

## Decree-Law

(No. 433/78, of December 27, 1978)\*

**Article 67** of the Copyright Code,\*\* approved by Decree-Law No. 46 980, of April 27, 1966, provides that national or foreign associations constituted for the exercise and protection of the rights and interests of authors carry out that function in the capacity of the author's agents, having such capacity by the mere fact that an author is a member or is registered, under any name, as a beneficiary of the services provided by such associations; membership or registration as a beneficiary must be duly recorded in a public register.

No public register as provided for in the Copyright Code has yet been established except for the authors of literary or musical works intended for public entertainments or shows, for whom registration is governed by Decree No. 42 661, of November 20, 1959.

This document organizes such a registration system in a general way.

This opportunity is being taken to group, in a standardized table, the fees payable for all acts of registration that are within the competence of the Directorate of Copyright Services, and also to bring the amounts of those fees up to date.

Pursuant to **Article 201(1)(c)** of the Constitution of the Republic, the Government decrees the following:

*Article 1.* The functions of agent, whether expressly conferred or derived from any of the capacities referred to in **Article 67(1)** of the Copyright Code, may not be exercised until after registration with the Directorate of Copyright Services of the Secretariat of State for Culture.

*Article 2.* (1) Recording in the Register shall take place in the following manner:

- (a) at the request of the agent, the principal or his legal representative or competent procurator, which request shall be accompanied by a document attesting the agency; where the document is written in a foreign language, a translation may be demanded;
- (b) in the cases provided for in **Article 67(1)** of the Copyright Code, the request shall be accompanied by lists indicating the names of the members or beneficiaries of the associations or societies and a copy of their regulations or articles of association.

(2) The lists mentioned in [paragraph \(1\)\(b\)](#) shall bear the seal of the association or society in white or in color, and shall be initialled by an authorized person.

(3) The provisions of the last part of [paragraph \(1\)\(a\)](#) shall apply to the text that accompanies the names of the authors represented where it is written in a foreign language.

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\* This Decree-Law was promulgated on December 6, 1978. — WIPO translation.

\*\* See *Copyright*, 1967, pp. 301 *et seq.*

(4) The lists mentioned in [paragraph \(2\)](#) shall be accompanied by cards concerning each author made out according to the pattern specified in Order No. 102 of March 2, 1977, failing which they shall not be accepted; after having been recorded and numbered, the lists shall be regarded as an integral part of the Register.

*Article 3.* The Directorate of Copyright Services shall, at the request of any person proving a legitimate interest, record such facts as have to be recorded pursuant to the foregoing Articles.

*Article 4.* Entries made according to the provisions of **Articles 80 et seq.** of Decree No. 42 661, of November 20, 1959, shall be officially transcribed at the Directorate of Copyright Services, remaining valid until such time transcription has been effected.

*Article 5.* The fees specified in the table appended to and forming an integral part of this document shall be payable for the registrations and certifications provided for in [Articles 1](#) and [4](#).

*Article 6.* **Articles 80, 81, 82, 83, 84** and **85** of Decree No. 42 661, of November 20, 1959, and the fees payable to the Registration Service for Literary, Scientific and Artistic Property, are hereby repealed and are replaced by the standardized table of fees payable for registrations effected with the Directorate of Copyright Services.

*Article 7.* The fees shall be paid to the State Treasury by the tenth day of the month following that during which they became payable.

*Article 8.* The associations referred to in **Article 67** of the Copyright Code, and societies intending to pursue similar aims which, on the date of publication of this document, are legally carrying on their activity, shall effect their registration under these provisions within 180 days, which period may be extended if the reasons therefor are found to be justified.

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