

**DECREE No. 460 of 1995**  
**(March 16)**

**Governing the National Copyright Registry and Regulating Statutory  
Deposit**

The president of Colombia under his constitutional and legal faculties, and specially under the ones given by the articles 61 and 189 number 11 of the Constitution and the articles 7 and 9 of Law No. 44 of 1993, and developing what is disposed in articles 51 under a) and 61 of the Decision 351 of 1993,

**DECREES:**

**CHAPTER I**

**General Provisions**

**Article 1.** The National Copyright Registry belongs to the Special Administrative Unit-National Copyright Directorate, with unique character for all the national territory.

**Article 2.** For the effects of article 3 of Law No. 44 of 1993, the National Copyright Registry is a service who belongs to the State through the Special Administrative Unit-National Copyright Directive, whose purpose is to offer the owners of copyright and neighboring rights a mechanism of proof and of publicity of its rights as well as to the instruments and contracts that transfer or change that domain protected by the law and also warranty of authenticity and security to the copyright and neighboring rights titles and to the instruments and documents referred by them.

**Article 3.** The protection given to the literary and artistic works as well as to the performances and other productions protected by neighboring rights, will not be subordinated to any kind of formality and therefore the registry that is being regulated will give greater legal security to the authors and owners.

**Article 4.** The data contained in the National Copyright Registry will be considered truthful until the opposite is shown.

**Article 5.** The registrations made in the National Copyright Registry are public and therefore they can be consulted in virtue of a right to petition and following its regulatory principles.

The reproduction of unpublished works and the consultation of the registered unpublished works can only be made by the authors who made them, by the right owners who prove it and by the legal authorities or by whom them indicate.

**Article 6.** The Chief of the Registry Office of the National Copyright Directive can, ex officio or by petition, correct the mechanographic or numeric mistakes made in a registration, attending what is disposed in the Regime of Public Instruments.

The cancelations, additions or modifications of the registrations made in the National Copyright Registry, will only proceed when made by the author or the right owners who prove it, who must also submit the documentation that supports their request or by judicial order.

**Article 7.** For all the effects, the National Copyright Registry must adjust itself to the formalities and terms established in the Registry Statute of Public Instruments.

## **CHAPTER II**

### **Of the Procedures and Registration Requirements made before the National Copyright Registry**

**Article 8.** To make the registration in the National Copyright Registry of the literary and artistic works, the interested party shall fill in the formats made by the Special Administrative Unit-National Copyright Directorate, where the following information must be given:

- a) Name, nationality, identification document and residence of the author or authors of the work, as well as the date of death or the pseudonym if this occurs.

In the case of pseudonymous works, the name of the publisher must be given who must be responsible of the economic rights of the author, unless the pseudonym is registered following the norms related to marital status. In this event the rights belong to the author. The copy of the declaration of pseudonym made before notary must be submitted.

For anonymous works, it is only necessary to indicate the name of the publisher who will defend the author's rights until the author decides stop being anonymous;

- b) Title of the work, or the precedent works if they take place;
- c) Say if the work is unpublished or has been already published if it is original or a derivative work, individual or collective, work of joint authorship, a translation or in any other form that it can be presented;
- d) Year of creation;
- e) Name, nationality, identification document and address of the applicant, including a statement as to whether he is speaking in his own name or as the representative of another, in which case he shall also submit proof of his representative capacity;
- f) In the event the registration is made by an owner of the economic rights different from the author, his name or corporate name shall be mentioned, depending on the case, showing the document in which those rights were acquired.

**Paragraph 1.** For the purpose of registering software in the National Copyright Registry the preexistent formats must be processed based on the information required by the Decree 1360 of 1989.

**Paragraph 2.** If the request of registration is related to literary already published works, including software, audiovisual works or phonograms, a copy of the work or production must be given to the Registry Office of the National Copyright Directorate.

**Article 9.** If the literary work has already been published it must be stated what was described in the precedent article and what is next said:

- a) Date and country of its first publication;
- b) Name or corporate name of the publisher and printer, as well as their address;
- c) Publication number and print run;
- d) Size, number of pages, rustic or deluxe publication and all other circumstances that contribute to completely identify them.

**Article 10.** If the literary work is unpublished, it must be sent to the Registry Office of the National Copyright Directorate, with the belonging registration format, a copy of it, without alterations, mutilations, deletions or insertions and properly bound. If the work is in manuscript a copy must be sent in a clear and legible manner.

**Article 11.** If it is a musical work with or without words, the kind and musical rhythm to which they belong must be mentioned, sending a copy of the partiture and of the words if it has any.

If what is wanted is the registration of the words of the musical composition by its own without the partiture, the request for registration will be processed in the literary work registration format.

**Article 12.** If it is an audiovisual work, it must be stated not only what was mentioned in article 8 of this decree, but also the following:

- a) The name and address of the Director, the author of the scenario or script, the author of the drawings if it is about a cartoon;
- b) Name and address of the audiovisual producer;
- c) The name of the main artists;
- d) Nationality, end date, meterage and duration;
- e) A brief relation of the argument, dialogue, scenario and music.

**Article 13.** For the registration of artistic works, such as pictures, sculptures, paintings, drawings, woodcuts, photographs and those expressed by a procedure analogue to photography, the information described in article 8 of this Decree is needed, and also a complete and detailed written description of the work to be registered must be made in such way that it can be differentiated of another work of the same kind. Together with the registration format as many photographs as necessary must be submitted in order to identify it completely or a copy of the work, must be handed in.

**Article 14.** For the registration of architecture works, engineering works, maps, sketches and three-dimensional works relative to geography, topography, architecture or sciences in general, it must be mentioned, besides the information required in article 8 of this Decree, the type of work that it is about and a description of the characteristics that identify it. There have to be submitted as many pictures as necessary in order to identify its essential elements or a copy of the work must be handed in.

**Article 15.** For the registration of scenic works such as theatrical, pantomimic, choreographic, dramatic or musical dramatic works, it must be stated not only what was mentioned in article 8 of this Decree, but also in the format given by the National Copyright Directorate the kind of work that it is about, its duration and a brief description of its content. Together with this information an extract or written summary of the work or a copy must be submitted depending on each case.

**Article 16.** For the registration of phonograms, the format established by the Special Administrative Unit-National Copyright Directorate must be processed and it must contain the following information:

- a) Title of the phonogram;
- b) Name, identification and address of the phonogram producer;
- c) Year of the first fixation;
- d) Title of the works contained in the phonogram and its authors;
- e) Name of the artists or performers;

- f) Indication saying if the phonogram is unpublished or published;
- g) Name, identification document and common residence of the applicant, making an statement as to wether he is speaking in his own name or as the representative of another, in which case he shall also submit proof of his representative capacity.

**Article 17.** For the registration of the instruments and contracts related to copyright and neighboring rights, the following must be stated:

- a) Intervening parties;
- b) Type of instrument or contract;
- c) Object;
- d) Determination of the amount if necessary;
- e) Term of the contract;
- f) Place and date of the signature;
- g) Name, identification document and common address of the applicant, making an statement as to wether he is speaking in his own name or as the representative of another, in which case he shall also submit proof of his representative capacity;
- h) Whatever other information that the applicant considers relevant to mention.

**Paragraph 1.** Referring to instruments or contracts that imply disposing of copyright and neighboring rights, a copy of the public deed or of a private deed executed before a notary or by whom is responsible must be submitted, mentioning this last event.

**Paragraph 2.** The instruments and contracts that do not imply disposing of copyright and neighboring rights, will be proved by handing in a copy of the document in which this takes place.

**Paragraph 3.** For the registration of treaties, agreements or contracts entered into by collective societies with similar foreign societies, referred in article 29 of Law No. 44 of 1993, it will be necessary to submit an authentic copy of the document. If the instrument to be registered was made in a foreign country or in a language different from spanish, the requirements determined by the Code of Civil Procedure related to that matter must be followed.

**Paragraph 4.** For the contracts and other instruments under the stamp tax, their payment must be proved according to what tributary provisions determine.

**Article 18.** For the registration of powers of attorney of general character mentioned in article 3 of Law No. 44 of 1993 under d, a request must be sent to the Registry Office of the National Copyright Directorate which must contain the following information:

- a) Name, identification and address of the constituent and of the representative;
- b) Object of the power of attorney;
- c) Duration, if it is necessary;
- d) Place and date of the signature;
- e) Name, identification document and usual residence of the applicant, making an statement as to wether he is speaking in his own name or as the representative of another, in which case he shall submit proof of his representative capacity;
- f) Any other information that the applicant considers important to mention.

**Paragraph 1.** Along with the request of registration, copy of the public deed related to the same subject must be submitted.

**Paragraph 2.** If the power of attorney was given in a foreign country or in a language different from spanish the requirements established in the Code of Civil Procedure must be followed.

**Article 19.** For the registration of legal, administrative or arbitrator writs, that imply the constitution, declaration, clarification, adjudication, modification, limitation, tax, precautionary measure or transfer of rights or any other writ that orders the cancellation of a registration, must submit a solicitude before the Registry Office of the National Copyright Directorate, which will contain the following information:

- a) Name of the authority that made the writ;
- b) Party or intervening parties;
- c) Type of writ;
- d) Object;
- e) Place and date of pronouncement;
- f) Name and address of the applicant;
- g) Any other information that the applicant considers important to mention.

**Paragraph.** Along with the registration request, a copy of the final writ must be submitted.

**Article 20.** Once the registration has been made, a proof of it will be left in the registry book related to the matter by numerical and chronological order and later on a certificate will be expired and given to whomever is interested.

**Article 21.** Once made the process of registration of the work already published, including the logic support (software), audiovisual works and phonograms before the Registry Office of the National Copyright Directorate, the copies given according to paragraph 2 of article 8 of this Decree, will be sent to the National Library, in the terms and procedures established by both entities.

**Paragraph.** The already published works, audiovisual works and phonograms, that by this concept gives the Registry Office of the National Copyright Directorate to the National Library, will be the proof of the registration made of them.



## CHAPTER III

### Of the Legal Deposit

**Article 22.** For the effects of article 7 of Law No. 44 of 1993, it is understood by Legal Deposit the obligation imposed to every publisher of printed works, producer of audiovisual works and producer of phonograms in Colombia and to every importer of printed works, audiovisual works and phonograms, to submit for its conservation in the entities and for the amounts established in article 25 of this Decree, copies of the printed work, audiovisual work or phonogram produced in the country or imported, with the purpose of keeping track of the literary, audiovisual and phonographic production and raising the cultural heritage.

**Article 23.** For the effects of this chapter it will be understood for:

#### Printed works

- a) Printed paper of monographic character: complete publication in one part or that pretends to be completed with a determined number of parts, published separately and that don't belong to a series. The printed paper of monographic character includes: books, pamphlets, single sheets.

Book: Gathering of many paper pages, "vitela" or others, ordinarily printed, that have been sewed or bounded together with a paper, card board, parchment or other skin cover that together make a volume.

Pamphlet: Printed work, not periodical, that doesn't have enough pages to be considered a book.

Sheet: Single piece of paper printed by one or both sides.

- b) Serial publication: publication that appears in successive parts, at regular and irregular spacing, in which each one of them presents numerical or chronological designations and that pretends to be continued indefinitely. Serial publications include: newspapers or

diaries, yearbooks, magazines, memories, acts, among others, of corporate entities.

- c) Cartographic material: any material that presents the whole or a part of the earth or any blue body. The cartographic materials include: maps or plans in two or three dimensions, aeronautic, navigation or blue charts; atlas; globes; diagrams in block; aerial pictures with cartographic means; bird eye sights; sketches; topographic carvings; aerial, space and terrestrial images; relief models; among others.
- d) Music: series of pentagrams in which all the instrumental and/or vocal parts of a musical work are printed, positioned vertically one below the other, in such way that the parts can be read simultaneously. Also, the pentagrams for one of the voices or instruments that make part of a musical work. It includes: brief partitures, short partitures, pocket partitures, pieces of piano from the director, vocal partitures, partitures for piano, choral partitures, partitures and musical pieces in general.

### **Phonograms**

- e) Recordings or phonogram: within the recordings you can find: records, tapes (opened spool to spool, cartridges, cassettes), movie recordings (except the ones who go with visual images), and sound tracks.

### **Audiovisual Work**

- f) Audiovisual works: every work that has any series of fixed images related among them, with or without sound, with the possibility of becoming visible, and if it has sounds, having the possibility of becoming audible.

### **Software and data base**

- g) File of legible data by a machine: body of information coded by methods that require the use of a machine (usually a computer) for processing. They belong to this category: files kept in magnetic tape, disk modules, sensible label cards, source documents in characters of optical reconnaissance.

The term legible data by a machine, refers to data kept in a legible way a machine and also to the programs used to process these data.

- h) Graphic material: two dimension representation, that can be opaque or with the possibility of being seen or projected, without movement, through an optical device. Graphic materials contain: boards, diagrams, slides, technical drawings, stamps, stereographys, photo bands, pictures, reproduction of art paintings, mnemonic cards, postal cards and transparencies.
- i) Microform: generic term for any mean, being transparent or opaque, that contains micro images, like microcards, micro films, micro opaques, etc.

**Article 24.** The National Library will be the entity responsible of the Legal Deposit.

**Article 25.** The Legal Deposit must be done observing the following:

- a. Being printed works of monographic character, serial publications, cartographic material, graphic material, microforms, logical support (software), music or data files legible by a machine, among others, the publisher must submit two (2) copies to the National Library, one (1) copy to the Library of Congress and one (1) copy to the Library of the National University.

If the work has been published in a place different from the Departamento de Cundinamarca, another copy must be submitted to the Departmental Library where the publisher has its principal residence;

- b. If the monographic character printed work is a publication of high commercial value, like art books, the publisher will be exempt of any legal deposit when print runs of less than 100 copies take place. In a print run of 100 to 500 copies, one (1) copy must be submitted to the National Library, and one of 500 or more, two (2) copies to the National Library;
- c. With respect to imported printed works, the one who imports must deposit a copy in the National Library.

- d. With respect to audiovisual works, the producer, video recorder or the one who imports, depending on each case, must submit a copy to the National Library;
- e. With respect to phonograms, the phonographic producer or the one who imports, depending on each case, must submit a copy to the National Library;

**Paragraph.** The National Library can deny the copies submitted in Legal Deposit whenever they are not in proper conditions for their conservation and preservation.

**Article 26.** The Legal Deposit of the different printed works, audiovisual works and phonograms, must be made within sixty (60) working days following its respective publication, public communication, reproduction or import.

**Article 27.** Failure to make this Legal Deposit under the terms established in this chapter, will create to the publisher, producer of audiovisual works, phonographic producer, video recorder or the one who imports, depending on each case, the payment of a fine equal to ten (10) times the commercial value of each copy not deposited, which will be placed by the General Director of the National Copyright Directorate by a decision accompanied by a statement of grounds.

Modified article 72 Decreet 2150 5-12-95

**Paragraph 1.** The National Library must inform, within the first ten (10) days of each trimester, to the National Copyright Directorate about the publishers, producers of audiovisual works and phonograms, who have not done what is ordered by the Legal Deposit in the terms of this Decreet, saying the name of the legal representative, his address and telephone number.

**Paragraph 2.** The procedure of putting the fine, will be regulated by the General Director of the Special Administrative Unit National Copyright Directorate, with what is established in the law and in the Administrative Code.

**Article 28.** The periodical publications that are delivered following what is described in article 63 of the Law 44 of 1993, to the National Copyright Directorate, will be sent to the National Library for their custody and

conservation under the terms and procedures established by both entities, previously making the observations that take place in the respective name reserve to make sure its use.

**Article 29.** The National Library must send to the Instituto Caro y Cuervo within the first five (5) days of each month, a list of the deposited works, together with the name of the author, the publisher and the printer, publication number, print run date and other data that are necessary for the making of the National Bibliographic Yearbook by the Instituto Caro y Cuervo.

**Article 30.** The Director of the National Library can establish by a decision accompanied by a statement of grounds, special requirements for some categories of works or productions subject of Legal Deposit, or decrease or increase the number of copies to deliver, as well as to make contracts with other persons or entities whenever it is necessary for preservation and conservation motives, only when no financial conditions or practices that are hard to accomplish are not produced to the one who deposits them.

**Article 31.** The Colombian Book Chamber as responsible of including the “Número Internacional Normalizado para Libros” (International Normalized Number for Books) or ISBN in Colombia, must deliver every trimester to the National Library, a list of the works registered during this term.

**Article 32.** With the only purpose of seeking the best conservation of the works or the deposited productions updating them with the existing technologies, the National Library can make a reproduction of the copies that have been delivered.

## CHAPTER IV

### Transitory Provisions

**Article 33.** Printed works, audiovisual works and phonograms as well as periodical publications, that not being unpublished, are located in the files of the National Copyright Directorate, because their registration was made before the National Copyright Registry, or its Legal Deposit or its Reserved Name, will be sent to the National Library, in a maximum term of six (6) months calculated from the legal effect of this Decree.

During this term, the National Copyright Directorate and the National Library, must together establish the procedure of moving the printed works, audiovisual works, phonograms and periodical publications, as well as their control, verification and satisfaction delivery signature of the corresponding inventories.

**Paragraph 1.** During the same term and conditions established in this article, the Instituto Caro y Cuervo will give to the National Library, the works it has as Legal Deposit and that are not necessary for the development of its objective.

**Paragraph 2.** The libraries mentioned in the second paragraph under a) of article 25 of this Decreet, will not receive the remission that is being made in this article.

## **CHAPTER V**

**Article 34.** This Decreet produces legal effects since the date of its publication.