

Federal Law to Amend the Copyright Law

(No. 601 of October 19, 1988)⁺

Article I

Amendment of the Copyright Law

The Copyright Law, BGBl. No. 111/1936, as last amended by Federal Law BGBl. No. 295/1982, is amended as follows:

1. Article 16(3) shall read as follows:

“(3) The right of distribution shall not extend to copies of the work which, with the authorization of the person entitled thereto, have been put into circulation by transfer of the property rights in such copies. However, where such authorization has been given only for a specified territory, the right to distribute, outside such territory, copies put into circulation therein shall not be affected; this exception shall not apply to phonograms put into circulation in a Member State of the European Economic Community or of the European Free Trade Association with the consent of the entitled person.”

2. The following Article 87b, together with its title, shall be inserted after Article 87a:

“Entitlement to Information

Article 87b. Any person who distributes in Austria phonograms in which the right of distribution has lapsed as a result of putting into circulation in a Member State of the European Economic Community or of the European Free Trade Association (Article 16(3)), shall be required to furnish to the entitled person on request correct and full information on the manufacturer, content, country of origin and quantity of the phonograms distributed. Any person to whom the right to distribute the phonograms in Austria has been afforded at the time of lapse shall be entitled to information.”

3. Article 90(1) shall read as follows:

“(1) Prescription of claims to equitable remuneration, equitable compensation, surrender of profit and information shall be governed by the provisions on action for damages.”

Article II

Final Provisions

- (1) This Federal Law shall enter into force on January 1, 1990.
- (2) The Federal Minister for Justice shall be responsible for the implementation of this Federal Law.

⁺ *German title:* Bundesgesetz vom 19. Oktober 1988, mit dem das Urheberrechtsgesetz geändert wird (Urheberrechtsgesetznovelle 1988 – UrhGNov. 1988).– WIPO translation.

Entry into force: January 1, 1990.

Source: Bundesgesetzblatt für die Republik Österreich, No. 224 of November 18, 1988.