[CZ] Amendment to the Copyright Act

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The parliament of the Czech Republic is currently debating an amendment to the Copyright Act. This relates to the copyright issues involved in the supply of radio and television programmes in hotels and to the freedom to provide services.

The issue of copyright in connection with the supply of radio and television programmes in hotels has been the subject of controversy in the Czech Republic for many years. The European Court of Justice considered it some time ago (C-306/05, SGAE v. Rafael Hoteles; see IRIS 2007-2: 3). In its judgment of 7 December 2006, it classified the distribution of signals via television sets as an act of communication to the public. The Czech government accordingly considered itself obliged to make the relevant amendments to the Czech Copyright Act.

Additional proposals for amendments are based on a letter of formal notice dated March 2007 received by the Czech Republic from the European Commission in connection with proceedings concerning a breach of Articles 43 and 49 of the EC Treaty. The Czech Copyright Act was alleged to be incompatible with the freedom to provide services and freedom of establishment laid down in the EC Treaty. According to the law, a legal entity based in the Czech Republic is entitled to exercise its copyrights and associated rights. This, according to the Commission, conflicts with the freedom of establishment since a legal entity based in another member state would be prevented from providing its service in the Czech Republic. Here, too, there was a need to amend the law because the country would otherwise face legal proceedings and possible fines.

According to the amendment, which is due to come into force as early as the end of 2007, the provision of radio and television broadcasts in accommodation facilities is no longer exempt from the obligation to obtain a licence and to pay the relevant fees. In this connection, the amendment deletes the second sentence of section 23 of the Copyright Act, which currently provides for this exemption. The words “based in the Czech Republic” will be deleted from section 97(2), which lays down the conditions for the exercise of copyright and associated rights.

Návrh novely autorského zákona

http://www.psp.cz/sqw/text/tiskt.sqw?O=5&CT=289&CT1=0

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Proposed amendment to the Copyright Act

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