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Questionnaire on the Implementation of the Term Directive in EU Member States

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Questionnaire

on the Implementation of the Term Directive in EU Member States

Please consult Directive 2006/116/EC (Term Directive) prior to answering this questionnaire

Country:.....

Author:

1. Please cite the legal act which governs the term of protection of copyright and related rights in your country.
2. How have the exceptions of Article 1 of the Term Directive in relation to works of joint authorship, collective works, anonymous and pseudonymous works and works published in parts, instalments, issues or episodes been implemented in your national legislation? Could you please cite the relevant provisions of your national act?
3. Is there a distinction made between works of joint authorship, collective works and compilations in your national jurisdiction? If so, what is the definition for each of these categories and how is the term of protection for such works calculated? In particular, does joint authorship in particular presuppose that the contributions of several authors are inseparable? Could you please cite the relevant provisions of your national act?
4. Are co-written musical works considered to be works of joint authorship or multiple separate works in your national jurisdiction? Can you think of other examples of works of joint authorship, collective works or compilations in your national act?



5. Can a legal person be the original author of a work of copyright in your country? If so, does this affect the term of protection of such works?
6. Are other co-authors assigned to cinematographic or audiovisual works, other than the principle director in accordance with Article 2 of the Term Directive? What is the term of protection for such works in your national jurisdiction?
7. Are official documents protected by copyright in your country? If so, what is the term of protection? Could you please cite the relevant provisions of your national act?
8. Has Article 3 of the Term Directive on the duration of related rights been implemented in your national legislation? If so, what is the term of protection? Could you please cite the relevant provisions of your national act?
9. Has Article 4 of the Term Directive on the protection of previously unpublished works been implemented in your national legislation? If so, what is the term of protection? Could you please cite the relevant provisions of your national act?
10. Are critical and scientific publications of works which have come into the public domain protected under your national legislation? If so, what is the term of protection? Could you please cite the relevant provisions of your national act?
11. Are non-original photographs protected under your national legislation in addition to original ones? What is the term of protection for each of these types of photographs? Could you please cite the relevant provisions of your national act?
12. What is the term of protection for original and unoriginal databases in your country? Please cite the relevant provisions of your national act.
13. Are any other categories of works given a different term of protection in your country (e.g. works of applied art) or are any additional related or sui generis rights in operation in your country which are subject to special rules as to the term of protection (e.g. in relation to computer-generated works, typographical arrangements, etc.)? If so, could you please cite the relevant provisions of your national act?
14. How has Article 7 of the Term Directive on protection vis-à-vis third countries been implemented in your national legislation? Could you please cite the relevant provisions of your national act? Had your country prior to the adoption of the Term Directive accepted any international



obligations granting a longer term of protection to non-Community nationals than that foreseen by Article 7(1) and (2)?

15. Are moral rights in your country perpetual? Could you please cite the relevant provisions of your national act?

16. Please give the dates at which your national copyright act was changed so as to bring it into conformity with the Term Directive. Were any transitional provisions introduced? Were there any cases of previously expired rights being resuscitated? If so, for how long? Did your national act specify whose rights were being revived? Please cite the relevant provisions of your national act.

17. In Romania the term of protection varies according to the class of the beneficiary to whom copyright or related rights pass after the death of the rightholder (surviving spouse/ issue and other blood relatives/ the State via escheat etc.)? Is a similar distinction introduced by your national legislation? If so, could you please cite the relevant provisions of your national act?

18. In France an additional exception was introduced to the copyright act granting longer protection for works made during the First and Second World Wars (see Art. L123-8 and L123-9 of the French *Code de la propriété intellectuelle*). Are there any similar additional exceptions in your country? If so, could you please cite the relevant provisions of your national act?

19. Can you think of any instances where the term of protection provided by your national legislation was longer than that provided by the Term Directive, in a manner similar to that foreseen in Article 10 (1) of the Term Directive? Was your national legislation then amended in accordance with the Term Directive in a way that affected works created before 1 July 1995 or not? Could you please cite the relevant provisions of your national act?

20. Does your national law provide for a *Domaine Public Payant* or an equivalent regime? If so, please briefly describe the main features and functioning of the system.

21. Can you think of any other noteworthy divergence of your national act involving the term of protection of works of copyright and related rights from the standards set out in the Term Directive? If so, please elaborate, preferably citing the relevant provisions of your national act.