

Decree Regulating the Registration of Software in the National Copyright Register*

(No. 1360, of June 23, 1989)

Article 1. Pursuant to the provisions of Law No. 23 of 1982 on Copyright, software shall be considered a creation in the literary field.

Article 2. Software shall comprise one or several of the following elements: computer program, program description and auxiliary material.

Article 3. For the purposes of the preceding Article:

- (a) “Computer program“ shall mean the expression of an organized assembly of instructions in natural or coded language, irrespective of the media wherein it may be stored, the purpose of which is to have a machine capable of processing information indicate, accomplish or obtain a specific function, task or result.
- (b) “Program description“ shall mean a complete presentation of processes in suitable, sufficiently detailed form to determine a set of instructions constituting the relevant computer program.
- (c) “Auxiliary material“ shall mean any material, other than a computer program or program description, created to facilitate understanding or application, for example, problem descriptions and instructions to users.

Article 4. Software shall be considered unpublished work, unless otherwise stated by the owner of the copyright.

Article 5. In order to register software in the National Copyright Register, an application containing the following information shall be made in writing:

- (i) Name, identification and place of domicile of the applicant, who must state whether he is applying on his own behalf or as a representative of a third party, in which case evidence of such representation must be attached to the application.
- (ii) Name and identification of the author or authors.
- (iii) Name of the producer.
- (iv) Title of the work, year of creation, country of origin, brief description of its functions and, in general, any other characteristic which may enable it to be distinguished from another work of the same nature.
- (v) A statement to the effect that it is an original work or, alternatively, that it is a derived work.
- (vi) A statement to the effect that the work is either individual, collaborative, collective, anonymous, pseudonymous or posthumous.

Article 6. The application referred to in the preceding Article must be accompanied by at least one of the following: the computer program, the program description and/or the auxiliary material.

* *Entry into force:* See Article 8.

Spanish title: Decreto No. 1360 por el cual se reglamenta la inscripción del soporte lógico (software) en el Registro Nacional del Derecho de Autor.

Source: Text provided by the Colombian authorities.

Article 7. Software protection by copyright shall not exclude other forms of protection under the general principles of law.

Article 8. This Decree shall come into force on the date of its publication.
