

A N N E X I I

GENERAL SURVEY ON THE LEGAL PROTECTION OF CINEMATROGRAPHIC WORKS AS AT 1st MAY 1975

This table was the Annex C of Document LA/ICIC/II/3 Add. dated from 2 July, 1975 and presented as an addendum to the Report on the extension of the activities of the International Centre of Information on Copyright, which was submitted to the Secretariat of Unesco at the meeting of heads of regional or national centres of information on copyright and specialists in the field of copyright or edition, which was held in Unesco House, Paris, from 30 June to 4 July, 1975. This report has been prepared with the help of Miss Gillian Davies, Assistant Director-General of the International Federation of phonogrammes producers, who collaborated on this occasion with the Unesco Secretariat, on a personal basis.

⁺with regard to audio-visual works.

ANALYSE SCHEMATIQUE DE LA PROTECTION JURIDIQUE DES OEUVRES CINEMATOGRAPHIQUES AU 1ER MAI 1975

Ce tableau constitue l'Annexe C du document LA/ICIC/II/3 Add. daté du 2 juillet 1975 et présenté comme addendum au Rapport sur l'extension des activités du Centre international d'information sur le droit d'auteur aux oeuvres audio-visuelles, qui a été soumis par le Secrétariat de l'Unesco à la réunion des responsables de centres régionaux ou nationaux d'information sur le droit d'auteur et de spécialistes dans le domaine du droit d'auteur ou de l'édition, laquelle s'est tenue au Siège de l'Unesco, à Paris, du 30 juin au 4 juillet 1975. Ce rapport a été préparé avec l'assistance de Mlle Gillian Davies, Directeur général adjoint de la Fédération internationale des producteurs de phonogrammes et vidéogrammes, qui collaborait à cette occasion avec le Secrétariat de l'Unesco à titre personnel.

ANNEX C

GENERAL SURVEY ON THE LEGAL PROTECTION OF CINEMATOGRAPHIC WORKS⁽¹⁾ AS AT 1ST MAY 1975

<u>COUNTRIES WHERE CINEMATOGRAPHIC WORKS ARE PROTECTED UNDER COPYRIGHT LEGISLATION</u>	<u>LEGISLATION AT PRESENT IN FORCE PROTECTING CINEMATOGRAPHIC WORKS</u>	<u>DURATION OF PROTECTION GRANTED TO CINEMATOGRAPHIC WORKS</u>	<u>OWNERSHIP OF RIGHTS IN CINEMATOGRAPHIC WORKS</u>
ALBANIA	Decree No. 538 on Copyright, 1947, as amended to 1951	5 years	(a) Copyright to producer (without prejudice to copyright in pre-existing works); (b) right of exploitation to producer, without consent of co-author or by presumption of law ⁽²⁾ and without prejudice to the rights (copyright and/or moral rights) of the co-authors; (c) copyright to the co-authors ⁽³⁾ (c)

(1) Only countries with specific legislation relating to cinematographic works are listed in this Annex; see also Annex A for countries which also protect such works by virtue of their accession to the Berne or Universal Copyright Conventions.

(2) In a number of legislations, particularly those based on the French law, the presumption in favour of the producer does not extend to the composer of the music specially composed for the film.

(3) By co-authors most legislations mean: authors of pre-existing works and all others who have made an original contribution to the film, for example, the author of the script; the author of the adaptation; the author of the dialogue; the author of the musical work, with or without words, specially composed for the work; the director.

ALGERIA	Copyright Ordinance No. 73-14, 1973	25 years from making the work accessible to the public	(b), (c)
ARGENTINA	Law No. 11.723 of 1933 on Copyright as amended to 1968	50 years from death of last co-author	(b), (c)
AUSTRALIA	Copyright Act, 1968	50 years from end of year of first publication	(a)
AUSTRIA	Copyright Act as amended to 1972	50 years after filming or first publication, whichever is the later	(b)
BRAZIL	Law No. 5988 of December 14, 1973 on Copyright	60 years from end of year film completed	(b) the producer is also a co-author
BULGARIA	Copyright Law 1951 as amended to April 28, 1972	50 years from end of year of first public exhibition	(a) (except in the case of amateur films when (c) applies) and (c) as regards the co-authors' own works
CANADA	Copyright Act, as amended to December 23, 1971	50 years from death of last co-author	(c)
CHILE	Law No. 17.336 on Copyright, 1970	30 years from death of the producer	(a), (b)
COLOMBIA	Law No. 86 on Copyright, 1946	80 years from death of last co-author	(b)
CZECHOSLOVAKIA	Copyright Law No. 35 of March 25, 1965	25 years from date of publication of the work	(b)
DENMARK	Law No. 158 of May 31, 1961	50 years from death of last co-author	(b)

DOMINICAN REPUBLIC	Law No. 1381 of March 17, 1947 on Copyright	20 years from first publication or performance	(a)
ECUADOR	Law of Intellectual Property, 1958	50 years from date of first publication	(a) subject to moral rights of co-authors
EGYPT (ARAB REPUBLIC OF)	Copyright Law, 1954	50 years from death of last co-author*	(b)
EL SALVADOR	Decree No. 376 of September 6, 1963	25 years from first public showing	(b) -- the Director is considered the author of the work as a whole
ETHIOPIA	Copyright provisions of the Civil Code, 1960	Life of the co-authors	(c) (c)
FIJI	Copyright Act, 1956 of the UK as amended by the Copyright (Fiji) Order, 1961	50 years from end of year of first publication	(a)
FINLAND	Law No. 404 on Copyright, as amended to August 23, 1971	50 years from death of last co-author	(b)
FRANCE	Law No. 57.296 on Literary and Artistic Property, 1957	50 years from death of last surviving co-author	(b)
GERMAN DEMOCRATIC REPUBLIC	Copyright Act, 1965	50 years from death of last surviving co-author	(b)

* 15 years from first publication if work has no original character.

GERMANY, FEDERAL REPUBLIC OF	Copyright Act, as amended to November 10, 1972	Re (a): 25 years from publication or production, whichever is the later. The rights of the co-authors subsist for 70 years from death of last surviving author	(a) and (b)
GHANA	Copyright Act, 1961	20 years from date of publication or production whichever is the later	(a)
GREECE	Law on Literary Property, as amended to October 7, 1943	50 years from end of year of death of last surviving co-author	(c)
GUATEMALA	Decree Law No. 1037 of February 8-11, 1954	50 years from publication of the work if producer a legal entity; if not, 50 years after his death	(a) without prejudice to rights of co-authors
HAITI	Decree on Copyright of January 9, 1963	25 years from death of producer	(a)
HOLY SEE	Italian Law applies, by virtue of Law on State of the Vatican City, January 12, 1960	50 years from date of first publication	(b), (c)
HONDURAS	Copyright Provisions in Law concerning Patents for Inventions, as amended to December 14, 1939	10, 15 or 20 years according to wishes of applicant for patent	(a)
HUNGARY	Copyright Act, 1970	50 years from death of last surviving co-author	(b) -- producer's right of exploitation of works in film is for 10 years
ICELAND	Copyright Law, 1972	50 years from death of last surviving co-author	(b)

INDIA	Copyright Act, 1957	50 years from end of year of first publication	(a)
IRAN	Copyright Law, 1970	30 years from date of publication or public presentation	(a)
IRAQ	Law No. 3 on Copyright, 1971	5 years from first publication of the work	(c) including the producer if he was in control of making the film
IRELAND	Copyright Act, 1963	50 years from end of year of publication	(a)
ITALY	Copyright Law, No. 633 of April 22, 1941	50 years from date of first publication	(b), (c)
JAPAN	Copyright Law, No. 48 of 1970	50 years from publication or creation whichever is the later	(a)
KENYA	Copyright Act, 1966	25 years from end of year of first publication	(a)
KOREA	Law No. 432 on Copyright of January 28, 1957	30 years from date of publication	(a)
LEBANON	Copyright Statute of January 31, 1946	50 years from date of publication	(a)
LIBERIA	Copyright Act, 1956	25 years from death of author	author
LIBYA	Copyright Law, 1968	25 years from death of last surviving co-author but not less than 50 years from date of publication	(b), (c)
LUXEMBOURG	Copyright Law of March 29, 1972	50 years after publication	(a)

MALAWI	Copyright Act, 1956	25 years from end of year film made accessible to the public	(a)
MALAYSIA	Copyright Act, 1969	25 years from end of year of first publication	(a)
MALTA	Copyright Act, No. 11.992 of March 3, 1967	25 years from end of year film first made accessible to the public	(a)
MEXICO	Copyright Law, 1956, as amended to November 4, 1963	30 years from death of last surviving co-author	(c) but producer may secure the reservation of the right to the exclusive use of purely graphic elements of the work
MONACO	Copyright Law, as amended up to November 17, 1949	50 years from end of year of death of last surviving co-author	(c)
MOROCCO	Dahir relating to the protection of literary and artistic works, 1970	50 years from end of year in which work is disclosed	(b)
NEPAL	Copyright Act, 1966	50 years from the death of the person who had control over the work at the time of its completion	(a)
NETHERLANDS	Copyright Law, as amended to October 27, 1972	50 years from end of year of death of author	(a) -- person according to whose plan, guidance and supervision the work has been produced is considered the author
NEW ZEALAND	Copyright Act, 1962	50 years from end of year film completed	(a)

NIGERIA	Copyright Law No. 61, 1970	25 years from end of year of first publication	(a)
NORWAY	Copyright Law, 1961	50 years from end of year of death of surviving co-author	(b)
PAKISTAN	Copyright Ordinance, 1962	50 years from end of year of first publication	(a)
PARAGUAY	Copyright Law No. 94, 1951	50 years from death of last surviving co-author	(a) (the author of the plot also has a copyright) and (b)
PERU	Copyright Law, No. 13714 of 1961	50 years from end of year of death of last surviving co-author	(b)
PHILIPPINES	Decree No. 49 on the Protection of Intellectual Property	30 years from publication	(a) and (b)
POLAND	Law No. 234 on Copyright	10 years from first public performance	(a)
PORTUGAL	Copyright Code (Decree-Law No. 46980), 1966	50 years from death of last surviving co-author	(a) and the author of the scenario
ROMANIA	Decree No. 321 Relating to Copyright	50 years from publication	(a) but without prejudice to individual rights of co-authors
SIERRA LEONE	Copyright Act, 1965	50 years from end of year film made or published whichever is the later	(a)
SPAIN	Law on Intellectual Property Rights in Cinematographic Works of May 31, 1966	80 years from death of last surviving co-author	(b)

SOUTH AFRICA	Copyright Act, 1965	50 years from end of year of first publication	(a)
SWEDEN	Law No. 729 on Copyright, 1960, as amended to May 25, 1973	50 years from end of year of death of surviving co-author	(b)
SWITZERLAND	Copyright Law as amended to June 24, 1955	50 years from end of year of death of author	(a)
SYRIAN ARAB REPUBLIC	Decree No. 2385 as amended to September 22, 1926	50 years from date of publication	(a)
THAILAND	Copyright Act, 1931	30 years from date film made	(a)
TUNISIA	Copyright Law, as amended to January 4, 1967	50 years from end of year film made accessible to the public	(a)
TURKEY	Law on Artistic and Intellectual Works, 1951	20 years from date of publication	(a)
UGANDA	Copyright Act, 1964	50 years from end of year film made or published, whichever is the later	(a)
USSR	Basis of Copyright Law of USSR of December 8, 1961, as amended on February 21, 1973; Copyright provisions in Civil Code of June 11, 1964	Copyright belonging to organizations is of unlimited duration	(a)
UNITED KINGDOM	Copyright Act, 1956	50 years from end of year of first publication	(a)
UNITED REPUBLIC OF TANZANIA	Copyright Act, 1966	20 years from end of year film first made accessible to public	(a)

UNITED STATES OF AMERICA	Code of Laws of USA, Title 17, Copyrights, as amended to October 15, 1971	28 years from date of first publication	(a)
URUGUAY	Law No. 9739 as amended to February 25, 1938	40 years from death of last surviving co-author	(b)
VENEZUELA	Copyright Law, 1962	50 years from end of year of first publication or making the film whichever is the later	(b)
YUGOSLAVIA	Copyright Law, 1963	50 years from death of last surviving co-author	(b)
ZAMBIA	Copyright Act, 1965	25 years from end of year film first made accessible to public	(a)