

11/16  
# 11

## Courts in Rio establish criteria for the collection of copyright royalties on the internet.

Por Aline Ferreira de Carvalho da Silva | [aline.silva@kasznarleonardos.com](mailto:aline.silva@kasznarleonardos.com),

**C**urrently, there is a relevant discussion on what may be considered as public performance, particularly with relation to streaming activities. While there is a pending case before the Superior Court of Justice (Special Appeal REsp 1.559.264) where it is discussed whether streaming services may be classified as public performances, the lower Courts are already having their saying in this matter.

In a lawsuit filed by Google against ECAD (the Central Office in charge of collecting royalties for musical public performances) and UBEM (an association of music editors), the 7th Business Trial Court of Rio de Janeiro has handed down a decision by which only livestreaming was considered to be a public performance, reason why Google has to pay royalties only for this category of streaming.

Moreover, as the parties disagree on the amounts to be payed as royalty fees, the Court also established that Google has to pay in favour of ECAD the equivalent of 1,075% of its revenue with advertisement in livestreaming. With regard to UBEM, the Court determined the percentage of 3,775% of Google's revenue with advertisement in livestreaming.

More than just fixing royalty fees, the decision has also underlined the duty of transparency in royalty collection by ordering Google, ECAD and UBEM to mutually exchange information on their respective collections of works in order to avoid double payment. Although the final decision on this matter is yet to be rendered by the Superior Court of Justice, this decision is another important precedent in favour of streaming services.

We shall keep you informed about the next updates of this subject. In case you need further information on this topic, our legal and technical teams are at your disposal in our offices of Rio de Janeiro, São Paulo and Porto Alegre, as well as the email [mail@kasznarleonardos.com](mailto:mail@kasznarleonardos.com).

Anderson Ribeiro |  
Cláudio Roberto Barbosa |  
Eduardo Colonna Rosman |  
Elisabeth Kasznar Fekete |  
Fabiano de Bem da Rocha |  
Filipe Leonardos | Gabriel Leonardos |  
Gustavo Barbosa | João Luis Vianna |  
Liz Starling | Nancy Caigawa |  
Rafael Lacaz Amaral | Ricardo Boclin |  
Ronaldo Varella Gomes | Tatiana Silveira |