[CZ] New Copyright Act

IRIS 2000-7:1/23

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The new Act also includes provisions implementing the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) (see IRIS 2000-2: 15). It regulates copyrights and related rights - namely, the rights of the author regarding his work, of the performing artist regarding his performance, of the producer of a sound recording regarding his recording, of the producer of an audiovisual recording regarding his recording, of the radio or television broadcaster regarding his original broadcast, of the person who made public a hitherto unpublished work for which the term of protection has expired, the rights of the publisher to remuneration in connection with the making of a reproduction for individual use of a work published by him, and of the creator of a database concerning that database.

The new Act regulates claims of the author or another copyright holder brought before the court in a specific country. The new law regulates the collective administration of copyright and related rights and the right to special remuneration in connection with the reproduction of the work for private use.

The term for copyright protection will be extended to 70 years after the death of the author. The term for economic rights related to the use of an audiovisual work shall be calculated from the death of the last surviving of the following persons: director, scriptwriter, author of the dialogue, and composer of the music (if specially composed for the audio-visual work).

The new Act governs legal relations that are established as of or after the date on which the Act comes into force. Legal relations established before this date, rights and obligations derived therefrom, and legal obligations from a breach of contract concluded before this date, shall be still governed by the old rules.

Except for economic rights (see infra), the previously applicable rules shall also be applied to all terms that started running before the date on which the new Act came into effect, as well as to terms concerning the application for rights still governed by the old provisions. The latter shall apply even where such terms start running after the date of the coming into force of the new Act.

The new Act also determines the term for economic rights even where the term started before the Act comes into effect. Where the term for economic rights has expired before the Act becomes applicable, the term is automatically renewed

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starting from the date on which the new rules come into effect and for the full period foreseen by the new Act. Reproductions of copyright-protected items, for which the term for intellectual property rights is being renewed and which were legitimately acquired before the new Act comes into effect, may be freely disseminated for another two years after the new Act becomes applicable.

The new Act extends protection to items that under the old rules were unprotected or enjoyed or a different kind of protection. For instance, the National Film Archive shall be deemed to be the producer of any Czech audiovisual recording of a work made public during the period from 1 January 1950 to 31 December 1964. The State Fund of the Czech Republic for the Support and Development of Czech Cinematography which, in compliance with special legal provisions, exercises the copyright to audiovisual recordings of audio-visual works made public during the period from 1 January 1965 to 31 December 1991, shall be deemed to be the producer of these works.

The provisions concerning protection of databases shall be applied as appropriate where the works are databases pursuant to the provisions of the new Act, provided that they were made not earlier than 15 years before the new Act comes into effect.

Zákon ze dne 7. dubna 2000 o právu autorském, o právech souvisejících s právem autorsk´ym a o zmìnì nìkter´ych zákonù (autorsk´y zákon), 121/2000 Sb.

Copyright Act, 121/2000 Sb.

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