

## Google's Lawyer in Brazil Calls Lawsuit Against Orkut Baseless

Contributed by José Wilson Miranda  
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Google's lawyer in Brazil, Durval de Noronha Goyos Jr. told reporters, yesterday, August 23, in a conference call, that the lawsuit filed by the Brazilian Public Attorney office in São Paulo asking that Google Brasil be shutdown in case it's not forthcoming with names of criminals registered in its social networking site, Orkut, is "absolutely groundless and untenable.

The public attorney petition was submitted to a Federal Court. According to Noronha, however, the suit should be dismissed by the judge because as the lawyer puts it, "it has no precedent."

Noronha also said that Google is challenging the numbers and data being used by the public attorney, which gets his information from SaferNet, a Non-Governmental Organization.

The NGO presented their studies based on complaints made by Brazilian Internet users from January 30 to August 22 and concluded that in 105,971 complaints against crimes committed online, 93% or 100,252 of the cases had to do with Orkut users.

For Noronha, however, information like thos doesn't mean much: "These are subjective not audited numbers, and we question the numbers that were presented."

According to SaferNet, child pornography and pedophilia are the crimes most often reported. They number 39,000 and represent about 39,65% of the crimes pointed out in Orkut.

Noronha also stated that many of the charges brought against Google had to do with Orkut communities that disappeared. "In the hearing conducted in the House of Representatives' Constitution and Justice Commission, they (SaferNet) presented a list of 300 communities with pedophilia content. When these communities were investigated, 90% of them didn't exist anymore," said Google's lawyer.

According to the lawyer, Google Inc, the American company that controls Orkut, has already a policy to fight illegal activities in its domains. And he explained: "The site Orkut itself has a space for anyone interested who feels harmed to complain. There are filters that prevent illegal contents or those forbidden by Orkut's policy of use."

Noronha commented also that there's a daily review of all communities when those that are deemed improper are expunged. "Moreover," continued the lawyer, "Google is willing to entertain requests from those harmed or from authorities through its proxies in the country."

This Tuesday, August 22, the São Paulo Public Attorney Office filed a public civil lawsuit with the Federal Justice, compelling Google Brasil, subsidiary of Google Inc., to disclose information on people who commit crimes in Orkut. Noronha, once again, insisted that this kind of request has to be made directly in the United States.

According to him, the subsidiary Google Brasil is "an independent company, controlled from the outside, but with it own juridical personality".

Google Brasil, he explained, was established according to the Brazilian laws and its only activity in Brazil is to sell ads. "As for Google Inc. this is an American company, which has a subsidiary called Orkut Inc., which is headquartered in the United States and operated in the United States," he repeated.

The Public Attorney's Office in its lawsuit is asking that Google pays 130 million reais (US\$ 61 million) for moral damages as well as daily fines of 200,000 (US\$ 93.000) until Google hands over the information.