

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching

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Abstract

The protection of copyright and personality rights of image and voice of actors, teachers and students involved in the teaching-learning process has become a widely discussed topic due to emergency remote teaching, adopted by educational institutions throughout Brazil due to the COVID-19 pandemic. Thus, this article aims to identify protection scope and limits of the application of copyright and personality rights of image and voice in the context of Brazilian teaching. Therefore, an exploratory research was carried out with a qualitative approach, applying the deductive method, using bibliographic and documentary researches as a data collection technique, through which an answer to the following question was pursued: What is the protection scope and limits established in the Brazilian legislation aiming at protecting copyright and personality rights of image and voice of actors, teachers and students involved in the teaching-learning process? The research identified that, except for some limits set out in the Copyright Law (CL), the theme is treated in a generic way in the Brazilian legal system, in order to preserve access right to education. Hence, it is necessary a general rule elaboration that prescribes protection scope and limits of copyright and personality rights of image and voice in the context of teaching, establishing guidelines to be followed by educational institutions in the country for the adoption of best practices for protection of copyright and personality rights of image and voice of participants of academic activities, whether these are offered in Virtual Learning Environments (VLE) or in face-to-face format.

Keywords: Copyright; Personality rights of image and voice; Virtual Learning Environments; Brazil.

1. Introduction

The suspension of face-to-face activities, interrupted due to the COVID-19 pandemic, has given rise to a discussion in the context of educational institutions throughout Brazil regarding the protection of copyright and personality rights of image and voice, of actors, teachers and students, participants in academic

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching activities that began to be offered remotely on an emergency basis

Given this scenario, the present article aims to identify protection scope and application limits of copyright and personality rights of image and voice in the Brazilian teaching context.

The pandemic caused by COVID-19 was recognized by the Director-General of the World Health Organization (WHO) on March 11, 2020 (World Health Organization, 2020). In this context, educational institutions across the country, supported by Ordinance No.544, issued by MEC on July 16, 2020 which “provides for the replacement of face-to-face classes with classes in digital media, while the pandemic situation of the new coronavirus - Covid-19 lasts” (Brasil, 2020), sought to make available the offer of academic activities in VLE, expanding the insertion of technological resources in their pedagogical practices.

In this context, it should be noted that the increased use of Information and Communication Technologies (ICT) provides for knowledge sharing in a progressively more rapid and comprehensive way, creating a favorable environment for unauthorized use of content made available within academic activities scope that are now offered through digital platforms. Hence, it is necessary to discuss the legal principles that guide the protection of copyright and personality rights of image and voice in the context of Brazilian teaching.

It is important to highlight that the protection of these rights, when applied to used materials (texts, videos, audios, images, etc.) produced by third parties, it is also relevant when we consider that unauthorized use of works produced in any support can be characterized as an illicit act, which has consequences for society as a whole. Therefore, Bittar (2019, p. 156) clarifies that “the violation of copyright transcends merely personal limits, to reach society itself as a whole, in the protection of the highest values of its artistic, literary or scientific expression”.

In this perspective, the discussion addressed in this article presents itself as a relevant and complex topic, making it necessary to disseminate knowledge about the legal prerogatives that regulate the protection of these rights within academic activities scope. Therefore, the proposed theme is discussed in the light of the legislation that governs the matter in the Brazilian legal system, and seeks to answer the following question: What is the scope of protection and the limits established in Brazilian legislation in order to protect copyright, and personality rights of image and voice of actors, teachers and students involved in the teaching-learning process?

In Brazil, copyright is regulated by a specific law, the Copyright Law - CL (Law No. 9.610/98), which is included in the list of fundamental rights provided for in the Federal Constitution, Art. 5, item XXVII: “authors have the exclusive right to use, publish or reproduce their works, transferable to heirs for as long as the law establishes;” (Brasil, 1988). The country is also a signatory to several international treaties and conventions, such as the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), the Berne Convention, the Universal Copyright Convention and the Rome Convention, dealing with copyright at an international level (INPI, 2013).

Copyright grants protection to intellectual works, such as texts of literary, artistic and scientific works, assuring authors, performers, phonographic producers and broadcasting companies the exclusive right to

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching use them, in the modalities provided for by law. (Brasil, 1998a).

The copyright is characterized today, by a fusion of the moral right and the patrimonial right in Brazil. This copyright protection duality is established in Art. 22 of the CL: “The author has the moral and patrimonial rights over the work created” (Brasil, 1998a).

The author's moral right concerns paternity, giving the author the right to be recognized as the work's creator. In turn, the patrimonial right is related to economic issues, and comprises the right to ownership over the created work.

Moral rights, as established in article 27 of the CL, are inalienable and non-transferable rights (Brasil, 1998a). Unlike moral rights, which the author cannot abdicate, property rights, listed in Chapter III of the CL, can be negotiated like any other good, within the limits established in the legislation (Brasil, 1998a).

Regarding copyright protection in the context of teaching, Prevedello, Rossi and Costa (2015) emphasize that the teacher-author has a wide range of resources available for teaching materials production and, for this reason, they should seek to know all the protection possibilities provided for in the legislation. Thus, it is worth mentioning article 7 of the CL, which in items I to XIII, specifies the intellectual works protected by copyright, and also article 46 of the same Law, which establishes what it does not constitute an offense against copyright. The CL establishes in its Art. 8, works that are not protected by copyright (Brasil, 1998a). As well as copyright, personality rights of image and voice are also included in the list of fundamental rights, as provided for in item v, art. 5 of the Federal Constitution, which establishes that: “the right of response is ensured, proportional to the grievance, in addition to compensation for material, moral or image damage”. Also in this same article, item XXVIII, point “a” provides that: “the following are ensured, under the terms of the law: a) protection of individual participation in collective works and human image and voice reproduction, including in sporting activities;” (Brasil, 1988). Image and voice rights are part of the non-exhaustive list of personality rights, established in the Civil Code of 2002, and are, therefore, non-transferable and inalienable rights (Brasil, 2002).

Personality rights are rights inherent to a human person and their projections in society. Such rights are provided for in the Brazilian legal system with the purpose of defending values such as life, physical and mental integrity, intimacy, honor, intellectuality, in addition to other innate rights of the human person (Bittar, 2004). For Diniz (2013, p.135), personality rights are “absolute, non-transferable, unavailable, inalienable, unlimited, imprescriptible and inexpropriable”.

Thus, in addition to the discussion about copyright in the context of teaching, reflection on the implications of protecting the image and voice of actors, teachers, students and other participants in the teaching-learning process, becomes essential, especially in the context of expanding used ICT that propagates content at a speed never seen before.

As seen, personality rights of image and voice are regulated in the Brazilian legal system and when considering the performance of academic activities in VLE, in which a wide exposure of the image and voice is provided, it becomes necessary to adopt measures in order to prevent, or at least mitigate an improper use of the image and voice of these actors.

Hence, Oliveira et.al. (2019) point out that, despite the importance of protecting copyright, it cannot

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching
override the limits imposed in the constitutional text, with regard to image right protection. For this reason, information freedom cannot be understood as an unlimited right, and must therefore consider the right of people over their own image.

Considering the relevance given by Brazilian legislation to copyright and personality rights of image and voice, when it includes them in the list of fundamental rights and, taking into account that intellectual works production, and image and voice sound use are practices inherent to an individual development and pertinent to academic activities, a discussion on this matter becomes relevant.

In this perspective, in order to discuss the proposed theme, this article is divided into four parts. After this introductory part, methodological procedures are presented in the next chapter, followed by the results and discussions, and finally, the final considerations.

2. Methodology

Methodologically, seeking to achieve the objective of this study, an exploratory research was carried out, with a qualitative approach and deductive method. Bibliographic and documentary researches were used as data collection technique.

The bibliographic research was carried out from books, articles, theses and dissertations that address the legal aspects that regulate the protection of copyright and personality rights of image and voice in Brazil, especially with regard to application of these legal norms in an academic environment.

Scientific databases of the Capes Portal of Periodicals, Theses and Dissertations, in addition to the Google Scholar were used for bibliographic material exploration. Search strategies were adopted in the scientific bases with relevant terms in Portuguese and English in the "title" search field, without establishing any limitation of period of time. The combinations of terms followed the pattern: "Copyright" AND "Education", "Image Right" AND "Education", "Voice Right" AND "Education", "Personality Right" AND "Education". The search strategies are presented in Table 1.

Furthermore, seeking to consolidate the theoretical framework of this study, other relevant publications were consulted additionally, which referenced the results identified in the respective databases.

The documentary research was carried out from the analysis of relevant legislation, such as the Federal Constitution of 1988, the Civil Code of 2002, and Law No. 9,610 of 1998.

Both surveys were important for topic 4 elaboration, which corresponds to the results and conclusions of this study.

3. Results and Discussions

This topic is divided into two sections, in which results and discussions of this study are presented. The first section presents data from the bibliometric research that guided a theoretical framework.

The second section presents results of the bibliographic and documentary research that made it possible the accomplishment of this article's objective, which is to identify protection scope and application limits of copyright and personality rights of image and voice in the context of Brazilian teaching.

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching

3.1 Bibliometric research

Results of the bibliometric research are summarized in Table 1. In general, comparing the number of documents retrieved per scientific database, the CAPES Theses and Dissertations Catalog presented the highest number, considering all search strategies (A1 to C5), whether using the terms in Portuguese (161 documents) or in English (6,501). This may indicate an interest in publications on this subject, in the form of conclusion work for stricto sensu graduate courses in the Brazilian academic environment.

Table 1. Bibliometric Research on Copyright and Personality Rights of Image and Voice in Education, search in academic databases, in the title search field, without time limitation, on 04/21/2022

Database	Search Strategy	Portuguese terms	Number of documents	English terms	Number of documents
Portal de Periódicos - CAPES	A1	Direitos Autorais AND Educação	7	Copyright AND Education	427
	A2	Direito AND Autor AND Educação	2	-	-
	A3	Direito AND Imagem AND Educação	3	Image AND Right AND Education	11
	A4	Direito AND Voz AND Educação	3	Voice AND Right AND Education	21
	A5	Direitos AND Personalidade AND Educação	2	Personality AND Right AND Education	1
Catálogo de Teses e Dissertações - CAPES	B1	"Direitos Autorais" AND "Educação"	69	"Copyright" AND "Education"	95
	B2	"Direito de Autor" AND "Educação"	11	-	
	B3	"Direito à Imagem" AND "Educação"	4	"Image Right" AND "Education"	1
	B4	"Direito à Voz" AND "Educação"	18	"Voice Right" AND "Education"	5.237
	B5	"Direitos de Personalidade" AND "Educação"	10	"Personality Right" AND "Education"	10
Google Acadêmico	C1	Direitos + Autorais + Educação	12	Copyright + Education	687
	C2	Direito + Autor + Educação	5	-	
	C3	Direito + Imagem + Educação	2	Image + Right + Education	4

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching

	C4	Direito + Voz + Educação	5	Voice + Right +Education	4
	C5	Direitos AND Personalidade AND Educação	8	Personality + Right + Education	3

CAPES Periodical Portal database presented the largest number of articles (7) retrieved related to search strategies (A1 to A5), for terms in Portuguese, and the combination of the terms "Copyright" AND "Education" (A1). Similar behavior was observed for the CAPES Theses and Dissertations Catalog database regarding search strategy B1 (69 documents), and for the Google Scholar base regarding search strategy C1 (12 articles). It reveals that these strategies managed to be more efficient in retrieving documents in all databases when Portuguese terms were used.

Considering the search strategies, by database, with terms in English, a greater retrieval of documents was also observed in search strategies A1 and C1 for the CAPES Periodical Portal and Google Scholar databases, respectively. However, concerning the CAPES Theses and Dissertations Catalog database, search strategy B4 ("Voice Right" AND "Education") resulted in the highest absolute number of retrieved documents (5,237).

However, not all retrieved documents were focused on the research topic. Therefore, the most relevant documents were selected for a bibliographic analysis.

Using the search term "Law AND Author" AND "Education", the CAPES Periodical Portal presented only 2 (two) articles, the CAPES Theses and Dissertations Catalog, 8 (eight) dissertations, 3 (three) of which are related to the research topic, and 3 (three) theses that are not directly related to the study. Google Scholar presented 5 (five) results, 2 (two) of which are not related to the theme proposed in this article.

When using search terms that refer to personality rights of image and voice, the numbers are even less expressive. The term "Image Right" AND "Education", brought 3 (three) articles in the CAPES Periodical Portal, and 4 (four) dissertations in the CAPES Theses and Dissertations Catalog, each presenting only 1 (one) publication related to the article's subject. Google Scholar presented 2 (two) articles, which are not related to the proposed theme.

When the term "Voice Right" AND "Education" was used, none of the databases presented results that were related to the study.

The use of the term "Personality Right" AND "Education", presented 2 (two) results in the CAPES Periodical Portal, 10 (ten) results in the CAPES Catalog of Theses and Dissertations, and 8 (eight) in Google Scholar. However, none of these publications has a direct relationship with this research that addresses the personality rights of image and voice of actors, teachers and students involved in the teaching-learning process.

It is worth mentioning that the decision to use the term "Education" was due to the fact that when terms "Teaching" and "Academ*" were applied, the results were even less expressive.

Considering that the searches in the aforementioned databases did not bring a robust result, other relevant

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching

publications were consulted in order to consolidate the theoretical framework of this study through an expansion of the bibliographic research. Such publications referenced the results identified in the respective databases.

3.2 Emergency remote teaching, and the relevance of copyright protection and personality rights of image and voice of the actors involved in the teaching-learning process

Due to the COVID-19 pandemic, in March 2020, educational institutions across the country had to interrupt face-to-face activities and began to adopt remote teaching on an emergency basis, making it necessary to bring up the relevant discussion about protection copyright and personality rights of image and voice of professors, students, and other actors participating in academic activities that began to be developed in Virtual Learning Environments (VLE).

In this scenario, issues related to copyright protection became a complex issue, when applied in the academic environment mediated by technology, in view of the need to ensure copyright protection of instructional teaching materials produced by the teacher-author, as well as enforcing the social function of property.

According to Branco (2007), item XXIII, Art. 5 of the Federal Constitution is the foundation of limitations on copyright: “the property will serve its social function” (BRASIL, 1988). Hence, it appears that legislators have a defying mission of protecting an author's intellectual production, without, however, allowing this protection to create obstacles for cultural and social development. In this context, there is a fine line that separates copyright and the right to education, which both is characterized as a fundamental right provided for in the constitutional text.

Seeking to find a balance between copyright and the social function of property, articles 46, 47 and 48 of the LDA establishes limits specifying situations in which a work, even if protected, can be used without constituting an offense to the author's rights, even if the author has not authorized its use (BRASIL, 1998a). Faced with the need to protect the author-teacher's copyright, without, however, curtailing access right to education, there is the Open Educational Resources (OER) which aim to create content in a collaborative way, seeking to enable a more accessible and democratic teaching-learning process. Thus, produced materials are placed in the public domain, or published under a license that makes it possible to use or share them legally and free of charge, with little or no copyright restrictions. However, it is necessary that users have access to information that clarifies the limits of the license, so that they do not violate such rights based on the false idea that everything available on the web can be used indiscriminately. (ZANIN 2017). On this issue, Bittar (2019) emphasizes that access expansion to the virtual world does not validates a digital anarchy, therefore, free use of intellectual works must walk *pari passu* with copyright.

According to Ariento (2017), open access policies adoption by the academy can help to remedy some legislation gaps, becoming a facilitator for knowledge access. Lima and Rodrigues (2014) emphasize that the inflexibility of Law No. 9,610/98 promotes an imprisonment culture diffusion, in which educators may use works without the author's permission in planning their activities. For the authors, a way to alleviate this legal gap is OER use which, according to the UNESCO Declaration (2012, p. 1), are:

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching

[...] the teaching, learning and research materials in any media, digital or otherwise, that are in the public domain or that have been released under an open license that allows free access, use, adaptation and redistribution by third parties, under no or few restrictions. Open licensing is built into the existing framework of intellectual property rights, as defined by relevant international conventions, and respects the authorship of the work.

OER bring an important social contribution because they enable knowledge dissemination, making education more accessible. However, Brazil faces two important limitations regarding OER use, which are: I) legal inadequacy of copyright law that needs to be revised in order to meet new demands of informational society; II) information lack on websites that provide “open” content, and do not offer users clear and adequate information regarding copyright limits of the materials made available in their repositories (ZANIN, 2017).

Also according to Zanin (2017), an example of an efficient communication use regarding the possibilities for available content usage is the ARCA website, the Fiocruz Institutional Repository (Fiocruz, 2022), which makes available in its main page the link to its policy of knowledge open access, making it clear to users the use terms for accessing and making content available on its portal. These terms correspond to the Creative Commons CC BY NC (Attribution-Non-Commercial) license.

Flexible licenses use, such as Creative Commons, enable a collaborative education process, enabling the development of student autonomy. However, most education professionals still do not use these resources effectively (LIMA, RODRIGUES, 2014).

In this context, Manole (2014) emphasizes that in-depth literacy is necessary, so that creators and users of content available in OER repositories have the correct understanding of the limits established in each license, so that they are effectively observed, thus preserving use terms defined by the authors, who habitually use the Creative Commons licenses types.

In this perspective, Creative Commons licenses emerge as an alternative that allows authors to share their works within a criteria established by them, providing society with access to information and knowledge. In addition to making education more accessible, it preserves copyright, given that the author establishes use limits for their work. Thus, it is emphasized that violation of established limits in the Creative Commons licenses constitutes a copyright violation.

Therefore, the limitations to the application of copyright presented here suggest a long way to go, bringing up the discussion about the importance of seeking a balance between copyright protection of didactic material produced by the teacher-author, and the guarantee of social right to education.

In this scenario, another important point to be considered is that given the Emergency remote teaching offer, teachers started to produce content (texts, audios, videos, etc.) and make them available in VLE. This routine raised a doubt whether produced material belong to the teacher-author or the institution to which he/she is linked?

Faced with this issue, Souza and Amiel (2021) clarify that Art. 13 of the Education Guidelines and Bases Law (LDB) does not include production, fixation and availability of teaching materials as a teacher’s

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching regular attribution, such as production and recording of online classes. Therefore, the copyright belongs to the teacher-author whether it is moral or patrimonial.

It is noteworthy that unlike Laws No. 9,279/1996 and 9,609/1998 that respectively regulate rights and obligations related to industrial property and intellectual property protection of computer programs, and which establishes that related activities carried out within a work relationship scope belongs to the employer (BRASIL, 1996a, 1998b), Brazilian copyright legislation does not provide for any exception that considers transferring this ownership to third parties by virtue of a professional relationship, whether contractual or statutory.

It is remarkable that the CF/88, without establishing any exception, provides in its Art. 5, XXVII that “authors have the exclusive right to use, publish or reproduce their works, which can be transferred to their heirs for as long as the law establishes;”. Furthermore, according to Art. 22 of the LDA, “Moral and patrimonial rights over a created work belong to the author” (BRASIL, 1988, 1998a).

In addition to copyright, teaching also covers issues related to image and voice rights. Thus, Oliveira et.al. (2019) point out that, despite the importance of protecting copyright, it cannot override the limits imposed in the constitutional text, with regard to image right protection. For this reason, access information freedom cannot be understood as an unlimited right, and must therefore be considered people right over their own image.

As well as the right to image, the right to voice (word transmission), is also regulated in Art. 20 of CC/2022, being recognized as a fundamental right, as established in Art. 5, XXVIII, item “a” of CF/88. So, Diniz (2013) clarifies that a voice sound is a constitutionally protected right, and is characterized by verbal and sound expression, constituting an expression of emotion and thoughts that socially identify a person, and for this reason, third parties are not allowed to misuse others’ voice, in a way that may affect their rights, such as honor, image and intimacy.

In this way, considering that the performance of academic activities in VLE provides a broad exposure of image and voice of the actors involved in the teaching-learning process, it is necessary for educational institutions to adopt measures that would prevent, or at least mitigate, their misuse, as well as clearly establish how, where and for how long these activities will be available, when recorded (Souza and Amiel, 2021).

For Bruch (2020), the right to the image concerns not only a person’s image, but encompasses its qualification and its social repercussion, which are also protected by law. Therefore, the author, teachers and students, inserted in the context of an emergency remote teaching, have the right to decide whether or not to expose their image. In accordance with this understanding, Bordas (2020) clarifies that, in the context of these activities, students have the right to oppose a classes’ recording, being able to deactivate the camera and, even if they do not, once expressed their disagreement with regard to a recorded image, in order for this video to be published, it must be edited, so that the parts containing their image and voice are deleted. In this regard, Souza and Amiel (2021) recommend that, when offering remote teaching, implemented on an emergency basis, regardless of institutional standards, teachers should be instructed on the importance of communicating classes’ recording. Furthermore, the authors and Bruch (2020) emphasize that students

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching

have the right to decide whether or not to expose their image in activities carried out in virtual environments, noting that teachers should inform them about the option of turning on or off the camera and microphone for every and each activity, giving them the possibility to participate in the classes only by chat.

Given the reality imposed by the pandemic, it is worth noting that, although remote teaching was adopted to meet an emergency and transitory situation, technology use to support the teaching-learning process is certainly a no return path. Thus, considering legal implications resulting from a possible violation of copyright and the right to image and voice of the actors involved in this process, it is urgent to establish clear and effective rules to mitigate violation possibilities.

In the midst of these considerations, it is important to highlight that for an effective protection of these rights in an educational environment, it is not enough to issue norms that regulate their protection. Furthermore, it is necessary that these documents' content reach their recipients, so that the community be aware of their rights, in order to protect them, as well as not to incur in violation of third parties' rights when using their works for classes and/or didactic materials elaboration.

It is noteworthy that good practices' adoption to protect these rights involves legal provisions' knowledge that regulate them, since there is no way to protect what you do not know. Therefore, it is essential that educational institutions promote measures that contribute to knowledge dissemination about legal prerogatives that regulate the protection of these rights in the country, so that academic community has extensive knowledge about the legal possibilities of use, reuse, and elaboration of educational works, in addition to knowing the legal limits for capturing and making available image and voice sound of all those involved in academic activities, whether offered in VLE or in person format.

4. Final considerations

According to discussions based on bibliographic and documentary research, this section presents the final considerations of this study, contemplating the proposed objective, which is to understand protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching.

It was possible to verify that, from a legal point of view, protection scope and limits of copyright and personality rights of image and voice are treated in a generic way in the Brazilian legal framework, once specific limits for application of these rights are not established when inserted in the teaching context. However, there is an exception in article 46 of the LDA, which includes some exceptions to its application in the educational environment when addressing limitations on copyright, in order to preserve access right to education.

Thus, when it comes to limiting copyright applicability within an academic activities scope, another important issue to be highlighted is that it cannot overlap with other rights provided for in the constitutional text. Hence, when discussing legal prerogatives that regulate copyright in the academic environment in Brazil, it should be considered that access right to education is also a fundamental right, and therefore must be guaranteed and preserved.

In this scenario, the need to adapt legislation to the current educational context, which is permeated by ICT use, as well as the need to protect copyright, without disregarding the social function of property, constitute

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching

contemporary challenges that demand general guidelines' establishment by government bodies in order to regulate, in a balanced way, the protection of teacher-author's right and the access right to education.

In the absence of a general regulation that addresses these issues, content availability such as OER and open licenses use, such as Creative Commons licenses, have been shown to be reliable alternatives, given that they provide knowledge dissemination, making education more accessible, while preserving the author's right, once he is the one who sets the limits of the terms of use of his work.

In addition to issues related to copyright, teaching also covers issues related to personality rights protection of teachers' and students' voice and image. It should be noted that these are non-transferable and inalienable rights and their violation subjects the violator to compensation for material or moral damages (Brasil, 1988, Art. 5, X).

Therefore, considering that exposure of image and voice of the actors, individuals involved in the teaching-learning process, it is something inherent to this activity, especially when these are mediated by technological resources, which expands even more this exposure, it is necessary for educational institutions to adopt educational measures to prevent, or at least minimize, the violation of these rights. Thus, it is essential to establish clear and objective criteria for capturing and making available image and voice of these actors whether in person or carried out in VLE format, as participants in pedagogical practices.

It should be noted that the absence of a general regulation, which establishes protection scope and limits of copyright, and personality rights of image and voice, in the context of Brazilian teaching, is also a limiting factor for an effective protection of these rights, especially when it comes to educational activities mediated by technology.

In view of the above and in this context in which everyone was taken by surprise by the need to adopt a new teaching model, this study demonstrates that the social changes generated by the pandemic showed a gap with regard to the establishment of a general norm that regulate the protection of copyright and personality rights of image and voice, within an academic activities scope, demanding that educational institutions issue regulations to fill this gap.

However, it should be noted that issues of this nature should not be left solely to institutions' deliberations. Furthermore, if we consider that there is a tendency for academic activities developed in VLE to become part of the teaching practice, even if partially, it is essential to issue a general guideline in order to guide educational institutions with regard to measures to be adopted for the protection of these rights.

In view of the above, it is expected that the discussions brought by this article made it possible to understand that good practices' adoption for the protection of copyright and personality rights of image and voice in a teaching context is not just about a legal issue, but also an ethical one, which must be observed by all those involved in the teaching-learning process, respecting the legitimate rights of authors with regard to their intellectual productions, as well as the protection of their image and voice.

Given the importance of the topic addressed and given ICT advancement, in order to bring contributions to implementation of measures that may corroborate good practices' adoption for the preservation of these rights within an academic activities scope, future studies are suggested in order to investigate how Brazilian educational institutions have dealt with this subject, not only in a remote teaching context adopted in an

Protection scope and limits of copyright and personality rights of image and voice in the context of Brazilian teaching in the face of emergency remote teaching emergency, but also in a face-to-face teaching, which has increasingly introduced technological resources into their pedagogical practices to support the teaching-learning process.

5. Acknowledgement

The authors would like to thank the Dean of Research, Graduate Studies and Innovation (PRPGI) and the PROFNIT Master Collegiate of the Federal Institute of Education, Science and Technology of Bahia for their financial support.

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