



20 October 2023

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Page: 1/2

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

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

AUSTRIA: COPYRIGHT ACT - COPYRIGHT TO LITERARY AND ARTISTIC WORKS

Notifying Member	AUSTRIA
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Details of the notified legal text

Title	Copyright Act - Copyright to literary and artistic works
Subject matter	Copyright and related rights
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2023/IP/AUT/23_12966_00_e.pdf https://ip-documents.info/2023/IP/AUT/23_12966_00_x.pdf
Notification status	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/AUT/C/2 ; IP/N/1/AUT/C/1 ; IP/N/1/AUT/1/Rev.2 ; IP/N/1/AUT/1/Rev.1

Brief description of the notified legal text

The Austrian copyright law has been amended various times since 1996. These amendments are based in particular on the implementation of the European Directives. Most recently, in 2021, Directive (EU) 2019/790 on copyright in the digital single market was implemented ("Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC"), which introduced, among other things -

- Harmonized rules across Europe regarding exception for automatic analysis of digital data (text and data mining), the use of works for digital teaching and teaching activities and the preservation of cultural heritage,
- A legal framework that makes it easier for museums, libraries and archives to digitize their holdings of out-of-print (i.e. not available on the market) works and offer them on the Internet,
- Regulations to (also) hold internet platforms such as YouTube, whose business model is designed so that their users upload large amounts of copyrighted material to their platforms, responsible for these uploads and

- Copyright contract rights for authors and performing artists to an appropriate and proportionate fee, a kind of a "bestseller clause" in the event of unexpected success, an obligation to invoice their contractual partners and a right to revoke rights of use due to insufficient use.

Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 lays down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC entered into force on June 7, 2019, complements the existing Directive 93/83/EEC and facilitates the clearance of copyright and related rights of radio and certain TV content for cross-border digital broadcast and retransmissions. This Directive also establishes the "country of origin" principle, extends the system of mandatory collective management to all types of retransmission of relevant television and radio programmes and clarifies the legal framework of the so-called transmission by "direct injection".

Language(s) of notified legal text	English, German
Entry into force	31 December 2021
Other date	

Notification details

Submission date of notification	19 September 2023
Other information	<p>IP/N/1/EU/C/14 (Directive (EU) 2019/790 on copyright in the digital single market)</p> <p>IP/N/1/EU/29 (Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC)</p> <p>IP/N/1/EU/C/1 (Directive 2001/29/EC)</p> <p>IP/N/1/EEC/C/2 (Directive 96/9/EC)</p>
Agency or authority responsible	<p>Federal Ministry of Justice Department 4 (resp. expert Ms Felicitas Parapatits) Museumstr. 7 1070 Vienna Austria</p> <p>Email: felicitas.parapatits@bmj.gv.at Telephone: +43-1-526 36 86</p>

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.