

BURKINA FASO

Unity – Progress – Justice

**Decree No. 2000-573/PRES/PM/MAC/MCPEA/
MJPDH on Fixing the Rate of the Droit de Suite
(Resale Royalty) on Graphic and Three-dimensional
Works. (English version)¹**

THE PRESIDENT OF FASO,

PRESIDENT OF THE COUNCIL OF MINISTERS,

- Having regard to** the Constitution;
- Having regard for** Decree No. 2000-526/PRES of November 6, 2000, on the Appointment of the Prime Minister;
- Having regard to** Decree No. 2000-527/PRES/PM of November 12, 2000, on the Composition of the Government of Burkina Faso;
- Having regard to** Decree No. 97-468/PRES/PM of October 31, 1997, on the Responsibilities of Members of Government;
- Having regard to** Decree No. 99-444/PRES/PM/MCA of December 2, 1999, on the Organization of the Ministry of Culture and the Arts;
- Having regard to** Decree No. 2000-149/PRES/PM/MCA on the Establishment of the National Copyright Office of Burkina Faso (BBDA);
- Having regard to** Law No. 032/99/AN of December 22, 1999, on the Protection of Literary and Artistic Property;
- On** the report of the Ministry of Culture and the Arts;

The Council of Ministers heard at its session of November 29, 2000;

DECREES

Article 1: Pursuant to Articles 18 and 19 of Law No. 032-99/AN of December 22, 1999 on the Protection of Literary and Artistic Property, the rate of the Droit de Suite (Resale Royalty) introduced for the benefit of authors of graphic and three-dimensional works sold at public auction or by means of a trader, is fixed proportionally to the sale price of the work without basic deductions.

¹ Courtesy translation provided by WIPO.

- Article 2: The rate of levy shall be set at ten per cent (10%).
- Article 3: The trader who sells a graphic or three-dimensional work shall declare such a sale to the National Copyright Office of Burkina Faso within three days from the date of the sale.
- Article 4: The public or ministerial officer or trader who sells a graphic or three-dimensional work shall levy from the sale price the sum corresponding to the droit de suite (resale royalty).
- Article 5: Such a royalty shall be directly paid to the National Copyright Office of Burkina Faso within eight (08) days from the date of the sale.
- Article 6: The National Copyright Office of Burkina Faso may assist in the sale. It may carry out any necessary investigations to ensure that the declarations are in order.
- Article 7: In case of failure to comply with the present instructions, all infringers shall be subject to the sanctions provided under Article 104(2) of Law No. 32/99/AN of December 22, 1999 on the Protection of Literary and Artistic Property.
- Article 8: This Decree shall repeal any previous contrary provisions.
- Article 9: The Minister of Culture and the Arts, the Minister of Justice and the Promotion of Human Rights and the Minister of Trade, Enterprise Promotion and Handicrafts shall be responsible, each as far as it is concerned, for the implementation of this Decree, which shall be published in the Official Journal of Burkina Faso.

Ouagadougou, December 20, 2000.

The President of Burkina Faso
Blaise COMPAORE
(signed and stamped)

The Prime Minister
Paramanga Ernest YONLI
(signed)

The Minister of Culture and the Arts
Mahamoudou OUEDRAOGO
(signed)

The Minister of Trade,
Enterprise Promotion and
Handicrafts
Bedouma Alain YODA
(signed)

The Minister of Justice and the Promotion of Human Rights
Boureima BADINI
(signed)