[NL] New copyright contract law comes into Effect

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On 1 July 2015, the new Copyright Contract Act (wet auteurscontractenrecht) came into effect in the Netherlands. The law seeks to reduce the existing asymmetry in contractual negotiations between authors and performing artists and exploiters of their material. According to the Dutch legislator, authors' and performing artists' dependence on centralised exploiters calls for a stronger legal position for authors and performing artists.

The law states that the author or performing artist is entitled to fair remuneration for granting an exploitation right. Furthermore authors and performing artists are entitled to claim additional fair remuneration in cases where there is a severe disproportionality between the payments received by the author and the entire commercial revenue that is made by the exploitation of their work.

The law also provides that the author or performing artist is entitled to partially, or completely, terminate an exploitation contract prematurely in cases where the work of the author is being insufficiently exploited. The law also provides that contractual clauses that are unreasonably onerous for the author or performing artist will be voidable. Furthermore, the law also establishes a dispute settlement committee.

The provisions of the new Copyright Contract Act have the status of mandatory law and thus cannot by waived by the author or performing artist. The new law has no retroactive policy, with the exception of certain termination clauses, the right to cancel an agreement prematurely, and the invalidation of unreasonably onerous contractual clauses.

Wet van 30 juni 2015 tot wijziging van de Auteurswet en de Wet op de naburige rechten in verband met de versterking van de positie van de auteur en de uitvoerende kunstenaar bij overeenkomsten betreffende het auteursrecht en het naburig recht (Wet auteurscontractenrecht)

http://wetten.overheid.nl/BWBR0036745/geldigheidsdatum_15-09-2015

Act of 30 June 2015 amending the Copyright Act and the Act on rights related to the strengthening of the position of the author and the performer in agreements on copyright and neighbouring rights (Copyright Contract Law)

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