[DK] New Copyright Act

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The Danish Parliament has adopted a new Copyright Act which entered into force on 1 July 1995. The Act contains a systematically modernized copyright legislation and replaces two Acts from 1961 on copyright and on the right in photographic pictures.

The 1961 legislation and several later amendments have to a large extent been carried into effect on a basis of agreement between the five Nordic countries. The present Act has also been prepared after consultations among these countries.

Compared to the previous legislation the major new points of the Act are as follows:

- The Act on the Right in Photographic Pictures is repealed and the protection of photographs is incorporated in the Copyright Act.

- The Nordic system of extended collective agreement licences is enlarged and simplified. New fields of application are photocopying in business enterprises, recording of broadcasts for teaching purposes, and recording of broadcasts for persons suffering from defective vision and hearing.

- The right to make copies for private purposes is restricted so that it will only apply to physical persons.

- Hospitals, residential homes, prisons and the like will have free access to recorded broadcasts for the purpose of delayed presentation.

- The legal status of visual artists is strenghtened.

- As regards protection, performing artists are in principle put on an equal footing with creative artists.

- Some new provisions on the protection of producers of sound recordings are introduced.

- A new protection of producers of recordings of visual images is introduced.

- The general term of protection for literary and artistic works (including musical works) is prolonged from 50 to 70 years, counting from the death of the artist.

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The prolonged term of protection implies the revival of rights once expired. The Act states that this is of no consequence to an exploitation undertaken or rights acquired in accordance with previous legislation. The copying of formerly unprotected works and performances which was under way when the Act entered into force, may continue and be brought to an end at the latest by 1 January 2000. Thus, distribution and display may continue undisturbed except that rental of works must comply with the new provisions. Within the same time limit broadcasters may transmit such productions and also older productions containing works at that time unprotected, without the consent of the right holders. A similar provision covers the public performance of moving pictures.

The Act also implements three EC-directives:

- Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property.

- Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.

- Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights.

An English translation of the Act is expected to be issued shortly by the Danish Ministry of Culture.

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