

[CZ] Amendment of the Copyright Act

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On 23 October 2014 the Parliament of the Czech Republic approved an amendment to the Copyright Act. The amendment fulfills obligations for the Czech Republic's membership in the European Union. Namely, the extension of the term of protection of property rights of performers in their artistic performances recorded on sound recordings, and property rights of phonogram producers for their records. Furthermore, the introduction of appropriate accompanying measures in favor of performers (annual supplementary remuneration, the right to withdraw from the contract and the right to remuneration), and the introduction of the method of calculating the duration of the ownership of music rights. The amendment to the Copyright Act also introduces the definition of orphan works, and the mutual recognition of the orphan work status, as well as rules for the search for rightholders of the works, rules for the termination of the orphan work status, and a statutory license for the use of orphan works (and records).

Property rights of the performers last 50 years from the creation of the performance. However, if during this period a recording of the performance - other than a sound recording - has been lawfully published or lawfully communicated to the public, the rights of the performing artist lapse 50 years from the day of the first lawful publication or communication to the public of such a record. If during the 50 years after the creation of the performance a sound recording of the performance has been lawfully published or lawfully communicated to the public, the performance rights of the performing artist lapse 70 years from the day of the first lawful publication or communication to the public of such a record.

The new law regulates the license for certain uses of orphan works. Works in the form of books, magazines, newspapers or other documents, and cinematographic or audiovisual works can be orphan works. To achieve objectives related to missions in the public interest, orphan works can be reproduced for the purpose of digitization, making available on the internet, indexing, cataloging, preserving or restoring, if the orphan work is part of the users collections or archives.

The public service broadcaster can reproduce for the purposes of digitization, making available on the internet, cataloging, preserving or restoring orphan works which were already included in its archives before 31 December 2002 to achieve objectives related to its mission in the public interest.

Zákon č.228 /2014 Sb., 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.mkcr.cz/assets/autorske-pravo/zakon/novela-AZ-c-228-2014.pdf>

Act no. 228/2014 Coll. Amending the Copyright Law

