

[DE] Bill to Implement EEC Directive on Harmonization of the Term of Protection of Copyright

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*Marcel Schulze
Internationale Gesellschaft für Urheberrecht e.V., INTERGU*

On 13 March 1995, a draft of a fourth law to amend the Act on authors' rights and rights related to authors' rights (Urheberrechtsgesetz) of 9 September 1965 (BGBI. I p. 1273), lastly amended by the Act of 2 September 1994 (BGBI. I p. 227B, 2293), was put before the federal government. The government's draft is intended to implement Council Directive 93/98/EEC of 29 October 1993 to harmonize national rules on the duration of authors' rights and certain related rights (OJ of 24.11.1993 No L 290: 9). The draft makes provision for a 50 year period of protection of performance rights for sound recording producers, film makers and broadcasters of 50 years (instead of the present 25 year period).

Other recently proposed regulations are closely linked to the provisions of the above-mentioned Directive. According to these regulations copyright cover for photographers who produce so-called one-off photographs should also be increased to 50 years.

Also closely linked to the provisions of the Directive, the draft maintains that the wording of the Urheberrechtsgesetz be modified to come into line with the directly applicable ban on discrimination set out in Art. 6 paragraph 1 of the EEC Treaty and Art. 4 of the EEA Agreement (EEA = European Economic Area). These proposed amendments to the text stem from a ruling made by Court of Justice of the European Communities on 20 October 1993, Phil Collins and others in which it was decided that authors' rights and rights related to authors' rights fell within the scope of the EEC Treaty in the meaning of Art. 7 paragraph 1 (now Art 6 paragraph 1 of the EC treaty) and that consequently the general ban on discrimination for reasons of nationality mentioned in this article was applicable to authors' rights and rights related to authors' rights.

According to the draft, nationals (companies) from other EU and EEA Member States should also enjoy the same protection as provided for German nationals (German companies) in the Urheberrechtsgesetz.

Entwurf eines Vierten Gesetzes zur Änderung des Urheberrechtsgesetzes vom 13. März 1995, Drucksache 13/781, Sachgebiet 440.

*Draft of a Fourth Act to Amend the Urheberrechtsgesetz of 13 March 1995,
Drucksache 13/781, Sachgebiet 440.*

