterfactors to the importer and distributor in case of reproduction outdoors.

Art. 105. The transmission and retransmission by any means or process and the communication to the public of artistic, literary and scientific works, interpretations 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 noncompliance and other applicable damages, regardless of applicable criminal sanctions; if it is proven that the infringer is a repeat infringer of the rights of the copyright holders and related rights, the amount of the fine may be increased up to double.

Art. 106. The condemnatory sentence may determine the destruction of all illicit copies, as well as the matrices, molds, negatives and other elements used to practice the civil offense, as well as the loss of machines, equipment and supplies destined to this purpose or, serving only them for the illicit end, its destruction.

Art. 107. Regardless of the loss of the equipment used, it will be liable for losses and damages, never lower than the value that would result from the application of the provisions in art. 103 and its sole paragraph, who:

I - change, suppress, modify or render useless, in any way, technical devices introduced in the copies of works and protected productions to avoid or restrict their copy;

II - to alter, suppress or render useless in any way coded signals intended to restrict the communication to the public of protected works, productions or broadcasts or to prevent their copying;

III - delete or alter, without authorization, any information on the management of rights;

IV - distributing, importing for distribution, issuing, communicating or making available to the public, without authorization, works, interpretations or performances, copies of interpretations fixed in phonograms and broadcasts, knowing that information on rights management, coded signals and devices have been deleted or altered without authorization.

Art. 108. Whoever, in using, by any modality, of intellectual work, fails to indicate or to announce, as such, the author's and interpreter's name, pseudonym or conventional sign, in addition to being liable for moral damages, is obliged to disclose to identity as follows:

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

II - in the case of graphic or phonographic publication, by including errata in the copies not yet distributed, without prejudice to communication, with three consecutive high-circulation newspapers highlighting the author's, interpreter's and publisher's domiciles or producer;

III - in another form of use, through the press, in the form referred to in the previous section.

Art. 109. Public execution made in disagreement with arts. 68, 97, 98 and 99 of this Law shall subject those responsible to the fine of twenty times the amount that should have been originally paid.

Art. 109-A. Failure to provide or provide false information in compliance with the provisions of § 6 of art. 68 and in § 9 of art. 98 shall subject the persons responsible, by determination of the competent authority and in accordance with the regulations of this Law, to a fine of 10 (ten) to 30% (thirty percent) of the amount that should have been originally paid, without prejudice to losses and damages. (Included by Law No. 12,853, of 2013)

Sole paragraph. The rules of civil law apply to the breach of obligations in case of non-compliance by users with their legal and contractual obligations with the associations referred to in this Title. (Included by Law No. 12,853, of 2013)

Art. 110. For copyright infringement in public spectacles and auditions, held in the venues or establishments referred to in art. 68, their owners, directors, managers, entrepreneurs and tenants are jointly liable with the organizers of the shows.

### Chapter III

#### Prescription of Action

Art. 111. (VETOED)

#### Section VIII

#### Final and Transitional Provisions

Art. 112. If a work, as a consequence of having expired the term of protection previously recognized by § 2 of art. 42 of Law No. 5,988, of December 14, 1973, fell in the public domain, will not have the term of protection of the patrimonial rights extended by virtue of the art. 41 of this Law.

Art. 113. Phonograms, books and audiovisual works shall be subject to seals or signs of identification under the responsibility of the producer, distributor or importer, without any burden to the consumer, in order to certify compliance with the legal rules in force, as provided the Regulation.

Art. 114. This Law shall enter into force 120 (one hundred twenty) days after its publication.

Art. 115. The following articles are revoked: 649 to 673 and 1,346 to 1,362 of the Civil Code and Laws No. 4,944, of April 6, 1966; 5,988, dated December 14, 1973, with the exception of art. 17 and its §§ 1 and 2; 6,800, June 25, 1980; 7,123, of September 12, 1983; 9,045, dated May 18, 1995, and other provisions to the contrary, Laws No. 6,533 of May 24, 1978 and 6,615 of December 16, 1978 remain in force.

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

FERNANDO HENRIQUE CARDOSO

*Francisco Weffort*