

**Law No. 1322
of April 13, 1992**

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Jaime Paz Zamora

Constitutional President of the Republic

Whereby the Honorable National Congress has adopted the following Law:

The Honorable National Congress,

Decrees:

Copyright

Title I

Protected intellectual property

Chapter I

General comments

1. The provisions of this Law are of a public nature and shall be deemed to be of social interest, to regulate the system of rules for the protection of copyright for original works of the mind, of a literary, artistic or scientific nature, and the related rights which it determines.

Copyright shall include the moral rights which protect the paternity and integrity of the work and the economic rights which protect the economic use thereof.

It shall further safeguard the cultural heritage of the nation.

2. Copyright shall come into being with the creation of the work without any need for registration, deposit or any other formality to obtain the protection afforded by this Law.

The formalities stipulated in this Law are designed to ensure the best possible legal security for the holders of the protected rights.

3. This Law shall protect the rights of all Bolivian authors, foreigners residing in the country, and works by foreigners published for the first time in the country.

Foreigners who are not resident in the country shall benefit from the protection of this Law, insofar as it applies to them under the international agreements and treaties to which Bolivia is a party. Failing this, they shall be placed on a level with Bolivians when the latter, in turn, are placed on a level with nationals in the respective country.

For the purposes of this Law, authors who are stateless, refugees or of disputed nationality shall be considered nationals of the country in which they have taken up residence.

4. This Law shall protect exclusively the literary, three-dimensional arts or sound form by which the author's ideas are described, explained, illustrated or incorporated in the literary, scientific or artistic works. Neither the ideas contained in the literary or artistic works, the ideological or technical content of scientific works, nor the industrial or commercial exploitation thereof, shall be eligible for protection.

5. For the purposes of this Law, the following definitions shall apply:

(a) **Individual work:** Any work produced by a single natural person.

(b) **Joint work:** Any work produced in common by two or more authors. In this case, it is divisible when the contribution of each author can be clearly identified;

(c) **Collective work:** Any work created by a group of authors, at the initiative and under the guidance of the natural person or legal entity who or which coordinates, makes known and publishes it under his/its name.

(d) **Anonymous work:** Any work in which the name of the author is not mentioned in accordance with his wishes.

(e) **Pseudonymous work:** Any work in which the author hides behind a pseudonym in the form of initials, acronyms or signs that do not allow him to be identified.

(f) **Unpublished work:** Any work that has not been made known to the public.

(g) **Posthumous work:** Any work that is made known only after the author's death.

(h) **Original work:** Any work that is created for the first time.

(i) **Derived work:** Any work arising from the adaptation, translation or other transformation of an original work, provided that it constitutes a separate creation.

(j) **Performer:** Any actor, speaker, narrator, reciter, singer, dancer or musician, or any other person who performs a literary or artistic work.

(k) **Producer of phonograms or phonographic producer:** Any natural person or legal entity on whose initiative and responsibility and under whose coordination the sounds of a performance or other sounds are fixed for the first time.

(l) **Phonogram:** Any exclusively aural fixation of sounds of a performance or of other sounds.

(m) **Publisher:** Any natural person or legal entity who or which is economically and legally responsible for the publication of a work.

(n) **Cinematographic producer:** Any natural person or legal entity who or which takes on the initiative, coordination and responsibility for the production of the audiovisual work.

(o) **Cinematographic work or videogram:** The fixation on a material medium of moving images with or without sound.

(p) **Broadcasting body:** Any radio or television firm that transmits programs to the public.

(q) **Broadcast or transmission:** The distribution, by means of electromagnetic waves, of sounds, or sounds synchronized with images.

(r) **Retransmission:** Simultaneous transmission of a broadcasting organization's broadcast, effected by another broadcasting organization.

(s) **Publication:** Communication to the public by any form or system.

(t) **Fixation:** Any embodiment of images or sounds, or both, on a material basis that is sufficiently permanent and stable to allow their perception, reproduction or communication.

Title II

Protected works

6. This Law shall protect copyright in literary, artistic or scientific works, regardless of the mode or form of expression used and the target audience; it shall cover in particular:

(a) Books, pamphlets, articles and other writings.

(b) Lectures, speeches, classes, sermons, comments and works of a similar nature.

(c) Dramatic or dramatico-musical works.

(d) Choreographic or pantomime works, the performance of which is fixed in writing or by other means.

(e) Musical compositions, with or without lyrics.

(f) Cinematographic works or videograms, regardless of the medium or procedure used.

(g) Works of drawing, painting, architecture, sculpture, engraving or lithography.

(h) Photographic works to which are assimilated works expressed by a process analogous to photography.

(i) Works of applied arts, including crafts.

(j) Illustrations, maps, plans, sketches and three-dimensional works relative to geography, topography, architecture or science.

(k) Stage props and the respective stage designs.

(l) Computer or computing programs (software) subject to specific regulations.

The protection afforded by this Law shall cover any literary, artistic or scientific creation, regardless of the form of expression and the medium, tangible or intangible, known at present or to be known in the future.

7. Derived works shall be protected as independent works, without prejudice to the copyright in the original works, when an original creation is performed for the first time:

(a) Translations, adaptations, musical arrangements and other transformations of a literary or artistic work. When the original work is found in the private domain, the express prior authorization of the original owner shall be required.

(b) Collective works of a literary, artistic or scientific nature, such as encyclopedias and anthologies which, due to the selection or layout of the contents, constitute an intellectual creation, without prejudice to the authors' rights in their respective shares thereof.

Title III **Copyright holders**

8. Only a natural person may be an author; however, the State, public law bodies and moral or legal entities may exercise copyright as derived owners, in accordance with the norms of this Law.

9. Barring evidence to the contrary, the person whose name, pseudonym, initials, acronym or other habitual sign is indicated in a work shall be presumed to be the author thereof.

When the work is made known anonymously, provided that this is not done in the forms mentioned in Article 58(a) of this Law, or under a pseudonym, initials, acronym or sign that do not identify the author, the rights granted under this Law may be exercised by the natural person or legal entity who or which makes it known with the author's consent, provided he or it does not reveal the author's identity.

10. In divisible productions, each joint author shall own the rights in the part he has authored, unless otherwise agreed. In works made in indivisible collaboration, the rights shall belong in common and in equal undivided shares, to the joint authors, unless other arrangements have been agreed.

11. The copyright in a work with music and lyrics shall be half-owned by the author of the lyric portion and half-owned by the author of the musical portion.

Each of them shall be free to publish, reproduce and exploit his respective portion.

12. If the lyrics to a musical work are translated or adapted into another language, the translators or adapters shall be the authors of their own translations or adaptations and shall not acquire the owner's rights in the literary part, given that the author of the original lyrics shall retain his rights for all legal purposes.

13. The rights of economic use in a collective work, unless otherwise stipulated, shall be presumed to be transferred to the person who has published it under his name, without prejudice to each author's rights in his contribution.

Title IV
Copyright content

Chapter I
Moral rights

14. With regard to his work, the author shall have a perpetual, inalienable, imprescriptible and non-renounceable right to:

(a) claim at any moment the paternity to his work, and in particular, so that his name or pseudonym may be indicated when any of the acts relating to the utilization of his work is done.

(b) object to any deformation, mutilation or other modification of the work.

(c) keep his work unpublished or anonymous. After the author's decease, his work may not be made known if he has prohibited this by testamentary disposition; nor may his identity be revealed if he has not so authorized.

Chapter II
Economic rights

15. The author of a protected work or his successors in title shall be exclusively entitled to make, authorize or prohibit any of the following acts:

(a) The reproduction of his work in full or in part.

(b) The translation, adaptation, arrangement or any other transformation of the work.

(c) The communication of the work to the public by means of a performance, broadcast or any other means of distribution.

16. The right of reproduction shall consist of the multiplication and material fixation of the work by any procedure enabling it to be made known to the public, such as printing, photography, engraving, lithography, cinematography, phonography, magnetic tape with sounds, images or both, or any other means of reproduction.

17. The right of representation shall consist of the communication of the work to the public by means of any process, such as:

(a) performance of works of music, recitation, declamation, dramatic representation, musical drama, phonomime, choreography, choral or orchestral ensembles;

(b) transmission via radio, television or analogous systems;

(c) distribution via loudspeakers, telephony with or without cable, or via the use of phonograms, apparatuses for reproducing sound, words or images, including through the reception of radio and television programs.

(d) public presentation, exhibition or display of pictorial, sculptural, photographic or similar works;

(e) public showing;

(f) public utilization by any means.

Chapter III

Duration of economic rights

18. The term of the protection afforded under this Law shall be for the entire life of the author and for 50 years after his decease, for the benefit of his heirs, legatees and successors in title.

19. If the work belongs to different authors, the term of 50 years shall run from the death of the last joint author. The economic rights in the collective audiovisual and photographic works, phonograms, broadcasting programs and computer or computing programs, shall last 50 years starting from their publication, exhibition, fixation, transmission and utilization, as appropriate, or, if they have not been published, since their creation. In those anonymous works not mentioned in Article 58(a) and in pseudonymous works, the economic rights shall last 50 years after the works have been made known, unless the identity of the author becomes known before this term expires, in which case the provisions of Article 18 shall apply.

Notwithstanding, if, once 50 years have passed since the work has been made known, the author reveals his identity in a reliable fashion during his lifetime or by testament, the provisions of Article 18 shall apply, without prejudice to the rights acquired by third parties to the protection described in the previous paragraph.

The time limits stipulated in this Chapter shall be calculated from the first day of January of the year following the author's death or that of publication, exhibition, fixation, transmission, utilization or creation, as the case may be.

Title V

Special provisions for certain works

Chapter I

Social communication media

20. The copyright in articles, screenplays, librettos, sketches, photographs and other unsigned productions, contributed by the editorial or production staff covered by an employment contract with companies for printing, radio and television and other social communication media, shall be considered transferred, as defined by Article 29(c). In the case of signed publication, only the rights of publication by the firm shall be considered transferred, and the authors shall retain all of the other rights protected by this Law.

Chapter II
Folklore and crafts

21. This Law shall be deemed to protect all those works considered as folklore, understood in the strict sense of the term: the body of literary and artistic works created on the national territory by authors who are unknown or who do not identify themselves and who are presumed to be nationals of the country or members of its ethnic communities and which is passed down from generation to generation, representing one of the fundamental elements of the nation's traditional cultural heritage.

22. Works of folklore, as defined by the foregoing, for the purposes of their utilization as literary and artistic works, shall be considered as works belonging to the national heritage, in accordance with the norms contained in Title XI of this Law, without prejudice to any norms of protection that may be adopted by other State institutions or through international agreements.

23. Crafts and crafts designs shall be protected by the general norms of this Law, especially with regard to three-dimensional arts and the national heritage.

Title VI
Limitations on copyright

24. An author may be quoted, whereby quotation shall be understood to mean the inclusion within one's own work of short excerpts from works by others, provided that the works have already been disclosed, that the source and the name of the author of the work used are stated, that the inclusion is by way of quotation or for analysis, comment or critical assessment, for educational or research purposes, in accordance with proper practice and to the extent justified by the purpose being pursued, and that no infringement of the law occurs.

25. Before the term of protection of a work has expired, the State may prescribe the use for public necessity of the economic rights in a work that is considered of high cultural value for the country, or of social or public interest, on payment of fair compensation to the holder of that right.

To decree such use, the following is required:

- (a) that the work has been published;
- (b) that the copies of the last edition are out of print; and
- (c) that at least three years have elapsed since it was last published.

26. The heirs or successors in title may not object to third parties publishing already disclosed works of the decedent if they have let more than five years pass, calculated from the death of the decedent, without arranging for their publication.

In such cases, if there is no agreement between the publishing third party and the heirs or successors in title on the conditions of printing or compensation, both shall be set by the procedure stipulated in Articles 31 and 35 of this Law.

Title VII
Transmission and contracts for utilization

Chapter I
Transmission or succession of copyright

27. The author's economic rights may be transmitted via succession and may form the subject matter of the bequest or testamentary disposition.

In the event that, in the succession of a joint author, his copyright does not accrue to any person or entity, it shall increase, by equal proportions, the shares of the other joint authors. The same increase shall apply when a joint author has validly waived his author's economic right.

28. The author may dispose of the original of his pictorial or sculptural work or figurative art work in general. In this case, unless otherwise agreed, the acquirer shall be considered not to have been granted any copyright in the author's work.

Chapter II
Contracts in general

29. The author or his successors in title may grant to another person the right to utilize the work, in its economic content, by means of the use of one or all of the forms of exploitation reserved for the author under this Law, and assign these rights in full or in part.

For these acts to be binding on third parties, they must be done via contract as a private document registered with the General Copyright Department, and the formalities stipulated in this Law observed

(a) Transmission to a publisher or producer of the exploitation rights in a work created under an employment relationship shall be governed by the provisions agreed in the contract, which must be made in writing.

(b) Under no circumstances may the publisher or producer utilize the work or dispose of it for a meaning or purposes different from those arising from the provisions set out in clause (a) above.

(c) Unless otherwise stipulated, the authors of works reproduced in periodical publications shall retain their right to exploit them in any form that does not prejudice the ordinary operation of the publication in which they have been inserted.

(d) Any authorization to use a work shall be presumed to be onerous, and exclusive rights therein must be expressly agreed.

(e) All contracts shall imply the capacity to terminate the obligations arising therefrom in the event that one of the contracting parties fails to fulfill his obligations, without prejudice to the compensation due to the injured party.

Chapter III
Publishing contracts

30. Under a publishing contract, the owner of the copyright in a literary, artistic or scientific work, or his successor in title, shall be obliged to hand the work over to the publisher, who shall be obliged to reproduce, distribute and commercialize it himself, and pay the author the agreed financial benefits.

31. In any publishing contract, the parties shall agree on the compensation or royalty due to the author or owner of the work, which may in no event be less than ten per cent (10%) of the public sale price. Failing any such stipulation, it shall be presumed that the said percentage is due to the author or owner.

32. Without prejudice to the provisions of the previous article and any accessory stipulations the parties deem appropriate, the contract must specify the following:

- (a) Identification of the author, the publisher and the work;
- (b) Whether or not the work is unpublished;
- (c) Whether or not the authorization is exclusive;
- (d) The time limit and conditions under which the original is to be handed over;
- (e) The time limit agreed for putting the first edition on sale;
- (f) The term or period of the contract;
- (g) The number of copies that must be printed for each edition;
- (h) The maximum number of copies that may be published within the term or period of the contract;
- (i) The form in which the sale price of each copy to the public shall be set.

The rules set out in the Code of Commerce Title VI, Chapter II "Publishing Contracts", Articles 1216 to 1236, shall continue to apply.

Chapter IV
Contracts for phonographic inclusion

33. Under a contract for phonographic inclusion, the author of a musical work shall authorize a producer of phonograms, in exchange for compensation, to record or fix a work in order to reproduce it on a phonographic record, a magnetic tape, a film or any other analogous device or mechanism, with a view to the reproduction and sale of copies.

Such authorization shall not include the right of public performance.

The producer of the phonogram shall state this reservation on the label which is to be affixed to the record, device or mechanism in which the phonogram is produced.

34. The phonographic producer shall be obliged to state visibly on all copies of the phonogram that the work has been registered, including those possibly meant for free distribution, and that it may not be put on sale unless the following indications are permanently affixed thereto:

(a) The title of the work and names of the authors or their pseudonyms, the arranger and orchestrator and the author of the version, as the case may be.

(b) If the work is anonymous, this shall also be specified.

(c) Names of the performers. The orchestral or choral ensembles shall be indicated by their own name and by the name of their directors.

(d) The acronym of the societies to which the authors and artists belong.

(e) A reference to the reservation with the symbol P followed by the year of first publication.

(f) The name of the phonographic producer.

Those indications which, for want of a proper place, cannot be stated directly on the copies contained in the reproduction, shall be printed on the cover or the accompanying leaflet.

35. The minimum compensation for the author in the form of phonomechanical royalties shall be seven and a half per cent (7.50%) of the public sale price of each copy sold that includes phonograms by the author, in accordance with the arrangements stipulated in the collective contracts between authors' and composers' societies and phonogram producers at the international level. Any agreement to the contrary shall be null and void, unless it is aimed at improving terms for the author.

Chapter V

Performance contracts

36. The performance contract shall be the instrument by which the author of a literary, dramatic or dramatico-musical or choreographic work or work of any similar kind, authorizes an impresario to stage it in public, in exchange for compensation.

The public performance of a work, for the purposes of this Law, shall be any performance given outside the private residence and even inside, if it is shown or disseminated on the outside.

The distribution of a theatrical, dramatico-musical or choreographic work, whether it be live, recorded, or broadcast by radio or television, shall be considered public.

37. Performances of the work shall begin during the term set by the parties, which may not exceed one year. If the contract fails to fix an end for the performances, the impresario shall keep the work running as long as attendance justifies this economically. The authorization shall lapse when the work ceases to be performed due to insufficient attendance.

The impresario shall be obliged to stage the performance without variations, additions, cuts or deletions not consented to by the author, and shall be responsible for those made by the persons participating in the performance; moreover, he shall guarantee that the author or his representatives may attend all of the rehearsals and monitor the performance and attend the same free of charge.

The author and the impresario shall choose by mutual agreement the director and other main performers, and their replacement shall require the author's consent.

In the event that the work is not performed within the established term, the impresario shall compensate the author by means of a sum to be determined in the respective contract.

38. The impresario shall announce to the public the title of the work, always accompanied by the name or pseudonym of the author and, as appropriate, that of the translator and adaptor, and shall indicate the characteristics of the adaptation. If the author's compensation has not been fixed contractually, he shall be entitled to a minimum of ten per cent (10%) of the amount of the receipts for every function or performance, and fifteen per cent (15%) of the same in the event of a premiere.

Chapter VI

Cinematographic works

39. Without prejudice to copyrights in the works adapted or included therein, cinematographic works, as defined in Article 5(o) of this Law, shall be protected as original works.

Economic rights in cinematographic works shall be recognized for the benefit of the product, unless otherwise stipulated.

40. The director or producer of the cinematographic work shall hold the moral rights therein, without prejudice to the rights to which the various authors, or performers who have intervened therein with respect to their own contributions are entitled.

41. The joint authors of the cinematographic work shall be defined as the authors of the story line, the adaptation, the screenplay and the dialogs for musical compositions, with or without lyrics, created especially for this work, and the director or producer.

42. Without prejudice to the rights to which the authors are entitled, under the contract for production of the cinematographic work, the rights of reproduction, distribution and communication to the public, as well as the rights of dubbing or subtitling the work, shall be presumed to be transferred exclusively to the producer, subject to the limitations laid down in this Chapter.

43. A contract for cinematographic fixation shall be deemed to exist when the authors of a work, the story line and the adaptation and the authors of the screenplay or dialogs grant the producer the exclusive right to fix, reproduce and exploit it economically.

Said contract shall contain:

(a) the authorization for the exclusive right.

(b) the compensation agreed by the producer for the above-mentioned persons, for the authors of the musical compositions, with or without lyrics (created especially for this work); for this cartoonists, in the case of an animated cinematographic work, or a work including cartoons, for the director-producer and for the performers who act in it, as well as the payment arrangements for said compensation.

(c) The term for the termination of the work.

(d) In addition to the compensation, the producer shall give the director an author's fee of ten per cent of the earnings from the exploitation of the work, once all of the expenses have been deducted.

44. The authors of the story line, the cinematographic book or screenplay and those of the music, shall be free to dispose of the part corresponding to their contribution to the cinematographic work, with a view to its use in a different communication medium, unless otherwise stipulated.

45. The producer of the cinematographic work shall have the following exclusive rights:

(a) to reproduce the work with a view to its distribution or exhibition by any means;

(b) to initiate court proceedings for any unauthorized reproduction or exhibition;

46. The provisions for the cinematographic work shall apply to videograms and to any other audiovisual works.

Title VIII

Public performance of musical works

47. Public performance by any means, including the broadcasting of a musical work, with or without lyrics, or any means of projection or distribution already known or to be known in the future, shall be provided for and expressly authorized by the rightsowner or his representatives.

48. For the purposes of this Law, public performances shall be defined as performances in theatres, cinemas, concert or dance halls, bars, clubs of any kind, stadiums, circuses, restaurants, hotels, commercial, banking or industrial establishments, and, finally, any place where musical works are performed or broadcast by radio or television, either with the participation of artists or by mechanical, electronic, sound or audiovisual processes.

49. The person responsible for running the entities or establishments enumerated in Article 48 in which public performances of musical works are given shall be obliged to:

(a) make meticulous daily notes of the title of each musical work performed, the name of the author or composer thereof, the name of the performers or of the director of the group or orchestra, as the case may be, and the name or brand of the tape recorder if the public performance were given on the basis of a phonographic fixation.

(b) said notes shall be dated, signed and made available to the persons concerned, within thirty (30) days of the date of the performance or communication to the public. The persons concerned or their representatives, under their responsibility, may report to the National Copyright Department the failure, in part or in full, to meet this obligation, and the person responsible shall be liable to a fine of an amount equivalent to 50 times the amount of the receipts.

Title IX

The right of participation of three-dimensional artists

50. If the original of an artistic, graphic or three-dimensional work or manuscript is resold and an art dealer or an auctioneer is involved as a buyer, seller or agent, the seller shall pay the author or his heirs a share equivalent to five per cent of the sale price.

This right for the benefit of the author referred to in the previous paragraph shall be non-renounceable and inalienable, and shall last for the entire term of protection of the economic rights in the work, for the benefit of the author and his heirs and legatees.

51. The foregoing provisions shall not apply to works of architecture or works of applied art.

Title X

Related rights

52. The protection afforded under the rules of this Title shall be independent and shall not affect in any way the copyright protection for literary, scientific, artistic and advertising works enshrined in this Law. As a result, none of the provisions contained therein may be interpreted as reducing such protection.

Chapter I

Performers' rights

53. Performers or their representatives shall be entitled to authorize or prohibit the fixation and reproduction, as well as the communication to the public, transmission or any other form of utilization of their performances. As a result, no one may, without the authorization of the performers, carry out any of the foregoing acts.

Performers who participate collectively in the same performance, as part of a musical group, choir, orchestra, ballet or theatrical troupe, shall appoint a representative from among them to grant the authorizations referred to in this Article.

This appointment, which shall be formalized in writing, shall be by majority agreement; soloists, conductors and stage directors may not be so appointed.

The performers' rights enshrined in this Law shall be valid for fifty (50) years, starting from the first of January of the year following publication of the work, or of the fixation or performance if said publication has not taken place.

A performer shall be entitled to have his name acknowledged for his performances and may object, during his lifetime, to any deformation, mutilation or other adverse act in relation thereto that might damage his prestige or reputation. Upon his decease and for the next twenty (20) years, his heirs shall be entitled to exercise these rights.

The stage director and conductor shall hold the performers' rights recognized by this Law.

Chapter II
Phonogram producers

54. Phonographic producers, with regard to their phonograms, shall have the exclusive right to authorize or prohibit reproduction, rental and communication to the public, including distribution via cable, satellite broadcast or any other means of utilization.

55. If a phonogram published for commercial purposes or a reproduction of such a phonogram is used with authorization for broadcasting or any other form of communication to the public, a single equitable remuneration shall be paid by the user to both the performers and the phonogram producer. The phonogram producer or his licensee may agree on the form for collecting the fees for communication to the public. Failing such agreement, the fees shall be collected by the phonogram producer or his licensees; half of the sum received shall accrue to the artists and performers, and the other half shall accrue to the phonogram producer.

56. Phonographic records and other devices or mechanisms mentioned in Article 33 of this Law that are used for a public performance via broadcasting, cinematography, record players or any other system of performance on the premises referred to in Article 48, shall give rise to the collection of fees for the benefit of the authors, artists and performers, and the phonogram producer.

The National Copyright Department shall propose that the collection of said fees for public performances be handled by a joint collection society, without prejudice to the fact that distribution shall remain the responsibility of the respective society of authors, artists or performers and of the phonogram producers, who have been recognized in accordance with Title XIII of this Law.

Chapter III
Broadcasting bodies

57. Broadcasting bodies shall have the exclusive right to authorize or prohibit the following acts:

- (a) the retransmission of their broadcasts;
- (b) the fixation of their broadcasts;
- (c) the reproduction of a fixation of their broadcasts.

Title XI
Tax treatment

Chapter I
National heritage and public domain

58. National Heritage shall be the regime into which pass works by Bolivian authors when they leave the protection of private economic rights, for any reason; the following belong to the National Heritage:

- (a) Works of folklore and traditional culture by unknown authors.

(b) Works whose authors have expressly waived their rights.

(c) Works of authors who have passed away without successors or successors in title.

(d) Works whose terms of protection as fixed by Articles 18 and 19 have expired.

(e) Patriotic and civic hymns and anything that has been taken up by any public or private institution.

Foreign works whose term of protection has expired shall belong to the public domain.

59. For the purpose of clause (b) of the previous Article, waiver by the authors or heirs of the economic rights in the work, shall be made in writing, registered with the National Copyright Department and published. Waivers shall not be valid in the case of previously contracted obligations.

60. The utilization in any form or procedure of works from the National Heritage and the public domain shall be free, but anyone using such works for commercial purposes shall pay the State, in accordance with the provisions of the Regulations, a fee not less than ten per cent (10%) and not more than fifty per cent (50%) of the amount paid to the authors or their successors in title for utilization of similar works covered by the private protection system.

61. Income from the utilization of National Heritage works shall be earmarked exclusively for the promotion and dissemination of the country's cultural values.

62. The State, through the National Copyright Department, shall set aside, from the percentage collected for National Heritage works, ten per cent (10%) for the compiler and ten per cent (10%) for the community of origin, if they can be identified.

Title XII

National Copyright Registry

63. A National Copyright Registry shall be set up as a body of the National Copyright Department under the Bolivian Institute of Culture of the Ministry of Education and Culture, and shall be responsible for processing applications for registration of the works protected by this Law, copyright-related acts and contracts, and societies of authors and performers, and for performing the other duties entrusted to it by this Law and by the Regulations.

Title XIII

Authors' and performers' societies

64. Societies of authors and holders of related rights which are established under this Law, in accordance with Article 58 of the Civil Code, shall be of general public interest. They shall have legal status and their own assets for the purposes established by this same law. No more than one society may be set up for each branch or literary or artistic specialization of the holders recognized by this Law.

The Regulations shall determine the various branches into which the societies may be organized, the cases in which they may act as holders for similar branches, the form and conditions of

their registration, and additional requirements for their functioning, in accordance with the provisions of this Law.

Title XIV

Infringements of copyright

Chapter I

Criminal punishment and procedure

65. The proceedings to which infringements of this Law give rise shall be judged by the Ordinary Criminal Judiciary, in accordance with the Law on Judicial Organization, the Penal Code, the Code of Penal Procedure, and this Law.

66. The criminal punishment for the copyright infringements or violations described in this Chapter shall be that provided for by Article 362 of the Penal Code.

67. The previous Article shall also apply to the violations of related rights provided for by this Law.

68. For the purposes of this Law, an infringement of copyright shall be deemed to have been committed by anyone who:

(a) in relation to an unpublished literary or artistic work or production, and without the authorization of the author, artist or producer, or their successors in title, enters it in the Registry or publishes it by any means of reproduction, multiplication or dissemination, as if it were his own or that of another person different from the actual author, or with the title changed or deleted, or with fraudulent alterations made to the text.

(b) in relation to a published and protected work or production, commits any of the acts indicated in the previous clause, or without the permission of the copyright holder, reproduces, adapts, transforms, modifies, rewrites or compiles and edits or publishes any of these works by any means of reproduction, multiplication or communication to the public.

(c) reproduces an already published work, fraudulently altering in the fraudulent edition the name of the publisher authorized to that end.

(d) reproduces more copies than the number authorized by the copyright holder or his successors in title in the respective contract.

(e) reproduces a phonogram or videogram with a view to its commercialization, or rents it without the written authorization of the producer or his representative; likewise, anyone who imports, stockpiles, distributes or sells illicit copies of a phonogram or videogram.

An illicit copy of a phonogram or videogram shall be defined as a copy which does or does not imitate the external characteristics of the legitimate copy incorporated in the phonogram or videogram or a substantial part thereof, without the authorization of the copyright holder.

(f) publishes, sells, reproduces or disseminates a work published or a phonogram bearing a false reference to the name of the author, the authorized publisher, the performers or the producer.

(g) reproduces, disseminates, performs or distributes one or more works after the expiry of an authorization granted to this end.

(h) makes false statements, directly or indirectly, to impair the economic rights of the author, by altering information relating to the proceeds of a show, the number of copies of a work produced, sold or distributed, or by any other means.

(i) without the copyright holder's authorization, is responsible for the public performance of theatrical, musical or cinematographic works.

(j) without being the author, publisher, successor in title or representative of one of them, falsely claims such status and persuades the authority to suspend public performances of a work.

(k) wrongfully appropriates the right to use names of periodicals, reviews, sections and columns thereof, radio or television programs, cinematographic news bulletins, other communication media, fictitious or symbolic characters in literary works, graphic novels and other periodical publications or typical characters used in artistic performances or by numbers of groups and ensembles, choirs, orchestras, bands and other artistic casts.

(l) transmits, rebroadcasts or disseminates, by any means, cinematographic works without the producer's authorization.

69. The owner, associate, manager, director or person in charge of the activities of establishments where theatrical or musical performances are given, shall be jointly responsible, together with the person staging the performance, for any copyright violations which occur on said premises, without prejudice to the corresponding criminal liability.

70. All copies of a work that has been illicitly published or reproduced shall be seized and shall remain in judicial custody until a ruling has been handed down.

Works published or reproduced illicitly shall be destroyed pursuant to the ruling or awarded to the holder whose rights are defrauded by means of such works.

Chapter II

Administrative conciliation procedure

71. An administrative conciliation and arbitration procedure shall be established under the National Copyright Department, by mutual agreement of the parties and prior to the ordinary hearing, to resolve civil disputes relating to the subject matter of this Law.

Title XV
National Copyright Department

72. The National Copyright Department, the National Copyright Information Center and the other necessary branches shall operate as branches of the Bolivian Institute of Culture of the Ministry of Education and Culture, with jurisdiction throughout the national territory.

Title XVI
Final and transitional provisions

73. The rights in works which did not enjoy protection under the previous Law because they were not registered, shall automatically enjoy the protection afforded by this Law, without prejudice to the rights acquired by third parties before its entry into force.

74. The Executive, through the Ministry of Education and Culture, shall announce the Regulations under this Law, within one hundred and twenty (120) days following its enactment.

75. The Intellectual Property Law of November 13, 1909, and all of the provisions opposing this Law, are hereby repealed.

76. The Executive is hereby empowered to announce the rules of an administrative, fiscal and budgetary nature necessary for the application of this Law.

This Law shall be forwarded to the Executive, for constitutional purposes.

Done in the Meeting Room of the Honorable National Congress, on the second of April, nineteen hundred and ninety-two.

Signed: Guillermo Fortún Suarez, Gastón Encinas Valverde, Carlos Farah Aquín, Oscar Vargas Molina, Walter Alarcón Rojas, Ramiro Argandoña Valdez.

This Law is hereby enacted with a view to its enforcement as a Law of the Republic.

Palace of Government of the city of La Paz, on the thirteenth of April nineteen hundred and ninety-two.

Signed: Jaime Paz Zamora, Ronald Maclean Abaroa, Carlos Saavedra Bruno, Hedím Céspedes Cossio.