

27. Limitations on protection

PART IV
VOLUNTARY REGISTRATION OF COPYRIGHTS

28. Voluntary registration of copyrights

PART V
ENFORCEMENT OF RIGHTS

29. Provisional measures
30. Civil remedies
31. Offences and penalties
32. Technological protection measures
33. Protection of rights management information
34. Prohibited acts deemed to be infringement of rights

PART VI

DRAFT



- (27) “work of applied art” means an artistic creation with utilitarian functions or incorporated in a useful article, whether made by hand or produced on an industrial scale;
- (28) “work of joint authorship” means a work to the creation of which two or more authors have contributed.

PART II

COPYRIGHTS

4. (1) Literary and artistic works (hereinafter referred to as “works”) are original intellectual creations in the literary and artistic domain, including in particular —

- (a) books, pamphlets, articles and other writings;
- (b) speeches, lectures, addresses, sermons and other oral works;
- (c) dramatic, dramatico-musical works, pantomimes, choreographic works and other works created for stage productions;

DRAFT

9.(1) Subject to the provisions of subsection (2), the private reproduction of a published work in a single copy shall be permitted without the authorisation of the author or other owner of copyright, where the reproduction is made by a natural person exclusively for his or her own personal purposes.

(2) The provisions of subsection (1) shall not extend to reproduction

- (a) of a work of architecture in the form of building or other construction;
- (b) in the form of reprography of the whole or of a substantial part of a book or of a musical work in the form of notation;
- (c) of the whole or of a substantial part of a d6.92 56(o)3.18 5i3o woy



DR

- (c) the reproduction in a newspaper or periodical, the broadcasting or other communication to the public of a lecture, address, sermon or other work of a similar nature delivered in public, to the extent justified by the purpose of providing current information.

15.(1) The reproduction, in a single copy, or the adaptation of a computer program by the lawful owner of a copy of that computer program shall be permitted without the authorisation of the author or other owner of copyright, provided that the copy or adaptation is necessary —

- (a) for use of the computer program with a computer for the

(3) Where the recording of a work referred to in subsection (1) has an exceptional documentary character, one copy of such recording may be preserved in official archives.

18. A work may be used for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings.

Use for public security and for performance or reporting of proceedings

19.(1) The economic and moral rights shall be protected during the life of the author and for fifty years after his or her death.

Duration of copyright

(2) In the case of a work of joint authorship, the economic and moral rights shall be protected during the life of the last surviving author and for fifty years after his or her death.

(3) In the case of an audio-visual work, the economic and moral rights shall be protected for fifty years from the date on which the work was made or first made available to the public by publication or by any other means, whichever date is the latest.

(4) In the case of a work published anonymously or under a pseudonym, the economic and moral rights shall be protected for fifty years from the date on which the work was made or first made available to the public, by publication or by any other means whichever date is the latest, provided that where the identity of the author is revealed or is no longer in doubt before the expiration of the said period, the provisions of subsection (1) or subsection (2), as the case may be, shall apply.

(5) In the case of a work of applied art, the economic and moral rights shall be protected for twenty-five years from the making of the work.

(6) The period provided for under subsections (1) to (5) shall run to the end of the calendar year in which it would otherwise expire.

20.(1) Subject to the provisions of subsections (2) to (6), the original owner of economic rights in respect of a work is the author who has created the work.

Original ownership of economic rights

(2) In respect of a work of joint authorship, the co-authors shall be the original owners of the economic rights.

(3) In case a work of joint authorship consists of parts that can be used separately and the author of each part can be identified, the author of each part shall be the original owner of the economic rights in the part that he or she has created.

(4) In respect of a work created by an author, employed by a natural person or legal entity, in the course of his or her employment, the original

PART III

PROTECTION OF PERFORMERS, PRODUCERS OF PHONOGRAMS
AND BROADCASTING ORGANISATIONS

23.

DRAFT

(2) Unless otherwise agreed between the performers and the producer, half of the amount received by the producer under subsection (1) shall be paid by the producer to the performer or performers.

(3) The right to an equitable remuneration under this section shall subsist from the date of publication of the phonogram until the end of the fiftieth calendar year following the year of publication, provided that the phonogram is still protected under section 24(3).

DRAFT



- (b) with a view to seize the works or phonograms and their packaging —
 - (i)

DRAFT



access control or protection process, ~~sa~~shencryption, scrambling or other transformation of the work or other subject-matter, or a copy control mechanism which, in the normal course of its operation, achieves the protection objective.

(3) Notwithstanding subsection (1), upon the request by the beneficiary of an exception or limitation in accordance with sections 12, 13, 15, 16, 17 or 18, the Registrar or the court, as the case may be, may order that the necessary means be made available to the extent required to benefit from it.

(4) The provisions of subsection (3) shall not apply to works or other subject matters made available to the public on agreed contractual terms in such a way that members of the public may access them from a place and at a time individually chosen by them.

33.(1) It is prohibited to —

- (a) remove or alter any electronic rights management information without the consent of the right holder, or
- (b)

DRAFT

