

Law Introducing Criminal Provisions for the Protection of the Rights of Producers of Phonograms Against Unauthorized Reproduction

(No. 15.289, of June 14, 1982)*

1. Any person who reproduces a phonogram or videogram with gainful intent and without the written authorization of the producer thereof, likewise any person who distributes the reproductions thus made to the public or keeps them in stock for such purpose, shall be punished with the sanction specified in Article 46 of Law No. 9.739 of December 17, 1937.

The same sanction shall be applicable to any person who fixes the live performance of a literary or artistic work on any medium, where it is manifestly clear that the purpose is that specified in the foregoing paragraph, without the written authorization of the author or performer; the same shall apply to any person who distributes the versions thus produced to the public or keeps them in stock for such purpose.

2. The copies that constitute the unlawful act shall be confiscated and shall accrue to the author or to his successors in title, without prejudice to the rights of third parties who may have acquired them in good faith.

3. The minimum and maximum amounts of the fines with which the violations provided for in Article 46 and 49 of Law No. 9.739 of December 17, 1937, are punishable shall be 5,000 and 50,000 new pesos respectively. The said amounts shall be brought up to date annually by the Executive Power in accordance with the provisions of Article 38 of Law No. 13.728 of December 17, 1968.

4. Any person who within five years commits again any one of the unlawful acts specified in Article 1 shall be punishable by imprisonment for three months to three years.

5. For the purposes of this Law:

(a) "Phonogram" means the exclusively aural fixation of the sounds of a performance or other sounds;

(b) "Videogram" means the fixation of any sequence of images and sounds reproduced on a videodisc, videocassette or other similar carrier;

(c) "Copy" means the direct or indirect reproduction of a phonogram or videogram, incorporating all or a substantial part thereof;

(d) "Producer" means the person, whether natural person or legal entity, who for the first time fixes the sounds of a performance or other sounds (on a phonogram) or a sequence of images and sounds (on a videogram).

The provisions of Law No. 9.739 of December 17, 1937, shall be applicable as appropriate.

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