

# Federal Law Amending the Copyright Amendment Law 1980

(No. 375, of July 2, 1986)\*

## Article I Amendments to the Copyright Amendment Law 1980

The Federal Law of July 2, 1980, BGBl. No. 321, amending the Copyright Act (Copyright Amendment Law 1980) is amended as follows:

1. The following paragraph (1a) shall be inserted following paragraph (1) of Article II:  
“(1a)The same shall apply to enterprises whose purpose it is to collectively
  1. exploit rights in works and neighboring rights within the meaning of the Copyright Act, in that they issue to users against payment the authorizations required for their exploitation, or
  2. assert claims under the Copyright Act not referred to in paragraph (1).”
2. In Article II, paragraphs (2), (3) and (5), the reference “paragraph (1)” shall be replaced by the reference “paragraphs (1) and (1a).”
3. Article II, paragraph (6), shall read:  
“(6) Collecting societies (paragraphs (1) and (1a)) may set up institutions for
  - (a) social purposes and
  - (b) cultural purposesin respect of their beneficiaries and the members of their families.  
Collecting societies that distribute equitable remuneration under paragraph (1), item 2, shall set up institutions under item (a), except where their beneficiaries are exclusively broadcasting organizations. Collecting societies that distribute equitable remuneration under paragraph (1), item 1, shall set up institutions under items (a) and (b) and shall transfer to them the greater part of the overall revenue from such remuneration, less the relevant administrative costs.”
4. Article III, § 9, paragraph (1), shall read:  
“(1) The Arbitration Board shall conduct its business and take its decisions under the direction of its Chairman. The Chairman shall take procedural measures. The Chairman shall further convene the other members of the Board to proceedings and meetings. Members shall have the right not to attend a meeting and to cast their vote in writing on condition that no other member objects; in such case, they shall not be entitled to claim under § 8, paragraph (1).”
5. After Article III, there shall be inserted:

## “Article IV Tax Exemption

§ 1. The collecting societies (their institutions) shall be exempt from all taxation governed by federal law in respect of revenue, profit and assets when acting within the framework of the field of activity defined in their authorization (Law on Collecting Societies, BGBl. No. 112/1936 and Article II of the Copyright Amendment Law 1980).

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\* *German title:* Bundesgesetz vom 2. Juli 1986 über Änderungen der Urheberrechtsgesetznovelle 1980.–WIPO translation.  
*Source:* Bundesgesetzblatt für die Republik Österreich, No. 157, of July 22, 1986.

§ 2. Gifts and donations for a specific purpose (§§ 3 and 4 of the Law on Estate Duty and Taxation on Gifts, BGBl. No. 141/1955) of the collecting societies (their institutions) for the social and cultural purposes referred to in Article II, paragraph (6), of the Copyright Amendment Law 1980 shall be exempt from taxation on gifts.”

6. The current Article IV shall be renumbered “Article V.”
7. In the current Article IV, after paragraph (5), item 2, the word “and” shall be replaced by a semi-colon<sup>1</sup> and the following inserted:  
“3. As regards Article IV, the Federal Minister for Finance and”
8. In the current Article IV, paragraph (5), item 3, shall be renumbered “4.”

## **Article II**

### **Final and Transitional Provisions**

- § 1. Article I, items 1 and 2, shall enter into force on January 1, 1987.
- § 2. Article I, item 3, shall enter into force with retroactive effect as from July 23, 1980. This shall not apply, however, for claims in respect of which action had already been taken before a domestic court prior to July 1, 1986.
- § 3. Article IV, § 1, of the Copyright Amendment Law 1980, as amended by this Federal Law, shall be applied in all those cases in which the amount of taxation has not yet been laid down by law.
- § 4. Article IV, § 2, of the Copyright Amendment Law 1980, as amended by this Federal Law, shall be applied in cases that are realized after December 31, 1986.
- § 5. Where the Federal Minister for Education, Art and Sport has issued an authorization required by this Federal Law prior to the promulgation of this Federal Law, it shall be deemed to have been issued in accordance with this Federal Law on January 1, 1987.
- § 6. Administrative acts may already be accomplished on the basis of this Federal Law prior to its entry into force; however, they shall not become effective until its entry into force at the earliest.
- § 7. The following shall be entrusted with the implementation of this Federal Law:
  - (1) where not otherwise stipulated, the Federal Minister for Justice,
  - (2) as regards Article I, items 1 to 3, the Federal Minister for Education, Art and Sport,
  - (3) as regards Article I, item 5, the Federal Minister for Finance.

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<sup>1</sup> This does not apply to the English translation.