[PT] Copyright Code

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The Portuguese Act Nº 16/2008 of 1 April 2008 is a transposition of the European Directive 2004/48/CE of the Parliament and Council of 29 April 2004 regarding intellectual property. In terms of Portuguese law, it corresponds to the third change introduced to the Industrial Property Code, the seventh alteration of the Code of Authors Rights and Related Rights and the second change to Law-Decree Nº 332/97 of 27 November.

Being a transposition of an EU Directive, Act Nº 16/2008 establishes and updates the necessary measures and procedures to guarantee full respect for intellectual property rights. In Article 201, the Act establishes that stolen copies or counterfeit intellectual works will always be seized, whatever the nature of the work. The apprehension comprehends other material, machinery, instruments or documents that are suspected of being used in these offensive acts.

In Article 211, Act Nº 16/2008 states in detail the compensation mechanisms for those whose intellectual property rights have been breached. It says clearly that any person who intentionally or recklessly breaches the copyright or related rights of others is obliged to compensate for damages resulting from the breach. In determining the amount of compensation, the court must consider material and immaterial loses, the profit made by the infringer and consequential damages suffered by the offended party. In special circumstances, when it might be difficult for the court to assess the compensation, it may calculate, at the very least, the remuneration that would be received if the infringer had requested authorisation to use those rights and the costs involved in the investigative and administrative procedures to stop the unlawful conduct.

Lei n.º 16/2008 de 1 de Abril Transpõe para a ordem jurídica interna a Directiva n.º 2004/48/CE, do Parlamento Europeu e do Conselho, de 29 de Abril, relativa ao respeito dos direitos de propriedade intelectual, procedendo à terceira alteração ao Código da Propriedade Industrial, à sétima alteração ao Código do Direito de Autor e dos Direitos Conexos e à segunda alteração ao Decreto -Lei n.º332/97, de 27 de Novembro

http://www.dgpj.mj.pt/sections/noticias/lei-n-16-2008-de-1-de

Portuguese Copyright Act - Act Nº 12/2008 of 1 April which transposes the European Directive 2004/48/CE of the European Parliament and Council of 29 April

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2004 regarding the respect of intellectual property, corresponding to the third change to the Industrial Property Code, the seventh alteration of the Code of Authors Rights and Related Rights and the second change in the Law-Decree Nº 332/97 of 27 November

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