

INSIGHTS ON LEGAL CHALLENGES POSED BY DISRUPTIVE TECHNOLOGIES

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We are pleased to present the very first issue of the *Brazilian Journal of Law Technology, and Innovation - BJLTI*. Through a multidisciplinary scientific analysis, this journal aims at contributing to the development of legal studies in the field of technology and innovation, providing a reliable platform for academics, researchers, practitioners, and policymakers to publish their scholarships and exchange ideas on legal issues related to the development and use of technologies, both in Brazil and worldwide.

A few words on our policies are necessary. BJLTI welcomes writings on any topic related to the legal aspects of development and the use of technologies. We are peer-reviewed and sponsored by the Brazilian Research Center on Law Technology and Innovation – DTIBR, a non-profit institution committed to the highest level of scientific quality and ethics. BJLTI is an open-access law journal that does not charge for submissions and publishes reviewed writings without undue delay, on the principle that making good research fast and freely available to the public is of paramount importance to foster scientific evolution and social development.

This first issue covers a wide range of topics, from biometrics and personal data protection to autonomous vehicles and electronic sports championships. The articles herein published present insightful and critical analyses of the legal challenges posed by disruptive technologies and their impact on our society. It proceeds as follows:

The first article, "*New body perimeter and biometrics as personal data: some thoughts and insights on the 'São Paulo metro case'*" by Cristiano Colombo and Guilherme Damasio Goulart, addresses the application of facial recognition in the São Paulo/Brazil Metro from, a principled point of view. It seeks to present recommendations for policymakers on the use of biometric

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techniques that balance the impacts of these techniques and the principles of purpose and necessity of the Brazilian General Data Protection Law.

In *"Disruptive technologies and the rule of law: autopoiesis on an interconnected society"*, Matheus L. Puppe Magalhães explores the impact of disruptive technologies on the rule of law. The author argues that the law is adjusting itself to new realities, framing the ought-to-be's of society, and being reshaped by progressive developments. The article asserts that the rule of law is now driven by nontraditional players and that a variety of technologies and processes are getting incorporated into the law.

"Brazilian General Data Protection Law (LGPD) and California Consumer Privacy Act (CCPA): a critical analysis of consumer personal data protection in Brazil and the State of California (USA)" by Newton De Lucca, Guilherme Magalhães Martins and Renata Capriolli Zocatelli Queiroz, presents a comparative analysis of the Brazilian General Data Protection Law and the California Consumer Privacy Act. The authors use a micro-comparative approach to discuss the relevance of consumer personal data protection in the information society. The article concludes that, given the growth of e-commerce in Brazil, it is necessary to regulate the matter of protecting consumer data.

Giacomo Pongelli wrote the essay *"Autonomous vehicles and Italian legal system: how to deal with civil liability and motor insurance rules?"* examining how the Italian legal system regulates the protection of victims of traffic accidents caused by autonomous vehicles, in terms of civil liability and motor insurance rules. The author argues that the legal system needs to adapt to technological innovations such as autonomous vehicles.

In *"New technologies in advertising: consumer harassment as tort,"* Arthur Pinheiro Basan discusses how advertising takes advantage of new technologies and often becomes bothersome, consequently leading to an abusive practice that can be perceived as a tort. The article highlights the need for the legal system to promote a high level of people's protection to ensure that they are not harmed by the consumption harassment of the advertising industry.

Daniela Copetti Cravo's article, *"The right to data portability in EU's GDPR and Brazil's LGPD,"* analyzes the critical points of data portability in Brazil by comparing it to the experiences of other legal systems, particularly that of the European Union. The article highlights the challenges and concerns regarding the safety of data transmission and interoperability, as well as compliance costs that arise with data portability. The paper provides a comprehensive analysis of the implementation and peculiarities of data portability, contributing to the ongoing discussion on the subject in Brazil and worldwide.

"Esports championships, companies and organizations in electronic

sports and their regulatory and compliance challenges with the Brazilian Statute of Child and Adolescent (ECA)", by Laiane Maris Caetano Fantini, addresses the legal status of e-sports in Brazil, focusing on the participation of minors in this competitive landscape and the regulatory challenges faced by policymakers when dealing with underage cyber athletes. The study also analyzes the evolution of e-sports and the structure of some major Brazilian organizations in that field, followed by the subsumption of Law 9615/98 to contracts signed with cyber athletes. It also addresses the perspective of minors regarding their use of electronic games and analyzes the regulatory challenges that child and adolescent cyber athletes may face. The article provides insights for policymakers and stakeholders to ensure an adequate regulation that could promote a safer and fairer competitive landscape for all participants.

João Alexandre Silva Alves Guimarães's article, *"Preserving personal dignity: the vital role of the right to be forgotten,"* emphasizes the importance of the right to be forgotten in protecting personal identity and privacy in the digital age. Through this article, the author provides a comprehensive understanding of the Right to be Forgotten, which is crucial to ensuring the effective protection of individual rights and upholding principles of human dignity. The author also argues that a shift from the traditional focus on defending the private sphere against external invasions to a consideration of privacy issues in the context of the current organization of power is necessary to adapt the concept of privacy to the current information infrastructure.

Last but not least, *"Image rights and the limits of art in the information society: an analysis of the 'Richard Prince case'"* by José Luiz de Moura Faleiros Júnior, Pietra Daneluzzi Quinelato, and Júlia Gessner Strack, examines the complex legal relationship between image rights, terms of use, fair use, and the limits of copyright in the context of contemporary art production, particularly in the information society. The authors focus on the actions of American artist Richard Prince, who used photographs posted by Instagram users to create canvases that he exhibited and sold for large sums of money. The paper attempts to reconcile the various aspects of this controversy and offers some directions for a more assertive understanding of the problem from a legal standpoint, drawing on the hermeneutic filter that philosophy can offer.

In conclusion, we believe that this first issue of the Brazilian Journal of Law, Technology and Innovation – BJLTI will serve as a valuable resource for academics, researchers, practitioners and policymakers interested in the intersection of law, technology, and innovation. We look forward to receiving your feedback and contribution to the upcoming issues.