



UPDATING THE UNITED NATIONS GUIDELINES FOR CONSUMER PROTECTION FOR THE DIGITAL AGE



CONSUMERS INTERNATIONAL

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FOR THE DIGITAL AGE



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About Consumers International (CI)

We are the global campaigning voice for consumers. Established in 1960, CI is the world federation of consumer rights groups. With over 240 member organisations spanning 120 countries, we serve as the only independent and authoritative global voice for consumer rights. We are a registered UK charity.

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About Idec

INSTITUTO BRASILEIRO DE DEFESA DO CONSUMIDOR (Brazilian Institute for Consumer Defense) (Idec) is a Brazilian non-profit consumer's organisation, founded in 1987. Idec's mission is to promote education, awareness, protection of consumer rights and ethics in consumer relations, with full political and economic independence. It has no ties with any corporations, governmental entities or political parties. Idec's meta-mission is: to help ensure that all citizens have access to essential goods and services and to social development, sustainable consumption, the planet's health, and consolidation of democracy in Brazilian society. For Idec, the concept of consumer is not restricted to those who participate in the market, exercising their purchasing power, but also covers those who cannot access essential goods and services due to lack of purchasing power.

Idec conducts studies and research, promotes campaigns, mobilises public opinion and pressures companies and governments to improve consumer relations in the country. It also participates in national and international forums that define public policies in the area of consumer relations. It publishes a monthly magazine, *Revista do Idec*; information on its website (<http://www.idec.org.br>); and numerous other publications. Furthermore, it presents and tracks legal procedures to defend the collective and diffuse interests of consumers in general and of Idec's members.

Idec is a member of the Brazilian Internet Steering Committee (<http://www.cgi.br/>), as one of the four representatives of civil society, and participates in other important instances of consumers' representation in this field. The monitoring and intervention activities conducted by Idec on a regular basis are part of a broader strategy for political intervention. The strategy aims to coordinate

actions to press decision-makers, to defend and represent the consumers' rights and interests, to produce information, to provide training, to intervene in the media, and to coordinate and mobilise the consumer movement. All of these activities are orientated by Guidelines developed from research on each of these issues: food, health, public services (telecommunications, electricity and water and sanitation), Internet, access to knowledge, quality and safety of products and services, banking services, education on consumption. Sustainable consumption, international trade, and corporate social responsibilities are cross cutting issues.

Idec has worked nationally and internationally on the issue of copyright from the consumers' point of view. With the support of Consumers International, the Ford Foundation and the Open Society, Idec develops projects to debate the issues and to foster consumer awareness with regard to copyright. Through its advocacy, Idec helps to consolidate improvements in Brazilian law to reach a balance between recognition of the author and access to cultural heritage.

Idec is a Full Member of Consumers International, a federation that brings together more than 240 consumer organisations that operate worldwide. It is part of the National Forum of Civil Entities of Consumer Defense which is designed to strengthen the consumer movement throughout the country; Abong - Brazilian Association of NGOs; and thematic networks such as FBOMS (Brazilian Forum of NGOs and Social Movements for Environment and Development), REBRIP (Brazilian Network for the Integration of Peoples, and the Front for the Restriction of Advertising of Unhealthy Foods to Children.

Online music and film market in Brazil and CI amendments

Over the past three years, Idec has developed extensive research in the fields of online music and film market in Brazil, from the standpoint of consumer protection and access to knowledge. These investigations resulted in reports and two articles, published in Idec's magazine (*Revista do Idec*): *Serviço Desafinado* (Out of Tune Service), April 2011, and *Tempos Modernos* (Modern Times), April 2012, aimed at raising consumer awareness about problems related to these markets in Brazil. The results of the research are closely related to several of the CI amendments and serve as very concrete arguments towards its adoption.

Among all the amendments proposed, those that can be grouped under the following themes are directly related to the Brazilian online cultural market, as evidenced by Idec's works:

- a) Right to information, transparency and clarity;
- b) Standard contracts;

- c) Interoperability;
- d) Right to culture and education;
- e) DRM (Digital Rights Management);
- f) Parity with offline world;
- g) Personal information; and
- h) Global and regional inequalities and access to Internet.

The amendments relate also to the themes of education regarding these items and consumer rights in general, as well as net neutrality. These themes are only indirectly related to the results of the research, and will be discussed within a political framework in this paper.

a) Right to information, transparency and clarity

Many of CI's proposed amendments to the UN Guidelines for Consumer Protection are aimed at advancing consumers' rights regarding access to information as well as transparency and clarity regarding the nature and details of the services provided and the service provider. In this sense:

- New item 66 asserts that digital consumer protection should be no less transparent than that applied to other forms of commerce, from which formulation can be inferred that compensating provisions in national legislations may be applicable.
- The addition to item 26 ensures that consumers are protected from "the use of unnecessarily long or complex wording in contracts, variations of additions to the terms of use of a product or service to which the consumer does not readily agree".
- New item 67 emphasises the importance of information regarding identification of the business, effective channels of communication with consumers, effective resolution of disputes, and clear information about terms, conditions and costs of a transaction, so as to enable the consumer to make informed decisions as to enter it or not; new item 68 relates to being able to correct the transaction and keep a record of it.
- The addition to item 30 foresees that, in the case of digital content products, the free flow of information between concerned parties should be applied to DRM, when present, and interoperability; new item 11 suggests the need for transparency when it comes to the collection of personal data.
- New item 68 relates to sufficient information regarding the products and the possibility of correcting the transaction and keeping a record of it; the addition to item 16 provides that safety information is conveyed "including via the Internet".

A closer look at the online music and film markets in Brazil reveals that, in the past two years, most of these provisions were overseen by content providers. Although general consumer protection provisions are readily applicable to digital markets, there seems to be a need for clearer and more detailed rules when it comes to a market in which terms and conditions are the main instrument of contact between the parties.

In the online film market, for instance, Idec's research in 2012 identified that, of the four biggest companies in the field, three of them did not clearly and sufficiently convey information in their respective standard contracts; one of these companies did not provide the terms and conditions until the service was contracted; and another, which also offered physical film rental, did not offer a contract for the digital service. Two of these companies practiced misleading advertising as to their services, promising unlimited access when restrictions actually apply, and publicising a deceptive catalogue size.

One of these companies explicitly stated that terms and conditions, including those that describe the services, could be unilaterally altered, without the consumer's consent; two of them presented a grave absence of identification of the business, and one of them did not even provide a communication channel for consumers.

Research from 2011 looking at the music market revealed that out of three content providers, two made their terms and conditions available only when consumers completed the transaction; two did not provide identification information on their homepages; and one did not provide a telephone number for communication with customers. None of the companies provided any information as to possible procedures if the customer faces any problems with the service.

The current abuses practiced by content providers could be avoided by a proper legal framework that complied with CI's suggested amendments.

b) Standard contracts

CI's amendments address consumer rights relating to standard contracts, taking into consideration that, in digital enterprises, these unilaterally-built instruments are generally the only contact the consumer has with the conditions of the transaction and the only place where he can find information as to liability, terms of use and how to proceed in case of problems. The amendments regarding this issue are:

1. Addition to item 26, providing that one-sided standard contracts are adequately short and clear, and that they aren't modified without express agreement by the consumer (see also new item 67 about pre-contractual information to be given in online transactions).

2. New item 28 which states that these contracts should not prevent consumers from exercising their rights as expressed by limitations and exceptions to intellectual property laws (also expressed in a different wording by new item 70).

In fact, Idec's research about the digital film market points out several problems with regard to the enterprise's standard contracts. One of the four companies studied in the research provides a contract that, based on United States law, disrespects basic rights provided by Brazilian consumer's legislation and is considered, therefore, abusive. Two of the companies do not offer easy access to their contracts; one of them actually only provides the contract once the consumer has contracted its services, and the other regulates its physical rent service but not the digital service. One of the enterprises allows for unilateral modification of the clauses (on the side of the enterprise), including for restriction of the service, without the consumer's consent – an abusive situation that the CI amendments address through the new wording of items 26 and 67. Three of the companies actually predict unilateral termination in case of any alleged violation of copyrights. Considering that the terms of use of these services do not respect exceptions and limitations provided by Brazilian law, as will be discussed later on in this paper, this termination could be abusive and limit uses that would otherwise be permitted. This situation is exactly what items 28 and 70, added to the UN Guidelines, would address.

In the online music market, a few problems regarding standard contracts were also revealed. One of the services obliges the consumer to contract a monthly plan, even though the object of the transaction is the sale of one single song. Another service offers an "opt out" checkbox for authorising marketing from the service and its partners, a practice considered to be unfaithful and to not sufficiently convey informed decisions. These and other abusive clauses which will be specifically discussed in this paper make the case that companies should be obliged to be clear, faithful and straightforward in their standard contracts.

c) Interoperability

When it comes to consumer rights relating to digital cultural goods, one of the most specific and important principles to be observed is interoperability. Since digital goods must run on specific equipment and software, it is an absolute precondition that the consumer is free to choose between all the available options, including, particularly, free and open software. Any limitation to the possibilities of enjoying the product can be considered a contemporary equivalent to tying sales.

In the CI amendments, new item 71 suggests that governments use and support the development of open and interoperable standards for digital content products, thereby preventing interoperability problems. Suppliers of content who host content should also

allow for extraction of that content from their host, also using open formats and protocols.

In Brazil, the digital film and music providers are far from offering products that abide with the principle of interoperability. All companies analysed with regard to their digital film limit their services to specific televisor brands or specific operating systems when it comes to watching movies on a personal computer. Only one of them provided interoperability with Linux, but it limited its television service to three brands. When it comes to digital music providers, the three services offered formats only compatible with Microsoft products.

This context demands a better protection of the principle of interoperability, which can be better achieved by a systematic support of open standards.

d) Right to culture and information

The right to access to culture and information underlies all CI amendments to the UN Guidelines. To be concise, the Access to Knowledge movement, as embraced by Idec, understands that recent changes in the fruition of cultural and educational goods due to the growth of the Internet and other information technologies provide for unprecedented possibilities of advancing human rights related to information, but the full consummation of these possibilities is being menaced by restricting laws and technologies.

The CI amendments propose that the rights to participate in cultural, civic and educational affairs are included in the very objectives of the UN Guidelines (Item 1), thereby demonstrating that, in an information society, consumer protection must care for a policy for informational goods. This is reinstated in the inclusion of item (h) to the legitimate needs which the Guidelines should meet (Item 3), with the following wording: “access to knowledge; that is, more equitable public access to the products and tools of human culture and learning”. Many of the amendments are directed to protecting these rights, but we could point to specific ones:

- New item 6 foresees that “policies for the enforcement of rights over digital content products should seek to strike a fair balance between the object of creativity and investment in the provision of those products, with the cultural, civic and educational rights of consumers and their needs for economic and social development”.
- The addition to item 14 guarantees that regulations for consumer protection should be consistent with “international principles that protect human rights and social, cultural and economic rights of all people”.
- Existing rights of accessing culture and knowledge should not be restricted by digital management technologies (DRM), as stated in new item 27, nor by standard contracts and licenses, as stated

in new item 28. Consumers must also be provided with the right to bypass technical protection measures in case their existing rights are being restricted (new item 70).

This paper has already pointed out that, in Brazil, digital services in general oblige consumers to agree to a clause stating that the service can be terminated in case of any supposed violations of copyrights. The standard contracts usually prohibit any copying of the digital products, especially when services are provided by streaming. From that we can infer that even legitimate copies would be considered by the service as a violation of either copyrights or the terms of use. It is also very common that, when goods can be downloaded, DRM provides that the goods can be reproduced in a limited number of devices, or that they are disabled after the termination of the contract. These are unjustifiable provisions and put consumers of digital goods at a disadvantage to consumers of physical goods, as will be explored ahead.

Although content industries are trying to build a discourse that promotes the idea that informational goods are less protected because of information technologies, these technologies are in fact allowing that these existing rights are restricted, and that all sorts of consumer access are controlled by providers. This is a strong statement for amending the UN Guidelines for Consumer Protection so that user rights are reinstated.

e) Digital Rights Management

Building on the previous points herein discussed, it is a matter of course that digital rights management (DRM) technologies should not be allowed to restrict legally established rights. Where the legislation allows for limitations and exceptions to copyrights, for instance, a technology would not be allowed to eliminate them, establishing an artificial and unjustifiable imbalance in the relationship between content producers and users. The following CI amendments relate to this issue:

- New item 27 states that “governments should restrict suppliers of digital content products and services from employing technologies that have a significant effect of preventing consumers from using those products or services in ways or for purposes that would otherwise be reasonable, lawful and safe”.
- Addition to item 30 suggests that governments encourage all concerned to participate in the free flow of accurate information, including “the effect of any applicable technical protection measures”.
- As previously indicated, new item 70 recommends that governments should allow consumers to “bypass technical protection measures applied to them” in case they see their rights restricted.

All four digital film providers researched by Idec restricted downloading of films to a limited number of devices, and had measures for locking the files after the contract had expired, even though the films had been legally bought. All of them have measures against copy and reproduction, although certain copies and reproductions are allowed by copyright legislation. As to the digital music sector, two out of the three researched companies used DRM to limit the number of possible copies to three, while one of them used it to prohibit copying in absolute. Two of them block downloaded songs after the contract expires. With such measures, the consumer is tied to the provider, and is placed at a disadvantage in comparison with those consuming film or music via physical media.

f) Parity with offline world

Some CI amendments seek to raise the protection of digital goods consumers to the level of protection granted to consumers in the offline world. This might mean creating specific provisions so as to establish equality between differing situations. These amendments are:

- Addition of letter (j) to the item 1, establishing that one of the objectives of the UN Guidelines is to “promote parity in the treatment of consumers of online or digital products or services, and similar products and services provided in offline or analogue form”.
- Addition to item 30, determining that governments encourage free flow of information also “in the case of digital content products”.
- New item 66, regarding electronic commerce, stating that “Consumers who participate in electronic commerce should be afforded transparent and effective consumer protection that is not less than the level of protection afforded in other forms of commerce”. All provisions under new section “Electronic commerce and digital products and services” seek to promote parity with the offline world, determining that businesses engaged in e-commerce must provide adequate information regarding identification and resolution of problems and disputes, as well as sufficient and accurate information as to the goods and services offered, since making informed decisions might be more challenging when dealing online.
- Item 70 states that “digital content products should be offered on terms equivalent to those sold in other formats, unless the consumer is clearly informed that different terms apply. This includes the normal incidences of product ownership, such as permanent possession, privacy of use, the ability to gift or resell such goods together with all of the rights with which they were first sold, and the ability to lend or perform them within

a family, household or similar limited circle". This means that governments should allow consumers "to time, space and format shift digital content products, to mail temporary copies of them, to bypass technological measures applied to them".

A clear point has been made regarding digital film and music markets in Brazil as to how user rights are restricted in comparison with regular offline transactions. The idea that a legally bought product could stop functioning after a certain period, or that its functions could be remotely frozen because of a unilateral suspicion of copyright infringement, would be unthinkable a decade ago, and is unthinkable when it comes to physical products. The very idea of ownership is being challenged by this disparity of treatment between online and offline situations. It is, therefore, essential that national regulators understand the need to extend protection to online transactions, interfering in what can be a very unfair system toward the consumer.

g) Personal information

Another problem with online consumer relations is that it has the potential of exposing the consumer excessively when it comes to personal data. Not only is the consumer of digital services and products obliged to reveal many different sorts of personal identification to perform a simple transaction, but also online transactions expose the consumer to tracking and storing of shopping and navigating patterns. Further, there is no clear policy on data protection nor third-party targeting. At the same time, some information such as details about past transactions might be of interest to the consumer, and should therefore be protected against loss.

CI amendments address these matters as follows:

- Addition of letter (i) to item 1, so that one of the objectives of the UN Guidelines is to "safeguard consumers against the collection, use, disclosure or loss of their personal information without their consent".
- New item 69 states that "consumers should be provided with easy-to-use, secure payment mechanisms and information on the level of security such mechanisms afford".
- New item 11 determines that "Governments and businesses should ensure effective consumer control of personal data", that collection of personal data should be by consent of the consumer only when strictly necessary, and that such "personal data should be protected against unauthorised use, and in any event, its use should be minimised". Consumers are to be notified of any personal data breach and offered redress.

When it comes to observing current practices in the Brazilian market regarding personal information, Idec's research about digital film services identified that one of the four analysed businesses

had no policy whatsoever as to security and privacy of personal data. It used its service's standard contract to try to waive liability regarding loss of users' data, and to determine that any information disclosed by consumers on social networks that relates to the service might be used for "improving" the service, using very general language. The same company declared that it used cookies and "a variety of other technologies" to collect "information about how users interact with the service". The type, amount or exact destination of the data was not revealed. The use of cookies was also declared by two other services neither of which provided further information as to what data is collected and processed; one of them also declared that the information could be transferred to third parties.

As to the online music sector, one of the three companies in the research made participation in their service dependant on a login to other services, eg, Facebook or Windows Live ID. This practice associates the transaction with a load of other personal information about the consumer which they were not necessarily knowingly sharing.

Clear and detailed information as to the quality and amount of data collected, as well as details of its storage and usage, is essential to allow consumers to make informed decisions about whether or not to contract a service or product. Several business models are based on commercialising users' personal information with users unaware of how much data they are actually sharing. Few countries have adopted data protection policies; the CI amendments would be an important influence and build a common discourse.

h) Global and regional inequalities and access to Internet

Underlying these problems is the reality of the digital divide, which is often a fact even inside the borders of a nation. CI amendments address the issue:

- New item 49 determines that governments "facilitate universal access to the Internet through affordable telecommunications".
- New item 48 foresees that "government policy should promote the creation, dissemination and preservation of content in diverse languages and accessible formats, including local content suited to domestic or regional needs".

In fact, the online film market research evidenced that, out of the four analysed companies, three established a broadband speed which is superior to Brazil's average, meaning that access to these services is restricted to a minority who can afford the conditions imposed. It was also observed that there was an enormous disparity between the international and Brazilian catalogues in the only example of a multinational company that restricted titles in its Brazilian service. This disparity was also observed in the prices

in the online music market wherein the national content providers charged much higher prices than the multinational services.

Political context: Copyright Law Reform

The research on the Brazilian digital markets was used to inform the draft of the amendments to the UNGCP. However, the strategies adopted to develop these amendments were also informed by Brazil's current political context, so that they are able to produce effective change within the country. The goals of the amendments are the same as Brazil's main goals with regard to access to knowledge and consumers' defence in the information society, ie, the Internet Regulation Framework ("Marco Civil da Internet"), and the reform of copyright law. These are all areas on which Idec has campaigned in recent years. IdecThe status of each is discussed ahead.

In Brazil, copyright is ruled by law 9.610, 1998 (Copyright Law). Since its implementation, this legislation has remained unchanged in spite of new demands for access to culture and knowledge, new opportunities arising from technological innovations, and increasing use of the Internet. There is ongoing reform of copyright law since 2004 when a long process was started by the Ministry of Culture, which, since 2007, conducted debates, public hearings, and organised two public consultations on the Internet (2010 and 2011) with input from various organisations working in this area (Idec was among them). Innovations in the resulting project included legalising private copying, interoperability and important limitations and exceptions to copyright.

In 2012, the process was discontinued by the Ministry of Culture, due to a change in leadership in the beginning of that year. No further information about the status of the official discussion was revealed. On 3 September 2012, Idec organised a workshop for the Network for the Copyright Law Reform, bringing together 22 people representing 18 organisations to discuss: (i) the political context of copyright law; (ii) a draft bill being processed in the House of Representatives; and (iii) networking strategies, among which were CI's amendments to the UN Guidelines. It was an important opportunity for reactivating a civil society network that had been dismantled by the discontinuance of the process, and to resume the public pressure on government and parliament.

On 13 September 2012, the new head of the Ministry of Culture was named. Marta Suplicy is thought to be in favour of the continuity of copyright law reform. In fact, she brought back the former director of intellectual rights for the Ministry, Marcos Souza, who had been responsible for conducting the reform process between 2007 and 2010. This context suggests new perspectives being brought to bear on public participation and to reform itself. On 1 October, Idec participated in a public hearing with the Minister

of Culture in which it advocated for the necessity of the reform for access to culture and knowledge, and delivered to the new Minister the booklet “Copyright under debate” and other materials, articles and studies.

Not much has happened since, and, although there are reasons to be optimistic, it is also known that the Ministry has stated that it is in favour of the “notice and take down” system which states that the Internet Service Provider is liable for infringing content once it receives a claim of copyright infringement without a judicial decision being needed – a system that allows for private power abuse and censorship.

The Consumers International *IP Watchlist*, to which Idec actively contributed, put Brazil in the position of the fifth most restrictive country among all other surveyed countries. The international (and Brazilian) launch of the research, on 23 April 2012, had wide national repercussions, including being used in a hearing in the Senate on 24 April 2012, about the discontinuation of the Copyright Law reform by the Ministry of Culture. Still, during 2012, a separate bill was introduced to Congress in the context of a Copyright Law reform (bill 3133/12). Proposed by Mr. Nazareno Fonteles, it incorporated several of the positions proposed by the public consultation processes, and is aligned to Idec positions. It is to be seen as an opportunity in light of the stagnation of the previous process. Its processing, however, came to a halt in the second half of 2012 because of the municipal elections and is expected to be resumed during the first half of 2013.

The amendments to the UN Guidelines were used by Idec in its advocacy and partner organisations articulation work, making profit of the international force and visibility of this instrument, and of its function of raising consumer awareness about their rights in the sphere of copyright.

Brazilian Context: Internet Regulation Framework

The CI amendments to the UN Guidelines were also developed and advocated in the context of the debate of the Internet Regulation Framework (“Marco Civil da Internet”). During its articulation, Idec and other civil society institutions defended the inclusion of privacy and data security measures, responsibility of providers, clearer rules relating to consumer rights, and net neutrality, understood as indispensable to protect against discrimination of contents.

A draft bill, resulting from a public consultation process, was proposed by the Ministry of Justice in 2010, and was sent to Congress in 2011. Idec and civil society in general had been pushing for the approval of the Internet Regulation Framework before any other laws that had a criminal approach to Internet issues. However, both cybercrimes projects of law above were approved by

Congress on 7 September 2012, (although one of them received as many changes as to make it void of any efficacy). This meant that one of the main arguments for the urgent adoption of the Internet Regulation Framework (“a civil law before a criminal law”) was broken, and that the other arguments had to be more evidenced from then on.

In the second half of 2012, the Internet Regulatory Framework went to Plenary of the House of Representatives five times, and discussion came to a halt in every one of the occasions. Two powerful economic lobbies are pressing to stop the voting or to change its text: the copyright industry and the telecommunication companies. The first one tried to insert an exception to the “judicial notice and take down rule” from the bill, stating that the rule does not apply to copyright infringement. The telecommunication sector was lobbying to break net neutrality.

A public letter was sent on 10 July 2012, to the rapporteur of the bill, deputy Alessandro Molon, written by Idec and three partner organisations (GPOPAI-USP, GP Cult-UFRRJ and NEDAC-UFRJ), arguing against the private judgment for removal of contents by Internet providers; this provision was then effectively deleted from the draft bill. In order to press for voting on the Internet Regulation Framework before the municipal elections in October 2012, Idec and several other entities (CTS/FGV, Intervozes, MegaNãO, etc.) launched the campaign #MarcoCivilJá, publicly pressing the Legislative and Executive Powers for approval. Idec provided tools on its website for citizens to send messages directly to deputies, secretaries and ministers, and a campaign was launched on Twitter, Facebook and other social networks. A network of 30 Brazilian (including Idec) and 20 international organisations also published, on 7 August 2012, a public letter, “Civil society statement in support of the Brazilian ‘Marco Civil da Internet’”, asking for immediate approval of the bill, which was widely circulated and sent to all deputies and ministries concerned.

Unfortunately, the draft bill was not approved before the elections, and has not been approved up to today. Between October and November, the lobbies grew stronger and continued to work on obstructing its voting. During the process, the draft bill was amended to give regulatory competence regarding network neutrality to Telecommunications National Agency (Anatel), where telecommunication companies exert more influence, rather than by a presidential decree; and to allow non-judicial takedown orders of Internet content supposedly protected by copyright.

Facing these changes, Idec mobilised civil society and suggested another public letter to the rapporteur of the project and to all congressmen, in addition to the Ministries of Justice, Culture, Communications and Institutional Relations secretary, which was signed by 21 organisations and three important Internet activists. The demand that neutrality be regulated by presidential decree was agreed, but the negative provision about copyright remains, creat-

ing strong judicial uncertainty as to procedures regarding copyright infringement.

Not much has advanced to overcome the lack of a legal framework regarding privacy protection. Without specific protection, personal data and consumer interests are valuable objects, without reasonable rules to protect privacy and defend consumers against aggressive virtual marketing and behavioural publicity. The draft bill on data protection elaborated by the Department of Consumer Protection and Defense (DPDC) under the Ministry of Justice has undergone public consultation in the past few years, but the results of the process have not been published, therefore, it may transpire that the Ministry of Justice will not send the draft bill to Congress until a major advance is observed regarding the Internet Regulation Framework.

Conversely, when it comes to consumer protection in electronic commerce, an important presidential decree (Decree n. 7962) was published on 15 March 2013, that addresses a few of the proposed CI amendments. The purpose of the decree is to oblige companies to provide, when it comes to electronic commerce, clear information about the product, the service and the enterprise, as well as an easy communication service, and to respect the consumers' right of cancellation. Besides detailed information about the product and the transaction, companies should provide, before the service or product is contracted, a summary of the standard contract; all violations to these rules subject enterprises to the penalties of the Consumers Defense Code.

Conclusion

Considering both the analysis of the digital content markets in Brazil and the broader political context of discussions regarding copyright, access to knowledge, net neutrality and privacy rights, the CI amendments are an important tool to promote effective scenario change. In fact, the very proposal of the amendments has been justifying a series of Idec's advocacy actions in these fields, since they summarise many of the positions related to consumer protection and access to knowledge in the digital environment. As well as some of these positions finding recent adoption in the Brazilian legal context, others have not yet been officially discussed, and many are the object of some of the most important legislative disputes Brazil is now facing. This reinforces the importance of their adoption on such an influential level.