

[NL] Act on Neighbouring Rights allows TV in cafés

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On 1 October 1996 the Dutch Eerste Kamer (First Chamber of Parliament) gave its approval on a Bill amending the Law on Neighbouring Rights (Wet op de Naburige Rechten). Under the Bill, broadcasting organisations are stripped from their neighbouring rights in respect of the use in cafés, restaurants and other places that are freely accessible to the public, of the radio and television programmes that they broadcast. The Bill is expected to be enacted into law and to enter into force shortly (IRIS will keep you informed on this).

Under the original Dutch Law on Neighbouring Rights, broadcasting organisations enjoyed an exclusive broadcasting right, irrespective of whether the broadcasts were made publicly available against payment or not. Consequently, owners of cafés or other freely accessible public places showing football matches on TV were obliged to pay remuneration to the broadcasting organisations concerned. This was considered, by the Dutch Parliament, as an overstretching of the broadcasters' neighbouring rights, particularly in view of the broadcasters' public service obligations.

Both the International Convention for the protection of performers, producers of phonograms and broadcasting organisations (the Rome Convention) and the Council Directive of 19 November 1992 on rental and lending rights and certain rights related to copyright in the field of intellectual property (Directive No 92/100/EEC) contain provisions similar to the existing Dutch law. However, they also provide for a possible limitation to the exclusive right of broadcasting organisations to apply only to situations where the broadcast is made available to the public against remuneration . Thus, both the Convention and the Directive allow for a more narrow definition of the broadcasters' exclusive right. With the adoption of the Bill, the Dutch law on Neighbouring Rights is on a par with the laws of most other European States.

