

# Brazil: Marketing Regulatory Framework & IP Impacts

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# Agenda

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01

# Setting the Scene

Brazil's Betting Market Journey and its Numbers

# Legislative Journey

Why this moment matters for IP and advertising practitioners

1946

Decree-Law 9.215/1946 — land-based casino gaming **PROHIBITED** (still in force)

72 years...

2018

Law 13.756/2018 — Congress authorizes development of fixed-odds betting regulation

5 years...

Dec 2023

Law 14.790/2023 ('Lei das Apostas') — comprehensive sports betting & online casino framework

Dez 2022

**CONAR publishes Betting Industry Standards (Annex X)**

2024 (on-going)

**Secretaria de Prêmios e Apostas (SPA) issues several Ordinances regulating betting industry, including applicable advertising rules.**

Jan 1, 2025

Regulated market LAUNCHED. Only licensed operators may operate and advertise.

Sep 2025

**CONAR and SPA formalize cooperation agreement for the regulation and monitoring of fixed-odds betting advertisement in Brazil.**

Feb 2026

Bill n. 3.563/2024. Seeks to **ban all forms of betting advertising, sponsorships, and influencer promotion**. Still needs Committee's review, full Senate, House, and presidential approval.

## Brazil's Betting Market in Numbers - 2025 - first full year of regulated operations



Pixbet é a patrocinadora master do Flamengo; clube é o que mais ganha dinheiro com acordo com bet no Brasil —  
Foto: Jorge Rodrigues / AGIF

02

# Regulatory and Enforcement Architecture

WHO DOES WHAT

# Regulatory and Enforcement Architecture: Who Does What

*Federal supremacy, but a **complex multi-agency ecosystem** applies*

## Federal Level

- Ministry of Finance (through its **Secretaria de Prêmios e Apostas (SPA)** is the primary federal regulator;
- **SENACON** — consumer protection federal agency. **Influencers under close watch!!**

## Self-Regulation

- **CONAR** — advertising self-regulation (**CBAP + Annex X**)
- CONAR's decisions are non-binding but treated as hard compliance standard; cited in court
- **CONAR + SPA building 'system of consequences':**
- CONAR flags → SPA list → **enforcement with police powers**

## The role of the Supreme Court

**INJUNCTION GRANTED** - Two binding orders issued:

**Order 1:** Immediate **ban on all betting advertising targeting children and adolescents Nationwide**; and

**Order 2:** Ministry of Finance ordered to urgently implement mechanisms blocking welfare recipients (Bolsa Família) from using government funds on betting platforms.

03

# Marketing and Advertising Rules & CONAR Cases

# Betting Marketing and Advertising Rules:

*Applies to all licensed operators*

## CONAR Annex X — Five Core Principles of Self-Regulation

- **1. Responsible gambling — ads must include harm warnings**  
Portraying gambling as socially attractive is PROHIBITED
- **2. No misleading expectations:**
  - Cannot **imply betting guarantees** financial success or replaces income
- **3. Clear identification — all betting ads must be identifiable as advertising (no hidden ads)**
- **4. Minor protection:**
  - Models must be AND appear over 21; age-restriction mechanisms mandatory
  - **Underage influencers → immediate injunction + aggravated warning**
- **5. Platform restrictions: no ads on platforms with predominantly minor audiences**

## Law 14,790/2023 + Ord. 1,231/2024 — Hard Law

- **Only LICENSED operators may advertise (hard ban since Jan 1, 2025)**
- Ads must include health warnings discouraging compulsive gambling
- **Operator liable for ALL marketing — affiliates, influencers, media partners**
- **Welcome/sign-up bonus advertising: BANNED**
- Free bets for existing users: PERMITTED
- ISP blocking: MoF may notify ISPs to block non-compliant ads

# CONAR Influencer Guide:

CONAR Influencer Guidelines (launched in 2020 and **updated (enter into force June 1<sup>st</sup> 2026)**)

## CONAR Influencer Guidelines — What is Required

- **Core rule:** 'Connection material' test
  - 2020: Advertiser needed to have 'editorial control over the influencer's content'.
  - **2026:** The new guide widens this significantly: **any benefit whatsoever** (pay, product gifting, commission, or even an ambassador relationship) now triggers the disclosure obligation;
- **Mandatory disclosure:** 'publicidade', 'publi', or 'parceria paga' must be prominent, not buried in hashtags;
- Operator sharing/liking organic third-party content = advertising;
- **Operator bears strict liability for Influencer content;**
- **'Affiliates'** formally defined = **performance-based content** (where the influencer earns per click, per sale, or per registration) is advertising even if the influencer writes whatever they want and the brand never interferes). This closes a major loophole that was being widely exploited in the betting sector;
- AI-generated content must be disclosed (imagery, AI voiceovers, virtual/AI influencer). AI avatars are subject to the exact same rules as human influencers.
- ECA Digital (Law 15.211/2025): betting advertisers must now actively verify the age profile of your influencer's audience (not just confirm the influencer themselves is over 21). **If a significant portion of followers are minors, that channel cannot be used for betting ads.**
- Brand curatorship: The new guide strongly recommends (no mandate) that brands avoid hiring influencers who have **prior definitive CONAR sanctions**.

## Enforcement Challenge...

80% of CONAR complaints involve **unlicensed operators**



**Solution: the CONAR + SPA 'system of consequences'**

**CONAR flags violations → SPA (police powers) takes enforcement action**

# CONAR Case (1) – Representação 246/23 (Maio 2024)

**Campaign:** Advertisements sent via SMS with the slogan: "Live the emotion of playing and being part of this experience where luck awaits, and **winning is just the beginning!**" ("VENCER É APENAS O COMEÇO!")

## Key Issues and Violations

Case was initiated following a complaint from the **Ministry of Finance**, pointing out several ethical failures:

- **Lack of Age Restrictions:** The ads did not include the mandatory "18+" symbol or the "prohibited for minors under 18" warning.
- **Missing Responsible Gaming Warnings:** The pieces lacked the required clauses alerting consumers to the potential impacts of gambling.
- **Promise of Certain Winnings:** The phrase "**winning is just the beginning**" was flagged as a potential **promise of guaranteed gains**, which is incompatible with the nature of betting and prohibited by industry regulations.

## The Advertiser's Defense (Blaze.com):

- **Commitment to Compliance:** The advertiser committed to immediately revising all advertising materials.
- **Clarification of Intent:** Regarding the controversial slogan, the defense argued it was meant to highlight an "exciting and immersive experience" rather than foster unrealistic expectations of financial success.
- **Proactive Measures:** The company stated it had already **discontinued the campaign** in question and guaranteed that future campaigns would clearly display age restrictions and promote responsible gaming.

**Final Ruling:** Unanimously, CONAR found that the ethical flaws in the ads to be **indisputable**, noting they violated both the legislation in force at the time and established ethical rules. Vote for **alteration** of the advertisements to address all the issues raised.

# CONAR Case (2) – Representação 042/24 (November 2024)

## "ESPORTES DA SORTE - TURBINE SUA RENDA EXTRA " "É MUITO MAIS QUE BET"

### Key Issues and Violations

The case was initiated following a notification from the **Ministry of Finance**, identifying several irregularities in TV ads and digital banners:

- **Promises of Easy Gains:** The ads used phrases like "Test your luck, starting from R1 and win up to R 1 million," which suggests easy financial gain.
- **Lack of Mandatory Disclosures:** The pieces failed to include required **warning phrases**, age restriction notices, and **age gating** mechanisms mandated by the Conar Code and Annex "X".
- **Misleading "Extra Income" Claims:** The slogan "Turbine sua renda extra" was a primary point of contention.

### Advertiser's Defense (ESPORTE DA SORTE)

- The "extra income" mentioned referred to their **affiliate program**, not to winnings from bets.
- They had already begun revising their marketing materials and reinforcing "responsible gaming" guidelines for their service providers.

**Final Ruling:** Unanimously upheld the sanctions on appeal, concluding that:

- **Connection to Betting:** Even if the income claim referred to affiliates, that income is directly linked to the betting activities of the people they refer.
- **Social Responsibility:** The expression "extra income" could lead the public to believe that money is earned through the bets themselves, which violates the principle that gambling should **not be associated with financial success**.
- **Compliance:** The advertiser **failed to prove they were adequately instructing their affiliates** to follow current advertising regulations.

# CONAR Case (3) – Representação 301/24 - Influencer Campaign (February 2025)

## "TROPICALIZE BET E INFLUENCIADOR MIRIM - B2X BET"

### Key Issues and Violations

The case was part of a series of representations regarding serious breaches of advertising ethics in the betting sector:

- **Use of Minors:** The primary violation was featuring children or adolescents in betting ads, which is strictly prohibited by **Law 14,790/23** and **Annex "X"** of the Brazilian Code of Advertising Self-Regulation.
- **False Promises:** The advertisements promised **guaranteed winnings**, which is a violation of ethical guidelines.
- **Unauthorized Operation:** The ads promoted websites that were not on the official list of authorized operators in Brazil at the time, and in some cases, provided false information regarding their legal status.
- **Lack of Mandatory Safeguards:** The pieces lacked mandatory warning phrases, age restriction notices, and **age-gating** mechanisms.

### The Advertiser's Defense: (Tropicalize Bet):

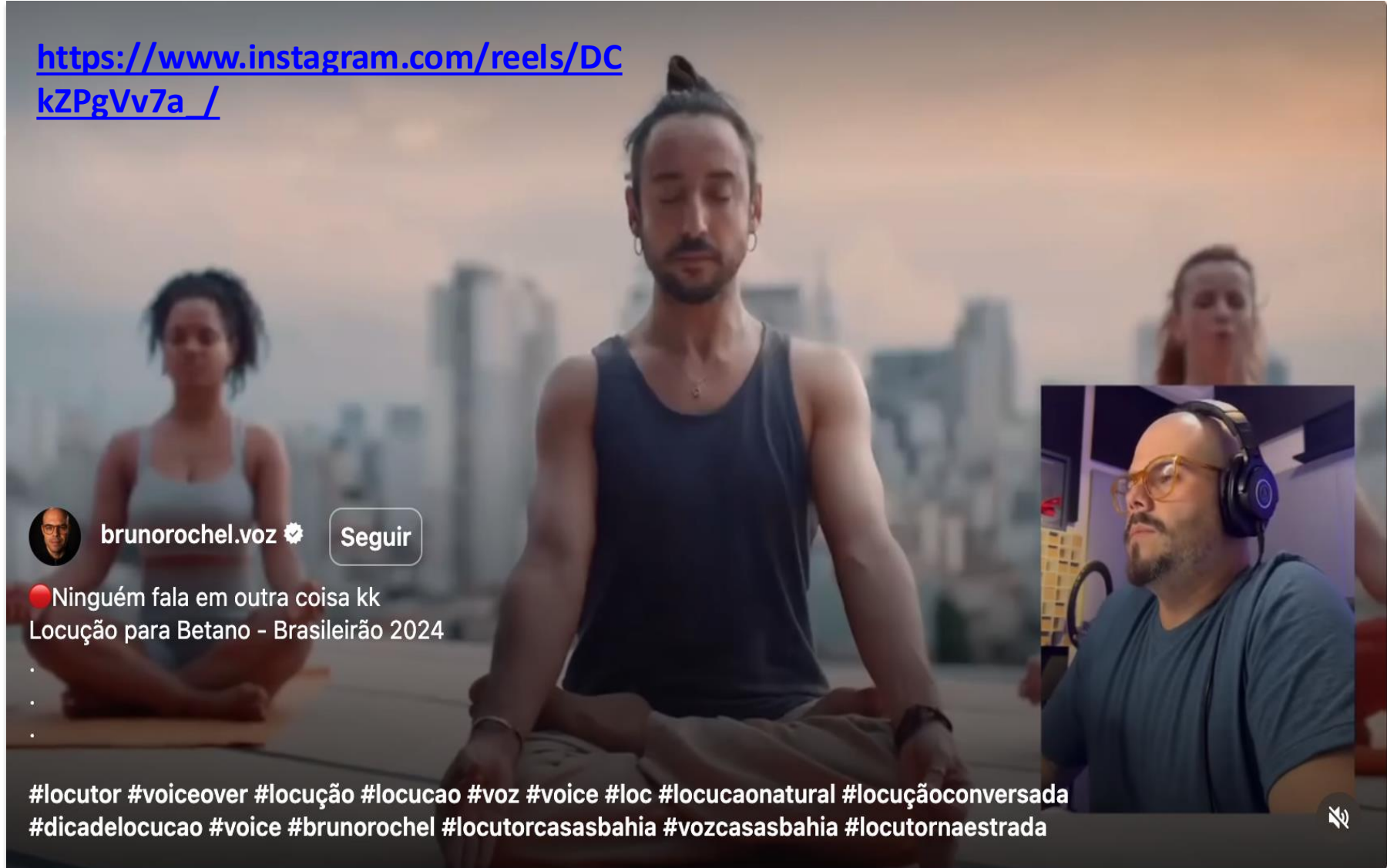
- Their formal process to obtain authorization to operate in Brazil was still pending; and
- They denied any relationship with the specific advertisements cited in the representation.

**Final Ruling:** Unanimously, deciding for the **sustention of the ads** and a **warning** to both the advertiser and those responsible for the influencer. The ruling highlighted:

- **Protection of Minors:** A serious concern regarding the repeated disregard for regulations intended to protect children and adolescents.
- **Regulatory Non-compliance:** The context was described as "recurring and concerning," involving a lack of transparency and responsibility by those promoting gambling activities.
- **Immediate Action:** Due to the severity of using minors, Conar had already granted an **injunction** (liminar) to stop the ads as soon as the case was opened.

## CONAR Case (4) – Representação 249/24 Tagline Campaign (March 2025)

<https://www.instagram.com/reels/DCkZPgVv7a/>



- Implement and document effective age gating on all digital channels.

04

# IP in the Betting Space

Trademarks, Slogans & INPI Framework

# Trademarks, Slogans & INPI Framework:

INPI Trademark Manual revised (Nov 2024· Aug 2025)

## Trademarks

- INPI updated the Manual de Marcas **to expressly recognize the legitimacy of trademark registrations for sports betting services.**
- Legality presumed from a simple declaration by the applicant (but with criminal liability for false declarations, and the possibility of INPI requesting the Ministry of Finance authorization certificate if doubt arises).

"ESTRELABET - CONHEÇA O AVIATOR NA ESTRELA  
BET. DIVERSÃO E LUCRO RÁPIDO E FÁCIL"  
"TODO DIA PODE SER SUPER"

**Watch out:** A slogan can pass INPI (it's distinctive enough to identify a brand) and **fail CONAR/SENACON** (the campaign uses it irresponsibly).

## Slogans

- **Old rule:** slogans as promotional tools and **CANNOT** be registered (Art. 124(VII) LPI);
- **New rule (Portaria 15/2025):** slogans **CAN** be registered if they function as **SOURCE IDENTIFIERS**
- **INPI 'originality' test:** Slogan must **NOT** be:
  - Purely descriptive
  - Merely comparative
  - Solely laudatory

### ✓ REGISTRABLE

"Melhoral, é melhor e não faz mal"

→ Distinctive · Serves as source

### ✗ NOT REGISTRABLE

"Best odds in Brazil"

→ Purely promotional/laudatory

"Sports betting platform"

→ Purely descriptive

05

# Practical Takeaways

# Practical Takeaways

Buscar notícias, ativos e outros

InfoMoney

Pla

Início

Últimas Notícias

Mercados

Onde Investir

Política

Economia

Mundo

Minhas Finanças

Business

Brasil

Trader

13 -0.79%

ITUB4 R\$39,75 -1.41%

ABEV3 R\$16,43 +0.18%

GGBR4 R\$23,91 -1.12%

Ibovespa 175.899pts -1.08%

DÓLAR R\$5,02 +0.29%

BITCOIN R\$391.951,00 +0.88%

[Política](#) | Presidente

## Lula diz que proibição das bets será mote da sua campanha à reeleição

As bets foram legalizadas em 2018, no governo Michel Temer, e o governo Lula regulamentou o setor e estabeleceu regras de tributação para as apostas esportivas

[Estadão Conteúdo](#)

22/05/2026 18h12 • Atualizado 4 dias atrás



Watch Outs

STF · Advertising Bans and Casino Bills · Potentially More Restrictions

# Obrigada · Gracias

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