[BE] Copyright in Belgium after 2005

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The Copyright and Related Rights Act of 30 June 1994 (published in the Belgian Gazette on 27 July 1994) has been amended on several occasions.

One of the most significant amendments was the transposition into Belgian law of European Directive 2001/29/EC of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society by the Act of 22 May 2005 (published in the Belgian Gazette on 27 May 2005). Following the transposition of Directive 2001/29/EC, the 2005 version of the Belgian law on copyright contains new provisions concerning:

- the rights of reproduction, communication and making available to the public, and distribution (Article 1);

- exceptions to the pecuniary rights of authors (Articles 21 to 23*bis*) and holders of related rights (Articles 46 to 47*bis*);

- private copying and related remuneration (Articles 55 to 58);

- reprography and related remuneration (Articles 59 to 61);

- remuneration for the reproduction and/or communication of works and other subject-matter for the purpose of illustration for teaching or scientific research (Articles 61*bis* to 61*quater*);

- public lending (Articles 62 to 64);

- the legal protection of technological measures and rights-management information (Articles 79*bis* to 79*ter*);

- actions relating to the application of technological protection measures (Article 87*bis*). Royal decrees, particularly concerning the new remuneration schemes for reprography and private copying, with the exception of digital copying for educational purposes, are yet to be adopted, which is making it difficult to apply the new law on copyright.

On 16 November 2006, the Parliament adopted an Act transposing into Belgian law Directive 2001/84/EC of the European Parliament and of the Council of 27

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September 2001 on the resale right for the benefit of the author of an original work of art (Act of 4 December 2006, published in the Belgian Gazette on 23 January 2007). The resale right is an unassignable and inalienable right, enjoyed by the author of a work of graphic or plastic art, to an economic interest in successive sales of the work concerned. The royal decree of 2 August 2007 (published in the Belgian Gazette on 10 September 2007) executing the Act of 4 December 2006 particularly lays down the minimum threshold for the sale price of a work for which a resale right may be claimed. This threshold was raised from EUR 1,250 to EUR 2,000. The royal decree also names SABAM and SOFAM as collecting societies to which parties that owe resale rights may notify sales and pay the relevant fees.

As regards protection against the counterfeiting of works, three Acts amended the Act of 30 June 1994:

- the Act of 9 May 2007 concerning the civil aspects of the protection of intellectual property rights (published in the Belgian Gazette on 10 May 2007 - erratum published in the Belgian Gazette on 15 May 2007);

- the Act of 10 May 2007 concerning the procedural aspects of the protection of intellectual property rights (published in the Belgian Gazette on 10 May 2007 - erratum published in the Belgian Gazette on 14 May 2007).

- the Act of 15 May 2007 concerning the prevention of the counterfeiting and piracy of intellectual property rights (published in the Belgian Gazette on 18 July 2007).

Version coordonnée de la Loi relative au droit d'auteur et aux droits voisins

http://www.juridat.be/cgi_loi/loi_a.pl?language=fr&caller=list&cn=1994063035&la=f&fromtab=loi&sql=dt='loi'&tri=dd+as+rank&rech=1&numero=1

Consolidated version of the Copyright and Related Rights Act

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