[AT] Copyright Act amended

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Having been passed by the Lower (National Council) and Upper (Federal Council) Houses of Parliament on 28 February and 19 March respectively, an amending Act on the Austrian Copyright Act became law on 1 April 1996. Austria introduced this Act to satisfy its obligation of implementing Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, and also Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights. It was late in doing this, since Directive 93/83/EEC should have been implemented by 1 January 1995, and Directive 93/98/EEC by 1 July 1995. Its failure to respect the time limits had already earned it several reminders from the Commission.

After the previous Amending Act of 1993, the new one makes substantial changes in the Austrian Copyright Act, which still essentially dates from 1936.

Section 16b of the amended Act contains, for example, a new regulation on artists' exhibition rights: an artist is now entitled to appropriate remuneration when his work is shown commercially and admission is charged. Section 17a and b of the Act implement Art. 1, Para. 2 (a), (b) and (c) of Directive 93/83/EEC by, among other things, defining the process of transmission and making the country where the signals originate reponsible for the material transmitted.

Section 59a and b of the Act cover the change, required by Directive 93/83/EEC, from the licensing system previously current in Austria to the contractual acquisition of broadcasting rights.

For the purpose of implementing Directive 93/98/EEC, the protection periods for films, anonymous and pseudonymous works, part works and rights related to copyright have been standardised. The 1972 amendment had already made 70 years the usual protection period for copyright, and 50 years the period for most related rights. Section 62 of the amended Act has now increased the protection period for films from 50 to 70 years, and it no longer starts when the film is made or first shown, but when the film-maker dies. The protection period for the authors of photographs or film material has also been increased to 50 years.

In Austria, only the producers of commercial films have so far been entitled to exploit the copyright. Under Section 38, para. 1 of the amended Act, authors and

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producers of films will now have equal claims in law. The amended Act also decriminalises minor copyright offences - especially those concerned with private use - and increases the maximum penalty for commercial offences from six months' to two years' imprisonment.

Novelle des österreichischen Urhebergesetzes vom 1. April 1996.

Austria Copyright Amending Act of 1 April 1996.

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