

**AMENDMENTS TO DECREE No. 22-2000,
REGULATIONS UNDER THE COPYRIGHT AND RELATED RIGHTS LAW**

DECREE No. 24-2006, Adopted on March 29, 2006

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THE PRESIDENT OF THE REPUBLIC OF NICARAGUA,

WHEREAS

I

The National Assembly of Nicaragua adopted via Legislative Decree No. 4371 the Free Trade Agreement between Central America, the United States of America and the Dominican Republic (CAFTA-DR), published in Official Gazette No. 199 of October 14, 2005.

II

The President of the Republic ratified the Free Trade Agreement between Central America, the United States of America and the Dominican Republic (CAFTA-DR), signed in Washington, DC, on August 5, 2004, through Executive Decree No. 77-2005, published in Official Gazette No. 203 of November 20, 2005.

III

The text of the Free Trade Agreement (CAFTA-DR) provides in Chapter Fifteen for the protection and defense of copyright and related rights, in Articles 15.5, 15.6 and 15.7, inter alia, which must be aligned with the current legal, commercial and administrative framework.

IV

It is necessary to proceed with intellectual property aspects and to guarantee the implementation of the immediate undertakings stemming from the Free Trade Agreement which are to be fulfilled by Nicaragua, in particular to ensure consistency between the regulatory aspects of the Treaty and our domestic legislation.

V

Law No. 312, the Copyright and Related Rights Law, published in Official Gazette Nos. 166 and 167, of August 31 and September 1, 1999, and its amending Law No. 577, the Law on Amendments and Additions to Law No. 312, the Copyright and Related Rights Law, published in Official Gazette No. 60 of March 24, 2006, in relation to the need to align and adjust Decree No. 22-2000, the Regulations under the Copyright and Related Rights Law, published in Official Gazette No. 84 of May 5, 2000.

Using the powers conferred upon him by the Political Constitution,

HAS ISSUED

the following:

DECREE

**Amendments to Decree No. 22-2000,
Regulations under the Copyright and Related Rights Law**

Article 1.- Article 7 of Decree No. 22-2000, Regulations under the Copyright and Related Rights Law, published in Official Gazette No. 84 of May 5, 2000, is amended to read as follows:
“Article 7.- Benefits. The author shall be entitled to economic benefits generated by the use of the work by any medium, form or process, as established in Article 23 of the Law; performers shall be entitled to economic benefits generated by the use of performances not fixed by any medium, form or process, as established in Article 86 of the Law; performers shall be entitled to economic benefits generated by the use of performances fixed by any medium, form or process, as established in Article 87 of the Law; the producer shall be entitled to economic benefits generated by the use of a phonogram by any medium, form or process, as established by Article 92 of the Law. Likewise, they shall be recognized to have moral rights which are non-waivable and inalienable.”

Article 2.- The second paragraph of Article 11 of Decree No. 22-2000 is amended to read as follows:

“Article 11.- Invulnerability of copyright. In accordance with the provisions of the Law in Title II, Related Rights, the protection granted to performers, producers of phonograms and broadcasting organizations may not in any way infringe the protection granted to authors and other holders of rights in works, performed, fixed or broadcast, as the case may be.”

Article 3.- Article 15 of Decree No. 22-2000 is amended to read as follows:

“Article 15.- Registration of assignment. Acts, agreements and contracts by which economic rights are transferred shall be registered with the National Copyright and Related Rights Office, for purposes of disclosure.”

Article 4.- Article 16 of Decree No. 22-2000 is amended to read as follows:

“Article 16.- Content of economic rights. For the purposes of Articles 23, 86, 87 and 92 of the Law, economic rights shall cover in particular the right of modification, public communication, reproduction and distribution. Each one of these rights, as well as their respective procedures, is independent of the others.”

Article 5.- Article 18 of Decree No. 22-2000 is amended to read as follows:

“Article 18.- Public communication. In accordance with Article 2.2.5, Articles 23, 86, 87 and 92 of the Law acts of public communication shall, *inter alia*, include the following:

1. Stage performances, recitals, dissertations and public presentations of dramatic, dramatico-musical, literary and artistic works of any form or procedure.
2. The screening or public showing of audiovisual works: the transmission of a work by broadcasting or any other means for the wireless distribution of signs, sounds or images.
3. The transmission of any work to the public by wire, cable, optic fiber or other comparable process.
4. Retransmission by any of the above means by a broadcasting organization different from the original one, of the work broadcast by radio or television.
5. Reception, in a place accessible to the public, by means of a suitable process, of the work broadcast by radio or television.
6. The public display or exhibition of works of art or reproductions thereof.
7. Public access to computer databases by means of telecommunication, insofar as the said databases incorporate or constitute protected works.

8. The dissemination of signs, words, sounds or images, by any known or future process.
9. The making available to the public of phonograms or fixed performances, by wire or wireless means, in such a way that would enable members of the public to have access to them from a place and at a time of their individual choosing.
10. The broadcasting and communication to the public of unfixed performances, except when the performance is a broadcast performance.

The acts listed in this Article shall be complementary to the rights set out in Articles 86, 87 and 92 of Law No. 312, the Copyright and Related Rights Law, and its amending Law No. 577, the Law on Amendments and Additions to Law No. 312, the Copyright and Related Rights Law.”

Article 6.- Article 19 of Decree No. 22-2000 is amended to read as follows:

“**Article 19.- Reproduction.** On the basis of the provisions of Article 23(1), Article 87(1) and Article 92(1) of this Law, reproduction shall cover any act aimed at the material fixation of the work, performance or phonogram by any form or procedure or the obtainment of copies of all or part of the work or performance fixed, or the phonogram, by any printed, phonographic, graphic, plastic, electronic or other similar medium.”

Article 7.- Article 20 of Decree No. 22-2000 is amended to read as follows:

“**Article 20.- Disclosure.** Pursuant to Article 23(3) and (4), Article 87(6) and Article 92(8) of the Law, translation, adaptation, paraphrase, arrangements and transformations shall also be considered to be disclosures of derived works, fixed performances or phonograms in any of their procedures.”

Article 8.- Article 21 of Decree No. 22-2000 is amended to read as follows:

“**Article 21.- Distribution.** Distribution consists of the right of the author, performer or producer of phonograms to authorize or not the making available to the public of copies of their work, fixed performance or phonogram by means of sale or another form of transfer of ownership, rental or any procedure of use for consideration.”

Article 9.- Article 55(6) of Decree No. 22-2000 is repealed and a final paragraph is added to this Article to read as follows:

“The fees for registration rights and services covered by this Article shall be reduced by 75 per cent if the applicant is a natural person and his annual income in the year prior to the filing of the application was less than four thousand Central American pesos. The interested party shall attach to the application for registration proof of employment or proof of income or a document issued by the Nicaraguan Institute for Small and Medium-Sized Enterprises, as the case may be, in order to benefit from this provision.”

Article 10.- Repeal. Article 22 of Decree No. 22-2000 is repealed.

Article 11.- This Decree shall enter into force upon its publication in the Official Gazette.

Done in the city of Managua, at the Presidential Mansion, on the twenty-ninth day of March of the year two thousand and six. **Enrique Bolaños Geyer**, President of the Republic of Nicaragua. - **Alejandro Arguello Choiseul**, Minister of Public Works, Industry and Trade.
