



# Chapter 1- Brazil Hot Topics in IP 2025: Anti-counterfeiting and Online Brand Protection

**Montaury Pimenta, Machado & Vieira de Mello**

**Brazil** | March 3 2026

## **Anti-counterfeiting - New Interpretation of Brazilian IRS Reduces Costs, Increase Predictability, and Strengthens Enforcement**

*New guidance standardizes procedures, reduces costs, and prevents the improper release of counterfeit goods.*

For years, anti-piracy efforts in Brazil were hindered by an internal divergence within the Federal Revenue Service (RFB). When faced with suspicious shipments, some customs auditors applied the administrative procedure, while others required the trademark owner to file a lawsuit in order to maintain the detention of the goods.

These two coexisting, uncoordinated interpretations created an environment of deep unpredictability. For sectors facing large-scale counterfeiting, the lack of uniformity resulted in significant operational losses and widened the competitive advantage of criminal groups exploiting systemic gaps.

The publication of Interpretative Declaratory Act No. 3/2025 — symbolically released on Brazil's National Day Against Piracy and Biopiracy — resolves this distortion. The Act states that counterfeiting harms legally protected interests of a public nature and that, therefore, the Federal Revenue may carry the administrative procedure through to forfeiture even without judicial intervention, provided that the rights holder submits technical evidence indicating the infringement.

For victims of this crime and for professionals working in the field, the change is historic. It made little sense for anti-piracy enforcement to depend on the victim's financial ability to sustain judicial measures that should be the exception, not the rule.

The new Act also responds to a longstanding demand from the legal community dedicated to intellectual property protection. Brazil needed a uniform interpretation capable of treating identical situations consistently and providing legal certainty to importers, rights holders, and to the State itself.

This modernization brings Brazil closer to models adopted in the European Union and the United States, where customs authorities conduct most seizures administratively, relying on technical reports and information provided by rights holders. This approach is more efficient, less costly, and prevents dangerous products from entering the market.

By standardizing procedures, the Federal Revenue eliminates an interpretative asymmetry that previously benefited operators of counterfeit goods. And by recognizing the public-interest relevance of counterfeiting, it modernizes the State's position and aligns it with international best practices.

Brazil now stands before a reform that lowers costs, increases effectiveness, and restores rationality to the oversight process. In sectors such as electronics, toys, and auto parts — highlighted by the National Forum Against Piracy as leaders in seizures — the resulting procedural predictability is expected to have an immediate

impact on reducing the flow of illegal goods.

Ultimately, the Act marks a new era of coordinated action between the private sector and the State. A change that arrives late, but certainly at the right moment.

### **Online Brand Protection in Brazil: Legal Strategies Against Fraud and Impersonation**

Recent data indicate that Brazil recorded nearly 7 million attempted digital fraud incidents in the first half of 2025, representing close to a 30% increase year-over-year, with an estimated 78% of these attacks occurring through social media environments.

This surge has transformed social platforms and payment providers into primary vectors for brand-related abuse, thereby prompting trademark and copyright owners to pursue coordinated takedown and blocking measures beyond traditional marketplaces and domain registrars.

Importantly, these scenarios often also implicate Brazilian personality rights (direitos de personalidade); legal protections afforded to an individual's name, image, voice, likeness, and identity attributes, which can provide an additional enforcement basis where impersonation, fake endorsements, or AI-generated content is involved.

A high-profile illustration emerged in late 2025, when Brazilian authorities dismantled a criminal operation that used deepfake videos of public figure Gisele Bündchen in Instagram advertisements to promote fraudulent offerings and collect illicit payments, reportedly generating millions in proceeds before intervention. The case highlights how modern brand abuse increasingly converges elements of impersonation, social media amplification, and payment processing, reinforcing the need for multi-channel enforcement strategies that extend across platforms, financial intermediaries, and digital infrastructure, and that leverage not only IP rights but also personality-rights arguments when identity misuse is central to the harm.

**Montaury Pimenta, Machado & Vieira de Mello** - David Fernando Rodrigues and Yuri Fancher Machado

Montaury Pimenta, Machado & Vieira de Mello is a Leading Brazilian Intellectual Property (IP) law firm, distinguished for its work in complex IP Litigation, IP Prosecution, and Enforcement. Click here to learn more about the firm <https://www.montaury.com.br/en/>

Powered by

**LEXOLOGY.**

#### **Resources**

Daily newsfeed | Panoramic | Research hubs | Learn | In-depth | Lexy: AI search | Scanner |

Contracts & clauses

#### **Lexology Index**

Find an expert | Reports | Research methodology | Submissions | FAQ | Instruct Counsel |

Client Choice 2025