[NL] Dutch Implementation of Directive 2001/29/EC

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The Dutch Act implementing Directive 2001/29/EC on copyright and related rights in the information society (see IRIS 2001-5: 3) finally received royal sanction on 6 July 2004, and entered into force on 1 September 2004. This act was adopted more than eighteen months after the deadline of 22 December 2002 set by the Directive for implementation into national legislation. The length of the Dutch implementation process can be explained not only by the fact that two national elections took place during that period, but also by the complexity of the task that confronted the legislator. The implementation of the provisions of the Directive on the limitations on copyright and on the legal protection of technological measures posed particular difficulties. The Act introduces at least three new limitations on copyright: a parody exception, an exemption allowing libraries, archives or other non-commercial institutions to make reproductions for conservation purposes, and an exemption for the benefit of disabled persons. A number of existing limitations have been reformulated to adapt them to the digital environment and to comply with the strict wording of the Directive. Finally, the act implements the provisions of the Directive with respect to the legal protection of technological measures and rights management information. It is now unlawful in the Netherlands to circumvent any effective technological measure or to manufacture, import, distribute, sell or advertise a device the main purpose of which is to circumvent a technological measure in respect of a work. The government has the power to lay down by statutory instrument the rules according to which a rightsowner may be compelled to provide certain categories of users with the means to exercise the limitations listed in the relevant article of the Act. This latter obligation of the rights owner does not apply to the circumvention of technological measures for private copying purposes.

Act of 6 July 2004 implementing Directive 2001/29/EC, Official Gazette 2004, No. 336

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