[DE] Further Legislative Procedures on Copyright Law

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On the recommendation of its legal committee, the Bundesrat (Upper House of the German Parliament), during its plenary session on 22 September 2006, did not propose to summon a meeting of a mediation committee in accordance with Art. 77 Abs. 2 GG of the fifth law on the amendment of the copyright law (publication 811/06). The bill introduced into Parliament by the government and approved on 29 June 2006 in slightly amended form is accordingly passed into law.

The law serves to transpose Directive 2001/84/EC of the European Parliament and Council dated 27 September 2001 on the resale right of the creator of the original of a work of art, which should actually have been completed by 1 January 2006. The purpose of the regulation is the harmonisation of the legal claim of the creator to a share of the proceeds of the resale of his work. The bill thus provides in particular for amendments to § 26 of the Copyright Law. The idea is that each claim by the creator against the seller under the resale right would in future be set between 0.25% and 4%, depending on the sale price, with a maximum set at EUR 12,500. The threshold for the accrual of a resale right claim is increased from EUR 50 to EUR 400 and the time limit for the creator to assert his claim concerning the resale of the work extended to three years.

Furthermore, the arrangement under § 52a of the Copyright Law currently time-limited to 31 December 2006, under which public access to works for purposes of education and research is deemed permissible under certain circumstances, is extended to 31 December 2008.

Plenarprotokoll des Bundesrates vom 22. September 2006

http://www.bundesrat.de/cln_051/nn_43984/SharedDocs/Downloads/DE/Plenarprotokolle/2006/Plenarprotokoll-825,templateId=raw,property=publicationFile.pdf/Plenarprotokoll-825.pdf

Minutes of Bundesrat Plenary Session of 22 September 2006

Gesetzesentwurf der Bundesregierung

http://dip.bundestag.de/btd/16/011/1601107.pdf

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Draft law of the Federal Government

Gesetzesbeschluss des Bundestages

http://www.bundesrat.de/cln_051/SharedDocs/Drucksachen/2006/0601-700/611-06,templateId=raw,property=publicationFile.pdf/611-06.pdf

Legal ruling of the German Parliament

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