

DIGITAL LAW AND INTELLECTUAL PROPERTY

DIGITAL NEWSLETTER



18TH EDITION

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This newsletter has been prepared by our Digital Law and Intellectual Property practice to bring together the most relevant news, regulatory developments and discussions related to the digital ecosystem and the protection of intellectual assets. Its purpose is to monitor key developments involving technology, data, artificial intelligence, digital platforms, innovation and intellectual property, providing an updated overview of the issues that impact companies, institutions and the broader business environment. Happy reading!



DIGITAL LAW

LAW TRANSFORMS THE ANPD INTO A REGULATORY AGENCY AND CREATES NEW CAREER TRACKS

The Presidency of Brazil enacted Law 15,352/2026, which transforms Brazil's National Data Protection Authority (ANPD) into a regulatory agency, granting greater administrative, technical and decision-making autonomy to the authority responsible for supervising personal data protection in Brazil. The law also strengthens the institution by creating new career paths and positions dedicated to regulatory activities, enforcement and the development of public policies in the field of data protection.

The new structure expands ANPD's technical workforce through dedicated career tracks and additional administrative positions, aiming to reinforce its operational capacity in response to the growing volume of regulatory demands and the increasing complexity of supervision in digital environments. The law also strengthens ANPD's responsibilities regarding the protection of children and adolescents online, consolidating its role in Brazil's data governance framework.

ANPD PARTICIPATES IN PUBLIC HEARING AT THE NATIONAL CONGRESS ON DIGITAL ECA AND PROTECTION OF CHILDREN ONLINE

The Brazilian National Data Protection Authority (ANPD) took part in a public hearing at the Social Communication Council of the National Congress to discuss regulatory challenges related to the Digital ECA framework and the protection of children and adolescents in online environments. The discussion addressed the growing exposure of minors to digital platforms, the risks associated with the processing of children's personal data, and the need to strengthen safeguards and accountability mechanisms for digital service providers.

During the hearing, ANPD representatives emphasized the expansion of the Authority's responsibilities following Law 15,211/2025, which designated the agency as a key authority for protecting children's rights in digital environments. Topics discussed included attention-capturing platform design, targeted advertising to minors, extensive data collection practices, and the adoption of age verification mechanisms, highlighting the importance of coordinated action among regulators, technology companies, and civil society to enhance online child protection.

ANPD, FEDERAL PROSECUTOR'S OFFICE AND SENACON REQUIRE X TO CORRECT FLAWS IN GROK

The Brazilian National Data Protection Authority (ANPD), the Federal Prosecutor's Office (MPF) and the National Consumer Secretariat (Senacon) determined that X Corp. must immediately implement measures to correct flaws identified in the artificial intelligence system Grok. The joint action followed the identification of risks related to the functioning of the tool and its potential impacts on platform users.

Among the determinations are the adoption of technical and operational measures to mitigate risks, including adjustments to the system's operation, greater transparency regarding the use of the tool and the implementation of safeguards to prevent misuse or potentially harmful outputs. The initiative forms part of a coordinated effort by Brazilian authorities to supervise the use of artificial intelligence systems on digital platforms.

MALWARE CAMPAIGN USES LEGITIMATE GOV.BR DOMAINS TO INFECT VICTIMS

A recently identified malware campaign has been using legitimate Brazilian government domains under the gov.br structure to host malicious files and infect users. The technique exploits compromised pages or subdomains to distribute malicious software, leveraging the institutional credibility of these addresses to increase the success rate of the attacks.

The files are distributed through links that appear to be official and may lead to the installation of malicious programs capable of collecting data, installing remote access tools or compromising victims' devices. The case highlights the risks associated with the exploitation of trusted digital infrastructures to disseminate malware, making detection more difficult for both users and security systems.

BRAZILIAN FEDERAL REVENUE SERVICE REGULATES THE USE OF AI IN TAX ENFORCEMENT

Ordinance 647/2026 issued by the Brazilian Federal Revenue Service establishes rules for the use of artificial intelligence systems and automated data analysis in tax enforcement, risk management and the selection of taxpayers for audit procedures. The regulation provides that such tools may be used to identify inconsistencies in tax filings, detect indications of irregularities and support administrative decision-making, while maintaining that final decisions remain under the responsibility of public officials and must comply with principles of transparency, traceability and data security in the processing of information.

AI AGENT BREACHES MCKINSEY LLM SYSTEM IN TWO HOURS

Security researchers demonstrated that an autonomous artificial intelligence agent was able to exploit vulnerabilities in a large language model (LLM) system used by the consulting firm McKinsey & Company, gaining unauthorized access to the environment in approximately two hours. During the test, the agent automated typical steps of a cyberattack, including system reconnaissance, identification of integrations, and the exploitation of excessive permissions and misconfigurations associated with the environment in which the LLM was operating.

The short time frame of roughly two hours drew particular attention from researchers, as tasks that would normally require hours or even days of manual analysis were carried out continuously and automatically by the agent. During this period, the tool was able to map the system's operation, test different interactions with the model, and identify access points that allowed it to gradually expand its level of access, illustrating how AI-based agents can significantly accelerate vulnerability exploration in corporate environments where LLMs are integrated with other internal tools and services.

BRAZIL'S MINISTRY OF EDUCATION RECOMMENDS RESTRICTIONS ON AI USE AND BAN IN EARLY CHILDHOOD EDUCATION

Brazil's Ministry of Education (MEC) issued guidelines on the use of artificial intelligence in education and recommended prohibiting these tools in early childhood education. The measure aims to prevent potential impacts on children's early development and ensure that the adoption of such technology occurs in a manner consistent with pedagogical objectives.

The guidelines also indicate that AI use should be gradual and supervised at other educational stages, with emphasis on teacher training, digital literacy, and the establishment of institutional policies to ensure the responsible use of these technologies within educational environments.

INTELLECTUAL PROPERTY

FEDERAL COURT RECOGNIZES THAT INPI FEES MUST FUND BRAZIL'S IP SYSTEM

A decision issued by the Tribunal Regional Federal da 2ª Região (TRF2) recognized that fees collected by the Instituto Nacional da Propriedade Industrial (INPI) must be allocated to the industrial property system itself, rejecting the practice of federal budget contingency affecting these resources. The ruling reinforces that fees paid by users of the system should be reinvested in strengthening the institution.

The decision is considered an institutional milestone for Brazil's industrial property system, as it confirms that the revenues derived from INPI fees are intrinsically linked to the agency's activities. The ruling is expected to enhance the institute's administrative and technological capacity, contributing to operational improvements, shorter examination timelines and greater efficiency in processing trademark, patent and other IP filings.

FENDER WINS CASE IN GERMANY AGAINST CHINESE WEBSITE OVER STRATOCASTER DESIGN

Fender obtained a favorable ruling in Germany in a dispute involving the online sale of guitars reproducing the shape of the Fender Stratocaster. The lawsuit targeted a Chinese e-commerce website that was selling instruments with a design almost identical to the classic Fender model without authorization from the company. The German court held that the distinctive shape of the Stratocaster remains strongly associated with the brand and cannot be commercially exploited by third parties in a manner that could create confusion in the market.

The decision ordered the removal of the products from the platform and reinforces the protection of musical instrument design in the European market, recognizing that the Stratocaster's shape constitutes a distinctive visual identity developed over decades. The case also highlights the challenges of enforcing intellectual property rights in digital environments and cross-border e-commerce operations involving sellers located outside Europe.

EU COURT CONFIRMS PROTECTION OF THE GRUYÈRE GEOGRAPHICAL INDICATION

The Court of Justice of the European Union confirmed the protection of the Gruyère designation of origin, recognizing that the name is reserved for cheeses produced in the traditional region of origin, primarily associated with Switzerland and specific areas of France. The decision examined disputes involving the use of the term "gruyère" for products that did not meet the geographical and production requirements established under the European system of protected designations of origin.

The case involved attempts to register or use variations of the name "gruyère" for products that do not comply with PDO rules. The court assessed whether these variations could create an undue association with the protected traditional cheese and concluded that the use of the term or similar expressions could improperly exploit the reputation of the protected designation, even when accompanied by additional wording or linguistic adaptations.

LEGISLATIVE RADAR

BILL 1126/2026

Establishes measures aimed at protecting the health, preventing accidents, and improving the working conditions of delivery workers and motorcyclists who provide services through digital platforms. The proposal requires app companies to promote or finance occupational health and safety programs and to provide personal accident insurance during delivery activities. It also requires the creation or provision of rest areas in high-demand locations, such as shopping malls and commercial centers, with minimum infrastructure including covered areas, access to drinking water, restrooms, and charging points for electronic devices. Failure to comply may subject the platforms to administrative sanctions to be regulated by the Executive Branch.

BILLS ADDRESSING MISOGYNY AND GENDER-BASED VIOLENCE IN DIGITAL ENVIRONMENTS

Several bills recently introduced in the Chamber of Deputies of Brazil indicate growing legislative mobilization to address gender-based violence and the spread of misogynistic content, particularly in digital environments. Among them, Bill 1145/2026 proposes the criminalization of coordinated campaigns of digital misogyny and gender-based online violence, including organized attacks on social media and liability for individuals who produce, finance or disseminate content intended to intimidate or silence women.

Bill 1118/2026 seeks to amend the Brazilian Criminal Code, the Maria da Penha Law and the Civil Rights Framework for the Internet to criminalize the organized promotion or dissemination of content that encourages or trivializes violence against women, establishing prison penalties and aggravating factors when the conduct occurs on digital platforms or involves coordinated activity among online accounts, and also creating the offense of unjustified institutional omission in cases of gender-based violence.

Other proposals, such as Bill 1045/2026, suggest the use of urban monitoring technologies integrated with public security systems to strengthen the effectiveness of protective measures under the Maria da Penha Law, while Bill 1103/2026 aims to restrict the distribution or reproduction of audiovisual works and phonograms that glorify violence against women or degrade the image of women, including content produced with the assistance of artificial intelligence.

Taken together, these initiatives demonstrate a significant increase in legislative proposals aimed at addressing gender-based violence and misogyny across criminal, regulatory and technological fronts, reflecting growing concern within the Brazilian Congress about the impact of discriminatory practices and harmful content in digital environments and society more broadly.

BILL 1113/2026

Proposes amendments to the so-called “Digital Child and Adolescent Statute” (ECA Digital) to prohibit the use of “addictive design” practices in digital services accessible to children and adolescents. The proposal defines addictive design as technological mechanisms structured to artificially prolong user engagement, such as infinite scrolling, automatic video playback, frequent notifications intended to stimulate reconnection, time-based rewards, and daily login streak systems. The bill also provides that digital platforms may be held strictly liable for harm to the physical or mental health and development of children and adolescents resulting from such practices, while requiring parental control tools, periodic psychosocial impact assessments, and greater transparency regarding algorithmic mechanisms that influence user engagement time.

BILL 1043/2026

Establishes the National Policy for the Prevention and Repression of Cybercrimes Against Animals, aimed at investigating and punishing digital content involving violence, abuse, or exploitation of animals. The proposal criminalizes activities such as producing, livestreaming, distributing, monetizing, or storing content depicting animal abuse, with penalties of up to 12 years of imprisonment when committed for profit or by criminal organizations.

It also criminalizes the online incitement of animal abuse and the creation or administration of digital communities dedicated to distributing such content. In addition, the bill imposes obligations on digital platforms, including the duty to remove illegal content within 24 hours of notification, preserve records, and report such material to authorities, with fines proportional to revenue in cases of non-compliance.

BILL 904/2026

Establishes rules on accountability, transparency, and auditability for artificial intelligence systems classified as high-impact, defined as those capable of affecting fundamental rights, access to credit, employment, public benefits, health, education, or judicial decisions. The proposal requires prior registration of such systems in a public registry maintained by the Brazilian Data Protection Authority (ANPD), as well as the mandatory completion of a Socio-Legal Impact Assessment before their deployment.

It also requires the maintenance of auditable records of automated decisions, ensures the right to explanation and contestation of AI-based decisions, and mandates human oversight for decisions that restrict rights or produce significant adverse effects. The bill further establishes periodic independent audits and administrative sanctions, including fines and system suspension, in cases of non-compliance.

BILL 682/2026

Establishes transparency requirements for price formation in ride-hailing and private passenger transport applications. The proposal requires platforms to allow public authorities to audit their pricing algorithms and prohibits the use of users' personal or sensitive data as criteria for fare increases. It also provides that, whenever dynamic pricing is applied, the application must clearly inform consumers in advance of the base fare, the multiplier applied due to dynamic pricing, and the objective justification for the price increase.

BIL 649/2026

Proposes the mandatory use of body-worn and vehicle-mounted cameras equipped with artificial intelligence by public security forces for facial recognition and automatic license plate reading. The technology would be used exclusively to identify individuals with active arrest warrants and vehicles registered as stolen or subject to judicial restrictions, through integration with official databases such as the National Arrest Warrant Database. The bill requires that alerts generated by the system be validated by human officers before any police action and establishes algorithmic governance requirements, including periodic independent audits, public performance reports, and testing aimed at mitigating discriminatory bias.

BILL 391/2026

Proposes a regulatory framework governing the manufacture, commercialization, possession, use, and updating of humanoid robots in Brazil, introducing requirements related to algorithmic transparency, auditability, and mandatory safety mechanisms. The proposal requires manufacturers to provide the government with an auditable technical description of the robot's functional programming, prohibits hidden functions and unsupervised self-learning systems, and mandates safeguards such as emergency shutdown mechanisms, immutable logs of commands and actions, and unique identification numbers for each device. The bill also restricts the sale or transfer of humanoid robots to minors and legally incapacitated persons, requires buyers to complete a mandatory technical and ethical training course prior to acquisition, and subjects software updates or functional modifications to prior authorization from a federal authority. Additionally, it establishes strict liability for owners for damages caused by humanoid robots, provides for manufacturer liability in cases of design or programming defects, and introduces a new criminal offense for operating humanoid robots in violation of the law.

SUBSTITUTE BILL TO BILL 2688/2025

Originally intended to establish a broad regulatory framework for artificial intelligence in Brazil, this substitute was presented focused specifically on regulating the generation and dissemination of synthetic sexual content produced by AI systems. The proposal prohibits the creation of sexual content involving children or adolescents, even if they are not identifiable, and requires explicit consent for the generation of sexualized synthetic content involving identifiable adults. It also establishes obligations for AI developers and digital platforms, including clear labeling of synthetic content, traceability mechanisms, reporting channels, and removal procedures for unlawful material, while providing for civil liability and administrative sanctions in cases of non-compliance.

BILL 1152/2026

Proposes the creation of the National Policy for Digital Syndromic Surveillance and Rapid Response (PN-VSD) to enable early detection of outbreaks, epidemics and pandemics through automated monitoring of symptoms recorded in electronic health records. The proposal requires interoperability between public and private health systems and Brazil's National Health Data Network (RNDS), and provides for the use of artificial intelligence to analyze epidemiological data and support rapid public health response measures.

BILL 1130/2026

Proposes amendments to Brazil's Code of Criminal Procedure to limit the use of automated systems or artificial intelligence in the reasoning of judicial decisions. The proposal establishes that decisions generated through AI that replace the judge's personal analysis may be considered insufficiently reasoned and prohibits the use of such tools in drafting or supporting decisions in cases involving crimes against sexual dignity or crimes committed against children and adolescents, reinforcing the requirement for direct and individualized judicial assessment.

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