

NFT e direitos autorais

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Advogado

NFTs são direitos autorais?

Não

Notícias

Seu Time

Jogos do dia

PÓS-JOGO COPA DO MUNDO

MAR  0 x 0  ESP

PÓS-JOGO COPA DO MUNDO

POR  6 x 1  SUI



Campeonatos

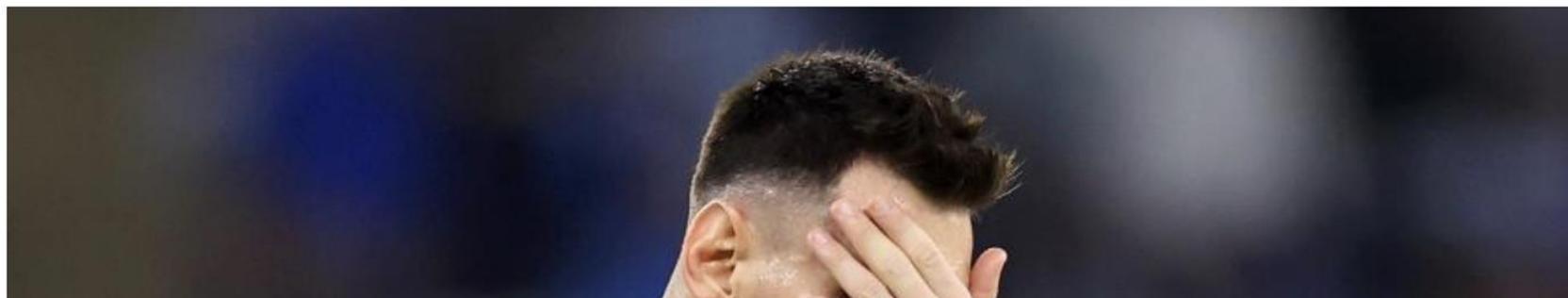
Copa do Mundo >

Libertadores >

Brasileirão >

COPA 2022

Por que hoje não tem nenhum jogo na Copa do Mundo 2022? Entenda



Que são NFTs

1. Blockchain
2. Token
3. Wallet
4. Smart contracts

Anatomia de uma transação com NFT

The image shows a screenshot of an NFT listing on the OpenSea marketplace. The listing is for a Bored Ape Yacht Club (BAYC) token with ID #6633. The artwork depicts a pink ape wearing a blue and pink striped party hat with a green pom-pom, blue sunglasses, and a black tuxedo with a white shirt and black tie. The ape is blowing a large pink bubble. The listing is owned by EneJayVault and has 21.5K views and 1.0K favorites. The best offer is 68,4456 WETH, equivalent to \$84,109.38. A 'Make offer' button is visible. Below the offer section is a 'Price History' section with a line graph showing price fluctuations over time. The OpenSea logo and navigation menu are visible at the top of the page.

OpenSea

Search items, collections, and accounts

Explore Drops Stats Resources

Bored Ape Yacht Club

#6633

Owned by EneJayVault

21.5K views 1.0K favorites

Best offer

68,4456 WETH \$84.109,38

Make offer

Price History

ETH 200

200

Aver

<https://opensea.io/assets/ethereum/0xbc4ca0eda7647a8ab7c2061c2e118a18a936f13d/6633>

Anatomia de uma transação com NFT

Item Activity

Filter

Sales X

Transfers X

Clear All

Event	Price	From	To	Date
Transfer		EneJay	EneJayVault	11 months ago
Transfer		tommykethvault.eth	EneJay	11 months ago
Sale	159,99 ETH	tommykethvault.eth	EneJay	11 months ago
Transfer		tommysvault_eth	tommykethvault.eth	11 months ago
Transfer		NFTvillage	tommysvault_eth	1 year ago



All Filters

Search by Address / Txn Hash / Block / Token / Ens



Eth: \$1,229.17 (-2.16%) | 16 Gwei

Home

Blockchain

Tokens

Resources

More

Sign In



Transaction Details

Buy

Exchange

Earn

Gaming

Overview

Internal Txns

Logs (3)

State

Comments



Transaction Hash:

0x14295c9925ab1da23138f6560b1e546da2ddca2ba13d2284f78dcf7e784ae168

Status:

Success

Block:

14044022 2088545 Block Confirmations

Timestamp:

320 days 17 hrs ago (Jan-20-2022 06:12:37 PM +UTC) | Confirmed within 10 secs

Transaction Action:

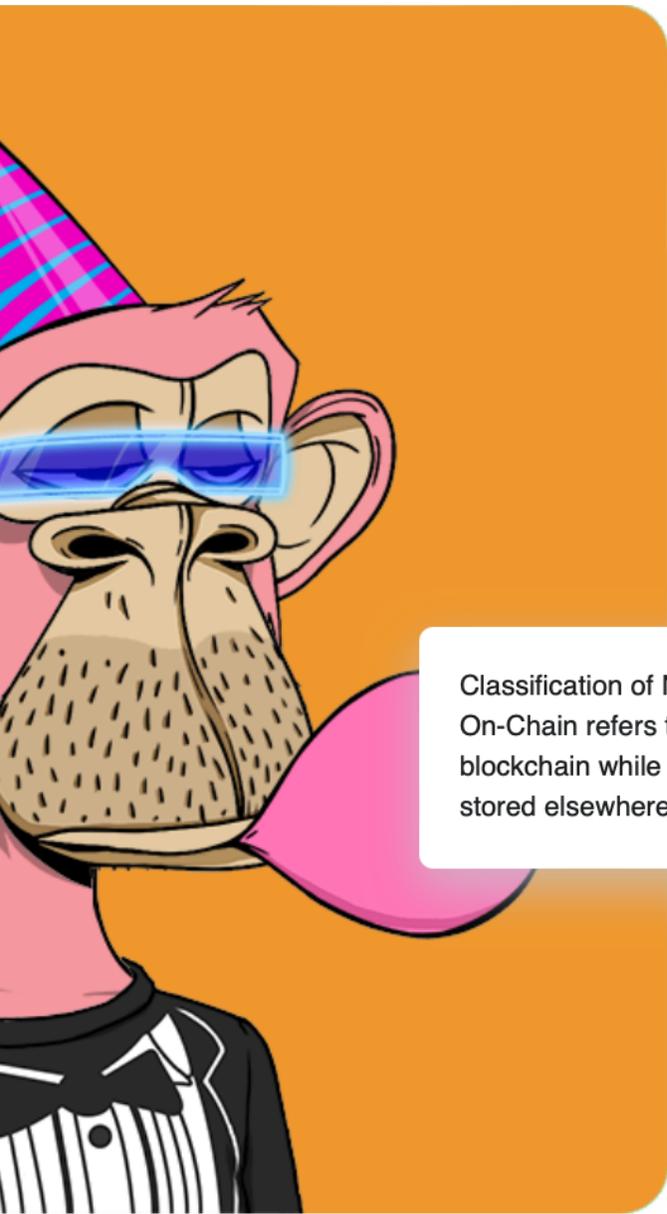
Sale: 1 NFT On OpenSea

Transfer of BoredApeYach... (BAYC) From 0xde2b87d1539904f4b3... To 0xb4c27f85d7659e0cf72...

1 of Token ID [66331]

<https://etherscan.io/tx/0x14295c9925ab1da23138f6560b1e546da2ddca2ba13d2284f78dcf7e784ae168>

From:	0xb4c27f85d7659e0cf72f479693c564e61472cb57 
Interacted With (To):	Contract 0x7be8076f4ea4a4ad08075c2508e481d6c946d12b (OpenSea: Wyvern Exchange v1)   <small>L TRANSFER 7.9995 Ether From OpenSea: Wyvern Exch... To OpenSea: W... L TRANSFER 151.9905 Ether From OpenSea: Wyvern Exch... To 0xde2b87d1539904f4b37e98c0...</small>
ERC-721 Tokens Transferred:	From 0xde2b87d153990... To 0xb4c27f85d7659...  For ERC-721 Token ID [6633] 
Value:	159.99 Ether (\$197,035.68)
Transaction Fee:	0.035315774153284565 Ether (\$43.49)
Gas Price:	0.000000146274459599 Ether (146.274459599 Gwei)
Ether Price:	\$3,002.43 / ETH



Classification of NFT based on how the image is stored:
On-Chain refers to those with data stored on the blockchain while Off-Chain refers to those with data stored elsewhere on the Internet

BoredApeYachtClub #6633

[Chat with Owner](#)



Bored Ape Yacht Club

Min. Price

0.0000 ETH (\$0.00)

Last Sale (Item)

159.99 ETH (\$196,426.12)

Last Sale (Contract)

71 ETH (\$87,169.54)

Details

Owner:

[Neymar Jr \(EneJayVault\)](#)

[0xbc4ca0eda7647a8ab7c2061c2e118a18a936f13d](#)

[Bored Ape Yacht Club: Deployer](#)

Classification:

Off-Chain (IPFS)

Token ID:

6633

Token Standard:

ERC-721

Marketplaces:



Que tem *dentro* de um *smart contract*?

Contract 0xBC4CA0EdA7647A8aB7C2061c2E118A18a936f13D

Buy Exchange Earn Ga

Token Contract

Contract Overview

Bored Ape Yacht Club: BAYC Token

Balance:	0.010201 Ether
Ether Value:	\$12.52 (@ \$1,227.17/ETH)
Token:	\$335.89 31

More Info

My Name Tag: Not Available, [login to update](#)

Contract Creator: [Bored Ape Yacht Club: D...](#) at txn [0x22199329b0aa1aa6](#)

Token Tracker: [BoredApeYachtClub \(BAYC\)](#)

Transactions Internal Txns Erc20 Token Txns Erc721 Token Txns Erc1155 Token Txns **Contract** Events Analytics Comments

Code Read Contract Write Contract

<https://etherscan.io/address/0xbc4ca0eda7647a8ab7c2061c2e118a18a936f13d#code>

Code [Read Contract](#) [Write Contract](#)

Search Source Code ⌵ ⌶

✓ **Contract Source Code Verified** (Exact Match) 

Contract Name:	BoredApeYachtClub	Optimization Enabled:	No with 200 runs
Compiler Version	v0.7.0+commit.9e61f92b	Other Settings:	default evmVersion, MIT license

 **Contract Source Code** (Solidity)

Outline ⌵ More Options ⌵



```
1 /**  
2 *Submitted for verification at Etherscan.io on 2021-04-22  
3 */  
4  
5 // File: @openzeppelin/contracts/utils/Context.sol  
6  
7 // SPDX-License-Identifier: MIT  
8  
9 pragma solidity >=0.6.0 <0.8.0;  
10  
11 /**  
12 * @dev Provides information about the current execution context, including the  
13 * sender of the transaction and its data. While these are generally available  
14 * via msg.sender and msg.data, they should not be accessed in such a direct  
15 * manner, since when dealing with GSN meta-transactions the account sending and  
16 * paying for execution may not be the actual sender (as far as an application  
17 * is concerned).  
18 *  
19 * This contract is only required for intermediate, library-like contracts.  
20 */  
21 abstract contract Context {  
22     function _msgSender() internal view virt  
23     return msg.sender;
```

JS Untitled-1 0+



```
1 // File: @openzeppelin/contracts/introspection/IERC165.sol
2
3
4
5
6
7 // SPDX-License-Identifier: MIT
8
9 pragma solidity >=0.6.0 <0.8.0;
10
11 /*
12  * @dev Provides information about the current execution context, including the
13  * sender of the transaction and its data. While these are generally available
14  * via msg.sender and msg.data, they should not be accessed in such a direct
15  * manner, since when dealing with GSN meta-transactions the account sending and
16  * paying for execution may not be the actual sender (as far as an application
17  * is concerned).
18  *
19  * This contract is only required for intermediate, library-like contracts.
20  */
21 abstract contract Context {
22     function _msgSender() internal view virtual returns (address payable) {
23         return msg.sender;
24     }
25
26     function _msgData() internal view virtual returns (bytes memory) {
27         this; // silence state mutability warning without generating bytecode - see https://github.com/ethereum/solidity/issues/2612
28         return msg.data;
29     }
30 }
31
32 // File: @openzeppelin/contracts/introspection/IERC165.sol
33
34
35
36 pragma solidity >=0.6.0 <0.8.0;
```



TERMS & CONDITIONS

Bored Ape Yacht Club is a collection of digital artworks (NFTs) running on the Ethereum network. This website is only an interface allowing participants to exchange digital collectibles. Users are entirely responsible for the safety and management of their own private Ethereum wallets and validating all transactions and contracts generated by this website before approval. Furthermore, as the Bored Ape Yacht Club smart contract runs on the Ethereum network, there is no ability to undo, reverse, or restore any transactions.

This website and its connected services are provided “as is” and “as available” without warranty of any kind. By using this website you are accepting sole responsibility for any and all transactions involving Bored Ape Yacht Club digital collectibles.

OWNERSHIP

i. You Own the NFT. Each Bored Ape is an NFT on the Ethereum blockchain. When you purchase an NFT, you own the underlying Bored Ape the Art completely. Ownership of the NFT is mediated entirely



Ceci n'est pas une pipe.

O equívoco mais comum



Achar que o NFT é a coisa que ele representa.

No meio jurídico, querer dar uma natureza jurídica ao NFT, sem examinar o direito subjacente.

NFT e direitos autorais



jacobgalapagos [Follow](#)

i dont know what an NFT is and im too afraid to ask



queersamus [Follow](#)

imagine if you went up to the mona lisa and you were like "i'd like to own this" and someone nearby went "give me 65 million dollars and i'll burn down an unspecified amount of the amazon rainforest in order to give you this receipt of purchase" so you paid them and they went "here's your receipt, thank you for your purchase" and went to an unmarked supply closet in the back of the museum and posted a handmade label inside it behind the brooms that said "mona lisa currently owned by jacobgalapagos" so if anyone wants to know who owns it they'd have to find this specific closet in this specific hallway and look behind the correct brooms. and you went "can i take the mona lisa home now?" and they went "oh god no are you stupid? you only bought the receipt that says you own it, you didn't actually buy the mona lisa itself, you can't take the real mona lisa you idiot. you CAN take this though." and gave you the replica print in a cardboard tube that's sold in the gift shop. also the person selling you the receipt of purchase has at no point in time ever owned the mona lisa.

unfortunately, if this doesn't really make sense or seem like any logical person would be happy about this exchange, then you've

NFT e direitos autorais

Que o registro confere

- Exclusividade
- Permanência
- Verificabilidade

Bitcoin ▼ \$16,792.93 -1.18%

Ethereum ▼ \$1,225.25 -2.55%

Binance Coin ▼ \$283.77 -1.62%

XRP ▼ \$0.37987790 -1.39%

Bitcoin



Crypto Prices →

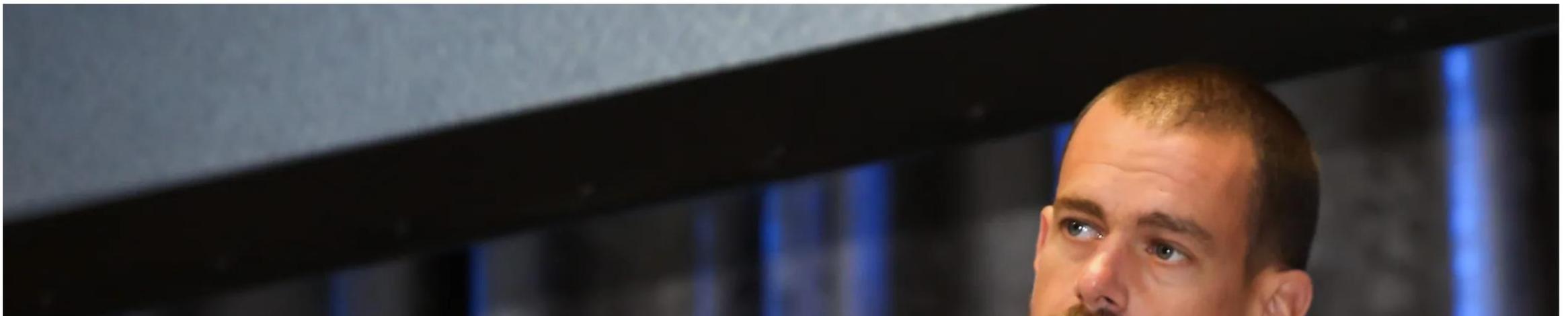
CoinDesk Market

Markets

Jack Dorsey's First Tweet Sells for \$2.9M

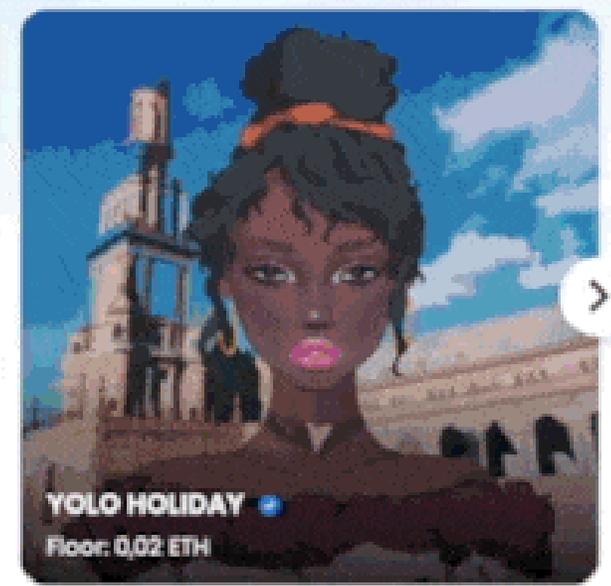
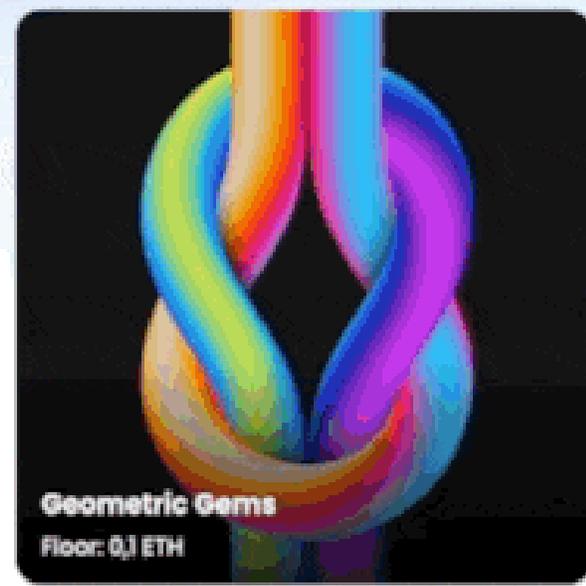
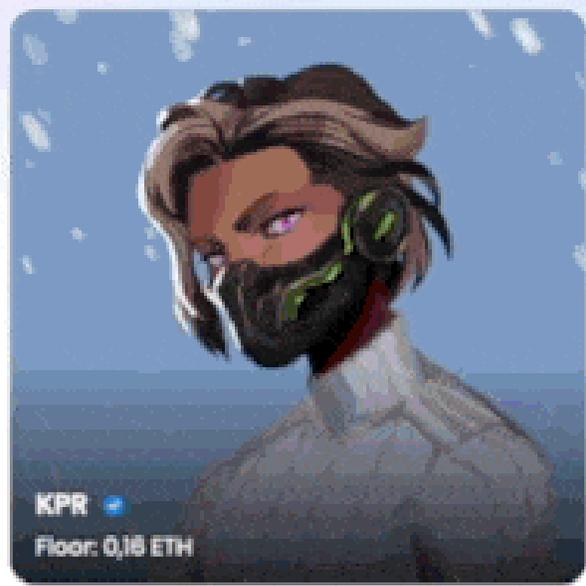
The auction for the March 2006 tweet by the Twitter co-founder closed Monday.

By **Jamie Crawley**  Mar 22, 2021 at 2:05 p.m. Updated Sep 14, 2021 at 9:30 a.m.



<https://www.coindesk.com/markets/2021/03/22/jack-dorseys-first-tweet-sells-for-29m/>

Explore, collect, and sell NFTs



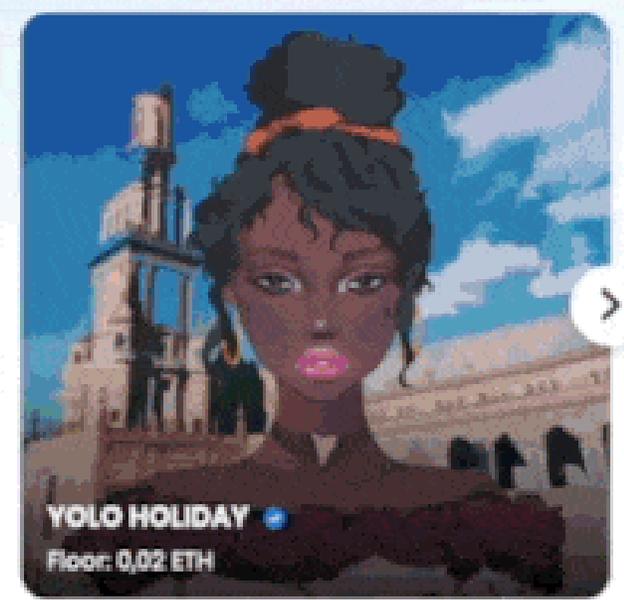
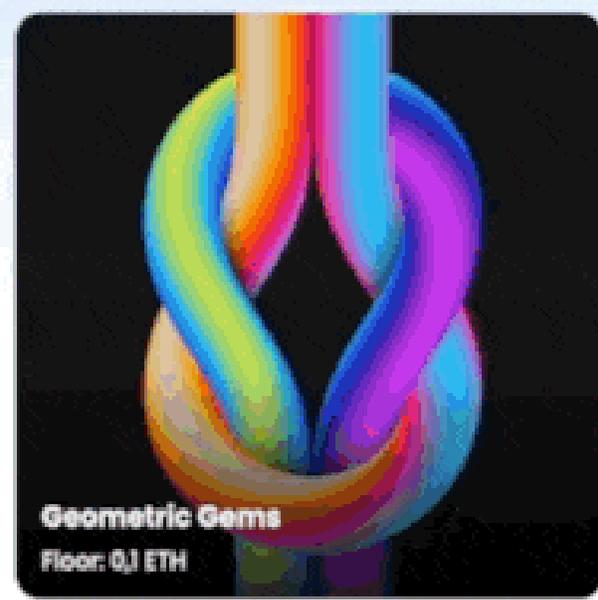
Trending Top

24h ▾ All chains View all

COLLECTION	FLOOR PRICE	VOLUME
1 Dori Samurai	0.85 ETH	661 ETH

COLLECTION	FLOOR PRICE	VOLUME
6 CW Females	0.09 ETH	56 ETH

Explore, collect, and sell NFTs



Trending

Top

24h

All chains [filters]

View all

COLLECTION	FLOOR PRICE	VOLUME	COLLECTION	FLOOR PRICE	VOLUME
1 Dori Samurai	0.85 ETH	\$61 ETH	6 CW Females	0.09 ETH	56 ETH

NFT e direitos autorais

Que o registro confere

- Exclusividade
- Permanência
- Verificabilidade

Que o registro **não** confere

- Autoria
- Originalidade
- Quais os direitos cedidos

FINTECH

Why Jack Dorsey's First-Tweet NFT Plummeted 99% In Value In A Year

Jeff Kauflin Forbes Staff

I cover fintech, crypto and inv



0

In December 2020, Jack Dorsey created a non-fungible token (NFT) out of his first-ever Twitter [post](#). He turned a static image of a five-word tweet into a digital file stored on a blockchain, and voila, an NFT [was born](#). A few months later, the image sold for a stunning [\\$2.9 million](#). Yet in an auction this past week, [no one bid](#) more than \$280 for it. And even [current bids](#) on OpenSea only amount to about \$10,000, a 99% drop in value. What happened?

NFT e direitos autorais

- NFTs como meio de prova da transação
- Confiabilidade de que o o emissor do token tem, de fato, os direitos que transmite via NFT

NFT e direitos autorais

L 9610/98

Art. 7º São obras intelectuais protegidas as **criações do espírito**, expressas por **qualquer meio** ou fixadas em qualquer suporte, **tangível ou intangível**, conhecido **ou que se invente no futuro**, tais como:

NFT e direitos autorais

L 9610/98

- Art. 22. Pertencem ao autor os **direitos morais e patrimoniais** sobre a obra que criou.
- Art. 27. Os **direitos morais** do autor são inalienáveis e irrenunciáveis.

NFT e direitos autorais

L 9610/98

- Art. 37. A aquisição do **original** de uma obra, ou de **exemplar**, não confere ao adquirente qualquer dos **direitos patrimoniais** do autor, salvo convenção em contrário entre as partes e os casos previstos nesta Lei.

E os tributos?

- **IN nº 1.888/2019**
- Art. 5º [...]
- I - criptoativo: a representação digital de valor denominada em **sua própria unidade de conta**, cujo preço pode ser expresso em moeda soberana local ou estrangeira, transacionado eletronicamente com a utilização de criptografia e de **tecnologias de registros distribuídos**, que pode ser utilizado como forma de investimento, instrumento de transferência de valores ou acesso a serviços, e que não constitui moeda de curso legal; e

E os tributos?

- DIRPF
- 81 – Bitcoin
- 82 – Altcoins, como Ethereum, Bitcoin Cash, XRP, ChainLink e Litecoin
- **89 – Demais criptoativos, como tokens**



CÂMARA DOS DEPUTADOS

de que trata o *caput* deste artigo poderá ser concedida mediante procedimento simplificado.

Art. 3º Para os efeitos desta Lei, considera-se ativo virtual a representação digital de valor que pode ser negociada ou transferida por meios eletrônicos e utilizada para realização de pagamentos ou com propósito de investimento, não incluídos:

I - moeda nacional e moedas estrangeiras;

II - moeda eletrônica, nos termos da Lei nº 12.865,

Obrigado!

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@Idebritto