

# **Executive Order on Collection of Remuneration in Pursuance of Section 22 a, etc. of the Copyright Act for Programmes Distributed Via Radio and Cable Systems**

**(No. 892, of December 20, 1990)**

In pursuance of Section 22 a(4) and Section 55 c of the Copyright Act, cf. Consolidation Act No. 453 of June 23, 1989 and Section 11 a(4) and Section 17(3) of the Photography Act, cf. Consolidation Act No. 454 of June 23, 1989, the following is laid down:

*Section 1.*- For retransmissions via a radio or cable system of works and photographic pictures broadcast on radio or television, the owner of the system is under an obligation to pay remuneration to the joint organization approved by the Minister for Cultural Affairs (Copy-Dan, Kabel-TV) in accordance with the provisions of Section 22 a of the Copyright Act and Section 11 a of the Photography Act.

## *Section 2.*

(1) If the remuneration payable by the owner has been fixed as an amount per connection, the user of the individual connection shall be obliged to pay the owner a corresponding amount, cf. Section 22 a(4) of the Copyright Act and Section 11 a(4) of the Photography Act.

(2) The obligation to pay remuneration shall lapse if

1. through technical measures, e.g. sealing, the connection is made non-functioning, or
2. the connected household, etc., does not have a radio or television receiver at disposal.

(3) The lapse of the obligation to pay remuneration as a result of the household having neither a radio receiver nor a television receiver at its disposal, cf. sub-section (2), No. 2 hereof, shall be on condition that the owner of the system be notified in writing to this effect by the household concerned, etc. The notification shall have been received by the owner of the system not later than on February 1 in order that a lapse of the obligation to pay remuneration for the year in question and the following years may take effect. If in a following year a radio or television receiver is acquired, the household, etc., is under an obligation to notify the owner of the system to this effect.

(4) In the event a household moves from the place of connection in question the effect of the notification mentioned in sub-section 3 shall lapse.

## *Section 3.*

(1) The owner of a radio or cable system shall be under an obligation to give Copy-Dan, Kabel-TV, information with regard to

1. the programmes distributed via the system,
2. the total number of connections in the system,
3. number of households, etc. that have given notification of the lapse of the obligation to pay remuneration, cf. Section 2(3), and
4. number of connections which through technical measures have been disconnected, cf. Section 2(2), No. 1.

(2) Copy-Dan, Kabel-TV, may in special cases demand information about names and addresses of the households, etc., mentioned in sub-section (1) No. 3 hereof. This information shall be forwarded not later than four weeks after a request has been forwarded to this effect by Copy-Dan, Kabel TV.

(3) The information mentioned in sub-section (1) about circumstances as of December 31, shall each year be sent to Copy-Dan, Kabel-TV, not later than on March 1.

## *Section 4.*

(1) Any person who acts in contravention of Section 3 hereof shall be liable to a fine.

(2) Where a violation has been committed by a limited liability company, a private company, a co-operative society, etc., such company or society may be liable to punishment by way of a fine. Where the

violation has been committed by a municipality or a joint municipal entity covered by Section 60 of the Danish Local Government Act, the municipality or joint municipal entity may be liable to a punishment by such a fine.

*Section 5.* This Executive Order shall come into force on January 1, 1991.

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