[DE] Copyright Law Aligned With WIPO Treaties

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In Spring 2002, the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty entered into force. Germany had signed both treaties on 20 December 1996, at the conclusion of a Diplomatic Conference on copyright and related rights held in Geneva.

Under German law, ratification of these treaties depends not only on a new Vertragsgesetz (Treaty Act) being introduced in accordance with Article 59.2 of the Grundgesetz (Basic Law) - the Gesetz über die Zustimmung des Deutschen Bundestages zum WIPO-Vertrag (Act on the Approval by the German Bundestag of the WIPO Treaty) - but also on German copyright law being aligned with the provisions of the WIPO treaties. A Federal Government Bill of 6 November 2002 contains the necessary changes to the Urhebergesetz (Copyright Act). The Bill also serves to transpose into German law Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, which had to be transposed into domestic law by 22 December 2002. For the time being, however, only the binding provisions of the Directive that were subject to the deadline and those of both WIPO treaties are to be transposed. In March 2002, the Federal Government had submitted an initial draft, which was subsequently introduced into the legislative process. However, the Bundesrat (upper house of parliament) expressed serious reservations about these proposals at the end of September 2002 and called for them to be thoroughly reviewed.

Under the provisions of the new Bill, authors and artists will have exclusive rights over the publication, dissemination and exploitation of their works via online, on-demand services, for example. Furthermore, in contrast to existing regulations, the admissibility of digital private copying will be clarified. The Bill also aims to guarantee "effective technical protection measures" to prevent its provisions being circumvented. Finally, the legal position of performers is to be brought closer to that of authors through the broadening of their personality rights.

Entwurf des Vertragsgesetzes vom 25. Oktober 2002

http://dip.bundestag.de/btd/15/000/1500015.pdf

Draft Vertragsgesetz (Treaty Act), 25 October 2002

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Entwurf eines Gesetzes zur Regelung des Urheberrechts in der Informationsgesellschaft vom 6. November 2002

http://dip.bundestag.de/btd/15/000/1500038.pdf

Draft Act regulating copyright in the information society, 6 November 2002

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