

Copyright Registration via Blockchain: A Perspective Under Brazilian Law and Local Practice

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Brazil | October 9 2023

Brazil is a current signatory to The Berne Convention for the protection of works and the rights of their authors. Copyright protection for Brazilians and foreigners is also guaranteed in Brazil's Federal Constitution and Federal Law #9610/98, also known as the Copyright Law.

As in many countries that are signatories of The Berne Convention, Copyright registration is not mandatory, making it possible for such rights to be enforced and protected in other ways. However, Brazilian Copyright Law states that the author has the possibility of registering his work with a public entity, and that, to secure his rights, the author may register it.

Considering that registration with the public entity is not mandatory, copyright owners have always sought alternatives to prove ownership and obtain a priority date so as to clearly protect their copyright such as: (i) sending sealed envelopes by regular mail; (ii) registration with a notary's office; (iii) publication of the work in newspapers, among others.

With the advent of technology, new alternatives have emerged, such as copyright registration via blockchain, making registration faster, easier, less bureaucratic, and even cheaper than other kinds of registration.

Blockchain is a system in which a record of transactions is maintained across computers linked in a peer-to-peer network, where everyone can verify the authenticity of the information, thanks to the technology behind the inserted data, decentralizing the information and using public key cryptography.

Among the advantages that owners and practitioners have when choosing to register their work via blockchain are: (i) proof of ownership by the individual or his representative who submitted it; and (ii) transparency, as all movements on a blockchain are public and can be viewed by anyone who knows where to look; and (iii) immutability of the data filed.

Additionally, Brazil's Congress is discussing and analyzing the update and modernization of the Brazilian Copyright legislation, to include new technologies and rights, such as blockchain and artificial intelligence.

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