

Provisional Act No. 40, of June 8, 1979, Relating to Photocopying, etc. of Protected Works for Use in Educational Activities*

§ 1. Copies of a published literary, scientific or artistic work by means of photocopying or similar method of reproduction may be produced for use in educational activities without the consent of the author when an agreement about such reproduction exists with an organization representing a major part of Norwegian authors in the field in question. Entitled to such right are teachers or other persons who have been granted authorization in accordance with the agreement mentioned; this right embraces works similar to those covered by such agreement. The production of copies may only be carried out in such manner and on such terms as are stipulated in the agreement in question. The right to produce copies does not apply to original copies of pictorial art.

Copies produced in pursuance of this Act may be used in educational activities only.

The provisions in the first and second subsections correspondingly apply to photographic pictures and works protected under Act No. 2 of May 12, 1961, relating to Property Rights in Literary, Scientific or Artistic Works, § 43.

§ 2. When a copy of a literary, scientific or artistic work is produced in pursuance of this Act, such reproduction can be in the dimensions and form required for the purpose. The character of the work must not be altered or prejudiced. The author can demand that his name be stated in the manner called for by proper usage (cf Act No. 2 of May 12, 1961, relating to Property Rights in Literary, Scientific or Artistic Works, § 3). The source otherwise shall be stated in the manner called for by proper usage.

When copies of photographic pictures are produced in pursuance of this Act, the photographer can demand that the picture not be altered in a manner so as to prejudice his reputation as a photographer. The photographer can demand that his name be stated in the manner called for by proper usage (cf Act No. 1 of June 17, 1960, relating to Rights in Photographs, § 2). The source otherwise shall be stated in the manner called for by proper usage.

§ 3. The provision in the agreement mentioned in § 1, including the provision relating to the collection and distribution of compensation is also binding on holders of rights who are not represented by the organization in question. This also applies to the provision in the agreement to the effect that the compensation shall not be paid to the individual holder of a right but to specified funds for holders of rights and their surviving relatives or to an organization representing the group of right holders concerned. On distribution to right holders of compensation collected or on distribution of money paid out to an organization or a fund, no account shall be taken of whether the holder of the right is a member of the organization which is a party to the agreement.

* *Entry into force*: See section 6.

Source: English translation communicated to WIPO by the Norwegian authorities.

§ 4. If an agreement fails to materialize, either party can demand arbitration in accordance with rules¹ prescribed by the King unless the parties agree that the question of the right to produce copies shall be determined with binding effect in accordance with rules prescribed in pursuance of Act No. 2 of May 12, 1961, relating to Property Rights in Literary, Scientific or Artistic Works, § 51.² Such decision shall also contain provisions concerning compensation and terms otherwise to the extent to which agreement has not been reached.

An agreement or a decision in accordance with the first subsection of this section has the same effect as an agreement in accordance with § 1.

§ 5. The King shall prescribe³ more detailed rules concerning the scope and extent of the Act.

§ 6.⁴ This Act comes into force from the date⁵ determined by the King and shall remain in force until the end of the year of 1989.

¹ Decree of May 2, 1980.

² Decree of January 28, 1972.

³ Decree of December 14, 1979

⁴ Amended in Act No. 96 of December 21, 1984.

⁵ From January 1, 1980, in accordance with Decree of December 14, 1979.