

Law Amending the Law of June 30, 1994, on Copyright and Neighboring Rights*

Art. 1. Article 2, paragraph (3) of the Law of June 30, 1994, on Copyright and Neighboring Rights is completed by the addition of the following paragraph:

“In the case of anonymous or pseudonymous works that have not been lawfully made accessible to the public during the 70-year period following their creation, protection shall expire at the end of that period.”

Art. 2. Article 22, paragraph (1) of the same Law is completed with the following subparagraph 8:

“8. duplicates, copies, restorations and transfers by the Cinémathèque royale de Belgique, for the purpose of preserving the cinematographic heritage, provided that this does not prejudice the normal exploitation of the work or the legitimate interests of the author.

The material thus produced shall remain the property of the Cinémathèque, which shall not engage in any commercial use or use for profit. The author may have access to the material, subject to strict respect for the preservation of the work and fair remuneration for the intervention of the Cinémathèque.”

Art. 3. Article 23 of the same Law is completed with the following paragraph (3):

“(3) The institutions referred to in paragraph (1) that have been designated by the King may import copies of literary, sound or audiovisual works, as well as the scores of musical works, that have been the subject of a first lawful sale outside the European Union and have not been distributed to the public on the territory of the European Union, provided that such importation is for the purpose of public lending organized for educational or cultural purposes and does not relate to more than five copies or scores of the work.”

Art. 4. In the first paragraph of Article 42 of the same Law, the word “phonograms” is replaced by the word “performances.”

Art. 5. Article 46 of the same Law is completed with the following subparagraph 7:

“7. preservation of the cinematographic heritage by the Cinémathèque royale de Belgique by means of duplicates, copies, restorations and transfers, provided that this does not prejudice the normal exploitation of the work or the legitimate interests of the owners of the neighboring rights.

The material thus produced shall remain the property of the Cinémathèque, which shall not engage in any commercial use or use for profit. The author may have access to the material, subject to strict respect for the preservation of the work and fair remuneration for the intervention of the Cinémathèque.”

Art. 6. Article 47 of the same Law is completed with the following paragraph (3):

“(3) The institutions referred to in paragraph (1) that have been designated by the King may import phonograms or first fixations of films that have been the subject of a first lawful sale outside the European Union and have not been distributed to the public in the territory of the European Union, provided that such importation is for the purposes of public lending organized for educational or cultural purposes and does not relate to more than five copies of the phonogram or of the first fixation of the film.”

Art. 7. In Article 61 of the same Law, the first paragraph is completed with the following sentence:

*Official French title: Loi portant modification de la loi du 30 juin 1994 relative au droit d’auteur et aux droits voisins.

Entry into force: May 9, 1995.

Source: Communication from the Belgian authorities.

Note: Translation by the International Bureau of WIPO.

“The remuneration referred to in Article 60 may be adjusted as required by the sectors concerned.”

Art. 8. The following amendments are made to Article 76 of the same Law:

1. the third paragraph is deleted;
2. a penultimate paragraph worded as follows is inserted:

“The Minister shall have the right to engage in legal proceedings with a view to the punishment of any violation of the Law or of the Statutes.”

Art. 9. Article 85 of the same Law is replaced by the following provision:

“In the event of a repeat of the infringements referred to in this Law, the court may order the closure, either final or temporary, of the establishment run by the sentenced person.”

Art. 10. The following paragraph is added to Article 91 of the same Law:

“The words ‘and neighboring rights’ are added to Article 96, paragraph 1 of the Law of July 14, 1991, on Trade Practices and Consumer Information and Protection.”

Art. 11. In Article 92, paragraph (7)3 of the same Law the word “eighth” is replaced by the word “seventh.”