[CZ] Copyright Amendment Act

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The Czech Parliament has passed an amendment to the Czech Republic's Copyright Act. It concerns the free movement of services and the treatment under copyright law of broadcasts received in hotels, an issue that has been debated in the Czech Republic for many years. The European Court of Justice has already considered the subject of broadcasts in hotel complexes (Case C-306/05 SGAE v. Rafael Hoteles, see IRIS 2007-2: 3) and ruled that this constitutes a "communication to the public".

The Czech government concluded from this decision that it had to adapt the Czech Copyright Act. In March 2007, the Czech Republic received a letter of formal notice from the European Commission in connection with breach of contract proceedings under Articles 43 and 49 of the EC Treaty. The Commission stated that the Czech Copyright Act was not compatible with these articles. According to one of the provisions of that Act, only a legal entity based in the Czech Republic was able to exercise its copyright and other, similar, rights in that country, thus preventing a legal entity based in another member state from providing its services there, in breach of the rules on free movement of services. This provision also had to be changed in order to avoid legal proceedings and the payment of a fine.

Under the amended Act, broadcasts in accommodation facilities are now no longer exempt from the obligation to obtain a licence and pay the relevant fees. For all authorised persons, the amount of the fees should not exceed 50 per cent of the amount of the broadcasting licence charged for the use of the television or radio set and remitted to the public broadcasters. The words "based in the Czech Republic" have been deleted from section 97(2), which lays down the conditions for the exercise of copyright and associated rights. The amendment entered into force on 19 May 2008.

Zákon č. 168/2008 Sb. ze dne 22. dubna 2008, kterým se mění zákon č. 121/2000 Sb., o právu autorském, o právech souvisejících s právem autorským a o změně některých zákonů (autorský zákon), ve znění pozdějších předpisů

http://www.sbirka.cz/POSL4TYD/NOVE/08-168.htm

Amendment to the Copyright Act

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