

**ACT No. 35 of March 25, 1965,
on Literary, Scientific and Artistic Works (Copyright Act) (as
amended by Act No. 89 Coll. of March 28, 1990, Act No. 468 Coll.
of November 1, 1991, Act No. 318 Coll. of December 8, 1993 and
Act No. 237 Coll. of September 27, 1995)**

THE PRESIDUM OF THE FEDERAL ASSEMBLY ENACTS

the complete wording of the Act of March 25, 1965 No. 35 Coll. concerning literary, scientific and artistic works (the Copyright Act), as modified and amended by the Act of March 28, 1990, No. 89 Coll, by the Act of November 1, 1991, Nr.468/1991 Coll and by the Act of december 8, 1993, Nr. 318/1993 Coll.

An Act

concerning literary, scientific and artistic works (the Copyright Act)

The National Assembly of the Czechoslovak Socialist Republic passed the following Act:

Section 1 deleted

PART ONE COPYRIGHT

Section 2 The work

(1) The subject of copyright are literary, scientific and artistic works which are the result of their author's creative activity, in particular literary, theatrical, musical and artistic works, including works of architecture and applied art, as well as film, photographic and cartographic works. The subject of copyright protection are computer programs provided that they comply with conditions of characteristics given by this Act.

(2) The provisions of the present Act do not apply to legal regulations and decisions, public documents, official documents, daily reports or speeches made in the course of public events, however, the publication of a collection of such speeches or their inclusion in annals requires the consent of the person who made them.

Section 3 Treatment and translation of a work

(1) Copyright also covers new original works which are the product of an original, creative treatment of another work.

(2) Furthermore, copyright also applies to translation of works into other languages.

(3) A work may be treated or translated into another language only with the permission of its author. The author's permission is not required for translation into another language in the case of works specified in [Section 2, par. 2](#).

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Section 4 Collected works

- (1) Copyright also covers annals, periodicals, reviews, exhibitions and other collected works, provided that their arrangement is the result of creative activity, a particular work may be included in a collected work only with the permission of its author.
- (2) The copyright to a collected work as a whole appertains to the person who arranged such work, this does not affect the rights of the authors of the works included in the collected work.
- (3) The copyright to a published annal, cartographic work and a periodical is exercised by the publisher.

Section 5 Combined works

- (1) Works may be combined only with the permission of their authors. Combined works are disposed of by all the authors jointly.
- (2) The rights of the authors to dispose of the combined works in another manner are not affected.
- (3) A musical work with lyrics may be performed with the permission of the author of the musical part alone.

Section 6 Film works

The authors of the individual component parts of a film work or a work expressed in a similar manner grant permission to the producer to use the work by contract. The copyright to the work thus created as a whole is exercised by the producer.

Section 7 Works of co-authors

The copyright to a work which was created by the creative activity of several authors as a single work belongs to all the co-authors jointly and severally.

Section 8 Anonymous and pseudo-anonymous works

- (1) The identity of an author whose work was published without the indication of his name or under a pseudonym may not be disclosed without his consent.
- (2) Until the author publicly proclaims his identity, the copyright to the work may be applied by the person who has lawfully published it for the first time or, if it had not been published, by the person who had made it public. The author's public proclamation is not required if his true name is generally known.

Section 9 The establishment of copyright

- (1) Copyright to a work is established at the moment such work is expressed in words, verifying by a drawing, a sketch, or in any other perceptible form.
- (2) Copyright to a work relates both to the work as a whole and its individual parts.

Section 10 Making public and publishing a work

Legislative Texts

(1) A work is considered to have been made public on the day on which it was publicly produced or exhibited, published or otherwise introduced to the public with authorization.

(2) A work is considered to have been published on the day on which its public circulation through its multiplication began under authorization.

Section 11 Land of origin

(1) The land of origin of a work shall be considered to be:

a) in the case of unpublished works the state whose citizenship is held by the author,

b) in the case of published works the state where the first, authorized edition of the work was published.

(2) A work which was published simultaneously on the territory of the Czechoslovak Socialist Republic and else -where is considered as a work published in the Czechoslovak Socialist Republic, the term "simultaneous publication" is understood as meaning publication within the time span of not more than 30 days.

Section 12 The content of copyright

(1) The author is entitled:

a) to the protection of his authorship, in particular to the inviolability of his work and, if the work is used by another person, to having the work used in a manner which does not detract from its value,

b) to dispose of his work, in particular to decide on its publication and to authorize its use,

c) to remuneration for creative work ([Section 13](#)).

(2) The right to the protection of authorship is not transferrable.

Section 13

(1) The author is entitled to remuneration whenever his work is used, with the exceptions specified in [Section 15](#). The amount of the remuneration is governed by the value of the work and its social importance.

(2) The authors of works which, according to their character, can be reproduced for one's own personal need ([Section 15, par. 2.a](#)), on the basis of

a) radio or television broadcastings, or

b) sound, image or audiovisual recordings made by their producers ([Section 45](#)) transferred with the help of technical means to blank recording support, are entitled to remuneration from producers of such supports or from their importers. The right for remuneration cannot be claimed in case of blank recording supports for export or operational needs of natural or legal persons.

(3) The authors of works which, according to their character, can be reproduced for one's own personal need ([Section 15, par. 2.a](#)), on the basis of printed matters or their duplications transferred with the help of technical plants to another material basis, are entitled to remuneration from producers of such plants or from their importers.

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(4) The rates of remunerations and remedies by [par. 2](#) and [3](#), method of their payment as well as distribution of remuneration among individual groups of legitimate persons may be set by public edict issued by the Ministry of Culture.

Use of a work

Section 14

(1) A work may be used only with the author's permission, unless authorization is provided directly under the law. The author grants his permission to use his work by contract.

(2) The Ministry of Culture may issue model contracts for the individual manners of use of a work.

(3) The author's permission arising from the law may not be excluded or restricted by agreement between the parties.

(4) A work may be used without the author's permission only in the cases specified in [Sections 15](#) and [16](#), under a judicial decision issued under [Section 17, par. 2](#), or with official permission under [Section 18](#).

Section 15

(1) Copyright is not violated by a person who uses a theme contained in another person's work for the creation of a new, original work.

(2) The author's permission for the use of a work is not required and remuneration need not be paid by a person who

- a) makes a reproduction, or imitation of a work made public, for his personal need, provided that, in the case of works of art, he clearly marks it as a copy or imitation, and if the reproduction or imitation do not involve an architectural work reproduced by construction or another realization, provision of [Section 13, par. 2](#), remains unchanged,
- b) quotes excerpts from a published works and lists the author and the title of the work,
- c) includes in a scientific or critical work to the extent necessary for the explanation of the text, or in textbooks or instruction aids to a warranted extent, parts of published works, small published works in their entirety, reproductions or imitations of works or their parts, provided he lists the author and the source,
- d) uses a published work in an independent lecture exclusively for instruction or educational purposes, provided he lists the author as well as the work,
- e) reprints in a periodical articles of topical significance concerning economic or political matters already published in other periodicals, provided he lists the author and the source, however, such reprint is not admissible if it was expressly prohibited,
- f) imitates a work of art, displayed in public premises, in another field of art, photographs of a thus displayed work of art may be reproduced and distributed also without the author's permission,
- g) prints in the catalogue of a public collection or exhibition a picture of a work of art included therein,

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- h) publicly displays works of art or photographic works which the author previously transferred to an organization, if a work of art, or a photographic work, was transferred into personal ownership, the author's permission is not required, if such work is exhibited free of charge or if was lent free of charge to an organization for display,
- i) reproduces or has reproduced for his personal need or for free distribution a photographic work which is his portrait and which was ordered for pay,
- j) makes a reproduction of sold out edition of a work for documentary purposes of public library and for scientific research,
- k) with the help of special technology reproduces a work for the needs of blinds.

(3) The author's permission is not required and remuneration for the use of a work need not be provided by an organization in reporting a timely event by photography, film, radio or television, if a work performed or displayed during such event is also used to a warranted extent.

(4) A legitimate owner of reproduction of computer program is not liable to ask for author's permission to make a reproduction or adaptation of such a program for the purposes of operation proper of computer itself or for archives' purposes, for replacement of legitimately acquired reproduction that was lost, destroyed or otherwise impaired as the case may be, the owner shall not pay author any remuneration for making such a reproduction.

Section 16

(1) The independent use of a work, except for its radio or television broadcasting, shall be also every further public distribution of the work broadcasted in such way with help of any equipment for sound or image transmission, should such distribution be performed by an entity other than the originally broadcasting organisation

(2) Simultaneous, complete and unchanged transmission of radio or television broadcasting realized by cable or by other means is considered to be a part of wireless radio or television broadcasting carried out by the same organisations. Reception of radio or television broadcasting made possible through receivers of inhabitants of the same house or neighbouring houses as the case may be with the help of aerial devices (so called common aerials) shall not be considered a special use.

(3) deleted

Section 17

(1) An employer may use for the fulfilment of tasks belonging to subject-matter of its business a scientific or artistic work created by its employee within the scope of his or her duties arising from employment relation without the author's further permission.

(2) An employer whose subject-matter of business includes publishing or other publication of works may publish or make otherwise public the work of its employee created in the fulfilment of his or her duties arising from employment relation with the author's permission only. If the author refuses to grant such permission without serious reasons such employer may seek judicial permission to publish the work.

(3) The author of a work created in the fulfilment of his or her duties arising from his or her employment relation to an employer may grant permission to make the work public only with the consent of such employer. If the employer refuses to give him or her such consent without serious reasons, the author may seek such consent in court.

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(4) More detailed conditions for using a work created in the fulfilment of duties arising from an employment relation to an employee shall be governed by a contract. Unless this contract provides otherwise, the employer has the right to demand that the author pays to it an appropriate contribution from his or her remuneration as an author towards the reimbursement of the costs it had incurred with respect to the creation of the work.

(5) Provisions of [paragraphs 1-4](#) are applicable by analogy for works created in the fulfilment of duties arising from membership to an organization.

Section 18

The Ministry of Culture may replace by its decision the author's permission to translate works of foreign nationals into the languages of the nations inhabiting the Czechoslovak Socialist Republic, provided that international treaties so allow and under conditions specified therein

Transfer of copyright

Section 19

(1) The author may transfer only the right to use his or her work.

(2) The acquirer may transfer his acquired right to a third person only with the author's permission.

(3) The author may transfer the right to use his or her work through its introduction to the public only to a person authorized to introduce works to the public in the respective manner

Section 20 Deleted

Section 21

If a juristic person or a natural person to which the right to use a work was transferred comes to exist or dies as the case may be without a legal successor, the author shall regain the right to decide on the future use of his or her work.

Contracts on the distribution of a work

Section 22

(1) In a contract on the distribution of a work the author grants the organization for remuneration the permission to distribute his or her work, cumulative contracts may include conditions of distribution of a work.

(2) Contracts on the distribution of a work include in particular the publisher's contract, the contract on the public performance of a work, the contract on the distribution of sound recording of a work and the contract on the radio and television broadcast of a work.

(3) A contract on the distribution of a work shall determine the method and scope of the distribution of the work, the time when this will be done, the author's remuneration, the mode of the author's cooperation, the period for which the contract has been concluded, and the pledge of the organization that it will distribute the work at its own cost.

Legislative Texts

(4) Unless the Ministry of Culture provides otherwise, a contract on the distribution of a work shall be executed in writing.

Section 23

(1) The author has the duty to submit his work to the organization in time and in such form that it may be distributed without difficulty in the agreed manner.

(2) The organization may cancel the contract, if the author has failed without a serious reason to submit to it his work properly even within a supplementary term granted to him or her by the organization, a supplementary term need not be granted, if the contract or the nature of the matter indicate that the organization can have no interest in the delayed fulfilment of the contract. In such case the organization may demand the return of whatever performance it has already made to the author.

(3) The author may cancel and demand the return of his or her work, if the work has not been distributed within the term agreed on in the contract, this shall not affect his or her right to the author's remuneration.

Publisher's contract

Section 24

(1) In a publisher's contract the author grants his or her permission to publish a literary work, a work of musical drama or music, a work of art, or a photographic work, and the publisher undertakes to publish the work at his own cost, to take measures for its publication, and to pay the author remuneration.

(2) As long as the relation established by the publishers contract lasts, the author may not grant to another organization permission to publish his or her work without the publisher's consent unless a publication of his or her collected works or a publication of the work in a periodic publication are involved.

(3) If the work is sold out before the period for which the contract was concluded has expired the author may demand that the publisher publish another edition even if no second edition had been agreed upon. If a contract on a new edition of the work is not agreed on within six months, the author shall be free to negotiate the contract with another publisher.

Section 25

(1) The author has the right to make changes in the proofs.

(2) If the author is not given the possibility to make such changes in the proofs, he may cancel the contract and demand the return of the work, provided the work would be used in a manner detracting from its value, his right to the author's remuneration shall not be thereby affected.

Section 26 Contract on the public performance of a work

In a contract on the public performance of a work the author grants an organization his or her permission to perform a theatrical or musical work, and the organization undertakes to perform the work at its own cost and to pay remuneration to the author.

Section 27 Contract on the creation of a work

Legislative Texts

(1) In a contract on the creation of a work the author undertakes to create for a customer the remuneration a literary, scientific or artistic work and grants permission to the customer to use such work for the purpose specified in the contract.

(2) The author has the obligation to create the work personally within the specified term. Unless an agreement to the contrary has been made, the author shall acquire the title to the agreed remuneration by handing over his or her work.

(3) If the work has defects which prevent its use for the purpose specified in the contract, the customer may cancel the contract. If the defects can be removed, the customer may cancel the contract only if the author has failed to remove the defects within an appropriate term granted him by the customer for this purpose.

(4) The provision of [Section 23, paragraph 2](#), applies mutatis mutandis to contracts on the delay of a work.

Section 28 Contacts on other uses of a work

Contacts on other uses of a work shall be governed mutatis mutandis by the provision of [Section 22, par. 3](#), and [Section 23](#).

Section 29 Passage of copyright

(1) Copyright shall pass onto heirs. The provisions of the present Act concerning the co-author shall also apply to his or her heirs, unless their nature indicates otherwise.

(2) If a co-author does not have an heir, his or her share accrue to the other co-authors.

Transfer of a work

Section 30

Publisher who acquires the original of a work or its reproduction does not acquire by such transfer right to use the work, unless an agreement to the contrary has been made.

Section 31

An author who transferred the original of his or her work against payment may demand a further settlement from any acquirer who has obtained a socially unwarranted material for a further transfer of the ownership of the work. The author shall not waive this advance.

Section 32 Violation of copyright

(1) An author whose copyright has been violated may demand in particular that its further violation be prohibited, the consequences of the violation be removed, and that he or she be given satisfaction. If a considerable detriment of non-proprietary nature has resulted from violation of copyright, an author may demand a satisfaction expressed in a cash value unless the other satisfaction is not sufficient, the amount of that cash value shall be determined by court which, in particular, takes account of the extent of detriment suffered as well as circumstances of copyright violation.

(2) If author suffered damage through the violation of his or her copyright, he or she may claim compensation under the Civil Code.

Legislative Texts

(3) In the case of a work created jointly by several co-authors, the title under paragraphs 1 and 2 also appertains to the individual co-authors separately.

Duration of copyright

Section 33

(1) Unless otherwise provided below, copyright shall last throughout the author's lifetime and 50 years after his or her death, and, in the case of works by co-authors and of combined works created for purposes of use in this connection 50 years after the death of the co-author who survived the others.

(2) The duration of copyright to a work which forms part of an estate and which was published for the first time within the last ten days of the term set under [paragraph 1](#) above, shall be extended to ten years from the publication of the work.

(3) In the case of anonymous works and works created under a pseudonym, where the identity of the author is unknown, copyright shall last 50 years after their publication.

(4) Copyright to film works shall last 50 years after they have been made public.

(5) In the case of annals and periodicals published by organizations, copyright shall last ten years after their publication.

(6) Copyright to photographic works shall last throughout the author's lifetime and ten years after his death.

(7) However, the right to the protection of authorship is unlimited in time.

Section 34

This duration of copyright is always counted only from the end of the year in which the event decisive for the count took place.

Section 35 Public domain

(1) If the author has no heirs or if his or her heirs refuse to accept the inheritance, his works shall become public domain, with the exception listed in [Section 29, par 2](#), even before propagation of the terms specified in [Section 33](#).

(2) If the period of duration of copyright has expired or if a work has become public domain for another reason, the user need not ask permission for using the work or to pay the author's remuneration. However, a work which is public domain may be used only in a manner corresponding to its value, and its author, if he or she is known, must be listed. The observance of this condition shall be attended to by the author's unions and the organizations specified in [Section](#)

44.

(3) deleted

PART TWO RIGHTS OF PERFORMING ARTISTS

Section 36

Legislative Texts

(1) The subject of the rights of performing artists under the present Act are their artistic performances, that is performance of actors, singers, musicians, dancers, and the other persons who act, sing, play, recite or otherwise perform a literary or artistic work.

(2) Performances of performing artists may not be used without their permission for

- a) a sound, pictorial or combined recording (further referred to only as "recording") made for the production of reproductions destined for public sale, or for the production of films produced public projection (further referred to as "pictures"),
- b) making pictures designed for public sale or the use of recordings or pictures for other purposes than for which permission was granted, with the exception of the cases listed in [Section 37, par. 1](#),
- c) radio or television broadcasts,
- d) public projection or other distribution, if the performance was made for somebody else than the organization which wants to use it.

(3) Performing artists are entitled to remuneration for the use of their performance.

Section 37

(1) The permission of the performing artist is not required

- a) for producing a recording of his performance for a radio or television organization, if the recording is made by such organization by its own means and for its own broadcasts,
- b) for broadcasting his performance by radio and television, if the broadcast is made from recording or picture produced with the permission of the performing artist,
- c) for a public presentation of his performance from a recording or a picture produced with his permission or a performance broadcast by radio or television,
- d) for the use of his performance for the personal need of the user, this shall not change provision of [Section 13, par. 2](#) ([Section 39, par. 1](#)).

Section 38

The rights of performing artists shall last 50 years from the end of the year when the performance was recorded.

Section 39

(1) Provisions of Section 5 bis 9, [Section 12](#), [Section 13, par. 2 till 4](#), [Section 14, par. 1](#), [Section 15, par. 3](#), [Section 16](#), [Section 19](#), Section 21 bis 23, [Section 26](#) and [27](#), [Section 29](#), [Section 32, par. 1 and 2](#), [Section 33, par. 7](#), [Section 34](#) and [35, par. 2](#) shall apply mutatis mutandis also to performing artists and their performances, the same shall be in force with [Section 35, par. 1](#), while duration of the copyright shall be governed by [Section 38](#).

(2) The Ministry of Culture may determine the manner in which performing artists shall apply their rights under the present Act, if several of them participate in a single performance.

PART THREE

ORGANIZATIONS OF AUTHORS AND PERFORMING ARTISTS

Sections 40, 41, 42, 43, 44 deleted

PART FOUR RIGHTS OF PRODUCERS OF SOUND RECORDINGS AND OF RADIO AND TELEVISION ORGANIZATIONS

Section 45

(1) The subject of the rights of producers of sound recordings under the present Act are sound recordings of the performances of performing artists or other sounds.

- (2)
- a) broadcasting of sound recordings and pictures by radio and television,
 - b) if reproducing of sound recording or a picture for other than personal needs of the reproducer, : this shall not change provision of [Section 13, par. 2](#) ([Section 45, par. 4](#)).
 - c) public presentation of sound recordings or pictures.

The permission of the producer of sound recordings is required for

(3) The producer may demand compensation for the permission granted under paragraph 2 above, the Ministry of Culture may regulate the amount of the compensation in its general legal regulation, in doing so the Ministry may lay down exceptions from the duty to grant compensation.

(4) The provisions of [Section 13, par. 2](#) and [3](#) apply similarly to producers of sound recordings.

(5) The right of the producer of sound recordings shall last 50 years from the end of the year in which the recording was made.

Section 46

(1) The subject of the rights of a radio or television organization are its own, broadcast programmes.

(2) A radio or television programme may be rebroadcast, recorded for other than personal needs and further reproduced or otherwise, publicly disseminated only with the permission of the organization which realized the programme, the organization may demand compensation for such permission, the Ministry of Culture may regulate the amount of compensation in its general legal regulation, in so doing the Ministry may lay down exceptions from the duty to grant compensation.

(3) Provisions of [Section 13, par. 2](#) and [3](#) apply similarly to radio and television organizations.

(4) The rights of radio and television organizations shall last 50 years from the end of the year in which the broadcast was made for the first time.

Section 47

Legislative Texts

Permission of the producer of sound recordings and radio and television organizations, or the payment of compensation, are not required, if the production of the recording or the picture and their exclusive use for reporting timely events or for scientific or instruction purposes are involved.

Section 48

The Government may determine under what conditions the rights listed in [Sections 45](#) and 46 granted to foreign producers of sound recordings and radio and television organizations under international treaties.

PART FIVE JOINT PROVISIONS

Section 49 Abolished

Section 50

- (1) The provisions of the present Act apply to the works of authors who are Czechoslovak nationals irrespective of where they may have been created or published. The name applies to the works of authors who enjoy the right of asylum in the Czechoslovak Socialist Republic.
- (2) provisions of the present Act apply to the works of foreign nationals under international treaties and, if there are no such treaties, if reciprocity is guaranteed.
- (3) If none of the conditions specified in [paragraph 2](#) above are met, the present Act shall apply to works of authors who are not Czechoslovak nationals, if such works were published or made public for the first time, or if the author resides, in the Czechoslovak Socialist Republic.
- (4) Copyright relating to the works of foreign nationals may not last longer than in the country of origin of the work.
- (5) The provisions of [paragraphs 1 to 4](#) above apply mutatis mutandis to performing artists and their performances.

Interim and final provisions

Section 51

- (1) The duration of copyright is governed by the present Act also if it had begun prior to the day the Act entered into effect. If the present Act provides for a longer duration, such extension shall apply only to works where the copyright had not yet expired prior to such day.
- (2) The same applies to the rights of performing artists, producers of sound recordings, and radio and television organizations.

Section 52

The protection of works of applied art under the present Act does not preclude protection of such works also under the regulations concerning the protection of industrial models.

Section 53

Legislative Texts

(1) the provisions of the present Act or the regulations issued for its implementation indicate otherwise, the legal relations of authors and performing artists, which have arisen in connection with the creation and use of their works or performances, are governed by general legal regulations.

(2) Disputes regarding claims arising from the present Act shall be decided by the courts.

Section 54

Act No.115/1953 Coll. concerning copyright law is abolished.

Section 55

This Act shall become effective as of July 1, 1965.

This Act No. 89/1990 Coll., modifying and amending the Act concerning literary, scientific and artistic works (the Copyright Act) entered into effect on June 1, 1990.