Bills Addressing the Regulation of Digital Platforms and AI Technologies with Implications for Journalism

Introduction

The breakthrough of Artificial Intelligence and the growing influence of digital platforms in society have driven the need for a more robust regulatory framework in Brazil.

The evolving role of digital platforms has created a challenging environment for journalism, characterized by dependency, power asymmetry, and a lack of transparency. The crisis in the traditional business model and the difficulty in finding sustainable financing alternatives have led to a search for new interaction models between digital platforms and journalism enterprises, such as compensation for using journalistic content and establishing support funds for the sector.

Several bills are currently under consideration in the Brazilian National Congress, aiming to establish clearer rules for these technologies and their impacts, particularly in the journalism sector.

The Momentum – Journalism and Tech Task Force outlines below the main bills under discussion in the Brazilian Congress and their relevance to journalism

PL 2630/2020

Author: Alessandro Vieira (Senator from "Cidadania")

Commonly referred to as the "Fake News Bill," this proposal addresses issues such as holding digital platforms accountable for illegal content, combating disinformation, and protecting privacy. It establishes norms, guidelines, and transparency mechanisms for social media and private messaging service providers in order to ensure safety and broad freedom of expression, communication, and thought.

Although it has a broader focus, this bill has direct implications for journalism, as it seeks to strike a balance between freedom of expression and the need to curb the spread of disinformation. It proposes mechanisms for identifying such content and requires greater transparency regarding how algorithms promote it.

Furthermore, a provision introduced through a substitute bill requires digital platforms that distribute journalistic content and derive revenue from it to compensate the companies responsible for producing that content. While such remuneration could represent a new source of revenue for media outlets, contributing to a more financially sustainable media environment, the provision offers little guidance on how this would be implemented in practice, failing, for instance, to address discussions about allocating funds to independent outlets or compensating professionals involved in content production.

Status: Approved by the Senate; ready to be placed on the agenda of the Chamber of Deputies.
The bill is currently under review in the Chamber of Deputies, with numerous amendments and ongoing debates surrounding its more controversial points.

The proposal came close to a vote on several occasions but ultimately fell off the legislative agenda in 2023, mainly due to lobbying by digital platforms. It included, among other strategies, targeted pressure on specific Congressional groups and even an advertisement against the bill appearing within Google's search engine.

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PL 4255/2020

Author: Angelo Coronel (Senator from "PSD")

This bill proposes an amendment to the Brazilian Copyright Law (Law No. 9,610/1998) to ensure that press publications, when made available by internet application providers, are adequately remunerated. The primary motivation is to address the lack of fair compensation for journalists and media outlets whose content is used by major internet platforms, such as news aggregators and social media networks, that profit from advertising.

The bill stipulates that internet providers must pay copyright holders (journalists and media outlets) for any use of their content on digital platforms when such use is organized and profit-driven. If providers ignore notifications to pay or remove unauthorized content, the bill allows joint liability for any resulting damages.

By ensuring that media outlets receive adequate compensation for the use of their content on digital platforms, the bill has the potential to strengthen professional journalism in Brazil. Its provisions could foster a fairer and more sustainable environment for journalism, offering financial resources for producing public-interest content, an essential element for democracy, and to counter disinformation.

Status: Under consideration in the Senate

PL 1354/2021

Author: Denis Bezerra (Federal Representative from "PSB")

This bill proposes amendments to Brazil's Civil Rights Framework for the Internet (Marco Civil da Internet – MCI) to strengthen national journalism and combat disinformation. It aims to ensure greater plurality and diversity of news coverage and to promote a non-discriminatory treatment policy for traditional media outlets, such as newspapers, magazines, radio, and television, across both physical and digital environments.

The bill values journalistic production by requiring digital platforms to promote national, regional, and local journalistic content. It also seeks to ensure fair compensation of both traditional and independent media companies for their content, which is distributed online by major platforms such as Google and Facebook.

Inspired by Australian legislation, this bill imposes rules requiring large digital platforms to share a portion of their advertising revenues with journalistic organizations. The objective is to mitigate these platforms' negative economic impact on journalistic initiatives, which have been steadily losing advertising revenue to digital intermediaries. In doing so, the bill aims to rebalance the relationship between journalism and digital platforms, ensuring the sustainability of news organizations in an increasingly digital environment.

Status: The bill has been approved by the Chamber of Deputies' Committee on Communication and will now be reviewed by the Committee on Constitution, Justice, and Citizenship (CCJ). The approved text is a substitute version presented by the rapporteur, Federal Representative Gervásio Maia (PSB–PB), to Bill 1354/21. The rapporteur modified the original text to incorporate measures from related bills (PLs 1586/21, 2950/21, and 78/22).

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PL 2338/2023

Author: Rodrigo Pacheco (Senator from "PSD")

This bill establishes general rules for the development, implementation, and use of Artificial Intelligence systems in Brazil. Its objective is to ensure the responsible use of AI, protecting fundamental rights and guaranteeing the deployment of safe systems to benefit individuals, the democratic regime, and scientific and technological progress.

This bill guarantees the right to transparency and explainability of automated decisions, the ability to contest impactful decisions, and protection against direct or indirect discrimination through AI systems.

It categorizes risks associated with AI systems into low, high, and unacceptable levels, with high–risk systems, such as those used in healthcare and public safety, subject to stricter governance requirements. It also prohibits the use of AI in applications that exploit human vulnerabilities or create illegitimate social rankings.

The bill requires AI providers or operators to repair damages caused, applying strict liability in high–risk cases. It also establishes administrative sanctions, such as fines and activity suspensions, for violations of the established rules.

Regarding journalistic activities, this bill considers that the automated use of works, such as extraction, reproduction, storage, transformation, and data and text mining processes within AI systems, by organizations and institutions dedicated to research, journalism, museums, archives, and libraries, does not constitute copyright infringement.

This exemption is conditional on limiting the use of these tools to what is necessary, not harming the economic interests of copyright holders, and not competing with the normal exploitation of the works.

Status: The bill was approved in the Senate and is now being processed in the House of Representatives. On May 20, a Special Committee was established to review the bill, chaired by Federal Representative Luisa Canziani (PSD–PR).

PL 759/2023

Author: Lebrão (Federal Representative from "União Brasil")

This bill proposes to regulate Artificial Intelligence systems in Brazil by establishing guidelines for their application. The project aims to ensure legal certainty for investments in research and technological development, and promote innovation in digital platforms, robots, and machines that use AI, within ethical boundaries and respecting human rights.

It sets social and property protection limits, ethical and moral standardization, promotes sustainable development, encourages international cooperation, and supports the training of AI professionals. The bill mandates that all research and projects involving AI must undergo review by regulatory bodies.

This bill may impact journalism in several ways, particularly regarding the production and distribution of digital content. With its focus on transparency and ethical control of AI, journalism could benefit from more reliable and secure algorithms, ensuring that information is disseminated fairly and accurately. Furthermore, the privacy and personal data protection measures could help media outlets provide greater user security.

In March, the House Presidency decided to merge Bill PL 526/2025, proposed by Marx Beltrão (Federal Representative from "PP"), with Bill 759/2023.

Status: Awaiting the rapporteur's opinion in the Science, Technology, and Innovation Committee (CCTI) of the Chamber of Deputies.

PL 2370/2019

Author: Jandira Feghali (Federal Representative from PCdoB)

This bill proposes significant amendments to the Brazilian Copyright Law (Law No. 9,610/1998), addressing issues such as the protection of intellectual works, the role of internet platforms, and the management of copyright. A central element of the proposal is to regulate the use of copyrighted works on digital platforms, enhancing internet providers' liability for content shared without rights holders' permission.

According to the bill, content reproduction in the press must be limited to informational news and include acknowledgment of the original authors and publications. On one hand, this ensures greater protection for creators; on the other, it may also restrict the use of materials in journalistic reports.

Platforms that allow third-party content publication (such as social networks and sharing websites) could be held accountable for failing to remove protected works, creating a notice-and-takedown system. For journalism, this may present challenges in using content such as excerpts of works and videos in news stories, demanding greater editorial control.

The proposal also introduces the obligation for digital platforms to remunerate rights holders when their works are used online. In the journalistic context, this could complicate the use of audiovisual materials in reports and newscasts, as it would require licensing negotiations and additional payments.

These changes suggest a scenario of greater control over copyright, which may protect content creators and ensure fairer remuneration, but may also bring operational difficulties for media outlets that use protected content, especially in digital environments.

Status: Awaiting the rapporteur's opinion in the Communications Committee (CCOM) of the Chamber of Deputies.

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