

[DE] Third Act Amending the Copyright Act of 23 June 1995

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The third Act amending the Copyright Act of 23 June 1995 (BGBl. I, p. 842) came into force on 1 July 1995. The Act implements Directive 92/100/EEC of 19 November 1992, on rental and lending rights and on certain rights related to copyright in the field of intellectual property (OJ EC L 346, p. 61), and Council Directive 93/98/EEC of 29 October 1993, harmonising the term of copyright and certain related rights (OJ EC L 290, p. 9).

The rights of record and film producers and broadcasters are now protected for a period of 50 years, instead of 25 years, as previously. The new rule protecting the rights of photographers in respect of "simple" photographs for a uniform period of 50 years is closely aligned on the Council Directive of 29 October 1993, as are the changes made to bring the wording of the Copyright Act - and the Copyright Protection Act of 9 September 1965 in respect of the obligation of setting up copyright exploitation companies - into line with the directly applicable prohibition on discrimination contained in Article 6 (1) of the EC Treaty and Article 4 of the European Economic Area Agreement. As far as the rights protected by the Copyright Act are concerned, nationals (companies) of other EU and EEA countries are treated in the same way as German nationals (companies).

The Act of 23 June 1995 also regulates the - new - exclusive rental right (prohibition right) of authors and performing right holders as part of the right of dissemination. An author or artist who transfers rental rights in respect of a sound or film recording to the producer of that recording is entitled to fair remuneration for so doing, and this entitlement may not be relinquished in advance.

The Act makes no provision for exclusive rights (prohibition rights) in respect of material lent through facilities open to the public, but states that authors, artists and record and film producers are entitled to remuneration for this.

Finally, the Act of 23 June 1995 contains provisions on the dissemination rights of artists, makes certain extensions in respect of the performing rights of broadcasters bodies, and lays down transitional rules on existing rights.

Drittes Gesetz zur Änderung des Urheberrechtsgesetzes vom 23. Juni 1995, BGBl. I S. 842.

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