

**Council for Trade-Related Aspects
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

Czech Republic

The present document reproduces¹ the complete wording of the Act on Literary, Scientific and Artistic Works (the Copyright Act) of 25 March 1965, No. 35, as amended by the Act of 14 March 1996, No. 86, which the Czech Republic has notified by means of a communication from the Permanent Mission of the Czech Republic, dated 6 November 1996. Act No. 86/1996 became effective on 22 April 1996. The complete wording of the Copyright Act was published on 20 June 1996 under No. 175/1996.

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A
LA PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

République tchèque

Le présent document contient le texte intégral¹ de la Loi n° 35 du 25 mars 1965 sur les oeuvres littéraires, scientifiques et artistiques (Loi sur le droit d'auteur), telle qu'elle a été modifiée par la Loi n° 86 du 14 mars 1996, que la République tchèque a notifiée par une communication de la Mission permanente de la République tchèque datée du 6 novembre 1996. La Loi n° 86/1996 a pris effet le 22 avril 1996. Le texte intégral de la Loi sur le droit d'auteur a été publié le 20 juin 1996 sous le n° 175/1996.

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

República Checa

En el presente documento se reproduce¹ el texto completo de la Ley de Obras Literarias, Científicas y Artísticas (Ley de Derecho de Autor), de 25 de marzo de 1965, N° 35, modificada por la Ley de 14 de marzo de 1996, N° 86, que la República Checa ha notificado mediante comunicación de la Misión Permanente de la República Checa de fecha 6 de noviembre de 1996. La Ley N° 86/1996 entró en vigor el 22 de abril de 1996. El texto completo de la Ley de Derecho de Autor se publicó el 20 de junio de 1996 con el N° 175/1996.

¹English only/anglais seulement/inglés solamente.

THE CHAIRMAN OF THE HOUSE OF REPRESENTATIVES OF THE PARLIAMENT
enacts

the complete wording of the Act of March 25, 1965 No. 35 Coll. concerning literary, scientific and artistic works (Copyright Act), as modified and amended by the Act of March 28, 1990, No. 89 Coll., Act of October 30, 1991, No. 468 Coll., Act of December 8, 1993, No. 318 Coll., Act of September 27, 1995, No. 237 Coll. and the Act of March 14, 1996, No. 86 Coll.

A C T
concerning literary, scientific and artistic works
(Copyright Act)

The National Assembly of the Czechoslovak Socialist Republic passed the following Act:

Article 1
deleted

PART ONE

Copyright

Article 2
Work

(1) The subject matter of copyright shall be literary, scientific and artistic works which are result of creative activity of an author, especially literary, theatrical, musical works and works of fine arts, including works of architecture and applied arts, as well as film, photographic and cartographic works. Also computer programs shall be considered as subject matter of copyright protection provided that they comply with conceptual sings of works pursuant to this Act; **should this Act not provide otherwise, they shall be protected as literary works.**

(2) The provisions of the present Act shall not apply to legal regulations and decisions, public documents, official folders, daily news or speeches delivered in the course of public events; however, the publication of a set of such speeches or their inclusion in a collection requires the consent of the person having delivered them.

Article 3
Adaptation and Translation of a Work

(1) The subject matter of copyright shall also be new original works which are the product of an individual creative adaptation of another person's work.

(2) Furthermore copyright also applies to translation of works into other language.

(3) A work may be adapted or translated into another language only with the permission of its author. The author's permission is not required for translation into another language in the case of works specified in Article 2 para 2.

Article 4 Collected Works

(1) Copyright also covers collections, periodicals, reviews, exhibitions and other collected works, provided that their arrangement is the result of creative activity; a particular work may be included in a collected work only with the permission of its author.

(2) Copyright to a collected work as a whole shall belong to the person having arranged it; this shall not affect the rights of authors of works included in the collected work.

(3) Copyright to a published collection, cartographic work and a periodical shall be executed by the publisher.

Article 5 Combined Works

(1) Works may be combined with the permission of their authors only. All authors shall dispose of combined works jointly.

(2) The right of authors to dispose of combined works in another manner shall not be affected.

(3) A musical work with a text may be performed with the permission of the author of the musical part alone.

Article 6 Film Works

Authors of individual components of a film work or a work expressed in a similar manner and the author of a work created newly in such way, who is director for the most part, grant their permission to the producer for use of a work by a contract. Copyright to the work thus created as a whole shall be executed by the producer.

Article 7 Work of Joint Authorship

Copyright to a work created by the creative activity of several authors as a single work shall belong to all co-authors jointly and inseparably.

Article 8 Anonymous and Pseudonymous Work

(1) Identity of an author, whose work was published without the indication of his name or under a pseudonym, may not be disclosed without his consent.

(2) As long as the author does not proclaim publicly his identity, the copyright to the work may be executed by the person having published the work lawfully for the first time, and should it have not been published, by the person having made it public. The author's public proclamation is not required if his true name is generally known.

Article 9 Origin of Copyright to a Work

(1) Copyright to a work comes into being at the moment such work is expressed in words, in writing, by a drawing, a sketch, or in some other perceptible shape.

(2) Copyright to a work shall apply both to the work as a whole and its individual parts.

Article 10 Making Public and Publishing of a Work

(1) A work is considered to have been made public on the day on which it was publicly performed or exhibited, published or otherwise brought lawfully in public for the first time.

(2) A work is considered to have been published on the day on which public dissemination of its copies was initiated lawfully.

Article 11 Country of origin of the Work

(1) The country of origin of a work shall be considered to be:

a) in the case of unpublished works the state, the citizen of which the author is;

b) in the case of published works the state, where the work was published lawfully for the first time.

(2) The work, which was published simultaneously on the territory of the Czech Republic and elsewhere, shall be considered as a work published in the Czech Republic; publication within the time span of not more than thirty days shall be considered as a simultaneous publication.

The Contents of Copyright

Article 12

(1) The author is entitled:

a) to the protection of his authorship, in particular to the inviolability of his work, and should another person use his work, to having the work used in a manner which does not detract from its value;

b) to dispose of his work, in particular to decide about its publication and to authorise its use;

c) to remuneration for creative work (Article 13).

(2) The right to the protection of authorship is not transferable.

Article 13

(1) At every use of the work the author shall have the right to remuneration, with the exceptions specified in Article 15.

(2) Authors of works which , due to their nature can be reproduced for one's own personal use /Article 15 para 2 lit. a)/, on the basis of

a) radio or television broadcasting, or

b) sound, visual or audiovisual recording made and published by its producer (Article 45) by way of its transmission with technical equipment to blank carriers, are entitled to remuneration from producers of such carriers or their importers, as the case may be. The right for remuneration cannot be assumed in case of blank carriers for export or for operational use of legal entities or natural persons.

(3) Authors of works which, due to their nature can be reproduced for one's own personal use /Article 15 para 2 lit. a)/, on the basis of printed materials ^{1/} or their reproductions by their transfer on another material support with help of technical equipment, shall have the right to remuneration from producers of such equipment or of its importers.

(4) The rates of remuneration and compensations pursuant to para 2 and 3, the way of their payment, as well as their distribution among individual groups of legitimate persons may be set down by the Ministry of Culture with a public notice.

Use of Work

Article 14

(1) A work may be used only upon the author's permission, should it not be permitted directly by the law. The author shall grant his permission to use of the work by contract.

(2) The author's permission following from the law may not be excluded or reduced by agreement between the parties.

(3) A work may be used without the author's permission only in cases specified in Article 15, on the basis of a court decision pursuant to Article 17 para 2, or with an official approval pursuant to Article 18.

^{1/} Article 1 of the Act No. 37/1995 Coll., on Non-Periodical Publications

Article 15

(1) Copyright is not breached by a person using the topic contained in another person's work for the creation of a new original work.

(2) The author's permission for the use of a work is not required and remuneration need not be paid by the person who

a) makes a reproduction or imitation of a work made public for his personal use, provided that in the case a work of art, he clearly marks it as a reproduction or imitation, and if a reproduction or imitation do not involve an architectural work reproduced by construction or an other realisation or a computer programme; provision of Article 13 para 2 shall remain untouched;

b) quotes excerpts from a published work and indicates the author and the title of the work;

c) includes in a scientific or critical work to the extent necessary for explanation of the text, or in textbooks or teaching aids to a justified extent, parts of published works, small published works in their entirety, reproductions or imitations of works or their parts provided he quotes the name of the author and the source;

d) uses a **published** work in an independent lecture exclusively for teaching or educational purposes, provided he quotes the name of the author as well as the work;

e) reissues in a periodical articles of topical importance about economic or political matters, which have already been published in other periodicals provided he quotes the author and the source; however, such a reissue is not admissible if it is prohibited explicitly;

f) imitates a work of art placed in a public open space in other branch of arts; photographs of a work of art thus displayed may be reproduced and distributed also without the author's permission;

g) prints a picture of a work of art included in a public collection or exhibition in its catalogue;

h) exhibits publicly works of art or photographic works, which have already been assigned by the author to another person, if such a work is displayed free of charge or if it has been lent free of charge for exhibition;

i) reproduces or has reproduced for his personal use or for free distribution a photographic work which is his portrait and which was ordered against remuneration;

j) makes a reproduction of a sold out edition of the work for documentary of a public library and for purposes of scientific research;

k) reproduces a published work by way of special technology for the needs of blinds.

(3) The author's permission is not required and remuneration for the use of a work need not be paid by

a) an organization in reporting about topical event by photography, film, radio or television, if to a reasonable extent also such work is used, which is performed or exhibited at such event;

b) libraries, schools, training facilities, archives, museums and galleries ^{2/}, if they lend originals of published works or their reproductions made by print or in other way profitless, if these are not sound or visual or audiovisual recordings, except for a non-profit-making of lending of such recordings for the needs of blinds.

(4) An authorized user of computer program shall not be obliged to ask for the author's permission or to pay a special author's fee for reproduction, translation or adaptation of such program, if he needs this reproduction, translation or adaptation

a) for operation of the program on a computer, for which this program has been acquired;

b) for establishment of information necessary for achievement of a functional connection of two or more computer programs, if such a reproduction, translation or adaptation is made by himself or a person appointed by him, if such information is not normally available, and if their acquisition is restricted to parts of the computer program necessary for achievement of the above mentioned goal;

c) for archiving and back-up purposes, or for replacement of a legally acquired reproduction, which was lost, destroyed or otherwise depreciated.

2/ Act No 53/1959 Coll., on Unified System of Libraries (Librarian Act), as amended by the Act of the Czech National Council No. 425/1990 Coll., on District Authorities, Regulation of their Competence and Some Related Measures

Act No. 172/1990 Coll., on Universities, as amended by the Act No. 216/1993 Coll., the Act No. 46/1994 Coll., the Act No. 192/1994 Coll.

Act No. 232/1992 Coll., on Police Universities and Establishment of the Police Academy, as amended by the Act of the Czech National Council No. 26/1993 Coll., with which some acts in the sphere of internal order and safety and related measures are amended.

Act No. 29/1984 Coll., on the System of Elementary, Secondary and High Schools (Educational Act), as amended

Act of the Czech National Council No. 97/1974, on Archiving, as amended by the Act of the Czech National Council No. 343/1992 Coll.

Act No. 54/1959 Coll., on Museums and Galleries, as amended by the Act of the Czech National Council No. 425/1990 Coll., on District Authorities, Regulation of their Competence and Some Related Measures.

(5) An authorized user of a computer program may not be restricted in his right to examine the computer program, study it or test its functioning for the purpose of establishment of ideas and principles, on which any element of the program is based, if he does so in its normal use.

(6) If not agreed otherwise, an authorized user of a computer program may without the author's approval make amendments, alterations and changes of a computer program or its associated documentation, if such interferences aim at repair of an obvious defect, or are in compliance with the intended purpose at its operational use by the authorized user; the right of the author to maintenance of the shape of the code, in which he made the work available for the public, shall remain untouched.

Article 16

(1) An independent use of the work, except for its radio or television broadcasting, is also every further public dissemination of such broadcasted work by way of any equipment for transmission of sounds or images, if such dissemination is carried out by other entity than the organization of the original broadcasting.

(2) As a part of wireless radio or television broadcasting shall be considered the simultaneous, complete and unchanged transmission of such wire or other broadcasting, carried out by the same organization. Enabling of reception of radio or television broadcasting on receivers of inhabitants of the same house or neighbouring houses connected directly with common television aerial shall not be considered as special use.

Article 17

(1) An employer may use for fulfilment of tasks belonging to the scope of its activity a scientific or artistic work created by its employee for fulfilment of his duties resulting from his employment without further author's permission.

(2) An employer, in the scope of activity of which belongs to publish works or to make them public in some other way, may publish or make available for the public a work of its employee created for fulfilment of his duties resulting from his employment only with the author's permission. Should the author refuse such permission without serious reasons, the employer may demand such approval with a court.

(3) An author of a work, which was created for fulfilment of duties resulting from an employment with an employer may give his permission for publication of the work or its making available for the public in some other way only with the consent of such employer. Should the employer refuse such consent without serious reason, the author may demand such consent with a court.

(4) More detailed conditions for using of a work created for fulfilment of duties resulting from an employment with an employer shall be regulated with a contract. Should the contract not stipulate otherwise, the employer shall be entitled to require that the author contributes

reasonably from the received author's fee to compensation of costs incurred to it for creation of the work.

(5) Should not be explicitly agreed otherwise, copyright to a computer program created by an employee for fulfilment of duties resulting from his employment shall be exercised by the employer.

(6) Provisions of para 1 though 5 shall apply analogously for works created for fulfilment of duties resulting from a membership or service relation.

Article 18

The ministry of culture may by its decision substitute the author's permission for a translation of works of foreign nationals **into the Czech language**, provided that international treaties so allow and under conditions specified therein.

Assignment of Copyright

Article 19

(1) The author may assign only the right to use his work.

(2) The acquirer may assign the acquired authorization on a third party only with the author's permission.

Article 20 deleted

Article 21

Should a legal entity or a natural person on which the right to use the work was assigned cease to exist or dies without legal successor, the author shall again acquire the right to decide about further use of the work.

Contracts on Dissemination of a Work

Article 22

(1) With a contract on dissemination the author grants to the user for remuneration his permission to disseminate his work; the conditions of dissemination of the work may be comprised also in collective agreements.

(2) Contracts on dissemination of a work are especially a publishing contract, contract on public performance of a work, **contracts on dissemination of a work by way of rental or**

lending of reproductions of a work, contract on dissemination of phonograms and a contract on radio or television broadcasting of a work.

(3) A contract on dissemination of a work shall determine the form and extent of dissemination of a work, time when this will be done, author's remuneration, cooperation of the author, duration of the contract and the **user's** obligation to disseminate the work at his own account.

(4) Should the Ministry of Culture not provide otherwise, the contract on dissemination of a work shall be made in writing.

Article 23

(1) An author shall be obliged to deliver the work to the **user** in time and in such form that it may be disseminated in the agreed manner.

(2) The **user** may withdraw from a contract, if the author has failed without a serious reason to submit to him the work even within a additional term granted to him by the **user**; an additional term need not be granted, if it follows from the contract or the nature of the matter that the **user** cannot be interested in a delayed fulfilment. In such case the **user** may require returning of what he has already fulfilled to the author.

(3) An author may withdraw from a contract and require return of a work, should the work not be disseminated in the term stipulated in the contract; his right to the author's remuneration shall remain untouched.

Publishing Contract

Article 24

(1) In a publishing contract the author grants the **publisher** permission to publish a literary work, musical-dramatic or musical work, work of art or a photographic work, and the **publisher** undertakes to publish the work at its account, take measures for its dissemination and pay the author a remuneration.

(2) As long as the relation established by the publishing contract lasts, the author may not grant his permission for publishing of the work to another user without the **publisher's** consent, unless it concerns his collected works, or publication of the work in a periodical publication.

(3) Should the work be sold out before expiration of the period, for which the contract was concluded, the author may, even if no further edition has been agreed upon, demand that the **publisher** publishes the work repeatedly. Should the contract on a new edition of the work not be concluded within six months, the author shall be free to conclude the contract with another **publisher**.

Article 25

- (1) The author shall be entitled to make an author's proof of his work.
- (2) Should the author not be allowed to make an author's proof of his work, he may withdraw from the contract and demand the return of the work, if his work would be used in a manner detracting from its value; his right to the author's remuneration shall remain untouched.

Article 26

Contract on Public Performance of a Work

In a contract on public performance of a work the author grants the **performer** approval to perform a theatrical or musical work and the **performer** undertakes to perform the work at his own account and to pay the author a remuneration.

Article 26 a

Contract on Dissemination of a Work by Lending or Rental of a Work

- (1) With a contract on dissemination of a work by lending of reproductions of the work the author grants approval to the lender to let third persons reproductions of the work for a cost-free use for an agreed period ^{3/}.
- (2) With a contract on dissemination of a work by rental of reproductions of the work the author grants approval to the lessor to let third persons (lessees) reproductions of the work for a temporary use against remuneration ^{4/}.
- (3) Reproductions of the work shall be also sound, visual and audiovisual recordings of the work.

Article 27

Contract on Creation of a Work

- (1) With a contract on creation of a work the author undertakes to create for the customer against remuneration a literary, scientific or artistic work and grants approval that the customer may use the work for a purpose specified in the contract.
- (2) The author shall be obliged to create the work personally within the stipulated term. Should not be agreed otherwise, the author shall have the right to the agreed remuneration upon delivery of the work.

3/ Article 659 of the Act No.40/1964., Civil Code, as amended.

4/ Article 663 of the act No. 40/1964 Coll., Civil Code, as amended.

(3) If the work has defects preventing from its use for the purpose specified in the contract, the customer may withdraw from the contract. Should the defects be removable, the customer may withdraw from the contract only if the author does not remove the defects within a reasonable term provided him by the customer for such purpose.

(4) Provisions of Article 23 para 2 shall apply analogously for the contract on creation of a work.

Article 28

Contracts on Other Use of a Work

Provisions of Article 22 para 3 and of Article 23 shall apply mutatis mutandis to contracts on other use of a work.

Transfer of Copyright

Article 29

(1) Copyright shall pass to heirs. Provisions of this Act concerning the author shall apply also to his heirs, unless their nature indicates otherwise.

(2) Should a co-author have no heir, his share shall accrue to other co-authors.

Transfer of an Original or Reproduction of a Work

Article 30

Whoever acquires the original of a work or its reproduction, shall not acquire the right to use the work with this transfer, should not be expressly agreed otherwise.

Article 31

An author having transferred an original of his work against payment may demand fair settlement from every acquirer, who gained socially unfounded property benefit with further transfer of ownership of the work. The author shall not waive this claim in advance.

Article 32

Threat To or Violation of Copyright

(1) An author, the right of whom was violated, may demand especially that violation of his right is prohibited, consequences of such violation removed and an adequate satisfaction be given to him. Should with such violation of the right a substantial injury of immaterial nature be caused, the author shall have the right to satisfaction in a financial sum, should acknowledgement of other satisfaction not be sufficient; the sum of financial satisfaction shall be determined by a court, which shall take into consideration especially the amount of the injury caused, as well as the circumstances, under which the right was violated.

(2) Should the author incur damage with threat to or violation of his rights, he shall have the right to compensation pursuant to the Civil Code.

(3) With a work created by co-authors the rights pursuant to para 1 and 2 shall belong also to individual co-authors independently.

(4) The exercise of copyright by other persons does not prevent from the author's demanding protection of his copyright against threat to or violation of it.

Article 32 a

The author shall have the same rights as in case of threat to or violation of copyright also to persons, who produce, put into circulation or use for property benefit aids intended exclusively for removal, putting out of operation or reduction of functioning of technical equipment or other means used for protection of his work from unauthorized use.

Duration of Rights

Article 33

(1) Copyright shall last, if nothing else is set down hereinafter, throughout the author's lifetime and 50 years after his death and in the case of works of co-authors and of combined works created for the purposes of use in this connection fifty years after death of the last surviving co-author.

(2) The duration of copyright to a work which forms part of an inheritance and which was published for the first time within the last ten years of the term pursuant to para 1, shall be extended to ten years from the publication of the work.

(3) In the case of anonymous and pseudonymous works, where the author's identity is unknown, copyright shall last fifty years after their publication.

(4) Copyright to film work shall last fifty years after making the work public.

(5) In the case of collections and periodicals issued by organizations copyright shall last ten years after their publication.

(6) The right to the protection of authorship is, however, unlimited in time.

Article 34

The duration of copyright shall be counted only from the end of the year, in which the event decisive for its counting occurred.

Free Works

Article 35

(1) Should the author have no heirs, or should the heirs refuse to accept the inheritance, his works shall become public domain, with the exception listed in Article 29 para 2, even before expiration of the terms specified in Article 33.

(2) Should the duration of copyright terminate or should the work become public domain for another reason, the user shall not be obliged to require permission for use of the work or pay the author's remuneration. However, a work in public domain may be used only in a manner adequate to its value and its author must be listed, if he is known. The observance of this condition shall be attended to by author and by legal entities, which gained the authorization to exercise collective administration for a defined branch of creative activity in the respective sphere pursuant to a special law ^{5/}

PART TWO

Rights of Performing Artists

Article 36

(1) The subject of rights of performing artists pursuant to this Act are their artistic performances, i.e. performances of singers, musicians, dancers and other persons, who act, sing, play, recite or otherwise perform a literary or artistic work.

(2) Performances of performing artists may not be used without their permission for

a) sound, visual or audiovisual recording (hereinafter called „recording“) made for production of reproductions intended for public sale or for production of films intended for public screening (hereinafter called „phonograms“ or „videograms“);

b) production of phonograms or videograms intended for public sale or use of recordings or their reproductions for other purpose than for which the permission was granted, **for example for their public presentation, lending or rental**, should these not be the cases mentioned under Article 37 para 1;

c) radio or television broadcasting;

d) public screening or dissemination by other means, if the performance was carried out for somebody else than the organization wishing to use it.

(3) Performing artists shall have the right to remuneration for use of their performance.

5/ Act No. 237/1995 Coll, on Collective Administration of Author's Rights.

Article 37

(1) The permission of the performing artist shall not be necessary

- a) for production of a recording of his performance made for radio or television organization, if the recording is made by such organization with its own means for its own broadcasting;
- b) for radio or television broadcasting of his performance, if this is made from a recording or phonogram or videogram produced with the permission of the performing artist,
- c) for use of his performance for the user's personal use; provision of Article 13 para 2 (Article 39 para 1) shall remain untouched;
- d) for use of his performance from a recording or phonogram or videogram exclusively for scientific or educational purposes.

(2) For use of performance in a way mentioned under para 1 lit. a) and b) the performing artist shall have the right to remuneration.

Article 38

The rights of performing artists shall last fifty years from the end of the year, in which a recording of the performance was made.

Article 39

(1) Provisions of Articles 5 through 9, Article 12, Article 13 para 2 through 4, Article 14 para 1, Article 15 para 2 lit. a), 15 para 3, 16, 19, Articles 21 through 23, Articles 26 through 30, Article 32 para 1 and 2, Article 32a, Article 33 para 6, Article 34 and Article 35 para 2 shall apply analogously to performing artist and their performances; the same shall apply to Article 35 para 1, the duration of the right being regulated pursuant to Section 38.

(2) The Ministry of Culture may set down the manner in which performing artists will exercise their rights pursuant to this Act, if several of them participate in a single performance.

PART THREE

Articles 40 through 44
deleted

PART FOUR

Rights of Phonogram Producers and Radio and Television Organizations

Article 45

- (1) The subject matter of the rights of phonogram producers pursuant to this Act are sound recordings of performances of performing artists or of some other sounds.
- (2) The permission of the phonogram producer is required for
 - a) broadcasting of sound recordings and phonograms by radio or television;
 - b) production of reproductions of a sound recording or of phonogram for other than own personal use; provision of Article 13 para 2 (Article 45 para 4) shall remain untouched;
 - c) public performance of sound recordings or phonograms;
 - d) lending and rental of sound recordings or phonograms.**
- (3) The phonogram producer shall have the right to compensation for the permission under para 2.
- (4) Provisions of Article 13 para 2 and 3 shall apply analogously to phonogram producers.
- (5) The right of a phonogram producer shall last fifty years from the end of the year, in which the sound recording was made.

Article 46

- (1) The subject matter of rights of a radio or television organization are their own broadcasted programs.
- (2) A radio or television program may be rebroadcasted, recorded for other than personal use, and such recording may be further reproduced or disseminated in public in some other way only with permission of the organization having realized the program; for such permission the organization shall have the right to compensation.
- (3) Provision of Article 13 para 2 and 3 shall apply analogously to radio and television organizations.
- (4) Radio and television organizations shall have not the rights pursuant to para 2 and 3 in case they transmit broadcasting of other radio or television organizations.**
- (5) The right of radio and television organizations shall last fifty years from the end of the year, in which the broadcasting was realized for the first time.

Article 47

Permission of phonogram producers and of radio and television organizations and payment of compensation are not required in case of production of a recording or phonogram and its use exclusively for the purposes of reporting on current events or for scientific or educational purposes.

Article 48

The Government may set down, under what conditions the right mentioned in Articles 45 and 46 shall be acknowledged to foreign phonogram producers and radio and television organizations pursuant to international treaties.

PART FIVE

Common Provisions

Article 49 deleted

Article 50

(1) Provisions of this Act shall apply to works of authors, who are Czech nationals, wherever they may have been created or made public. The same shall apply to works of authors enjoying the right of sanctuary in the Czech Republic.

(2) To works of foreign nationals the provisions of this Act shall apply pursuant to international treaties, and if no such treaties exist, their reciprocity shall be guaranteed.

(3) If no condition is fulfilled from those mentioned under para 2, this Act shall apply to works of authors, who are not Czech citizens, on condition that they were published or made public in the Czech Republic for the first time or if the author resides here.

(4) Copyright relating to the works of foreign nationals may not last longer than that in the country of origin of the work.

(5) Provisions of para 1 through 4 shall apply analogously also to performing artists and their performances.

Transitional and Final Provisions

Article 51

(1) The duration of copyright shall be governed by this Act even if it has begun before its force. Should this Act set down a longer period, this extension shall apply to such works only, where the rights did not expire before force of this Act.

(2) The same shall apply for the rights of performing artists, phonogram producers and radio and television organizations.

Article 52

Protection of works of applied arts pursuant to this Act does not exclude protection of such works also pursuant to regulations concerning the protection of industrial designs.

Article 53

(1) If nothing else follows from provisions of this Act or the regulations issued for its implementation, the legal relation of authors and performing artists, established in connection with creation and use of their works or performances, shall be regulated by general legal regulations.

(2) Disputes regarding claims arising from this Act shall be decided by courts.

Article 53 a

(1) Authors, performing artists and phonogram producers, or persons authorized to exercise their rights pursuant to this Act, may require from customs authorities information about the contents and volume of import of goods, which are of the nature of reproductions of works or their sound, visual or audiovisual recordings, or goods, which is to serve for production of such recordings as their carrier (blank carriers), and to examine customs documents for the purpose of establishment, if import of such goods for dissemination in the market is in compliance with this Act.

(2) The customs authority shall at a written request of persons authorized pursuant to para 1 suspend the procedure of release of goods for free circulation for ten working days, if there is a justified suspicion that with import of such goods the rights pursuant to this Act would be violated. In justified cases the period of suspension of the procedure may be extended by further ten working days.

(3) Should the importer of goods mentioned under para 1 not prove within the term pursuant to para 2 that his import is in compliance with provisions of this Act, the customs authority shall not release the goods in free circulation.

(4) Provisions of para 1 through 3 shall apply analogously also for export of goods mentioned in para 1.

Article 54

The Act No. 115/1953, Coll., on Copyright is repealed.

Article 55

This Act becomes effective as of July 1, 1965.

* * *

Article II. of the Act No. 86/1996 Coll reads as follows:

(1) The words „Czechoslovak Socialist Republic“ shall be replaced by the words „Czech Republic“ and the word „Czechoslovak“ shall be replaced by the word „Czech“.

(2) The works published until December 31, 1992 simultaneously in the Czech and Slovak Federal Republic and elsewhere (Article 11 para 2) shall be considered as works published in the Czech Republic.

* * *

The Act No. 89/1990 Coll., modifying and amending the Act concerning literary, scientific and artistic works (the Copyright Act) became effective on June 1, 1990.

The Act No 468/1991 Coll., concerning the broadcasting by radio and television, became effective on November 22, 1991.

The Act No. 318/1993 Coll, on adaptation of status of cultural funds and on changes of the Copyright Act, became effective on January 1, 1994 (with the exeption of deletion of Articles 40 and 41, which became effective on January 1, 1995).

The Act No. 237/1995 Coll., on the collective administration of author's rights and of rights related to copyright and on the amendments of certain Acts, became effective on January 1, 1996.

The Act No. 86/1996 Coll., modifying and amending the Act concerning literary scientific and artistic works (the Copyright Act), in its valid wording, became effective on April 22, 1996.