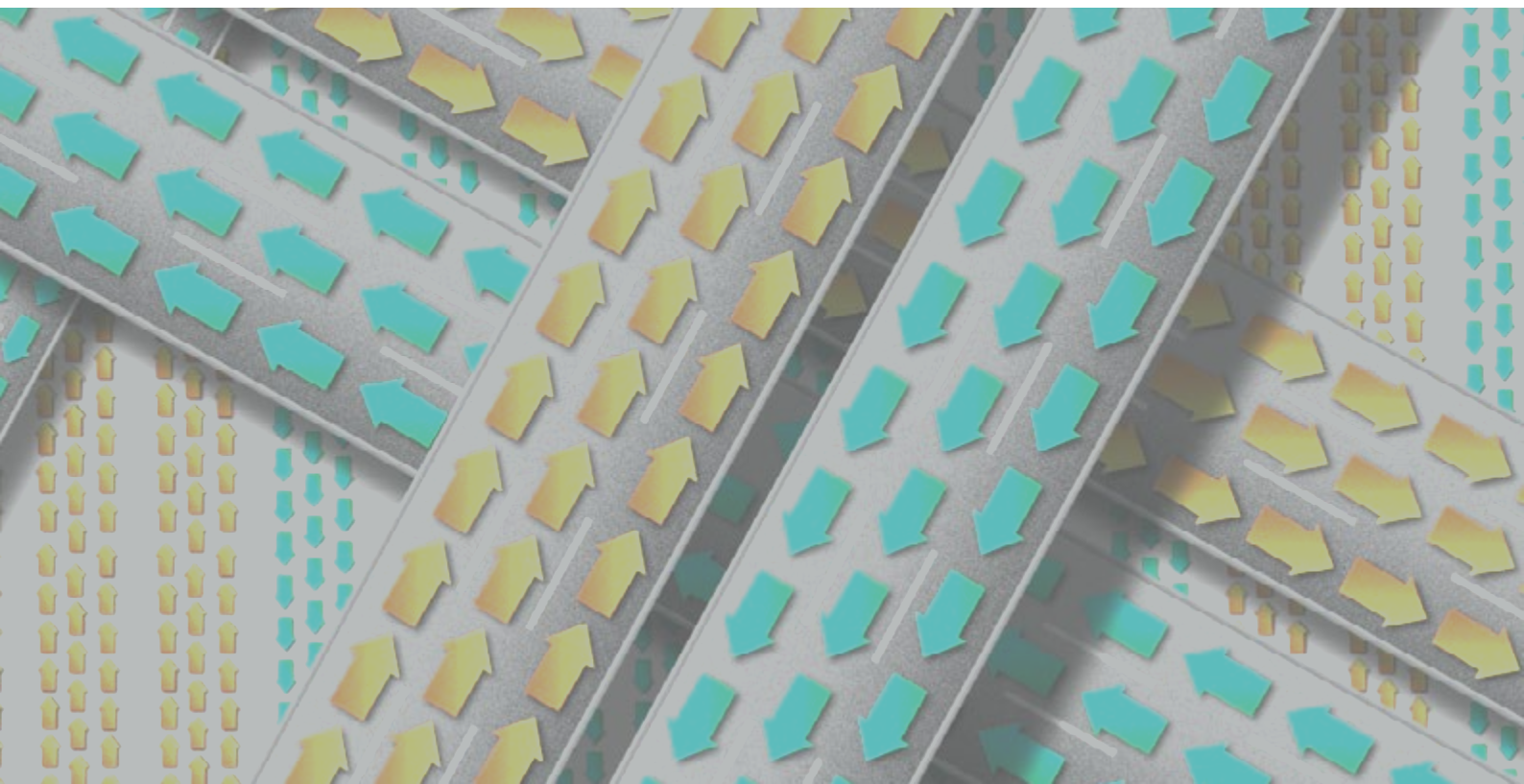


Special series

Law and internet in Brazil

Sérgio Branco



Introduction

This series is written by Sérgio Branco for canadian site [DroitDu.net](#). In eight articles the director of ITS Rio approaches different topics about Brazilian internet law, from the removal of contents on Youtube to questions regarding the “right to be forgotten” and net neutrality.

The texts are translated to portuguese and published in [ITS FEED](#), the content channel of [Instituto de Tecnologia e Sociedade do Rio](#).

Summary

How a top model helped to regulate Brazilian Internet	04
Is it possible to crowdsource a law?	07
What are you liable for?	11
Why Brazil Needs a New Copyright Law	15
Nine Questions Regarding “the Right to Be Forgotten”	20
Net Neutrality: You Love it, even if you don’t Really Know what it is	25
Brazilian Internet is Partly Free	30
The Futures of the Internet	34



How a top model helped to regulate Brazilian Internet

In 2006, Brazilian top model and tv presenter Daniella Cicarelli was spending some time with her boyfriend on a beach at Cadiz, south of Spain. On a sunny day and a public beach, with many sunbathers around the couple, they ended performing some intimate moments inside the sea. The event was recorded in details and soon after it was everywhere on the internet. The interest in Daniella Cicarelli was not surprising. In the year before, she got married to Ronaldo, aka Ronaldo Fenômeno, one of most famous Brazilian soccer players in the world. By that time, he played for Real Madrid, and she was a famous model. The marriage didn't last long, but it certainly contributed to making her more famous in Spain.

After the recording became popular (so popular that even street vendors had the video to sell), Cicarelli came to public to express her discontentment. She demanded the video to be taken down from all websites where it could be found, including Youtube. The attempts to remove such content were, however, unfruitful. For such reason, she sued Google.

Cicarelli wanted the video to be taken down permanently. Google tried many times, but right after the content became unavailable, somebody uploaded the video again. And again, and again, and so on. Frustrated about the impossibility to get rid of the video, Cicarelli requested that Youtube should be taken down, considering it couldn't enforce the court decision. The judge thought this was a good idea. And so, on the following days, Youtube was no longer available in Brazil.

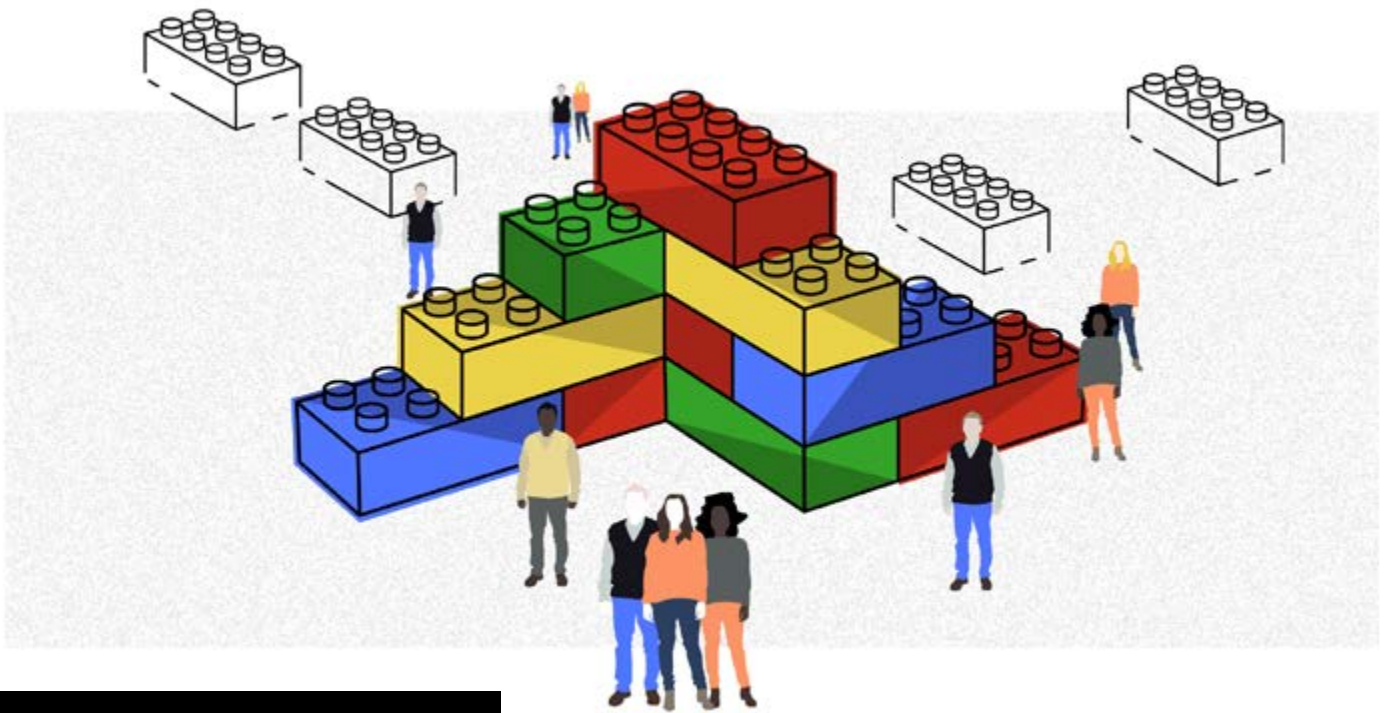
Of course, the results of such decision were disastrous. Civil society claimed Youtube to become available again and two days after the same judge annulled his first decision. However, if Youtube was there again, the truth is that the king was naked, right before everybody's eyes: Brazilian internet needed clear rules about its use and its regulation.

While all these events were going on, Brazilian Congress started a debate to approve the first Brazilian internet regulation law, and it would be a criminal one. It was naturally a terrible possibility. If people couldn't agree not even about the responsibilities regarding the uploading of Cicarelli's video on

Youtube, how could we impose criminal penalties on the involved parties?

It was 2007, and this is when civil society organized itself to discuss a civil framework for the Brazilian internet. It led to the creation of a project that from the very beginning was called « Marco Civil da Internet » (civil framework for the internet). The objective of such project was to regulate several issues, such as net neutrality, data protection and, naturally, the liability of intermediaries.

However, the old traditional way of discussing bills of law was unexciting and even inefficient, considering that congressmen usually are not wise concerning technological subjects. For this reason, it seemed inevitable that the bill of law should be discussed directly on the internet, crowdsourcing the expertise of anybody who was willing to contribute. And this is what was effectively done in the following seven years.



Is it possible to crowdsource a law?

In 2015, Brazilian Congress passed a little more than 160 laws. Among them, we can find one that honors the humorists, a law declaring June 26 as “national first vote awareness day” and a law that celebrates corn day. Ideally, we would say, for societal benefit, that Legislators are elected to legislate. Some laws are easy to pass – I do not see much discussion about the best day to celebrate corn (which, by the way, is on May 24 according to the Brazilian Congress), although anything is possible. However, with the complexity of the contemporary world, subjects get more and more sophisticated, technology challenges our certainty about

daily aspects of life and what once was easy to understand is now full of subtleties. To legislate the internet is surely not as easy as deciding on the best day to laud Poetry (which, out of curiosity, is on October 31). Indeed, nothing is very poetic when opposite interests are concerned.

The lack of internet regulation in Brazil was leading to some uncanny decisions. For instance, YouTube's website was taken down because of a video that, allegedly, violated a model's intimacy. Under such circumstances, it would be difficult to convince innovative internet companies to base themselves in Brazil, since anything could happen when dealing with internet regulation. The so-called « legal certainty » principle was just non-existent.

However, how could we delegate to Congressmen the power to decide how the internet should be regulated, considering this is such a particular issue? Considering that Congressional representatives usually don't know much about technology and those who know are frequently out of the scope of democratic decision-making game, nothing seemed more reasonable than to use the internet to create a law to regulate itself.

The year was 2009 and technology was not as developed as it is now. A partnership between a group of professors from FGV (who are now at ITS) and the Ministry of Justice led to the creation of a platform where the discussion of a new law would take place from the very beginning. The platform is still available at [here](#).

During the first stage, the debate focused on ideas, principles, and values. The topics in discussion were privacy, freedom of expression, intermediaries' liability, net neutrality, infrastructure, among others. Each paragraph of text-based produced by the Ministry of Justice remained accessible for a couple of months to the insertion of comments by anyone who wished to participate. Contributions from foreign countries were also received.

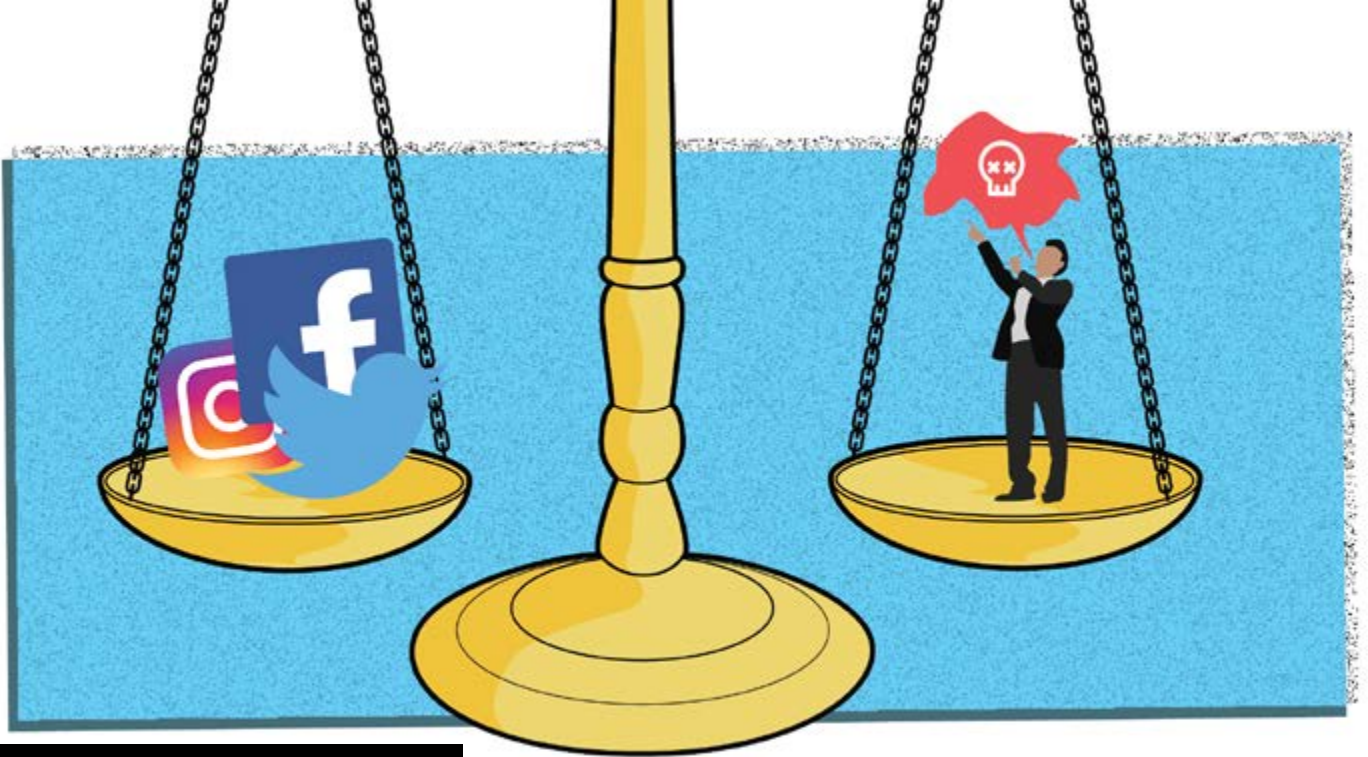
At the end of the first phase, the Ministry of Justice compiled the contributions and prepared the draft of a bill that would be the basis for the second part of the project, which occurred in the first half of 2010 and consisted of the discussion of the draft of the text itself. Again, each article, paragraph or item remained available for the submission of comments from any interested party. A summary of the offered contributions resulted in the Bill of Law 2,126 / 2011, which was then taken to Congress for discussion.

The final vote on the Bill of Law, however, was postponed more than 20 times. Several were the economic interests in dispute, especially concerning net neutrality and intermediary liability. It was finally approved on April 23rd, 2014 and signed by (then) President Dilma Rousseff during Net Mundial in São Paulo, becoming Law 12.965/14.

As the result of this process, Brazil had a law regulating the internet – at last. “Marco Civil” (as it is usually called, meaning “civil framework”) is composed of 32 articles. The first part concerns rights, principles, and

safeguards. Then, we have provisions on net neutrality, data protection, intermediaries' liability, and the role of the State.

However, as anyone can imagine, many are the problems arising from the application of the law. Its interpretation is leading to some misunderstandings, and it has not prevented hugely popular internet apps to be taken down more than once. A brief view of the law and how the Brazilian Courts are interpreting, is the subject of our next texts.



What are you liable for?

As you can probably remember, one of the most relevant facts that led to Brazilian internet regulation was the recording of some intimate moments of a top model at the beach. The upload of such video on Youtube's website triggered a national discussion on intermediaries' liability, given that we had no rules, at that time, that could clearly define if Youtube was somehow liable – and to what extent, if so – for the distribution of the recording. After seven years of discussion, Brazilian National Congress finally passed, Brazil's Internet Bill of Rights, known as the “Marco Civil da Internet”. As one can easily imagine, defining liability for damages

caused by content produced by third parties was crucial in such context. After all, the inexistence of clear rules and definitions was resulting in conflicting, and many times competing judicial decisions, as well as reckless interpretations of the law, such as the one in which a blogger was found guilty due to a comment written by one of his readers.

During the discussion of the bill, the first system suggested in order to deal with intermediaries' liability was the notice and takedown, inspired by American law. However, civil society sharply criticized this option because it was considered an open door to private censorship. Indeed, if websites were deemed liable for third parties' content after extrajudicial notices, they would most certainly remove the controversial content without further examination. Such was the reason why, during the discussion of the text of the bill, this hypothesis was replaced by the removal of material after receiving a judicial order. Article 19 of Brazil's Internet Bill of Rights establishes such system clearly:

Art. 19. In order to ensure freedom of expression and to prevent censorship, internet application providers may only be held civilly liable for damage resulting from content generated by third parties if after specific judicial order the provider fails to take action to make the content identified as offensive unavailable on its service by the stipulated deadline, subject to the technical limitations of its service and any legal provisions to the contrary.

On the other hand, judges are already overloaded by work and waiting for a judicial decision in order for an intermediary to be held liable would be, in some cases, not only inefficient but also unfair. This is why the law foresees at least one possibility of notice and takedown, after which the intermediary becomes liable, notwithstanding a court's decision:

Art 21. Internet application providers that make available content created by third parties will be secondarily liable for violations of privacy resulting from the disclosure, without the participants' authorization, of images, videos and other material containing nudity or sexual acts of a private nature, if, after receiving notice from the participant or the participant's legal representative, the internet application provider fails to take prompt action to remove the content from its service, subject to technical limitations of the service.

As we can see, legislators considered that such cases require fast results. When we are talking about acts of private nature, it is not only a matter of goods, money and patrimonial interests. It is the human dignity that is in danger and must be protected. For this reason, the law contains this exception. It is important to note, however, that a website is not forbidden to remove a content considered offensive or that violates its terms of use out of its own accord. The removal can always take place. Nevertheless, the intermediary will be liable only after judicial order, unless the content relates to the ones described in Article 21.

This is not the only exception, though. The other one relates to copyright. But copyright is such a complex subject that it requires a legislation of its own and, consequentially, a blog post as well.



Why Brazil Needs a New Copyright Law

Although Brazilian Copyright Law was passed in 1998, it is already considered old. As we all know, the internet challenges copyright systems all over the world, demanding updates in a structure that was forged and developed between the XVIII and XX centuries. Copyright was mainly created to assure authors would receive adequate financial compensation for the public use of their works, especially when commercial purposes were at stake. However, because the origin of current international Copyright structure is based on the Berne Convention, signed in 1886, its principles can barely survive the new digital era in which we live.

Being honest, everything worked fine in the copyright world for over a century. The Cultural industry had as one of its pillars copy or reproduction control, which mean that when a book was published and 1,000 copies made available, person number 1,001 would no longer get a copy.

This person could make a copy herself, but it would be expensive, demanding and, very likely, of dubious quality. The same system applied for movies. You could either watch a movie at cinemas or you would have to wait until its release on home video or, worse, to be shown on television. We were all chained to physical goods and strict schedules we had no influence over.

Then came the internet and with it, massive changes. We became free from material copies and third parties' timetables. We could have access to any movie, music and text, at any given time and for a much lower price (sometimes even free of charge). It was only logical to believe that copyright, in its old standards, could not survive these changes. And it turned out it couldn't indeed.

For this reason, if you access UNESCO's copyright law database, you will see that many countries have recently adjusted their laws in order to comply with XXI Century requirements. But not Brazil. Except for an update related to collecting societies (which was an extremely relevant update, by the way), Brazilian copyright law remains the same, with its old

problems and limitations. For instance, except for short passages (whatever that might mean), Brazilian law forbids any kind of private copies (which seems counterintuitive, given that copyright should concern the public use of works, and not personal use).

Moreover, the law allows, for educational purposes, only the reproduction of musical and theatrical works (not movies); does not explicitly permit copies for preservation purposes or from out-of-print works; and remixes, something intrinsically connected to the internet, are arguably illegal – at least in theory.

For all these reasons – and several others we could appoint – the Brazilian Ministry of Culture decided to promote a profound reform in Brazilian copyright law between 2007 and 2010, beginning with many face-to-face debates and then followed by online discussion. This took place when Brazil's Internet Bill of Rights (the Marco Civil da Internet) was under public appreciation, so the Ministry of Culture decided to use the same tools in order to achieve its purposes.

In 2010, the Ministry of Culture published the first draft of the bill of law, and any interested party could comment on its terms. There were over 8,000 comments that helped build the final wording. This last version was submitted on December 2010, to another Ministry, that would be responsible for preparing the definitive text for appreciation of the National Congress. However, everything changed. President Lula managed to elect his

successor, Dilma Rousseff, but she appointed as a new Minister of Culture a person who was not very comfortable with the law changes. The new Minister decided to open the discussion again, so a second round took place in 2011, with the difference that this time comments were not public and the debate lacked in transparency.

To make a very long story short enough to fit the size of a blog post, I can say that nothing has changed since then (except for the modification mentioned above related to the collecting societies). The final bill remained forever at the Ministry, never getting to National Congress.

This is the reason for which copyright isn't mentioned or covered by our Internet Bill of Rights when defining intermediaries' liability. There is only a general rule stating that:

Art. 19. In order to ensure freedom of expression and to prevent censorship, internet application providers may only be held civilly liable for damage resulting from content generated by third parties if after specific judicial order the provider fails to take action to make the content identified as offensive unavailable on its service by the stipulated deadline, subject to the technical limitations of its service and any legal provisions to the contrary.

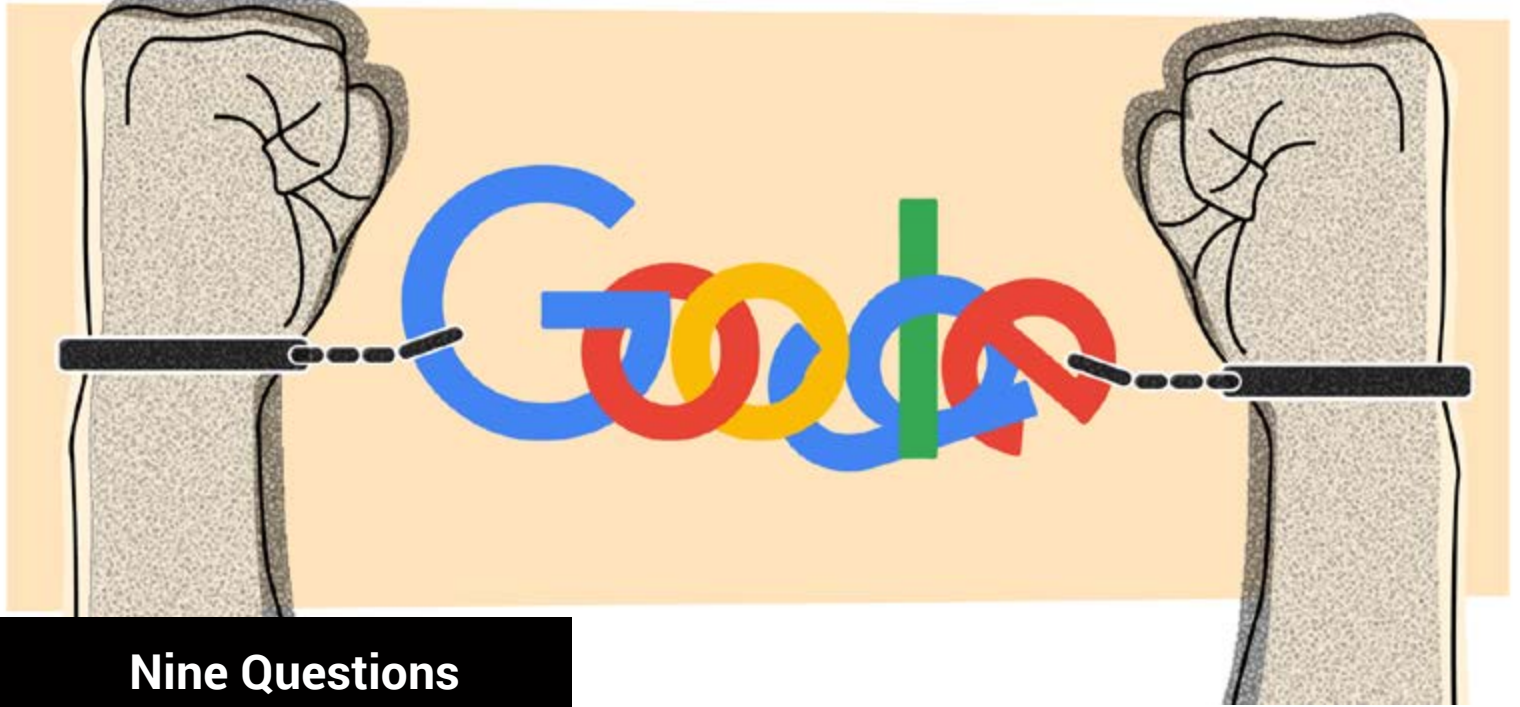
However, there are two exceptions to this rule. The first is the so-called revenge porn. The second relates to copyright:

§ 2 This article will apply to violations of copyright and related rights only when specific legislation to that effect is adopted; the particular, when adopted, must respect the freedom of expression and other guarantees provided for in article 5 of the Federal Constitution

By the time the Marco Civil was under discussion, it was hard to get to an agreement about what should be the intermediaries' liability when copyright was concerned. However, because the copyright law was also the object of an extensive debate, the right thing to do seemed to let this particular point for the copyright law reform. Nobody could imagine that no substantial reform was ahead.

For this reason, intermediaries' liability regarding copyright is uncertain. Are intermediaries liable after a private notice or only after a Court decision? If all the reasons mentioned weren't enough, a huge copyright reform is greatly needed in order for us to finally overcome this uncertainty.

However, political life in Brazil has recently proved that everything can get worse. Moreover, with the low level of discussion at the current Brazilian National Congress, waiting seems the most reasonable thing to do. Let's just hope it is not for too long.



Nine Questions Regarding “the Right to be Forgotten”

L. is a Brazilian professor and translator. In the 1970s, she was arrested and convicted for drug dealing in the USA. She spent two years in jail and was then released. By that time, only her family and closest friends were aware of her situation. Most of the people she knew believed she was in a cultural interchange. When she came back to Brazil, she led a normal life, got married, and had children. She did not regret her misadventures in the 1970s, but she clearly became another person as time went by. Fortunately, her past was behind, and all her skeletons were well locked inside the closet. Until Google opened it widely.

If you search for L's name on Google, you will find, on the third page of research, the judicial decision convicting her 40 years ago. It seems important to understand, now, the reasons why somebody would go to prison for drug dealing in the 1970s. Access to such information is certainly relevant to the history of law, the development of public policies, and the enhancement of criminal law and criminal procedure. However, is the exposure of her full name actually necessary? Doesn't it represent an extra burden, considering her judicial debts are already paid? What can she do, taking into account that people who have access to such information can harm her social interactions?

The so-called « right to be forgotten » is not new and did not appear for the first time on the internet. In the 1960s, in Germany, we can find the roots of the discussion in a criminal case known as « Case Lebach ». At the time, a man was arrested for participating in the assault of a military base and for the murder of some soldiers. After six years in prison, a TV channel decided to broadcast a documentary telling his story, emphasizing on some personal aspects of his personality, including the fact that he was a homosexual. He sued the TV channel, and the German court decided that the public exhibition of the program would impair his reinsertion in society since he was about to be released. Being so, his privacy should prevail.

Since 2014, however, the debate concerning the right to be forgotten has taken a dimension never seen before. It all began when Mario Costeja

Gonzales, a Spanish lawyer, requested Google do delist (or delink or deindex) him because, after searching for his name on Google, you would find that he had some unpaid debts in 1998. He asserted that he had paid such debts and that the information was not only outdated but was also unimportant.

European Court decided in his favor and soon after, Google received more than 100,000 requests for delisting results in favor of an alleged right to be forgotten. Should Google accept such requests?

Well, there are a lot of problems arising from the implementation of a right to be forgotten on the internet. In Brazil, we are about to decide two cases in our Supreme Court that, despite referring to TV programs, will certainly impact future decisions related to the internet.

In one of the cases, the most influent TV channel in Brazil made a reenactment of a terrible murder involving children that took place in Rio de Janeiro, in 1993. During the show, they mentioned a man possibly involved in the crime. However, Court considered him not guilty, and any reference to him would harm his social life once many years had passed since then. The TV channel was considered guilty because, in short, they could tell the story without mentioning his name. The information was not necessary and freedom of expression was protected.

It is just the right opposite of the second decision. The same TV channel (in

fact, the same TV show) reenacted the murder of a young woman in 1958. Her siblings sued the TV channel saying that they suffered all over again with the retelling of the story. The court decision, however, was in favor of the TV channel, with the argument that this story could not be told without naming the victim. It was indeed very unfortunate for her siblings, but the prohibition of referring to her name would make freedom of expression unfeasible.

After European decision, Brazil Congress has also tried to draft some bills of laws to regulate the right to be forgotten. However, they basically represent an attempt to private censorship or to increase the costs of the internet in Brazil. In one of the bills, anyone could request the removal of content that is irrelevant; in other, service providers on the web should have a call center to remove material that would fit the frame of the right to be forgotten.

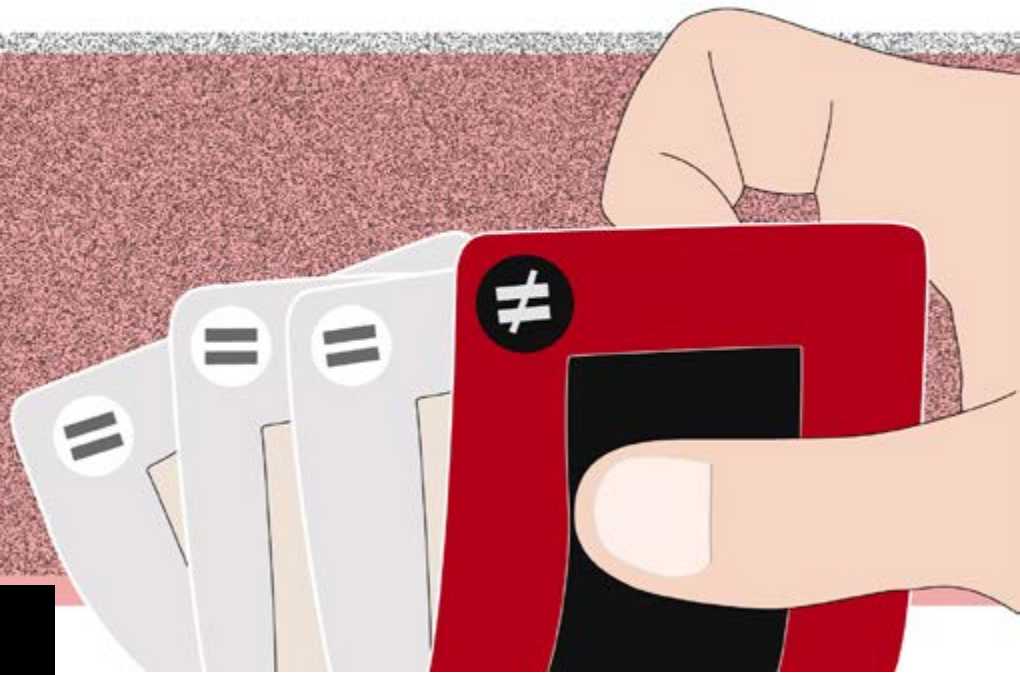
The fact is that there is still a lot to be discussed before we can finally make a good public policy towards this subject. It seems to me that the right to be forgotten should be regarded as a very exceptional situation, to be applicable to private (or anonymous) individuals, in private spheres and for private purposes only.

Here are some questions that need to be addressed so we can better understand the right to be forgotten institute, its limits and the consequences of its use:

1. *is it a real right or an element of the right to privacy?*
2. *should it be called a right to be forgotten or a right to be delisted (or delinked or deindexed) is a more suitable expression?*
3. *does it refer to a public person or an anonymous individual?*
4. *if it relates to an anonymous person, did she/he contribute to the information becoming public?*
5. *is there any public interest in keeping that information on the internet?*
6. *is the information necessary to assure the freedom of expression?*
7. *is it a case of devoir de mémoire (like Nazism or historical and political issues; in these cases, not only a right to be forgotten is not applicable but there is a duty to remember);*
8. *if the information is deleted, delisted or deindexed, can it constitute private censorship?*

and last, but certainly, most important:

9. *who should decide in which cases a right to be forgotten is applicable? Private entities, such as Google, or only Courts?*



Net Neutrality: You Love it, even if you don't Really Know what it is

I am currently spending three months in Montréal. Although I have had the chance to visit many countries due to my academic career, this is the first time I have the experience to engage, for such an extended period, in a foreign university. For a foreigner, communication is an important issue. I remember that 20 years ago, when I was abroad and wanted to talk with my parents, it was still necessary to buy a phone card and search for a public phone to use it. Sometimes public phones did not work; many times, you had to wait in a queue; the cards were expensive, and they did not last long enough. Having lived through those wild times, we are nothing but survivors.

Nowadays, the communication experience is entirely changed. If I want to talk to my family and friends, I can use Skype, WhatsApp or any other VoIP app. As we all know, in these cases, fees are lower, and if you have a good internet quality, the experience is almost the same as if you were using the services of traditional telephone companies. However, not all telecommunication companies are happy about the utilization of these apps.

In Brazil, the same company that provides me internet connection is responsible for my fixed telephone service. Every time I connect to Skype, in order to talk with friends living abroad, I do not use the telephone line. Although quality is many times inferior, VoIP apps are far less expensive, and that is why it is worth using them. But if telecommunication companies are losing money because I choose to use Skype instead of my telephone, why don't they just worsen my internet connection to the point that the use of Skype becomes unfeasible and I am forced to use the good and old fixed telephone? The answer is net neutrality.

Tim Wu coined this principle. Net neutrality can be defined as

“the principle that Internet service providers and governments regulating the Internet should treat all data on the Internet the same, not discriminating or charging differentially by user, content, website, platform, application, type of attached equipment, or mode of communication”.

In short, we could say that if “all humans are equal before the law”, the correspondent parallel in internet would be, “all data is equal before the web”.

Additionally, net neutrality may also prevent telecommunication companies from entering into agreements with content providers to benefit a website over another. For example, a company could have a financial agreement with, let's say, YouTube, so whenever a user connects to any other video platform (Vimeo, Netflix), her/his internet connection would be so slow that this user would give up on watching the content of his interest or would look for it on YouTube.

[Brazil's internet bill of rights](#) regulates net neutrality in the following terms:

Art. 9. The agent in charge of transmission, switching and routing must give all data packets equal treatment, regardless of content, origin and destination, service, terminal or application.

§1. Traffic discrimination and degradation will be subject to regulations issued under the exclusive powers granted to the President of the Republic in Article 84(iv) of the Federal Constitution, for the better implementation of this Law, after hearing the Brazilian Internet Steering Committee (CGI.br) and the National Telecommunications.

Agency (Anatel), and may only result from:

I – technical requirements essential to adequate provision of services and applications, or

II – prioritization of emergency services.

§ 2. In the event of traffic discrimination or degradation, as contemplated in §1, the agent in charge must:

I – refrain from causing damage to users, as provided for in article 927 of the Civil Code (Law 10.406 of 10 January 2002);

II – act in a fair, proportionate and transparent manner;

III—III – provide users, in advance, with clear and sufficiently descriptive information on its traffic management and mitigation practices, including network security measures; and

IIV – provide services on non-discriminatory commercial terms and refrain from anti-competitive practices.

§ 3. Subject to the provisions of this article, the content of data packets may not be blocked, monitored, filtered or analyzed in internet connections, either paid or free of charge, or in transmission, switching and routing.

As it is easy to see, Brazilian law protects the idea of net neutrality with

two exceptions: technical requirements essential to the adequate provision of services and applications, or prioritization of emergency services. The first refers, for example, to services that need synchronous communication (VoIP and streaming) over e-mails and social networks, for instance. The second relates to public calamities or catastrophes, in which case, certain online services must prevail over others.

Despite the approval of the law and a legal regulation (as foreseen in the text above copied), a question remains unanswered according to Brazilian legislation: Is the practice of “zero rating” legal?

Zero rating consists in offering “free” content to users of an internet service provider (ISP). For example, I may use Facebook and WhatsApp for free depending on my ISP. For free” means that when I use such apps, the data consumed is not discounted from the total amount of data I contracted. The issue is highly controversial. Some countries consider zero rating illegal, while other countries do not. Many are the reasons for which one may be in favor or against zero rating.

Therefore, zero rating, as a practice, is and will remain, at least for the next years to come, a disputable thematic. The question of whether zero rating is legal or not is one of these almost invisible concerns regarding the internet that interests everyone, but very few are aware of.



Por que a Internet no Brasil é parcialmente livre?

Freedom House, an independent organization dedicated to the expansion of freedom and democracy around the world, published its 2016 report on Internet freedom. The results are not auspicious.

According to the study, the main conclusions are:

Internet freedom around the world declined in 2016 for the sixth consecutive year.

Two-thirds of all Internet users – 67 percent – live in countries where criticism of the government, military, or ruling family are subject to censorship.

Social media users face unprecedented penalties, as authorities in 38 countries made arrests based on social media posts over the past year.

Globally, 27 percent of all Internet users live in countries where people have been arrested for publishing, sharing, or merely “liking” content on Facebook.

Governments are increasingly going after messaging apps like WhatsApp and Telegram, which can spread information quickly and securely.

Unfortunately, Brazil has contributed to this result. In 2014 and 2015, Brazil was considered, by the same organization, a “free internet country”. However, it was downgraded because of several events that took place last year, namely the blocking of WhatsApp in the entire country for three times.

Because text messaging in Brazil is very expensive, Brazil is a heavy user of WhatsApp. After allowing its users to record voice messages and make phone calls through the app, WhatsApp became even more popular. As one can imagine, this huge popularity for a foreign mobile phone app has not come trouble-free from the point of view of Brazilian regulators.

As an example, for several times, Brazilian courts have demanded that WhatsApp provides personal information from its users to allow crime investigations. However, WhatsApp informed that due to cryptography, they do not have access to the content of conversations neither do they

store it on their servers.

After such denial from WhatsApp, Brazilian courts demanded that the app be blocked in the whole country, alleging infringement of the Marco Civil, although, as we have extensively defended, Brazil's Internet Bill of Rights is not to blame for the takedown of WhatsApp. The three times in which the app was blocked (February/2015; December/2015; July/2016), higher courts promptly reversed the decision.

However, it also evidences the fragility of our laws, as well as how we respond to authoritative decisions regarding Internet regulation. In addition, it is not only a matter of court rulings, but it is also a legislative issue. Here is the summary of the report that considered Brazil a partly free internet country:

Popular communication application, WhatsApp, was temporarily blocked on two occasions during this period, on December 2015 and May 2016, after Facebook, which owns the encrypted messaging service, was unable to comply with requests to turn over data pertaining to users under criminal investigation. While higher courts quickly overturned these orders, they disproportionately impacted users across Brazil.

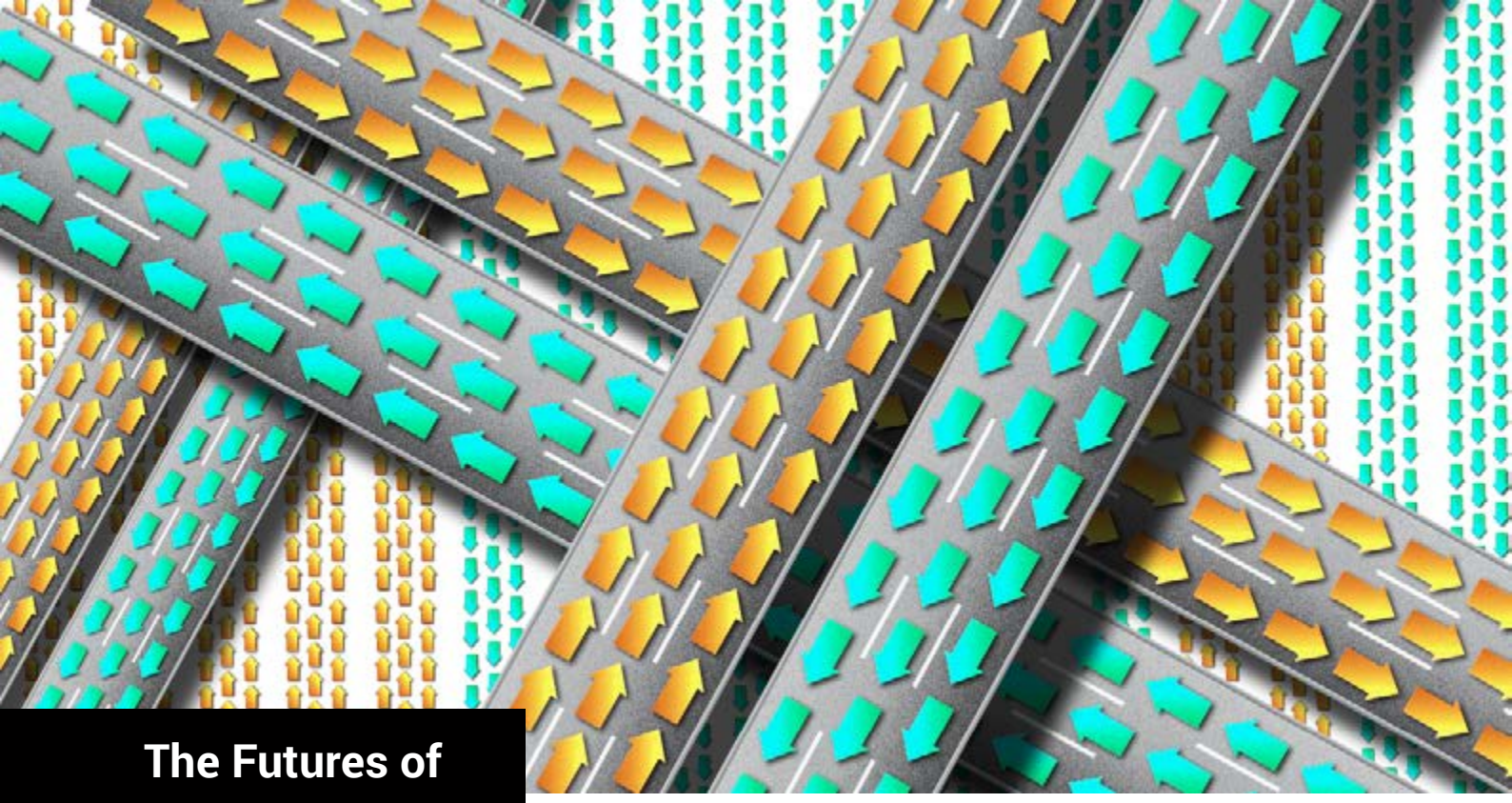
Some of the largest internet service providers in Brazil announced that they would introduce data caps for fixed broadband, prompting widespread outrage and several bills in Congress to limit practices that

are deemed to be unfair to consumers.

A report by a Parliamentary Investigation Commission proposing a series of cybercrime bills caused significant backlash among civil society and scholars.

Since the adoption of the so-called “Constitution for the Internet” in April 2014, secondary legislation enacted in May 2016 further refined rules for net neutrality and security measures regarding connection logs stored by providers.

As a friend of mine reminded me on Facebook, we have to be somewhat skeptical about rankings. However, the relevance here is not the position where Brazil stands or even the overall score Brazil achieved. The reasons for which Freedom House considers Brazil a « partly free » country regarding internet are extremely worrying. We must be careful and attentive for next steps of Brazilian Congress. If it is already difficult to engage on a narrative dispute before courts do decide which interpretation of a balanced law should prevail, one can imagine how hard it will be if the law is restrictive and authoritarian. We still have a long way to go in order to reach Estonia, Iceland and Canada, the three top countries on Freedom House report.



The Futures of the Internet

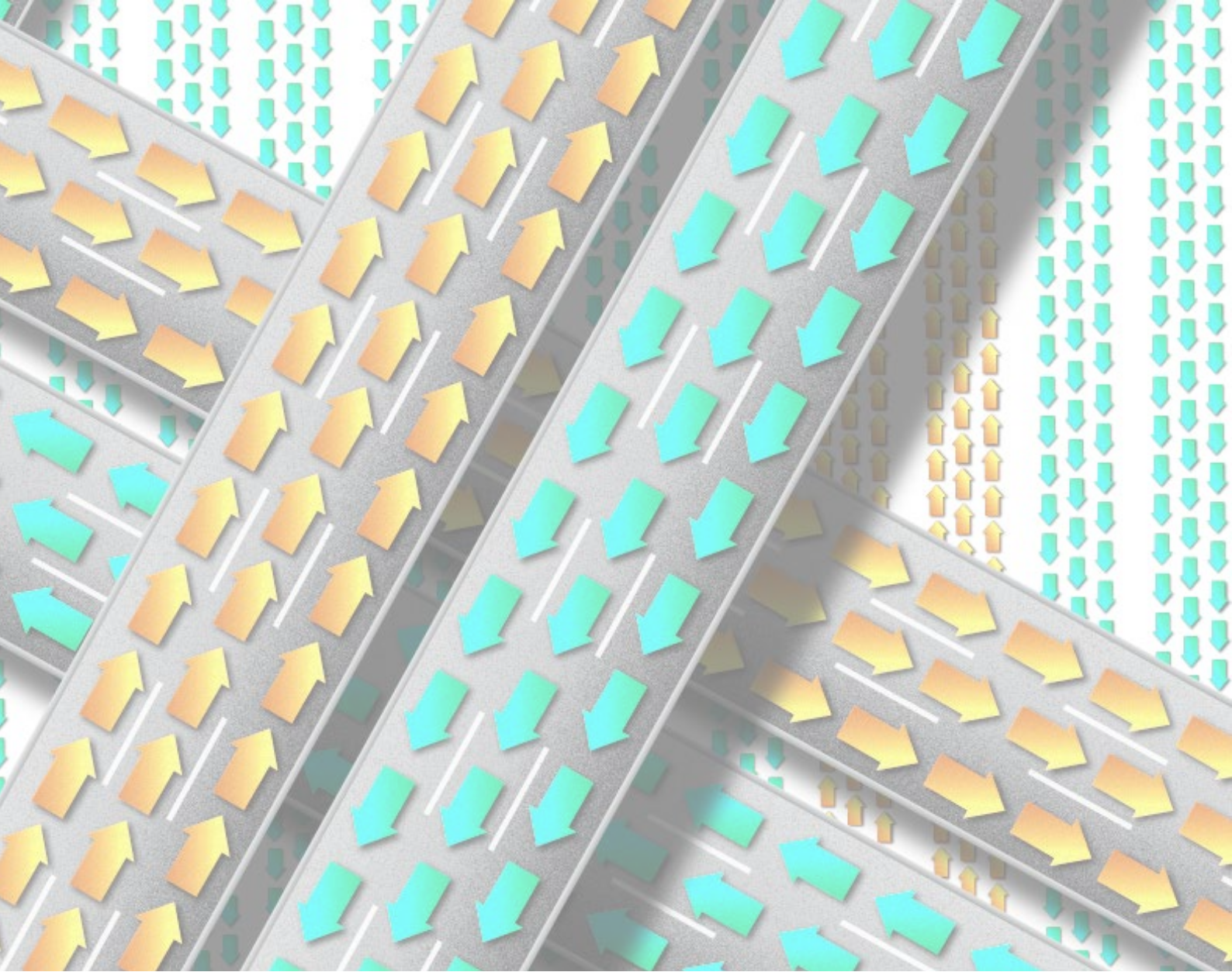
If you work with technology, your life is far from tedious. For those of us following news feeds recently, we got to know that Netflix is allowing its content to be downloaded, that Germany wants to massively limit privacy rights, and that there is a huge discussion on whether Facebook should engage in controlling the spreading of fake news. The last issue, for instance, became suddenly more relevant after Trump won the USA presidency election and “post-truth” was chosen as the word of the year by the Oxford Dictionaries. Or perhaps, “post-truth” was selected exactly because of Facebook. Who knows.

The fact is that even this small sample of recent activities concerning the internet relate to very different fields: copyright, privacy, algorithm and so on. Salman Rushdie has recently given an interview to *Le Magazine Littéraire* in which he says: “it is difficult to write a book that lasts in a world that changes”. And he is talking about literature. Imagine if he were discussing technology! Each day internet is spreading, widening and encompassing new areas of knowledge. We could add, to the trivial aforementioned topics, issues such as big data, blockchain, 3D printing, freedom of expression, internet of things, smart cities, artificial intelligence, virtual reality and so on.

During these three months at the University of Montréal, I had the opportunity of meeting extraordinary Ph.D. candidates who defy the traditional look over the internet in order to propose new limits on its use and utility. Christiano Therrien, who writes about the use of big data for the development of smart cities; Karima Smouk, who investigates military strategies and the cyberspace; Christelle Papineau, who studies the use of artificial intelligence within administrative and judicial decisions, and Victor Genèves, who is interested in the use of brain images in courts. These names are only a few of many I could mention that make the Centre de Recherche en Droit Public one of the most talented, innovative and respected centers in the world when it comes to the discussion of law, technology, and science.

As we can see, the use of the internet can be more attractive than just arguing on Facebook or posting pictures on Instagram. The fact is that our understanding of the web and online possibilities is in its very beginning and there is a lot more to come.

Everybody with access to the internet should feel responsible for contributing to a better world, either with intellectual research, or just responsible sharing and responsible content creation. The future of the Internet is not and cannot be singular – it is plural. And it belongs to anyone who is interested in making a better future, both online and offline. Or, better futures, in this case. We are all invited.



ITS Rio

www.itsrio.org

email: itsrio@itsrio.org

+55 (21) 3486-0390

