

## Decree-Law No. 150 / 82

(of April 29, 1982)\*

*Article 1.* (1) The Ministry of Culture and Scientific Coordination shall be empowered to defend the integrity and genuine character of intellectual works that have fallen into the public domain.

(2) The Ministry of Culture and Scientific Coordination may also look to the integrity and genuine character of works which have not as yet fallen into the public domain should such works appear to be threatened or should they be infringed, and should the owners of the respective rights, when called on to exercise them, not do so without valid reason.

*Article 2.* (1) The publication or use, by any means or in any medium, of national intellectual works which have fallen into the public domain, by any person or legal entity, shall require no prior authorization but may be effected only provided that:

- (a) the name of the author, if known, be mentioned;
- (b) the integrity and genuine character of the works be respected.

(2) In cases where the work has been translated, adapted, transposed, arranged, abridged, summarized or modified in any other way, this fact shall be clearly stated.

*Article 3.* Wheresoever a doubt may exist as to respect for the integrity and genuine character of an intellectual work, the opinion of the General Directorate of Public Performances and Copyright and the Portuguese Book Institute may be sought.

*Article 4.* (1) Non-compliance with the provisions of this Decree-Law shall be punished as detailed below, and fines, where applicable, shall be adapted to take account of the nature, gravity and circumstances of the infringement, the previous record of the offender and his financial situation.

(2) Non-compliance with [Article 2\(1\)\(a\)](#) and [\(b\)](#) shall carry a fine of 20,000 to 150,000 escudos.

(3) The General Directorate of Public Performances and Copyright shall be responsible for instituting legal proceedings in cases of infringement as referred to above, and the amount of the fine to be imposed shall be determined by the Director General of Public Performances and Copyright.

(4) The product of the fines referred to in the foregoing paragraph shall be collected in their entirety by the State.

*Article 5.* Decree-Law No. 393/80 of September 25, 1980,<sup>1</sup> is hereby repealed.

*Article 6.* This Decree-Law shall come into effect on January 1, 1983.

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<sup>1</sup> See *Copyright*, 1982, p. 103.