

Translated from Spanish

Ministry of Labor and Social Security

COPYRIGHT

Regulations for more effective enforcement of the provisions regulating copyright are hereby adopted.

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DECREE No. 8.478 — Buenos Aires, September 30, 1965.

HAVING REGARD to the presentation made by the Argentine Society of Authors and Music Composers (SADAIC) designed to promote the adoption of regulations to facilitate more effective enforcement of the legal provisions regulating copyright within the sphere of responsibility of national authorities, and

CONSIDERING:

that the aim of the initiative is the practical enforcement of the regulations contained in the Chapter "Penalties" (Articles 71 and 76) of Law No. 11.723, which defines criminal or minor offenses, which as public acts prompt the preventive intervention of the police authorities;

that the use of works, without the prior consent of their authors, representatives or authors' societies, contravenes Article 36 of Law No. 11.723 and infringes a constitutionally established right, essential to the protection of cultural creation;

that the adoption of specific regulations in harmonization with Decrees Nos. 41.233/34, 12.170/60 and 1.351/63, shall allow the effective practice of some aspects of the above-mentioned Law and Article, in such a way as not to impact the spirit of this Law or reduce its scope by way of interpretations which render the defense of that right illusory or that the evidence on which the infringements are based is diluted by the passing and transient nature of the facts;

Therefore,

The President of the Argentine Nation,

Decrees:

Article 1 -- All public performances of national or foreign music, whether performed by orchestras, individual performers with instruments or singers, record players, radio sets, radio-television equipment, television sets, records, recorded tape or wire recordings, fixed or circular loudspeakers, soundtracks, etc., in clubs, cafés, discotheques, dancing or non-dancing events, cinemas, theaters, stores of any kind and any other public place, with or without an admission fee, may not occur without the written display of the authorization of the authors or of the representatives or authors' societies which correspond to such works by the date or period in question.

The same requirement shall govern any other use of scientific, literary or artistic works, in accordance with Articles 2 and 56 of Law No. 11.723.

Article 2 -- Where in some of the circumstances referred in the above Article, music is performed without the appropriate prior consent, or public notice of such a performance is denied, the authors or their authors' societies or representatives may submit a complaint before the police authorities of the Federal Capital and of national jurisdiction, orally or in writing, to the organizer, owner of the premises, impresario, etc., who appears to be responsible for the performance, without prejudice to *ex officio* prosecution where any infringement of Law No. 11.723 is found to have taken place.

Once the complaint has been received, the competent police officer shall immediately proceed to the place of the offense for the purposes of verification and, in the presence of witnesses, shall

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record the relevant act, gather the corresponding evidence and initiate summary disciplinary actions in accordance with the Code of Criminal Procedure (Articles 71/76 of Law No. 11.723).

The author or authors' societies or their representatives may specify or indicate the works to be performed without authorization, without the need to provide at the event the substantiating evidence of copyright or of their rights holders, leaving such matters to the legal means established under current legislation and under the responsibility of the complainant according to the provisions of Article 79 of Law No. 11.723.

Article 3 -- The above-mentioned procedure shall also apply where users, in all cases where Article 1 is referred to, do not carry out or do not enforce on performers, where necessary, the public display of the program of planned performances (Article 56 of the above-mentioned Law).

Article 4 -- Police authorities shall not authorize the holding of dances, musical and/or theater shows of any kind, without the organizers thereof obtaining the prior authorization to use the repertoire in return for payment of the respective copyright.

Article 5 -- Police authorities in the Federal Capital or under national jurisdiction shall provide all the necessary assistance to authors, their authors' societies or their representatives, for the purposes of complying with Law No. 11.723 and the regulations thereunder.

Article 6 -- The present decree shall be endorsed by the Ministers-Secretaries of the Departments of Labor and Social Security and of the Interior.

Article 7 -- For communication, publication and submission to the General Directorate of the Official Gazette and Press and for recording.

ILLIA. -- Fernando Solá. -- Juan S. Palmero.