

# Brazil's largest newspaper sues independent blog and begins a new era of censorship

*And unprecedented lawsuit is being concealed by Brazilian media –which is still in the hands of a few – and may mark the beginning of a dangerous reality for bloggers around the country*

As we saw during Obama's election and in others all over Europe, the internet also developed an important role during the 2010 presidential campaign in Brazil, which culminated in the election of President Lula's candidate Dilma Rouseff. While most blogs gave support to left-wing candidate Rouseff, most TV networks, radios, newspapers and magazines took the side of the José Serra and his strong political-religious-didactic conservative coalition (who ended up losing the election). If there were any questions about the importance of the internet in Brazil, it is undeniable as of November 24th 2009, when Lula gave, to blogs only, the first online interview in the history of the Brazilian presidency, in a demonstration of respect for the important contrast that they had created against the traditional press.

## FALHA DE S. PAULO

While all of this was going on, a new blog called "Falha de S. Paulo" was created last September. The blog was a parody of Brazil's biggest newspaper company: Folha de S. Paulo. In Portuguese, "Folha" is similar to the English word for "Journal". And "Folha" sounds almost like "Falha", which in Portuguese means "failure". The blog published photomontages and jokes, full of strong – yet good-humored – criticism against the biased articles published daily by Folha de S. Paulo. As an example, one of the most successful and ironic photomontages showed the face of Otavio Frias Filho – the owner of the newspaper – over the body of Darth Vader. It did not take more than a month for Folha de S. Paulo to go to court demanding the censorship of the satirical blog. Unbelievably, that was exactly what happened. And it got worse: the newspaper also began an 88-page lawsuit against the creators of blog, asking for a financial compensation for moral damages.

The newspaper claims "improper use of the trademark", given the similarity between the names "Folha" and "Falha" and also because the blog's logo was inspired by the newspaper's. The parody was created by two brothers (Lino and Mário Ito Bocchini), who have no connection to any political parties or any other similar institutions whatsoever. The first is a journalist while the latter works as a graphic designer. And they are now going through extremely hard times, not to mention spending a unheard of amounts of money, in defending themselves against the merciless action of one of the most powerful corporations in Brazil. And the bad news seems

to be endless: legal advisers and Law professors have told the two brothers chances are they will lose the case, not based on the merits of the case itself, but due to Folha de S. Paulo's political influence and power.

This is the reason why the brothers have decided to spread news beyond the borders of their own country: In Brazil, less than 10 families run the most influential means of communication (one of them being the Frias family, who got upset with the blog "Falha de S. Paulo" and their jokes, such as the one we mentioned with Darth Vader). For corporate reasons, those families' means of communication never highlight stories that may affect one another. It 's become a tradition in Brazil. This is the first time a blog has been censored and sued in Brazil for this reason. For that, the Bocchini brothers have received invitations to give speeches and tell their story in diverse events around the country. Even though bloggers and freedom of speech activists all over the country, including the former Minister of Culture Gilberto Gil, stand in solidarity and have publicly rejected both censorship and the Folha de Sao Paulo's lawsuit against the Bocchini brothers; newspapers, magazines, radios and televisions continue to ignore and hide this reality.

What many are concerned about is the fact that a court sentence favoring the newspaper Folha de S. Paulo may send a clear message to any other big Brazilian corporation: if you feel uncomfortable about whatever someone has written about you and/or your company in the internet, just make use of your "improper use of trademark" power card and bang: censorship plus financial indemnification for moral damages. Isn't it ironic that a new kind of censorship is being brought to the world by the hands of those whose life and work are based on the principle of freedom of speech? As we cannot seem to overcome the wall of silence built by the Brazilian media, it has been left to us now is to seek help abroad.



**The Bocchini brother's new website, [www.desculpeanosafalha.com.br](http://www.desculpeanosafalha.com.br) has all the details about the censorship process. Although the posts are in Portuguese, you will find there the English, French, Spanish, Italian and German version of this text. You can send an e-mail in any of those languages to [desculpeanosafalha@gmail.com](mailto:desculpeanosafalha@gmail.com)**

# Assange (WikiLeaks) and Reporters Without Borders denounce unprecedented case of censorship in Brazil

The biggest newspaper in Brazil's (Folha de S.Paulo) efforts towards censoring an independent blog for its parodies about them caught the attention of Julian Assange, creator of Wikileaks, and of Reporters Without Borders, the most important group who fights for press freedom all over the planet. During an interview, last December 23rd, Mr. Assange said: "There is a true scandal involving the blog 'Falha de S. Paulo' (in Portuguese, Falha = Failure and Folha = Journal) that satirizes the name of the newspaper we have an understanding with in Brazil. I am totally concerned about the importance of defending one's trademark as there are many sites that are similar to Wikileaks. But this blog does not intend to be the newspaper itself and for that reason it must be allowed. Censorship is much worse when it is camouflaged. Whenever there is censorship, we must speak out against it."

Meanwhile, only two days before Assange's statement, Reporters Without Borders posted a protest, in both French and Portuguese, against Folha de S.Paulo. It read: "Not happy enough they got to shut the blog down, the newspaper also claims a financial compensation for moral damages. But it seems unlikely that the biggest newspaper in Brazil may actually be damaged by some independent blog. The Frias family, owner of the newspaper, can surely afford the costs of the lawsuit which is more than what can be said about the Bocchini brothers (creators of the blog). This intimidation through financial means is nothing but a new way of censorship.



A decision favoring the newspaper might start a dangerous precedent regarding the right of making satires and the freedom of expression and of opinion. For those reasons, we suggest Folha de S.Paulo give up this unequal fight and the lawsuit against the Bocchini brother's blog".

We have been receiving a great deal of meaningful support from the Brazilian blog community. However, the biggest means of communication of our country are in the hands of few (and few who protect each other), so they have been fully boycotting these facts of great relevance for press freedom concerns in Brazil.