[CZ] Ordinance of the Ministry of Culture pursuant to the Copyright Act

IRIS 2006-10:1/39

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The amendment to the Copyright Act effective as of 22 May 2006 (adopted as Act No. 216/2006 Coll., amending Act No. 121/2000 Coll. (Copyright Act, see IRIS 2000-7: 11) instructs the Ministry of Culture in its Section 25(7) to issue an ordinance specifying the types of devices for making printed reproductions and the types of empty carriers of recordings subject to a fee pursuant to Section 25(1), as well as the amount of lump fees according to the types of the devices for making printed reproductions and the types of empty carriers of recordings. The amendment in this connection complemented a new provision of Section 25(4) under which fees for devices for making printed reproductions are to be payable in respect of the presumable number of devices designed for making printed reproductions of works pursuant to Section 30a of the Copyright Act. For the purpose of determining the amount of the fee payable for devices designed for making printed reproductions of works, the presumable number of such devices has been set out at 20%. In keeping with this legal provision, the fee will be determined on the basis of an average price of the device, free of VAT. Pursuant to the above-described delegating provision, the ordinance also specifies those types of devices for making reproductions of recordings subjected to a fee pursuant to Section 25(1). The amount of such fees continues to be set out in the Appendix to the Act. The legal regulations execute within the extent of the legislative delegation the provisions of the amended Copyright Act. In the area in question, namely in respect of so-called fair compensation payable to rightsholders by way of what is termed as ‘substitution fee’ payable in exchange for an opportunity of free reproduction of works, and/or protected objects for private, and/or internal use, the Act refers to international agreements and conventions, as well as to Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society, and also to the World Intellectual Property Declaration adopted by the World Intellectual Property Organisation; this document stipulates, among other things, that intellectual property rights should be extended in order to achieve a reasonable balance between protection of authors and the interests of users of intellectual property, and also points out that the impact of the fast development of information technologies on the intellectual property rights needs to be taken into consideration.

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Vyhláška ministerstva kultury č. 488/2006 Sb., kterou se stanoví typy přístrojů k zhotovování roznmoženin, typy nenahraných nosičů záznamů a výše paušálních odměn

http://www.mvcr.cz/sbirka/2006/sb160-06.pdf

Ordinance of the Ministry of Culture specifying the types of devices for making reproductions, the types of empty carriers of recordings, and the amount of lump fees

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