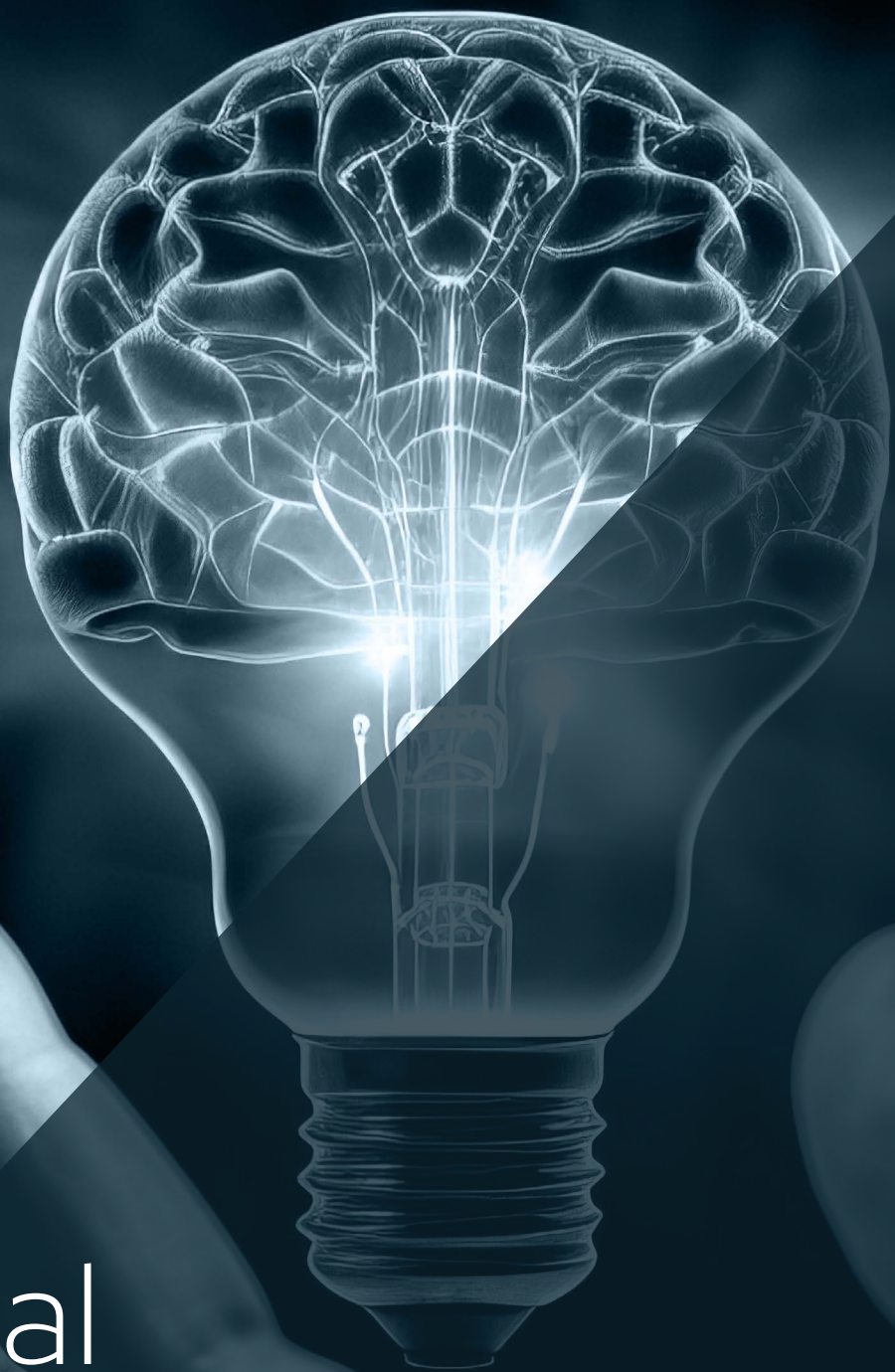


TozziniFreire.



Intellectual Property

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BRAZILIAN REALITY

Streaming legal framework: main points approved by the House of Representatives

On November 4, 2025, the House of Representatives approved the Streaming Legal Framework Bill, which has been submitted to the Brazilian Senate. The bill establishes a minimum quota of 10% for Brazilian works in streaming catalogs – with half of this quota reserved for independent producers – and grants a partial exemption to Brazilian platforms with revenues lower than BRL 350 million. Implementation will take place gradually over 6 years and includes obligations to highlight national content, free upload from public channels, and a minimum 9-week

window between movie theaters and streaming releases.

The new legal framework seeks to balance support for national production with new obligations and a transition period. However, sensitive issues remain, such as the new rates of “Condecine-Streaming” on the gross revenue of platforms, quotas, and an exclusivity window. The final regulation at the Brazilian Senate will be crucial to avoid competitive imbalances and ensure legal predictability for the audiovisual ecosystem.

BPTO publishes amendments to regulations on technology agreements

Please see more details [here](#) in a newsletter published by TozziniFreire on this topic.



COURT CASES

TJSP holds Netflix liable for misuse of trademark in documentary series

The Court of Justice of São Paulo (TJSP) ordered Netflix to pay BRL 150.000,00 for moral damages to Frimesa cooperative for the unauthorized use of its trademark in the documentary series “You are what you eat: A Twins’ Experiment.” In the episode, the company’s logotype appears on a billboard while the program discusses the environmental impacts of the meat industry and the deforestation of the Amazon Rainforest. For Frimesa, this insertion, without its consent, generated an improper association with negative environmental practices and affected its reputation.

Netflix claimed that the use of the billboard’s image took place in an informative context, protected by freedom of speech, and that the display of real billboards was a legitimate part of the documentary narrative. The judge-rapporteur of the case, however, understood that the scene exceeded the limits of fair criticism by linking the trademark to conducts in which the company does not engage, such as environmental damage activities, violating its image right. Consequently, he set the compensation and ordered the logotype

to be removed from the scene.

The decision shows that the unauthorized use of trademarks in audiovisual productions, especially in negative contexts, can be a violation of intellectual property rights and give rise to civil liability, reinforcing the need for caution and prior authorization in this type of insertion.

Case No. 1000563-30.2024.8.26.0068

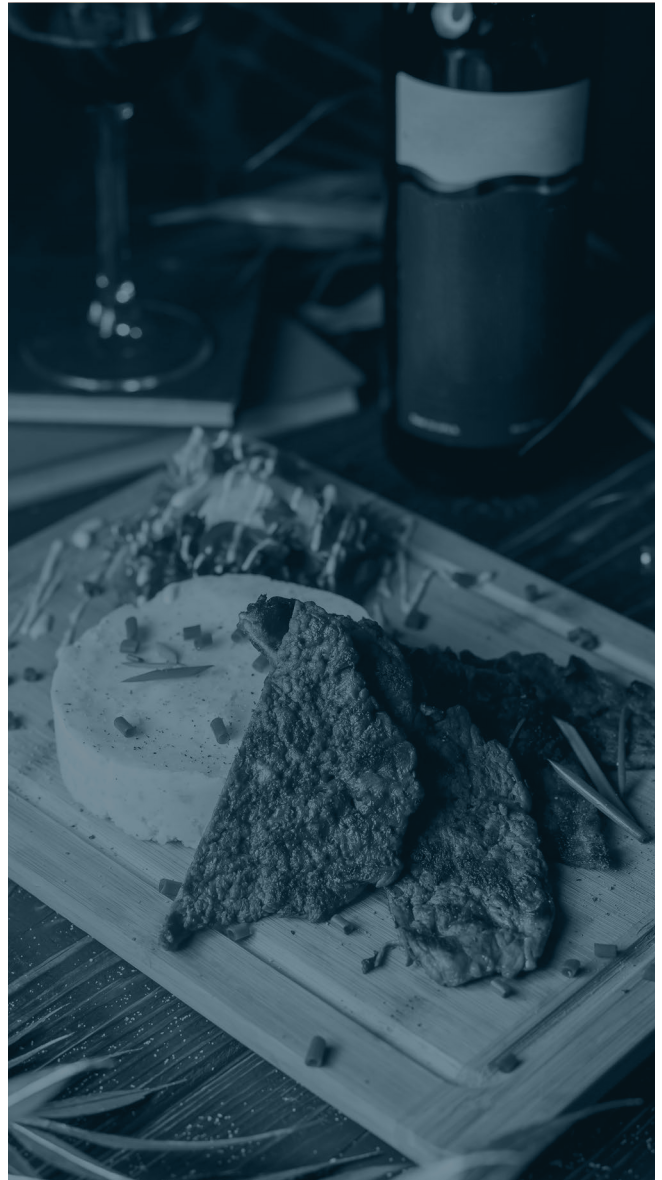


TJSP upholds prohibition on misuse of Outback's brand elements

São Paulo Court of Justice (TJSP in Portuguese) unanimously confirmed a decision prohibiting a restaurant in Amazonas from using elements similar to those of Outback brand, including the term "Steakhouse." Outback filed a lawsuit claiming violation of trademark rights and unfair competition, stating that the establishment not only adopted a similar name ("Outbroka") but also used a visual identity that may cause confusion among consumers. An emergency injunction was granted by the trial court, preventing the use of the distinctive signs.

Contrary to what the defense argued, the judge-rapporteur stated that the state courts have jurisdiction to judge cases of trademark infringement and unfair competition, without the need for intervention from the BPTO (Brazilian Patent and Trademark Office). The judge also emphasized that the reproduction of the signs in question constituted an attempt at parasitic exploitation of a well-known trademark.

Case No. 2067248-75.2025.8.26.0000



Intellectual Property dispute involves trade dress of competing switches

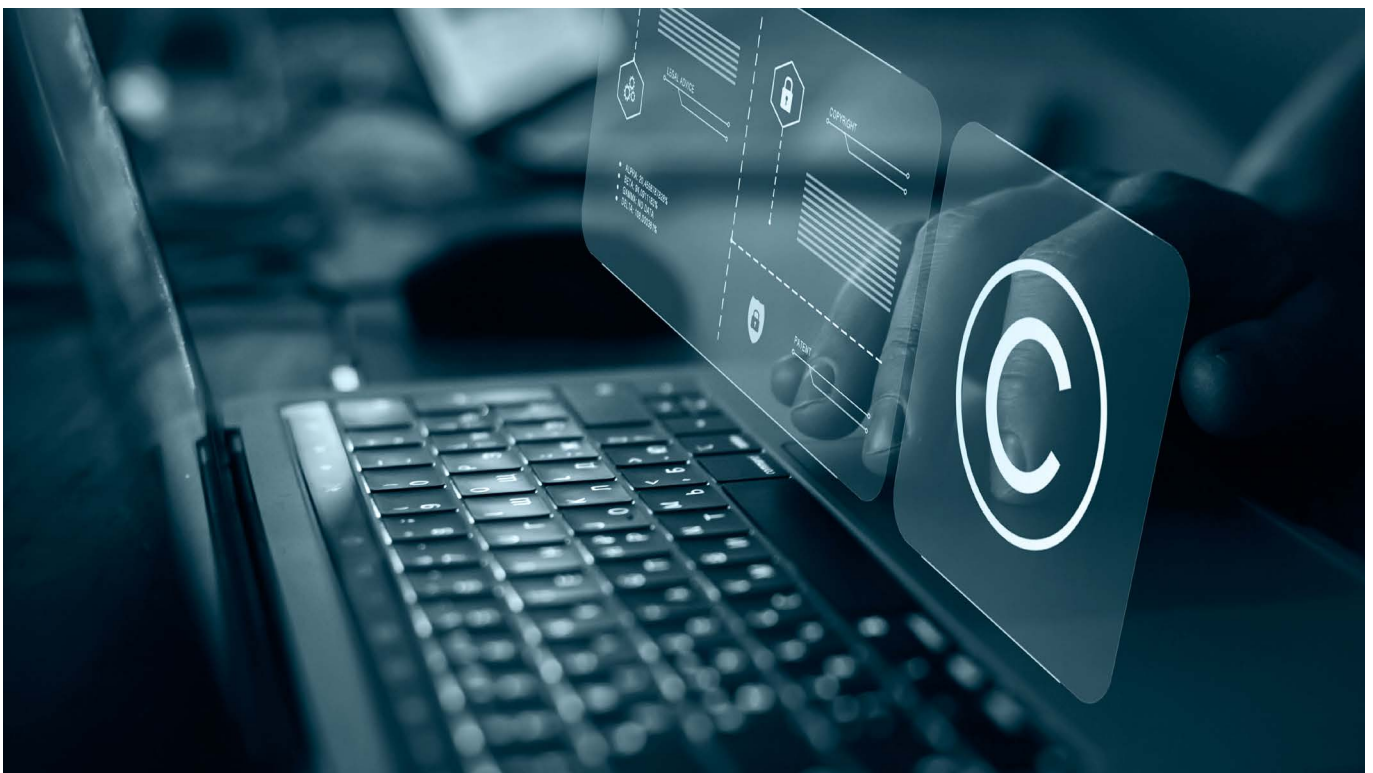
In October, JNX Comercial de Material Elétrico e Iluminação Ltda. appealed the judgment that found it liable in a lawsuit brought by NCG Indústria e Comércio Ltda. The defendant (JNX) seeks to reverse the decision that recognized trade dress infringement, misuse of trademark and unfair competition in the commercialization of the “Legacy” line of switches.

On the ruling dated of August, the judge understood that JNX’s “Legacy” line reproduces, in a relevant manner, the design and presentation of “Novara” line, owned by NCG, protected by industrial designs duly registered with the BPTO. Based on an expert report and the rules

against unfair competition, the court ordered the defendant to stop selling the products, to withdraw them from the market, to remove any advertisement using the plaintiff’s brand, and to pay compensation for property (pecuniary) and moral (non pecuniary) damages.

The case, which is still ongoing, illustrates the relevance of the combined protection of industrial design, trademark and trade dress to safeguard investments in product design and visual identity.

Case No 1038905-14.2024.8.26.0100



TJSP recognizes violation of Ferrari's industrial property in handmade replica

São Paulo Court of Justice confirmed the liability of a dentist, resident in the state of São Paulo, for the manufacture and attempted commercialization of a handmade replica of the F-40 model, recognizing violation of Ferrari's industrial property rights.

The judgement determined the defendant to refrain from producing, selling or advertising vehicles that imitated the automaker's design and ordered him to pay around BRL 42.3 thousand for material damages and loss of profits. However, the execution of the judgement was temporarily suspended after Ferrari did not locate assets that could be seized for the payment to be made.

The lawsuit was filed in 2019, when the automaker identified the advertisement for the replica built with improvised materials and offered for BRL 80 thousand. Ferrari claimed that the prototype reproduced characteristic elements of the original design without its authorization,

constituting an infringement of industrial design and misuse of the trademark. The defendant, in turn, claimed the project represented the fulfillment of a personal dream, with no commercial intention, and even filed a lawsuit for moral damages against the automaker, which was denied. For the judge, reproducing and attempting to sell a product that imitates a registered model constitute a violation of industrial property rights and unfair competition practice.

The case reinforces the breadth of protection guaranteed to industrial designs and trademarks in Brazil, which even reaches handmade productions. The decision shows that manufacturing and advertising replicas of iconic products, even if justified by personal interests, may result in civil liability and seizure of the reproduced works, demonstrating the need for caution in the use of protected creations.

Process No. 1001519-17.2019.8.26.0102.



IP ABROAD

Agreement between Getty Images and Perplexity expands legal access to images with artificial intelligence

Getty Images and Perplexity have signed a multi-year agreement allowing Perplexity's Artificial Intelligence (AI) search and discovery platform to access Getty's licensed images. This partnership illustrates a growing trend among AI startups and digital platforms to establish licensing agreements in order to generate new sources of revenue while ensuring the protection of their intellectual property. Through an Application Programming Interface (API) integration, Perplexity users will be able to access high-quality visual content, with proper attribution and inclusion of links to sources, thus promoting the legal and appropriate use of licensed images, in accordance with Brazilian copyright laws.

This agreement comes at a time when the use of copyrighted content by AI companies has been drawing increased attention and led to a rise in litigation, as evidenced by the fact that Getty has already sued other companies for illegally extracting its images. Despite the legal challenges faced by these organizations, including copyright infringement lawsuits, the adoption of licensing models can be an effective strategy to mitigate legal risks and ensure adequate compensation for rights holders. It is worth noting that such partnerships not only promote more responsible access to content, but also protect the rights of creators, creating a safer environment for innovation.





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