




In another edition of Smart Talks, we discussed the regulation of memes on the internet from the perspective of Personality Rights and Intellectual Property rules.

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## Memes on the internet: intellectual property rules and personality rights

The discussion focused on the definition and taxonomy of memes, as well as the main challenges for applying Personality Rights and Copyright in the sharing of this content.

**Check out the main topics of this conversation.**

### Definition



"Meme" is a term coined in 1976 by **Richard Dawkins** in his best-selling book "The Selfish Gene".



Memes are **ideas and concepts** that replicate and influence events to spread to other minds.



Memes are known for lasting over time (**longevity**), easy spread (**fecundity**), and maintaining their original content when shared (**fidelity**).

### Legal implications



An **anonymous meme** is subject to the Rights of Personality, as the depicted individual may demand the **removal or reparation of the damage** caused by its dissemination.



In the case of a meme featuring an animal or object, this creation may be protected by copyright, **preventing its unauthorized reproduction.**



In cases of memes featuring celebrities, Personality Rights apply, with Copyright also applicable in instances of a **celebrity in a protected work and a celebrity in their own content.**

### Risks and Perspectives



Despite the growing interest of the law in regulating the internet, there are challenges in **identifying the defendants in cases involving memes.**



A common issue in online meme cases is defining the **liability of application providers** and the **applicable jurisdiction** in each case.



Despite advancements, Brazilian law **still lacks clear answers** to all the challenges that arise with the popularization of memes and their rapid dissemination in the virtual environment.

These and other topics were addressed in another edition of Smart Talks, a monthly meeting promoted by ThinkFuture that aims to bring TozziniFreire lawyers closer to the different interactions between Law, Innovation, and Technology. **We thank everyone who was able to attend this meeting and see you at the next one!**