

**Law No. 44 of February 5, 1993,  
Amending and Supplementing Law No. 23  
of 1982 and Amending Law No. 29 of  
1944\***

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**Chapter I  
Special Provisions**

**1.** Employees and public servants who are the authors of works protected by copyright may negotiate them contractually with any organization under public law.

**2.** Article 29 of Law No. 23 of 1982 shall read as follows:

“The rights established in favor of performers, producers of phonograms and broadcasting organizations shall have the following duration:

— where the owner of the rights is a natural person, protection shall be for his lifetime and 80 years after his death;

— where the owner of the rights is a legal entity, the term of protection shall be 50 years, counted from the last day of the year in which the performance, the first publication of the phonogram, or the first fixation thereof if it was not published, or the transmission of the broadcast took place.”

**Chapter II  
National Register of Copyright**

**3.** The following may be entered in the National Register of Copyright:

(a) literary, scientific and artistic works;

(b) instruments by virtue of which copyright is disposed of, and also any other instrument or contract associated with copyright or neighboring rights;

(c) phonograms;

(d) general powers of attorney granted to natural persons or legal entities for dealings with the National Copyright Directorate or any of the departments thereof on matters arising from Law No. 23 of 1982.

**4.** The purpose of the registration of works and instruments subject to the formalities of the foregoing Article shall be the following:

(a) to publicize the rights of owners and the instruments and contracts that transfer or alter the area covered by the law;

(b) to give guarantees of authenticity and security to titles of copyright and neighboring rights protection and to instruments and documents referring thereto.

5. The registration of works and instruments shall as far as possible be consistent with the forms and terms established previously by ordinary legal provisions for the registration of public instruments.

Entries in the appropriate book or books shall be signed by the competent official.

6. Any instrument by which copyright or neighboring rights are disposed of, and any other instrument or contract associated with such rights, shall be entered in the National Register of Copyright as a condition of publicity and enforceability on third parties.

7. Publishers, producers of audiovisual works and producers of phonograms and videograms resident in the country and responsible for any printed work, audiovisual work, phonogram or videogram, and importers of books, phonograms or videograms circulating in Colombia shall, within 60 working days following publication, public transmission, reproduction or importation, effect the legal deposit thereof with the organizations and in the amounts specified in the regulations that the National Government shall enact for the purpose.

Failure to effect legal deposit shall be punished by the National Copyright Directorate with a fine equal to 10 times the market value of every copy not deposited.

8. Any work that is submitted as unpublished for the purposes of entry in the National Register of Copyright may be consulted only by the author or authors thereof.

9. The National Government shall establish the requirements and procedures for entry in the National Register of Copyright.

### **Chapter III** **Societies for the Collective Administration of Copyright** **and Neighboring Rights**

10. The owners of copyright and neighboring rights may form non-profit societies for the collective administration of copyright and neighboring rights, with legal personality, for the defense of their interests in accordance with the provisions laid down in Law No. 23 of 1982 and in this Law.

11. The recognition of the legal personality of societies for the collective administration of copyright and neighboring rights shall be granted by the National Copyright Directorate in a reasoned decision.

12. Societies for the collective administration of copyright and neighboring rights that are formed after the entry into force of this Law may not function with fewer than 100 members, all of whom must be engaged in the same activity.

*Paragraph.* Societies for the collective administration of copyright and neighboring rights shall at all times be obliged to agree to the administration of the rights of their members.

13. The responsibilities of societies for the collective administration of copyright and neighboring rights shall be the following:

(1) to represent their members in dealings with judicial and administrative authorities in all matters of general and specific interest to them.

Members may assist the representatives of the society in person in any business conducted on their behalf before the jurisdictional authorities;

(2) to negotiate terms with users for the licensing of acts covered by the rights that they administer, and the remuneration corresponding thereto, and to grant such licenses in terms of the mandates given them and with due regard to the limitations imposed by the law;

(3) to negotiate with third parties the appropriate amount of equitable remuneration payable where the latter exercise the right to collect such remuneration;

(4) to collect and distribute to their members the remuneration derived from the rights accruing to them. For the exercise of this function, societies shall be considered the agents of their members by the mere fact of the latter's membership;

(5) to enter into contracts or agreements on behalf of their members on matters of general or specific interest;

(6) to enter into agreements with foreign collective administration societies operating in the same area of activity or management;

(7) to represent within the country those foreign societies with which they have contracts of representation before the judicial and administrative authorities in all matters of general and specific interest to their members, with the right to engage in legal proceedings on their behalf;

(8) to ensure the safeguarding of the national intellectual and artistic tradition;

(9) any other responsibilities authorized by the law and by their statutes.

**14.** Societies for the collective administration of copyright and neighboring rights shall be organized and shall operate according to the following rules:

(1) They shall admit as members those owners of rights who so request and duly attest their status as such in the area of activity concerned.

The statutes shall lay down the manner of and the conditions governing admission to and withdrawal from the society, cases warranting expulsion and the suspension of membership rights and also the means of attesting the status of holder of authors' rights.

(2) Resolutions on systems and rules for the collection and distribution of remuneration deriving from the use of the rights under administration and on other important aspects of collective administration shall be approved by the Board of Directors.

(3) The members of a society for the collective administration of copyright and neighboring rights shall receive full and detailed periodical information on all the activities of the society that may have a bearing on the exercise of their rights.

(4) No remuneration collected by a society for the collective administration of copyright and neighboring rights may, without the express authorization of the general assembly of members, be set aside for any purpose other than the covering of the real cost of the administration of the rights concerned, neither may the balance of the remuneration after the deduction of that cost be distributed.

(5) The amount of remuneration collected by societies for the collective administration of copyright and neighboring rights shall be distributed among the owners of rights in proportion to the actual use of their rights.

(6) Foreign members whose rights are administered by a society for the collective administration of copyright and neighboring rights, either direct or on the basis of agreements with foreign counterpart societies for the collective administration of copyright and neighboring rights responsible for the direct representation of those members, shall be given

the same treatment as members who are nationals of the country or have their usual residence there and are members of the collective administration society or are represented by it.

(7) Societies for the collective administration of copyright and neighboring rights shall have the following bodies: the General Assembly, a Governing Board, a Supervisory Committee and a Controller.

**15.** The General Assembly shall be the supreme body of the association and shall elect the members of the Governing Board and Supervisory Committee and the Controller. Its responsibilities and operation and the manner of its convocation shall be laid down in the statutes of the association concerned.

**16.** The Governing Board shall be composed of no fewer than three nor more than seven active members of the association, whom the General Assembly shall elect by the electoral quotient system, together with their alternates, who must be specific to each person.

**17.** The Governing Board shall be the body responsible for the administration and management of the society, responsible to the General Assembly, whose instructions it shall carry out. Its responsibilities and functions shall be specified in the statutes.

**18.** The Governing Board shall elect a Manager, who shall be the legal representative of the society and shall implement the decisions and agreements of the Governing Board. His responsibilities and functions shall be specified in the statutes.

**19.** The Supervisory Committee shall be composed of three main members and three numerical alternates, who must be members of the association. Their responsibilities and functions shall be specified in the statutes.

**20.** The persons who form part of the Governing Board and Supervisory Committee, the Manager and the Controller of a society for the collective administration of copyright and neighboring rights may not appear on similar organs of another society for the collective administration of copyright and neighboring rights.

The Manager may not serve as a member of the Governing Board or Supervisory Committee or of any other organ of the society for the collective administration of copyright and neighboring rights.

**21.** The Governing Boards of societies for the collective administration of copyright and neighboring rights shall discuss and approve their income and expenditure budgets covering periods not exceeding one year. The amount of expenditure may in no case exceed 30 percent of the total amount of remuneration actually collected for the use of the rights of their members and the members of foreign or similar societies for the collective administration of copyright and neighboring rights to which they are bound by mutual representation contracts.

Societies for the collective administration of copyright and neighboring rights may only set aside up to 10 percent of the amounts collected for the pursuit of social and cultural purposes previously defined by the General Assembly.

Only the Governing Boards of societies for the collective administration of copyright and neighboring rights may authorize distributions not initially contemplated in their budgets, and then without exceeding the aforementioned maximum amounts; the directors of the society concerned shall be jointly liable for infringements of this Article.

The budgets of societies for the collective administration of copyright and neighboring rights shall be subject to verification of their legality by the National Copyright Directorate.

**22.** Entitlement to remuneration not collected by members shall pass from those members to the societies for the collective administration of copyright and neighboring rights after three years following the date on which the person concerned was notified personally of the proposed allocation or distribution.

**23.** The statutes of societies for the collective administration of copyright and neighboring rights shall include at least the following:

- (a) name, domicile and territorial area of activity;
- (b) purpose of the society's activity, which shall be related to the rights under administration;
- (c) requirements and procedures for the acquisition, suspension and loss of membership;
- (d) membership categories;
- (e) rights and obligations of members, and manner of exercise of the right to vote;
- (f) system and procedures for the election of directors;
- (g) forms of management, organization, administration and internal supervision;
- (h) composition of governing bodies, supervision and specification of functions;
- (i) forms for the constitution and increase of operating capital;
- (j) duration of each accounting period;
- (k) rules for the dissolution and liquidation of societies;
- (l) rules for the administration of assets, adoption and implementation of budgets and submission of balance sheets;
- (m) procedure for the revision of the statutes;
- (n) any other requirements that are considered necessary for the proper and normal operation of societies.

**24.** The statutes adopted by the General Assemblies of societies for the collective administration of copyright and neighboring rights shall be subject to verification of their legality by the National Directorate of Copyright which, when they have been reviewed and found to be in conformity with the law, shall give them its approval.

**25.** Only those societies for the collective administration of copyright and neighboring rights that are constituted and recognized in accordance with the provisions of the law may be considered such and may exercise the responsibilities specified therein.

**26.** Societies for the collective administration of copyright and neighboring rights shall, in the exercise and discharge of their functions and responsibilities, conform to the provisions of this Chapter, subject to inspection and supervision by the National Directorate of Copyright.

**27.** With a view to ensuring the proper collection of remuneration deriving from the public performance of musical works and the communication to the public of phonograms, societies for the collective administration of copyright and neighboring rights may set up a collecting agency within which all societies pursuing the same aims that are recognized by the National Directorate of Copyright shall be represented. The National Government shall

specify the form and requirements for their constitution, organization, management and operation and shall exercise powers of inspection and supervision over them.

**28.** Societies for the collective administration of copyright and neighboring rights shall submit to the National Directorate of Copyright any general contracts entered into with associations of users.

**29.** Understandings, agreements or contracts entered into by Colombian societies for the collective administration of copyright and neighboring rights with foreign copyright or similar societies shall be recorded in the National Register of Copyright.

**30.** Societies for the collective administration of copyright and neighboring rights shall be obliged to draw up internal regulations, which shall specify the manner in which the remuneration collected should be distributed among the members, and also the manner in which tariffs should be drawn up for the various uses of works, performances and copies or duplicates of phonograms.

**31.** Societies for the collective administration of copyright and neighboring rights shall be obliged to publish their balance sheets in an internal bulletin or journal, and to send a copy of each such publication by registered mail to the address on record of each member.

**32.** The General Assembly of a society for the collective administration of copyright and neighboring rights shall meet in ordinary session at least once a year during the first three months of the year, and in extraordinary session when convened by those who are entitled by statute to do so.

Such sessions may be attended by a delegate representing the National Directorate of Copyright.

**33.** The names of the members of the Governing Board, of those constituting the Supervisory Committee and of the Manager, Secretary, Treasurer and Controller shall be registered with the National Directorate of Copyright; any change shall be notified to the said Directorate, together with a copy of the instrument by which those concerned were appointed or elected, which shall specify the residence, name and identification document of each. Such designations shall not be binding within the society or on third parties until they have been registered.

**34.** The Director General of Copyright may refuse to register the designation of the officers mentioned in the foregoing Article in the following cases:

(a) where there has been a violation of legal and/or statutory provisions in the election process;

(b) where the person concerned is under a judicial ban, where he has been condemned to imprisonment for any offending act or where he is or has been suspended or excluded from the exercise of a profession.

**35.** Electoral acts of the General Assembly and sectoral assemblies, and also administrative acts of the Governing Board, may be contested within 30 days after they have been performed in an appeal lodged with the National Directorate of Copyright by any of the members when the law or the statutes have not been complied with.

**36.** For the settlement of the appeals referred to in the foregoing Article, the National Directorate of Copyright may, either *ex officio* or at the request of a party, make inspection visits to collective administration societies and specify and demand such proof as it considers necessary to pronounce on the validity of the elections and of the acts performed in violation

of the law or the statutes, and it shall rule on whether a sanction of any kind should be imposed.

The procedure for the settlement of appeals shall be regulated by the National Government.

**37.** The National Copyright Directorate may, by virtue of the power of inspection and supervision conferred on it by this Law, order investigations of societies for the collective administration of copyright and neighboring rights, examine their books, seals and documents and request such information as it considers appropriate to determine compliance with legal and statutory provisions. When an investigation has been conducted, the National Copyright Directorate shall forward to the society a copy of any charges that may have been made, so that such clarifications and rebuttals as are appropriate may be made and supporting evidence provided.

*Paragraph.* The National Government shall enact regulations on the procedure and terms to which the investigation shall be subject.

**38.** The National Directorate of Copyright may, when it has established that a violation of legal and statutory provisions has occurred, impose, in a reasoned ruling, any of the following sanctions:

- (a) written reprimand addressed to the society;
- (b) imposition of fines of up to 50 minimum salary amounts, due account being taken of the society's economic strength;
- (c) suspension of legal personality for a period of up to six months;
- (d) cancellation of legal personality.

**39.** For as long as the legal personality of a society for the collective administration of copyright and neighboring rights is suspended, its directors or legal representatives may not enter into contracts or conduct operations in the society's name, with the exception of those that are necessary for the preservation of its corporate assets. Violation of this provision shall make them jointly liable for any prejudice that they cause the society or third parties.

**40.** Where the ruling decreeing the cancellation of legal personality is final, the society shall be dissolved and the National Copyright Directorate, in a reasoned decision, shall order liquidation and end the life of the society. The General Assembly shall appoint a liquidator, who may be the depositary of the society's property, who in any case shall be an individual and who shall be entitled to such remuneration as is specified in the instrument of appointment, which remuneration shall be charged to the budget of the society, and the said liquidator shall be obliged to submit such reports as are requested of him.

**41.** Liquidation of the society shall take place within the time limit specified by the National Directorate of Copyright, which shall observe the following procedure:

(a) once the resolution decreeing liquidation has been passed, it shall be notified in person to the legal representative, with a mention that the remedies of a request for reinstatement and appeal are available against it;

(b) where the resolution decreeing liquidation has become final, the liquidator shall publish three notices in a newspaper with a wide national circulation at intervals of 15 days between each, which notices shall give information on the liquidation process, and call on interested parties to assert their rights. The cost of publishing the said notices shall be charged to the budget of the society;

(c) the statutes of the society shall specify the time limits for liquidation, which shall be calculated as from the day following the last publication provided for in [subparagraph \(b\)](#) of this Article;

(d) contractual obligations towards third parties shall be settled, due regard being had to the legal provisions governing the precedence of claims. If, when the foregoing has taken place, there is a credit balance outstanding, it shall be distributed among the members according to their rights or in the manner laid down in the statutes.

**42.** Societies for the collective administration of copyright and neighboring rights shall be obliged to submit quarterly activity reports to the National Copyright Directorate; the said Directorate shall specify in a ruling the manner in which such reports are to be submitted.

**43.** Societies for the collective administration of copyright and neighboring rights shall each compile and maintain a documentary file on the musical works and phonograms declared by members on applying for membership, which shall serve as the supporting reference for the catalog of works, performances and copies or reproductions of phonograms that it administers on behalf of its members.

**44.** Societies for the collective administration of copyright and neighboring rights shall enter into contracts with natural persons or legal entities for the auditing of their systems and accounting management.

#### *Disqualifying Factors and Incompatibilities*

**45.** Members of the Governing Board shall be subject to the following disqualifying factors in addition to those specified in the statutes:

(a) being related to each other to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship;

(b) being spouses or permanent companions of each other;

(c) being artistic directors, owners, members or representatives of, or attorneys acting for, bodies indebted to the society or in dispute with it;

(d) being relations, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship, or the spouses or permanent companions, of members of the Supervisory Committee or of the Manager, Secretary, Treasurer or Controller of the society;

(e) being relations, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship, or the spouses or permanent companions, of officials of the National Copyright Directorate.

**46.** Members of the Supervisory Committee shall be subject to the following disqualifying factors in addition to those specified in the statutes:

(a) being related to each other to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship;

(b) being spouses or permanent companions of each other;

(c) being artistic directors, impresari, owners, members, representatives, attorneys or officials of bodies indebted to the society or in dispute with it;

(d) being relations, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship, or the spouses or permanent companions of



members of the Governing Board or of the Manager, Secretary, Treasurer or Controller of the society;

(e) being relations, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship, or the spouses or permanent companions of officials of the National Copyright Directorate.

**47.** The Manager, Secretary and Treasurer of a society shall be subject to the following disqualifying factors and incompatibilities in addition to those laid down in the statutes:

(a) being the manager, secretary or treasurer, or a member of the governing board, of a society other than those provided for in this Law;

(b) being a relation, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship, or the spouse or permanent companion, of members of the Governing Board or Supervisory Committee or the Manager, Secretary, Treasurer or Controller of the society;

(c) being the artistic director, manager, owner, a member, the representative or attorney or an officer of bodies indebted to the society or in dispute with it;

(d) being a relation, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship, or the spouse or permanent companion, of officers of the National Copyright Directorate;

(e) occupying a managerial post in any association or collegial grouping of the same nature.

**48.** The Manager may not engage in contractual dealings with his or her spouse or permanent companion or with his or her relations to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship.

**49.** The Controller shall be subject to the following disqualifying factors and incompatibilities in addition to those laid down in the statutes:

(a) being a member;

(b) being the spouse, permanent companion or a relation, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship, of members of the Governing Board or Supervisory Committee or of any of the employees of the society;

(c) being the artistic director, manager, owner, a member, the representative or attorney or an officer of bodies indebted to the society or in dispute with it;

(d) being a relation, to the fourth degree of blood relationship, the second of relationship by marriage or the first of civil relationship or the spouse or permanent companion of an officer of the National Copyright Directorate.

**50.** No employee of the society may represent a member of the society at either ordinary or extraordinary sessions of the General Assembly.

## **Chapter IV**

### **Sanctions**

**51.** The following shall be liable to imprisonment for two to five years and a fine of five to 20 times the legal minimum monthly wage:

(1) any person who publishes an unpublished literary or artistic work, or part thereof, by any means, without the express prior authorization of the owner of rights;

(2) any person who enters in the National Register of Copyright a literary, scientific or artistic work in the name of a person other than the true author, or with its title altered or deleted, or with its text altered, deformed, amended or distorted, or with a false mention of the name of the publisher or phonogram, film, videogram or software producer;

(3) any person who in any way or by any means reproduces, disposes of, condenses, mutilates or otherwise transforms a literary, scientific or artistic work without the express prior authorization of the owners thereof;

(4) any person who reproduces phonograms, videograms, software or cinematographic works without the express prior authorization of the owner, or transports, stores, stocks, distributes, imports, sells, offers for sale, acquires for sale or distribution or in any way deals in such reproductions.

*Paragraph.* If either the material embodiment or title page of or the introduction to the literary work, phonogram, videogram, software or cinematographic work uses the name, business style, logotype or distinctive mark of the lawful owner of rights, the foregoing sanctions shall be increased by up to half.

**52.** The following shall be liable to imprisonment for a term of from one to four years and a fine of three to 10 times the legal minimum monthly wage:

(1) any person who publicly performs or shows theatrical or musical works, phonograms, videograms, cinematographic works or any other literary or artistic work without the express prior authorization of the owner of the rights therein;

(2) any person who rents or otherwise markets phonograms, videograms, software or cinematographic works without the express prior authorization of the owner of the rights therein;

(3) any person who fixes, reproduces or markets public performances of theatrical or musical works without the express prior authorization of the owner of the rights therein;

(4) any person who arranges or carries out the communication, fixation, performance, display, marketing, dissemination or distribution or presentation, or by any other means that is known at present or may be known in the future, makes use of a work without the express prior authorization of the owner thereof;

(5) any person who makes false statements directly or indirectly intended to secure the payment or distribution of authors' royalties, by altering data relating to public attendance and the type, price and number of tickets sold for a show or gathering, and the number of complimentary tickets distributed, in a manner liable to prejudice the author;

(6) any person who makes false statements directly or indirectly intended to secure the payment of distribution of authors' royalties, by altering the numbers of copies produced, sold or distributed free of charge, in a manner liable to prejudice the author;

(7) any person who makes false statements intended to secure the distribution of authors' royalties by improperly omitting, replacing or incorporating the particulars of the works concerned;

(8) any person who engages in acts that have the effect of misrepresenting the true proceeds from a show or meeting;

(9) any person who retransmits, fixes, reproduces or uses any sound or audiovisual medium to disclose the broadcasts of broadcasting organizations without the express prior authorization of the owner thereof;

(10) any person who receives, disseminates or by any other means distributes the broadcasts of subscriber television systems without the express prior authorization of the owner thereof.

*Paragraph.* In court proceedings relating to the offenses provided for in this Article, the criminal action shall lapse on renunciation by the injured party, provided that the defendant provides indemnification for any prejudice caused before a first-instance ruling is handed down.

**53.** The sanctions provided for in the foregoing Articles shall be increased by up to one-half in the following cases:

(1) where two or more persons have collaborated in the offending act;

(2) where the economic damage done by the offending act is in excess of 50 times the legal minimum monthly wage or, while below that amount, causes the injured party a severe prejudice.

**54.** The police authorities shall cause the unlawful activity to stop by:

(1) suspension of the infringing activity;

(2) confiscation of unlawful copies, molds, plates, printing blocks, negatives, recording materials, tapes, inlay cards, diskettes, telecommunication apparatus, machinery and any other material intended for the production or reproduction of unlawful copies or the marketing thereof;

(3) immediate closure of the establishment in the case of premises open to the public, and the suspension or cancellation of the operating license.

**55.** Publications, copies, reproductions, molds, plates, printing blocks, negatives, tapes, inlay cards or labels confiscated shall be subject to judicial inspection with the assistance of an expert and, once their unlawfulness has been demonstrated by this means, shall be destroyed by the judicial police authorities in the presence of the legal officer and after the defendant and plaintiff have been summoned.

**56.** The confiscated goods that are directly or indirectly intended for the production, reproduction, distribution, transport and marketing of the unlawful copies shall be seized and sequestered or impounded *ex officio* and, after having been valued, those that are not to be destroyed shall be awarded in the condemnatory sentence to the injured parties in the offending act by way of indemnification for damages, or their sale by auction shall be ordered for the same purpose.

**57.** The following shall be taken into account for the assessment of the material prejudice caused by the acts concerned:

(1) the market value of the copies produced or reproduced without authorization;

(2) the amount that the owner of rights would have charged if he had authorized exploitation;

(3) the period during which the unlawful exploitation took place.

**58.** The investigations to which the offending acts defined in [Articles 51](#) and [52](#) of this Law give rise shall proceed in accordance with ordinary procedure. If the accused is

apprehended in the act or if a simple confession on his part is available, the shorter procedure provided for in the law shall be used.

**59.** Criminal proceedings to which violations of this Law give rise shall be public in all cases, and shall be initiated *ex officio*.

**60.** Societies for the collective administration of copyright and neighboring rights as provided for in Law No. 23 of 1982 may represent their members in proceedings before the civil or criminal courts seeking redress for damages caused by the offending acts.

## **Chapter V Other Rights**

**61.** Article 7 of Law No. 23 of 1982 shall read as follows:

“The reservation of rights in names shall be within the competence of the National Copyright Directorate, and shall consist of an exclusive right in favor of the owners thereof, the specific sole purpose of which shall be to identify or distinguish periodical publications, radio and television programs and broadcasting organizations. The owner shall retain his rights throughout the time during which he actually exercises or exploits them on the terms on which they were granted and for one additional year, except in the case of an annual publication or program, in which case the period shall be extended to three years.

Notwithstanding the foregoing, with a view to guaranteeing the continued validity of his reservation of rights, the owner shall renew it annually with the Licensing Division of the National Directorate of Copyright, except in the case of an annual publication or program, in which case renewal shall take place every three years. Failure to comply with the requirement of renewal may cause the reservation to lapse.”

**62.** The following may not be the subject of reserved rights:

(a) related or similar names liable to cause confusion, or diminutives or superlatives of names already reserved;

(b) names that are used by others, after inversion or alteration that does not effectively distinguish them from names already reserved;

(c) names that are contrary to proper practice or public policy;

(d) well-known names capable of suggesting an association, without authorization, with States, intergovernmental or international non-governmental organizations, bodies under public or private law, natural persons, political parties or religious sects.

*Paragraph.* Generic or proper names or those that refer to periodical publications, radio and television programs and broadcasting organizations, and geographical denominations, do not constitute identifying or distinguishing elements and may not be reserved for exclusive use.

**63.** The directors of any periodical publication printed within the country shall be obliged to distribute three copies of each of its issues as follows: one to the National Copyright Directorate, one to the National Library and one to the National University.

**64.** . . .<sup>1</sup>

**65.** Sums of money generated by fines imposed by the Special Administrative Unit of the National Copyright Directorate in the course of its duties shall form part of the assets of the said Unit.

**66.** Article 161 of Law No. 23 of 1982 shall read as follows:

“Administrative authorities of all kinds shall abstain from granting or renewing the operating license or permit of an establishment in which musical works are performed in public until such time as the applicant for the said license or permit submits proof of his having paid the appropriate copyright fees to the authors or their representatives or successors in title.”

**67.** The following is added to Article 2 of Law No. 23 of 1982:

“Authors’ rights shall be deemed to be in the public interest and shall take precedence over those of performers, producers of phonograms and broadcasting organizations, and in the event of conflict authors’ rights shall prevail.”

**68.** The following subparagraph is added to Article 3 of Law No. 23 of 1982:

“to be paid intellectual property remuneration for public performance or disclosure, in which case the rights of authors shall take precedence over other rights, in a proportion of not less than 60 percent of the total amount collected.”

**69.** Article 173 of Law No. 23 of 1982 shall read as follows:

“When a phonogram published for commercial purposes, or a reproduction of such phonogram, is used directly for broadcasting or for any other form of communication to the public, the user shall pay a single equitable royalty, destined for both the performers and the phonogram producer, the amount of which shall be paid by the user to the performers and to the phonogram producers through the collective administration organizations established in accordance with the law, and distributed in equal shares.”

**70.** Article 174 of Law No. 23 of 1982 is repealed.

This Law shall have effect as from its publication in the *Diario Oficial*.

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<sup>1</sup> Not reproduced here (*Editor’s note*).