

Law on Copyright and Neighboring Rights (February 4, 1994).

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Chapter 1. Subject Matter of Copyright ➡

Art. 1.–1. The subject matter of copyright is any expression of creative activity having individual character and manifested in any material form, regardless of the value, intended purpose and manner of expression thereof (work).

2. The subject matter of copyright includes the following in particular:

(1) works expressed in words, mathematical symbols or graphic signs (literary, advertising, scientific and cartographic works and computer programs),

- (2) three-dimensional artistic works,
- (3) photographic works,
- (4) works of violin-making,
- (5) industrial designs,
- (6) architectural works, works of urban architecture and town-planning schemes,
- (7) musical works with or without words,
- (8) dramatic, dramatico-musical, choreographic and mimed works,
- (9) audiovisual works (including visual works and sound works).

3. The work is protected by copyright from the moment of its making, even in incomplete form.

4. The creator is eligible for protection independently of compliance with formalities of any kind.

Art. 2.–1. Derived works made from the work of another, in particular translations, transformations and adaptations, shall be protected by copyright without prejudice to the rights in the original work.

2. The manner of disposal of the derived work and the use thereof shall be subject to the consent of the creator of the original work (dependent copyright), except where the economic rights in the original work have expired.

3. The creator of the original work may withdraw his consent if, in the course of the five years following its grant, the derived work has not been disclosed. Remuneration paid to the creator shall not be susceptible of repayment.

4. A work inspired by another's work shall not be considered a derived work.

5. The name of the creator of the original work and the title thereof shall be mentioned on the copies of the derived work.

Art. 3. Collections, anthologies, selected pieces and data bases shall be protected by copyright if the selection made, the arrangement or the composition is creative in character, without prejudice to the rights in the works used.

Art. 4. The following shall not be protected by copyright:

- (1) normative texts and the drafts thereof,
- (2) official documents, documentary material, devices and symbols,
- (3) descriptions of patents and other protection titles,

(4) mere news items.

Art. 5. The provisions of this Law shall be applicable to works:

- (1) the creator or joint creator of which is a Polish national,
- (2) that have been first published on the territory of the Republic of Poland or simultaneously on that territory and abroad,
- (3) that have been first published in Polish,
- (4) that derive their protection from international treaties.

Art. 6. For the purposes of this Law:

- (1) a published work is a work that has been produced in quantity with the consent of the creator, and copies of which have been made available to the public;
- (2) a work is simultaneously published if it is published both on the territory of the Republic of Poland and abroad within 30 days of the first publication thereof;
- (3) a disclosed work is a work that has been made available to the public with the creator's consent.

Art. 7. Where international treaties to which the Republic of Poland is party provide more extensive protection than that deriving from this Law, the provisions of the said treaties shall apply to the unpublished works of Polish nationals, and also to works first published on the territory of the Republic of Poland or simultaneously on the territory of the Republic of Poland and abroad, or to works first published in Polish.

Chapter 2. Owner of Copyright ➡

Art. 8.-1. Copyright belongs to the creator, except where the law provides otherwise.

2. That person shall be deemed the creator who has been clearly named as such on the copies of the work or whose authorship has in any other way been brought to the notice of the public in connection with the disclosure of the work.

3. Insofar as the creator has not revealed his authorship, he shall be replaced in the exercise of his copyright by the producer or publisher, and in their absence by the appropriate organization for the collective administration of authors' rights.

Art. 9.-1. Joint creators shall have joint ownership of copyright. Their shares shall be presumed equal. Each joint creator may demand to have the size of the shares determined by the court in relation to individual contributions of creative work.

2. Each of the joint creators may exercise the copyright in the part of the work created by him if the said part has intrinsic value, but without prejudice to the rights of the other joint creators.

3. The exercise of the copyright in the whole work shall require the agreement of all the joint

creators. In the absence of such agreement, each joint creator may seek the settlement of the dispute by the court, which shall pronounce in consideration of the interests of all the joint creators.

4. Each of the joint creators may bring an action claiming violation of copyright in relation to the whole work. Sums won in such actions shall accrue to all the joint creators according to the size of their shares.

5. The provisions on joint ownership shall be applicable to the economic rights of joint creators.

Art. 10. Where the creators have assembled their separate works with a view to common disclosure, each may demand of the others to be granted permission to disclose the whole work thus produced, except where there is a valid reason for refusing such permission or where the contract between them provides otherwise. The provisions of paragraphs 2 to 4 of Article 9 shall apply accordingly.

Art. 11. The economic rights in a collective work, particularly those in an encyclopedia or periodical publication, shall accrue to the producer or editor, whereas the rights in the separate parts of the work that have intrinsic value shall accrue to the creators thereof. The right to the title is deemed to belong to the producer or publisher.

Art. 12.—1. Except where the law or the employment contract provides otherwise, the employer whose employee has created a work under an employment contract acquires, on accepting the work, the economic rights therein within the limits of the purpose of the employment contract and the common will of the parties.

2. If, in the course of the two years following the date of acceptance of the work, the employer does not proceed with the disclosure of the work contractually destined for disclosure, the creator may grant the employer, in writing, a sufficient period of time for such disclosure. Where that period expires to no avail, the rights acquired by the employer shall revert to the creator, and the material object in which the work is embodied shall become the property of the latter, except where the contract provides otherwise. The parties may agree on another period for disclosure of the work to be carried out.

3. Unless otherwise provided in the employment contract, the employer acquires, on his acceptance of the work, the property rights in the material object in which the work is embodied.

Art. 13. If, in the course of a period of six months following the delivery of the work, the employer fails to convey his acceptance or refusal to the creator, or to make his acceptance subject to the making of specified changes within a period set for the purpose, the work shall be deemed to have been accepted without reservation. The parties may agree on another period.

Art. 14.—1. Unless otherwise provided in the employment contract, the right to give priority to the publication of a scientific work created by the employee in the course of tasks specified in the contract shall be granted to the scientific institution that employs him. The creator shall retain the right to remuneration. The right of priority shall lapse if, in the course of the six months following the delivery of the work, a publishing contract has not been concluded with the creator or if, in the course of a period of two years following the date of acceptance, the work has not been published.

2. The scientific institution may, without additional remuneration, make use of the scientific material contained in the work referred to in paragraph 1 and make that material available

to third parties if that is the agreed purpose of the work or if it has been so decided in the contract.

Art. 15. That person shall be deemed the producer or publisher whose name or style is prominently displayed as such on the objects in which the work is embodied, or alternatively brought to the notice of the public in any manner connected with the disclosure of the work.

Chapter 3. Content of Copyright ➡

Section 1. Personal Rights ➡

Art. 16. Unless otherwise provided in the law, personal rights shall protect the bond between the creator and the work, which bond shall not be limited in time or susceptible of renunciation or assignment, and in particular the creator's right:

- (1) to claim authorship of the work,
- (2) to cause the work to appear under his name or pseudonym or to make his anonymous work available to the public,
- (3) to insist on respect for the inviolability of the content and form of the work, and on the proper use thereof,
- (4) to decide to make the work available to the public for the first time,
- (5) to oversee the manner of use of the work.

Section 2. Economic Rights ➡

Art. 17. Unless otherwise provided in the law, the creator shall have the exclusive right to use the work and subject it to all forms of exploitation, and also the right to remuneration in exchange for the use of the work.

Art. 18.–1. The economic rights may not be the subject of measures of restraint for as long as the creator is the owner thereof. This provision shall not apply to claims that have fallen due.

2. After the death of the creator, successors may object to the imposition of measures of restraint in relation to the copyright in an unpublished work, except where their objection is incompatible with the declared will of the creator regarding the disposal of the work.

3. The right to remuneration under paragraph 2 of Article 20, paragraph 2 of Article 30 and paragraph 3 of Article 70 shall be unrenounceable and unassignable, and may not be the subject of measures of restraint. This provision shall not apply to claims that have fallen due.

Art. 19.–1. The creator and his successors shall be entitled to remuneration amounting to 5% of the proceeds of the sale by auction of the original of a three-dimensional work or of the manuscript of a literary or musical work. The vendor shall be obliged to pay the said remuneration and, if he is acting on behalf of a third party, shall be jointly liable with that party.

2. The vendor shall be obliged to disclose the information concerning the third party referred to in paragraph 1. He may however dispense with this obligation by paying appropriate remuneration.

3. Renunciation of the remuneration referred to in paragraph 1 shall be null and void except where it relates to a claim that has fallen due.

Art. 20.–1. The producers and importers of tape recorders, video recorders and other similar apparatus, or blank material for the recording of works with the aid of such apparatus for personal and private use, and also of reprographic apparatus shall be obliged to pay, for the benefit of the creators and performers of the said works and of the producers of phonograms and videograms, fees in an amount not exceeding 3% of the selling price of the said apparatus and material.

2. The amount of the fees referred to in paragraph 1 shall accrue:

(1) to the creators for 50%,

(2) to the performers for 25%,

(3) to the producers of phonograms and videograms for 25%; in the case of reprographic apparatus, however, the said amount shall accrue entirely to the creators.

3. The Minister of Culture and the Arts, after having consulted the appropriate organizations for the collective administration of the rights of authors or neighboring rights, the societies of creators and performers and the organizations representing the producers and importers of the apparatus and blank material referred to in paragraph 1, shall specify by ordinance the amount of the fees referred to in paragraph 1 and also the details of the manner of collection and payment of the said fees; he shall likewise designate the organization for the collective administration of the rights of authors or neighboring rights that is competent to collect the said fees.

Art. 21.–1. Public radio and television organizations shall be authorized to disseminate published works other than fiction films (including series). The owners of rights in the works shall be entitled to remuneration.

2. Radio and television organizations other than those referred to in paragraph 1 may disseminate short published works expressed in words or short musical works with or without words by virtue of a contract concluded through the appropriate organization for the collective administration of the rights of authors or neighboring rights.

However, the creator may make known to such an organization, in a declaration that must be set down in writing on pain of invalidity, that he will decide personally on the dissemination of his published works.

Art. 22.–1. Radio and television organizations may, for the purposes of their broadcasts, record the works for the broadcasting of which they have received prior authorization.

2. The recordings referred to in paragraph 1 shall be destroyed within one month following the date of broadcasting.

3. The provisions of paragraph 2 shall not be applicable to recordings made for the purposes of broadcasts of exceptional documentary character, provided that they are

stored in archives.

The creator shall be informed without delay of the storage of the recording of his work in archives.

Section 3. Lawful Use of Protected Works ➡

Art. 23.–1. It shall be permissible, without the consent of the creator, to make use free of charge, for strictly personal and private purposes, of a work that has already been disclosed. However, this provision shall not authorize the construction of a building based on an architectural work or a work of urban architecture made by another person.

2. Personal or private use shall extend to use within a circle of persons who are personally related, in particular by blood or marriage, or who entertain social relations.

Art. 24.–1. Works broadcast by satellite or ground signals by a radio or television organization may be distributed by means of a community antenna and a cable network on condition that this entails the simultaneous, complete and charge-free distribution of the radio or television programs concerned, that it is destined for a specific group of persons located in one and the same building or in a group of individual houses capable of accommodating up to 50 homes.

2. Those in possession of installations serving for the reception of sound or sound and images may, by means of the said installations, receive the works transmitted even if the installations concerned are located in a generally accessible place, provided that the said reception does not serve a profit-making purpose.

3. Subject to the provisions of paragraph 1, the operators of cable networks may distribute works broadcast by other radio and television organizations that cover a given territory if the distribution by the cable networks occurs at the same time as the original broadcast and incorporates the said broadcast in its entirety. The owners of rights in the works shall be entitled to remuneration.

Art. 25.–1. It shall be permissible to reproduce in the press, on radio and on television, for information purposes,

- (1) (a) reports on current events,
- (b) topical articles and comments on political, economic and social subjects,
- (c) photographic pictures in the nature of news reports that have already been disclosed,
- (2) short extracts from the reports, articles and comments referred to in subparagraph (1)(a) and (b),
- (3) comments on disclosed publications and works,
- (4) speeches and addresses given in the course of public meetings and debates, which shall not however permit the publication of the speeches or addresses of one and the same person,
- (5) short summaries of disclosed works.

2. The creator shall be entitled to remuneration for the use of the work under the circumstances referred to in subparagraph (1)(b) and (c) of paragraph 1.

3. The reproduction of works under paragraph 1 shall be permissible in the original version and in translation.

Art. 26. It shall be permissible to reproduce, in the reporting of current events, fragments of works made accessible to the public in the course of the said events to the extent justified by the informative purpose.

Art. 27. Scientific institutions and public education establishments may, for teaching purposes or for their own research, make use of the original versions or translations of published works, and for the same purposes make copies consisting of fragments of a published work.

Art. 28. Libraries, archives and schools may:

(1) make copies of published works accessible free of charge, within the limits of their statutory tasks,

(2) make single copies of published works that are unavailable on the market, or cause such copies to be made, in order to complete and protect their collections and make them available to the public free of charge.

Art. 29.–1. It shall be permissible to reproduce in the form of quotations, in works that constitute an integral whole, fragments of disclosed works or the entire contents of short works to the extent justified by explanation, critical analysis or teaching or by the laws of the creative genre concerned.

2. It shall be permissible, for teaching and scientific purposes, to insert short disclosed works or fragments of more extensive works in manuals and collections of selected pieces.

3. The creator shall be entitled to remuneration in the cases referred to in paragraph 2.

Art. 30.–1. Scientific and technical information or documentation centers may make and disclose their own adaptations of the works of others for documentary purposes, and also single copies of fragments, not exceeding the equivalent of one folio sheet, of published works.

2. The creator or the appropriate organization for the collective administration of the rights of authors or neighboring rights shall be authorized to collect, from the centers referred to in paragraph 1, remuneration for the making available to the public, for a consideration, of copies of the said works.

Art. 31. It shall be permissible to perform published literary works and published musical works with or without words in public free of charge. This provision, which is not applicable to performances organized for profit-making purposes, relates in particular to occasional public performances associated with the practice of a religious faith, State ceremonies, ceremonies organized at schools and generally accessible events and shows, to the exclusion however of advertising or promotional events and events organized on the occasion of election campaigns.

Art. 32.–1. The owner of the original of a three-dimensional work may show it in public on

condition that no profit-making purpose is pursued thereby.

2. Where the decision is taken to destroy the original of a three-dimensional work located in a place accessible to the public, the owner shall be obliged to make an offer of sale to the creator of the work or to his relations, if it is possible to establish contact with the latter. The maximum price shall be based on the value of the raw material. If sale is not possible, the owner shall be obliged to allow the creator either to make a copy or, depending on the nature of the work, to produce appropriate documentation.

Art. 33. It shall be permissible to reproduce:

(1) works on permanent display in generally accessible places, such as roads, streets, squares or public parks, but not for the purpose of making the same use thereof,

(2) works in collections accessible to the public such as museums, galleries or exhibition halls, such reproduction being allowed only in catalogs and in publications issued for the purpose of promoting the said works and also in the reporting of current events in the press or on television, within the limits justified by the informatory purpose,

(3) published three-dimensional works and photographs, with a view to their inclusion in encyclopedias or atlases, where approaches made to the author with a view to securing his consent encounter obstacles that are difficult to overcome. The creator shall be entitled to remuneration in that case.

Art. 34. It shall be lawful to make use of works within the recognized limits of use on condition that the creator and the source are expressly mentioned. Their creator shall not be entitled to remuneration unless the law provides otherwise.

Art. 35. Lawful use shall not be prejudicial to the normal exploitation of the work or to the legitimate interests of the creator.

Chapter 4. Term of Economic Rights ➡

Art. 36. Subject to the exceptions provided for in this Law, economic rights shall lapse on the expiration of a period of 50 years calculated:

(1) from the death of the creator and, in the case of works of joint authorship, from the death of the last surviving joint creator,

(2) from first publication if the creator is not known, and, where the work has not been published, from its production in material form unless, before that period expires, the name of the creator has been revealed with his consent,

(3) from first publication if the economic rights belong by operation of law to a person other than the creator himself and, if the work has not been published, from its production in material form.

Art. 37. If the term of protection of the economic rights runs from the publication of the work and if the work is published in two or more parts, the said term shall be calculated from the publication date of the last such part. However, if the parts are themselves independent in character, the term shall run separately for each of them.

Art. 38. The term of the economic rights in a work first published in the course of the last 10 years of its protection shall be prolonged for a further 10 years.

Art. 39. The term of the economic rights shall be calculated in full years following the year in the course of which occurred the event from which the terms specified in Articles 36 to 38 run.

Art. 40.–1. The producers of copies of literary, musical, three-dimensional, photographic or cartographic works where the economic rights in the said works have expired shall be obliged to hand over to the fund provided for in Article 111 a percentage of between 5% and 8% of the gross proceeds from the sale of the said works. This provision concerns editions published on the territory of the Republic of Poland.

2. The provisions of Article 1 shall apply by analogy to copies of derived works where the term of protection of the said works has expired.

3. The Minister of Culture and the Arts shall specify by ordinance the amount of the percentage referred to in paragraph 1.

Chapter 5. Assignment of Economic Rights ➡

Art. 41.–1. Unless otherwise provided by law:

(1) economic rights shall be transferable by succession or by operation of the law,

(2) the acquirer of economic rights may assign them to other persons, unless otherwise provided by contract.

2. The contract for the assignment of economic rights or the contract for the use of the work (hereinafter referred to as “the license”) shall relate to the areas of exploitation expressly listed therein.

3. Any contract shall be null and void that relates to all works, or all works of a particular genre, by one and the same creator, that are to be created in the future.

4. The contract may only relate to areas of exploitation that are known at the time of its conclusion.

Art. 42. Where the economic rights accruing to one of the joint creators are liable to escheat to the Treasury as legal successor, they shall pass to the surviving joint creators or to their legal successors in proportion to the latter’s shares.

Art. 43.–1. Where the contract does not indicate that the assignment of the economic rights or the grant of the license does not give rise to any remuneration, the creator shall be entitled to such remuneration.

2. Where the contract does not specify the amount of the author’s remuneration, it shall be determined in relation to the extent of the rights granted and the profits resulting from exploitation of the work.

Art. 44. Where the remuneration of the creator is clearly out of proportion to the profits of

the acquirer of the economic rights or the licensee, the creator may apply to the court for an appropriate increase in the said remuneration.

Art. 45. The creator shall be entitled to remuneration for every use of the work in a given area of exploitation, except where the contract provides otherwise.

Art. 46. Unless otherwise provided in the contract, the creator shall retain the exclusive right to authorize the exercise of dependent copyright even where the contract provides for the total assignment of the economic rights.

Art. 47. If the amount of his remuneration is determined by the amount of the proceeds from exploitation of the work, the creator may demand information thereon and, to the extent necessary, the handing over of such documentation as is of essential importance to the calculation of the amount of the said remuneration.

Art. 48.-1. Where the remuneration of the creator is calculated as a percentage of the selling price of copies of the work, and the said price increases, the creator shall be entitled to the agreed percentage for the copies sold at the increased price.

2. A unilateral reduction in the selling price of copies before the expiration of a period of one year following the disclosure of the work shall have no effect on the amount of the remuneration. The parties may prolong that period.

Art. 49.-1. If the mode of use of the work has not been specified in the contract, it shall be in keeping with the character and purpose of the work and with recognized customs.

2. Even where he has acquired all the economic rights, the legal successor may not, without the consent of the creator, make any alterations to the work except where they are dictated by an obvious necessity and where the creator has no valid reason to object to them. This provision shall apply by analogy to works in which the economic rights have expired.

Art. 50. The various areas of exploitation are in particular:

- (1) fixation,
- (2) reproduction of the work by means of a specific technology,
- (3) the distribution of copies,
- (4) storage in a computer memory,
- (5) public performance or communication to the public,
- (6) showing,
- (7) projection,
- (8) rental,
- (9) lending,

(10) broadcasting of the work by a ground station using visual or sound media and by wire or wireless means,

(11) broadcasting of the work by way of a satellite,

(12) simultaneous, integral broadcasting of a work broadcast by another radio or television organization.

Art. 51.–1. Distribution means the assignment of ownership of the copy by the owner of rights, or any other disposal of the copy with his consent.

2. Subject to the provisions of subparagraphs (8) and (9) of Article 50, the subsequent distribution of copies of the work after they have been initially distributed shall not be an infringement of copyright.

3. The importation of copies distributed on the territory of a State with which the Republic of Poland has entered into a contract regarding the creation of a free trade area shall not constitute a violation of the economic rights.

Art. 52.–1. Unless otherwise provided, assignment of ownership rights in the copy of a work shall not constitute assignment of the economic rights in the work itself.

2. Unless otherwise provided, the transfer of the economic rights shall not constitute assignment to the acquirer of the ownership rights in the copy of the work.

3. The acquirer of the original of the work shall be obliged to make it available to the creator in the manner essential for the exercise of copyright. However, the acquirer of the original may demand an appropriate guarantee and appropriate remuneration from the creator for the use of the work.

Art. 53. The contract of assignment of the economic rights shall be set down in writing on pain of invalidity.

Art. 54.–1. The creator shall be obliged to deliver the work within the period specified in the contract and, where no such period has been specified, immediately on completion of the work.

2. Where the creator fails to deliver the work within the period specified, the commissioning party shall set him an additional period on pain of withdrawal from the contract, and may withdraw from the contract on expiration of that period if the measure taken has not been acted upon.

Art. 55.–1. If the commissioned work contains defects, the commissioning party may set the creator an additional period of appropriate duration for the removal thereof and, if the period expires without any action having been taken, withdraw from the contract or demand an appropriate reduction in the agreed remuneration, except where the defects are due to circumstances beyond the creator's control. The creator shall in any event retain the right to the part of the remuneration that he has received, which must not exceed 25% of the contractual remuneration.

2. If there are legal defects in the work, the commissioning party may withdraw from the contract and claim indemnification for damages sustained.

3. The claims referred to in paragraph 1 shall lapse on acceptance of the work.

4. If, during the six months following the delivery of the work, the commissioning party fails to inform the creator of his acceptance or refusal or to make his acceptance subject to the making of specific changes within a period set for the purpose, the work shall be deemed accepted without reservation. The parties may agree on another period.

Art. 56.–1. The creator may withdraw from the contract or terminate it in consideration of his essential interests as a creator.

2. If, in the course of the two years following the date of withdrawal or termination as referred to in paragraph 1, the creator intends to proceed with the use of the work, he shall be obliged to propose such use to the acquirer or licensee, allowing him an appropriate amount of time for the purpose.

3. If the withdrawal or termination occurs after acceptance of the work, its effectiveness may be made subject, by the other party, to a guarantee of repayment of the costs borne by the said party in relation to the contract concluded. Repayment of the costs may not be claimed, however, where the decision not to disclose is due to circumstances beyond the control of the creator.

4. The provisions of paragraph 1 shall not be applicable to architectural works or works of urban architecture, to audiovisual works or to works commissioned for exploitation in an audiovisual work.

Art. 57.–1. If the acquirer of the economic rights or licensee who has undertaken to disclose the work fails to proceed with disclosure within the agreed period or, in the absence of such a period, within two years following acceptance of the work, the creator may withdraw from or terminate the contract and claim indemnification for damages sustained if, on the expiration of a further period of at least six months, the work has still not been disclosed.

2. If, owing to circumstances attributable to the acquirer or licensee, the work has not been made available to the public, the creator may claim, instead of compensation for damages suffered, remuneration equal to twice that stipulated in the contract for the disclosure of the work, except where the license is exclusive.

3. The provisions of paragraphs 1 and 2 shall not be applicable to architectural works or works of urban architecture.

Art. 58. If the work is made available to the public in a form that is not suitable or with modifications to which the creator has good reason to object, the latter may withdraw from the contract or denounce it after having unsuccessfully demanded the cessation of the violation of his rights. The creator shall be entitled to the remuneration provided for in the contract.

Art. 59. On withdrawing from or terminating the contract, each party may demand of the other that he repay everything paid him under the contract, except where the law provides otherwise.

Art. 60.–1. The person who makes use of the work shall be obliged to allow the creator to make an author's

inspection prior to the disclosure of the work. If the changes made to the work as a result of

that inspection are essential and attributable to circumstances beyond the creator's control, the associated costs shall be borne by the acquirer of the economic rights or licensee.

2. Where the creator has not made his author's inspection within an appropriate time, he shall be deemed to have consented to the disclosure of the work.

3. Unless otherwise provided by law or in the contract, the creator shall not be entitled to additional remuneration for the making of the author's inspection.

4. The creator of a three-dimensional artistic work shall be entitled to make the author's inspection against remuneration.

5. The making of an author's inspection of architectural works or works of urban architecture shall be governed by separate provisions.

Art. 61. Unless otherwise provided in the contract, the acquisition from the creator of the original of the plan of an architectural work or work of urban architecture shall not give the right to make use of the plan for more than one construction.

Art. 62.–1. The creator may include in an edition of his complete works those works for the publication of which he entered into a separate contract.

2. Unless otherwise provided, the contract for an edition of a creator's complete works shall not give the right to publish those works separately.

Art. 63. If the contract provides for the manufacture of copies for distribution to the public, the creator shall be entitled to author's copies, the number of which shall be specified in the contract.

Art. 64. The contract containing the undertaking to assign the economic rights shall constitute assignment to the acquirer, on his acceptance of the work, of the right of exclusive use of the work in the area of exploitation specified in the contract, except where the parties to the contract have agreed otherwise.

Art. 65. In the absence of any express clause concerning the assignment of rights, the creator shall be deemed to have granted a license.

Art. 66.–1. Unless otherwise provided, the license contract shall constitute authorization to use the work for five years on the territory of the State in which the licensee has his headquarters.

2. On expiration of the period provided for in paragraph 1, the rights obtained under the license contract shall lapse.

Art. 67.–1. The creator may authorize use of the work in areas of exploitation specified in the contract, with limitations as to the extent, place and duration of such use.

2. Where the contract does not provide for the exclusive right to use the work in a specific manner (exclusive license), the grant of such a license shall not preclude the creator from granting other persons permission to use the work in the same area of exploitation (non-exclusive license).

3. Unless otherwise provided in the contract, the licensee may not authorize a third party to

exploit the work under the license granted him.

4. Unless otherwise provided in the contract, the exclusive licensee may make any claims arising from the violation of the economic rights in the area to which the license contract applies.

5. The exclusive license contract shall be concluded in writing on pain of invalidity.

Art. 68.–1. Unless otherwise provided in the contract, and where the license is granted for an indeterminate period, the creator may terminate the contract by observing the time limits provided for in it, or, in the absence of such time limits, with one year's advance notice, at the end of a calendar year.

2. A license granted for a period in excess of five years is considered, on expiration of that period, to be a license granted for an indeterminate period.

Chapter 6. Special Provisions on Audiovisual Works ➡

Art. 69. The joint creators of an audiovisual work are the persons who have made a creative contribution to its making, including the director, the author of the adaptation of a literary work, the composer of musical works with or without words created for the audiovisual work and the screenwriter.

Art. 70.–1. The economic rights in an audiovisual work shall belong to the producer. The rights of the creators of works having intrinsic value may not be exercised to the detriment of the producer or other creators.

2. The producer of an audiovisual work shall be presumed to have acquired the economic rights in the works commissioned by him or included in the audiovisual work, but exclusively in connection with the audiovisual exploitation of the said work.

3. The producer of an audiovisual work shall be obliged to pay, through an appropriate organization for the collective administration of the rights of authors or neighboring rights, to the director and also to the screenwriter, the composers of musical works with or without words and the performers playing the main parts in the audiovisual work—throughout the period of protection of their economic rights—remuneration in proportion to the proceeds from the showing of the audiovisual work in cinemas, and equitable remuneration for the rental or lending of the audiovisual work and its communication to the public.

4. The joint creator of an audiovisual work and the performers playing the main parts may waive the intervention of the organization referred to in paragraph 3. The waiver shall be made in writing on pain of invalidity.

5. The remuneration payable for the use of a Polish audiovisual work abroad or of a foreign audiovisual work in Poland may be calculated as a lump sum.

Art. 71. The producer may, without the consent of the creators of an audiovisual work, make translations for versions in different languages.

Art. 72. The creator of a work commissioned for an audiovisual work may, after the expiration of a period of five years following the acceptance of the said work, authorize the disclosure thereof in another audiovisual work if, in the course of the period concerned, the

audiovisual work containing his own work has not been disclosed. The parties may shorten this period.

Art. 73. The right of an author's inspection may only be exercised on the final version of an audiovisual work.

Chapter 7. Special Provisions on Computer Programs ➡

Art. 74.-1. Computer programs shall be eligible for protection as literary works, except as provided to the contrary in this Chapter.

2. The protection granted to the computer program shall extend to all its forms of expression, including all forms of documentation relating to the design, production and utilization thereof. The ideas and principles underlying any element of a computer program, including those underlying its interfaces, shall not be protected.

3. Unless otherwise provided in the contract, the economic rights in the computer program created by an employee in the course of duties under his employment contract shall belong to the employer.

4. Subject to the provisions of paragraphs 2 and 3 of Article 75, the economic rights in the computer program shall include the right:

(1) to reproduce the program in its entirety or in part, either permanently or provisionally, by any means and in any form; where the loading, display, running, transmission or storage of a computer program calls for such reproduction, those acts shall not require the consent of the owner of rights;

(2) to translate, adapt, arrange or in any other way transform a computer program, without prejudice to the rights of the person who made the said transformations;

(3) to distribute the original or copies of a computer program to the public, including by rental or lending. The first sale of a copy on which the program has been fixed by the owner of the rights or with his consent shall cause the right of distribution of that copy to lapse, without prejudice to the right to monitor subsequent rentals or lendings of the computer program or of a copy thereof.

Art. 75.-1. Unless otherwise provided in the contract, the acts specified in paragraph 4(1) and (2) of Article 74 shall not require the consent of the owner of rights where they are necessary for the lawful acquirer to be able to make use of the program according to its intended purpose, including the correction of errors.

2. The following acts shall not require authorization from the owner of rights:

(1) the making of a backup or reserve copy insofar as such a copy is necessary for the use of the computer program; unless otherwise provided in the contract, the copy may not be used at the same time as the computer program;

(2) analysis and study of and experimentation with the operation of the computer program by the person authorized under the contract to make use of a copy of the program, in order to ascertain its underlying ideas and principles, if the person concerned performs the above acts at the time of the operations associated with the loading, display, running, transmission

or storage of the computer program;

(3) reproduction of the code or translation of the form thereof within the meaning of paragraph 4(1) and (2) of Article 74 where this is essential to the securing of the information necessary to achieve interoperability between an independently created computer program and other programs, and provided that the following conditions are met:

(a) the acts are performed by the licensee or by another person enjoying the right to use the copy of a program or, on their behalf, by a person authorized to do so;

(b) the information necessary to achieve interoperability was not already easily and rapidly accessible to the persons referred to under (a);

(c) the acts are confined to those parts of the original program that are necessary to achieve interoperability.

3. The information referred to in paragraph 2(3) may not be:

(1) used for purposes other than the achievement of the interoperability of the independently created computer program,

(2) communicated to other persons except where that should prove essential to the interoperability of the independently created computer program,

(3) used for the development, production or marketing of a computer program the form of which is essentially similar, or for any other act in violation of copyright.

Art. 76. Contractual provisions contrary to paragraphs 2 and 3 of Article 75 shall be null and void.

Art. 77. The provisions of Article 16, subparagraphs (3) to (5), Articles 20, 23, 27, 28, 30, 49, paragraph 2, 56, 60 and 62 shall not be applicable to computer programs.

Chapter 8. Protection of Personal Rights ➡

Art. 78.-1. The creator whose personal rights are threatened by the action of a third party may demand that the action cease. Should those rights be actually violated, the creator may also demand that the person who committed the violation take the necessary action to avert the consequences and, in particular, that the person make a public statement of appropriate form and content.

If the violation has been committed deliberately, the court may award the creator an appropriate sum of money as compensation for the prejudice suffered or alternatively, at the creator's request, oblige the person who caused the prejudice to pay an appropriate sum of money to a charity specified by the creator.

2. If the creator has not expressed any other wish, an action for breach of his personal rights may, after his death, be brought by his spouse and, in the absence of a spouse, by his descendants, ascendants and collaterals, and the descendants of his collaterals, in that order.

3. If the creator has not expressed any other wish, the persons listed in paragraph 2 shall be authorized, in the same order, to exercise the personal rights of the deceased creator.

4. If the creator has not expressed any other wish, the action for violation referred to in paragraph 2 may also be brought by the authors' society competent for the type of creation concerned, or alternatively by the organization for the collective administration of the rights of authors or neighboring rights that manages the rights of the deceased creator.

Chapter 9. Protection of Economic Rights ➡

Art. 79.-1. The creator may require the person who violates his economic rights to put an end to the violation, to return any income received or alternatively to pay twice or, in the event of deliberate violation, three times the amount of the appropriate remuneration applicable at the time of the assertion of his claim; the creator may also demand compensation for prejudice suffered in the event of deliberate violation.

2. Independently of the claims referred to in paragraph 1. the owner of rights may require the person who violates his rights in connection with an economic activity undertaken on behalf of another, or in his own name but for another person, to pay an appropriate sum of money to the fund referred to in Article 111. That sum may not be less than twice the amount of the probable profits of the person concerned.

Art. 80.-1. The court of the place in which the infringer exercises his activity or holds his assets shall be competent to hear the case of the copyright violation; the same court may, before legal proceedings are instituted and not later than three days after the person able to prove a legal interest in the matter has filed a complaint, rule on:

(1) the preservation of evidence, without there being any need to prove the risk of the evidence becoming too difficult or even impossible to produce;

(2) placing the person violating the economic rights under the obligation to communicate such information, and supply such documentary material, as may be specified by the court and may be important in relation to claims referred to in paragraph 1 of Article 79;

(3) the preservation, by means of an appropriate provisional ruling, the validity of the claims assertable in connection with the violation of economic rights, under the pretext that it would be probable that, without such a measure, the owner of rights risks being deprived of the possibility of obtaining satisfaction, even if the provisional ruling is intended to ensure the fulfillment of the said claims.

2. The court may make its ruling on the preservation of evidence or on the safeguarding of claims under paragraph 1(1) to (3) subject to the provision of appropriate security.

3. The court shall rule on the forfeiture to the Treasury of illegally manufactured copies of works.

4. The court may order the forfeiture to the Treasury of objects having served for the unlawful manufacture of copies of works, or of objects by means of which the violation has been committed.

5. At the request of the injured party, the court may order that the objects referred to in paragraph 4 be handed over to him as an advance on damages payable.

6. The objects referred to in paragraph 4 shall be deemed to belong to the person who violated the rights.

7. The court shall consider within a period of seven days any appeals lodged against decisions taken in the cases referred to in paragraph 1(1) to (3).

Chapter 10. Protection of Portraits, of the Addressee of Correspondence, and of the Secrecy of Sources of Information ➡

Art. 81.-1. Disclosure of a portrait shall require the consent of the person portrayed. In the absence of an express reservation, consent shall not be required if the said person has received agreed remuneration in exchange for posing for the portrait.

2. Consent shall not be required for the disclosure of the portrait:

(1) of a widely known person if the portrait was executed in the course of his public activities, in particular political, social or professional activities,

(2) of a person whose portrayal constitutes no more than a detail in a larger picture representing an assembly, a landscape or a public event.

Art. 82. If the person to whom correspondence is addressed has not expressed any other wish, the disclosure of that correspondence in the course of the 20 years following his death shall require the consent of his spouse and, in the absence of his spouse, his descendants, ascendants or collaterals, in that order.

Art. 83. The provisions of paragraph 1 of Article 78 shall apply by analogy to claims that may arise from the disclosure of the portrait of a person without that person's consent, and from the disclosure of correspondence without the consent of the person to whom that correspondence was addressed; it shall not be possible to assert such claims after a period of 20 years has expired following the death of the person concerned.

Art. 84.-1. The creator, publisher or producer shall be obliged, at the request of the author, to keep secret the sources of information used in the work, and to abstain from revealing documents relating thereto.

2. Revelation of the secret shall be allowed with the consent of the person by whom it was entrusted or by virtue of a ruling by a competent court.

Chapter 11. Neighboring Rights ➡

Section 1. Rights in Performances ➡

Art. 85.-1. The subject matter of rights in a performance shall be any performance of artistic character that is made of a work, regardless of the value, intended purpose and form of expression thereof.

2. Performances within the meaning of paragraph 1 are in particular the work of actors, reciters, orchestra conductors, instrumentalists, dancers and singers and also those of persons who contribute creatively to the performance.

Art. 86.–1. The performer shall have the exclusive right, within the limits laid down by the law:

- (1) to protection for the personal attributes of the performance,
- (2) to make use of the performance and exploit it in particular fields,
- (3) to remuneration for the use of the performance.

2. The exclusive right to use and exploit the performance within the meaning of paragraph 1(2) shall extend to the following acts:

- (1) fixation of the performance,
- (2) reproduction of the performance by means of a particular technique,
- (3) distribution,
- (4) communication to the public, unless effected by means of a distributed copy,
- (5) rental,
- (6) lending,
- (7) broadcasting, unless effected by means of a distributed copy.

3. In the case of broadcasting or communication to the public by means of a distributed copy, the performer shall be entitled to appropriate remuneration.

Art. 87. Unless otherwise provided, the cooperation contract for the making of an audiovisual work, concluded between the performer and the producer of the audiovisual work, shall constitute transfer to the latter of the right to use the performance in the audiovisual work in all areas of exploitation known at the time of the conclusion of the contract.

Art. 88. The rights of the performer shall not affect the copyright in the work performed.

Art. 89. The rights referred to in paragraph 1(2) and (3) of Article 86 shall lapse on the expiration of a period of 50 years following the year in the course of which the performance first took place.

Art. 90. The provisions of this Law shall be applicable to performances that:

- (1) have been carried out by a Polish national or by a person resident on the territory of the Republic of Poland,
- (2) have taken place for the first time on the territory of the Republic of Poland,
- (3) have been published for the first time on the territory of the Republic of Poland,
- (4) are protected under international treaties.

Art. 91. The leader of a group of performers shall be presumed competent to represent the rights in a collective performance. This presumption shall also apply to the parts of the performance that have intrinsic value.

Art. 92. The provisions of Articles 8 to 10, 12, 18, 21, 41 to 45, 47 to 49, 52 to 55, 57 to 59, 62 to 68, 71 and 78 shall be applicable by analogy to performances.

Art. 93. The provisions of Article 33, item 10, of the Family and Guardianship Code shall be applicable by analogy to the rights in performances.

Section 2. Rights in Phonograms and Videograms ➡

Art. 94.–1. The producer of a phonogram or videogram is the person under whose name or style the phonogram or videogram was first manufactured.

2. Without prejudice to the rights of the creator or performer, the producer of the phonogram or videogram shall have the exclusive right of disposal and use of the phonogram or videogram with respect to:

(1) reproduction by means of a particular technique,

(2) distribution,

(3) rental,

(4) lending.

3. The producer shall be entitled to appropriate remuneration in the case of broadcasting or communication to the public of a phonogram or videogram that has been distributed.

Art. 95. The right referred to in paragraphs 2 and 3 of Article 94 shall lapse on the expiration of a period of 50 years after the year in the course of which the phonogram or videogram was manufactured.

Art. 96. The provisions of this Law shall be applicable to phonograms and videograms:

(1) the producer of which has his residence or headquarters on the territory of the Republic of Poland,

(2) that derive their protection from international treaties.

Section 3. Rights in Broadcasts ➡

Art. 97. Without prejudice to the rights of the creators and performers, the radio or television organization shall have the exclusive right of disposal and use of its programs with respect to:

(1) fixation,

(2) reproduction by means of a particular technique,

(3) broadcasting, including broadcasting by another radio or television organization.

Art. 98. The rights of the radio or television organization referred to in Article 97 shall lapse on the expiration of a period of 50 years following the year of the first dissemination of the program.

Art. 99. The provisions of this Law shall be applicable:

(1) to the programs of radio and television organizations that have their headquarters on the territory of the Republic of Poland,

(2) to programs that derive their protection from international treaties.

Section 4. Common Provisions on Neighboring Rights ➡

Art. 100. The exercise of the rights in performances, phonograms, videograms and broadcasts shall be subject to the restrictions provided for in Articles 23 to 35.

Art. 101. The provisions of Articles 6, 22, 39, 51, 79, paragraph 1, and 80 shall be applicable by analogy to the rights in performances, phonograms, videograms and broadcasts.

Art. 102.–1. Every copy of the phonogram or videogram shall mention, in addition to the names of the author and performer, the titles of the works and the date of manufacture, the name or style of the producer and, in the case of fixation of a broadcast, the corporate name of the radio or television organization.

2. Copies that do not meet the conditions specified in paragraph 1 shall be deemed to have been manufactured illegally.

Art. 103. Disputes relating to rights in performances, phonograms and videograms and radio and television broadcasts shall be within the jurisdiction of the voivode courts.

Chapter 12. Organizations for the Collective Administration of the Rights of Authors or Neighboring Rights ➡

Art. 104.–1. The organizations for the collective administration of the rights of authors or neighboring rights (hereinafter referred to as “collective administration organizations”) shall, within the meaning of the law, be societies of creators, performers, producers or radio and television organizations the statutory purpose of which is the collective administration and the protection of the rights of authors or neighboring rights entrusted to them, and the exercise of the powers deriving from the law.

2. The provisions of the Law on Societies shall be applicable to the organizations referred to in paragraph 1, on the understanding that:

(1) legal entities may also be members of the organization,

(2) the activity of the organization specified in the law is subject to approval by the Minister of Culture and the Arts,

(3) supervision of the organizations is exercised by the Minister of Culture and the Arts.

3. The Minister of Culture and the Arts shall grant the approval referred to in paragraph 2(2) to those organizations that give guarantees of proper management of the rights entrusted to them.

4. If it is found that the scope of the approval has not been respected, the Minister of Culture and the Arts shall invite the organization to rectify the situation within a specified period, on pain of withdrawal of approval.

5. The approval referred to in paragraph 2(2) may be revoked if the organization:

(1) fails to discharge correctly the obligations incumbent on it in the field of the administration of the rights of authors and neighboring rights and the protection of those rights,

(2) fails to respect the provisions of the law that concern the scope of the agreement.

6. The decision of the Minister of Culture and the Arts to grant or withdraw his approval of the collective administration organizations for the exercise of the rights referred to in paragraph 1 shall be published in the Official Gazette of the Republic of Poland, Monitor Polski.

Art. 105.–1. The collective administration organization shall be presumed qualified to carry out the administration and protection of rights in the areas of exploitation in which its administration is conducted, and to engage in judicial proceedings associated therewith. This presumption may not be invoked where two or more collective administration organizations claim competence in respect of one and the same work or performance.

2. In the course of its activity the collective administration organization may demand that information be communicated to it and that documents that are essential for the calculation of the amount of remuneration and fees that it claims be delivered to it.

Art. 106.–1. The collective administration organization shall be obliged to treat on an equal footing the rights of its members and those of others that it represents with regard to the administration of those rights and the protection thereof.

2. The collective administration organization may not, without good reason, refuse to authorize the use of works or performances where such use lies within the purview of its administration.

3. The collective administration organization may not, without good reason, refuse to take care of the management of the rights of authors or neighboring rights. It shall exercise such administration in accordance with its statutes.

Art. 107. If two or more collective administration organizations exist in a given area of exploitation, the organization competent under this Law shall be the one to which the creator or performer belongs and, where the creator or performer does not belong to any organization or has not revealed his authorship, the organization specified by the Copyright Commission provided for in paragraph 1 of Article 108.

Art. 108.–1. The Minister of Culture and the Arts shall appoint the Copyright Commission (hereinafter referred to as “the Commission”), which shall be composed of 40 arbitrators

designated in equitable proportions from among the candidates referred to in paragraph 2.

2. The candidates shall be submitted, within a period set by the Minister of Culture and the Arts, by collective administration organizations, societies of creators, performers and producers, organizations that group bodies the professional activity of which has to do with the use of works and also radio and television organizations. A notice concerning the said period shall be published in the press.

3. The Commission, with a composition of six arbitrators and a chairman acting as referee designated by the Minister of Culture and the Arts from among the arbitrators, shall approve or reject the remuneration scales for the exploitation of collectively administered works or artistic performances that are submitted by the collective administration organizations, and shall likewise decide on the organization that is competent within the meaning of Article 107.

4. The provisions of the Code of Administrative Procedure shall be applicable by analogy to the procedure before the Commission in the cases referred to in paragraph 3. Revocation of decisions taken according to the said procedure may be sought from the Minister of Culture and the Arts.

5. The Commission, with a composition of three persons, two of them designated by the parties from among the arbitrators and the third co-opted as referee by the other two, shall settle disputes concerning the application of the scales referred to in paragraph 3. If one of the parties does not designate an arbitrator or if the arbitrators do not designate a referee, the arbitrator or referee in question shall be designated by the Minister of Culture and the Arts.

6. The provisions of the Code of Civil Procedure concerning the amicable procedure before the court shall be applicable by analogy to the procedure before the Commission in the cases referred to in paragraph 5.

7. The party that is not satisfied with the decision of the Commission referred to in paragraph 5 may, within a period of 14 days of the notification of the said decision, bring a judicial action before the competent voivode court.

8. The arbitrators shall be entitled to remuneration for their participation in the sessions of the Commission.

9. The Minister of Culture and the Arts shall lay down by ordinance the principles of the Commission's action and its procedure, the amount of the remuneration referred to in paragraph 8, the amount of the fees relating to the procedure before the Commission and the procedure for the payment thereof.

Art. 109. Contractual conditions imposing less favorable conditions on creators than those deriving from the scales referred to in paragraph 3 of Article 108 shall be null and void, and shall be replaced by provisions corresponding to the said scales.

Art. 110. The amount of the percentage shares claimed for collective administration by the organizations concerned shall be determined according to the amount of the proceeds from the exploitation of the works and artistic performances, and also the nature and extent of the use of the works and performances.

Chapter 13. Fund for the Promotion of Creation ➡

Art. 111.–1. A Fund for the Promotion of Creation (hereinafter referred to as “the Fund”) is hereby created.

2. The Minister of Culture and the Arts shall control the Fund.

3. The Fund shall be a State fund assigned to a specific purpose within the meaning of the provisions of budgetary law.

Art. 112. The income of the Fund shall be:

- (1) percentage payments under Article 40,
- (2) sums paid under paragraph 2 of Article 79,
- (3) voluntary payments, legacies and donations,
- (4) other income.

Art. 113. The resources of the Fund shall be used:

- (1) for the financing of fellowships and social assistance for the benefit of the creators of original or derived works.
- (2) for the full or partial defrayal of the publication costs of works that are of particular importance to culture and science, and also the publishing costs of material for use by the blind.

Art. 114. After having consulted the competent societies of creators, the Minister of Culture and the Arts shall lay down by ordinance the detailed principles governing the assignment of specific sums to the Fund, and also the principles governing the award of the fellowships and social assistance referred to in subparagraph (1) of Article 113.

Chapter 14. Criminal Liability ➡

Art. 115.–1. Any person who usurps the authorship or misleads as to the authorship of all or part of the work or performance of another shall be liable to a term of imprisonment of up to two years, restriction of freedom or a fine.

2. Any person who, without mentioning the creator’s name or pseudonym, discloses the work of another either in its original or in a derived form, or a performance, or who publicly distorts a work, a performance, a phonogram or videogram or a broadcast, shall be liable to the same penalty.

3. Any person who, with a view to making a material profit in a manner other than that specified in paragraph 1 or 2, infringes the rights of the author or neighboring rights within the meaning of Articles 16, 17, 18, 86, 94, paragraph 2, or 97 shall be liable to a term of imprisonment of up to one year, restriction of freedom or a fine.

Art. 116.–1. Any person who, without authorization or without respecting the conditions imposed, discloses another's work in its original or in a derived form, or a performance, a phonogram or videogram or a broadcast shall be liable to a term of imprisonment of up to two years, restriction of freedom or a fine.

2. If the perpetrator of the infringement commits the acts specified in paragraph 1 with a view to deriving a material profit therefrom, he shall be liable to a term of imprisonment of up to three years.

3. If the perpetrator of the infringement defined in paragraph 1 has made the infringement into a permanent source of income, or if he organizes or directs the offending activity referred to in paragraph 1, he shall be liable to a term of imprisonment of six months to five years.

4. If the perpetrator of the infringement defined in paragraph 1 acts unintentionally, he shall be liable to a term of imprisonment of up to one year, restriction of freedom or a fine.

Art. 117.–1. Any person who, without authorization or without respecting the conditions imposed, fixes or reproduces another's work in its original version or in a derived form, or a performance, a phonogram or videogram or a broadcast, at the same time authorizing the disclosure thereof, shall be liable to a term of imprisonment of up to two years, restriction of freedom or a fine.

2. If the perpetrator of the infringement defined in paragraph 1 has made the infringement into a permanent source of income, or if he organizes or directs the offending activity referred to in paragraph 1, he shall be liable to a term of imprisonment of up to three years.

Art. 118.–1. Any person who, with a view to making a material profit thereby, acquires the object constituting the material embodiment of a work, a performance, a program or a disclosed videogram, or reproduces it without authorization or without respecting the conditions imposed, assists in the sale of the said object, conceals it or assists in its concealment, shall be liable to a term of imprisonment of up to two years, restriction of freedom or a fine.

2. If the perpetrator of the infringement defined in paragraph 1 has made the infringement into a permanent source of income, or if he organizes or directs the offending activity referred to in paragraph 1, he shall be liable to a term of imprisonment of up to three years.

Art. 119. Any person who obstructs or hinders the exercise of the right to monitor the use of a work or artistic performance, or who refuses to give the information provided for in Article 47, shall be liable to a fine.

Art. 120. In the case of a conditional discharge or in the case of a conditional suspension of the prison term for the infringement referred to in Articles 115 to 117, the perpetrator of the infringement shall be obliged to provide total or partial compensation for the prejudice caused hereby if compensation has not yet been provided.

Art. 121.–1. In the case of condemnation for an act referred to in Article 115, 116, 117 or 118, the court shall decide to confiscate the objects resulting from the infringement, even if they do not belong to the perpetrator thereof.

2. In the case of condemnation for an act referred to in Article 115, 116, 117 or 118, the court may decide to confiscate the objects that served for the commission of the infringement, even if they do not belong to the perpetrator thereof.

Art. 122. The acts referred to in Articles 115, 116, paragraphs 1, 2 and 4, 117, paragraph 1, 118, paragraph 1, and 119 shall be proceeded against on a complaint from the injured party.

Art. 123. The Minister of Justice may specify by ordinance the regional courts within the jurisdiction of a particular voivode court that are competent to hear cases relating to the infringements referred to in Articles 115 to 119.

Chapter 15. Transitional and Final Provisions ➡

Art. 124.–1. The provisions of this Law shall be applicable to works:

- (1) that are first given material form after the entry into force thereof,
- (2) the protection of which has not yet expired under the provisions hitherto in force,
- (3) the protection of which has expired according to the provisions hitherto in force but which, under this Law, continue to enjoy protection, except with respect to the period between the lapse of protection under the law hitherto in force and the entry into force of this Law.

This Law shall not affect the ownership rights in the copies of works disclosed prior to the date of its entry into force.

2. Subject to reciprocity, the provisions of paragraph 1(3) shall be applicable to the works of foreign nationals permanently resident abroad.

3. The owner of a computer program created prior to the date of entry into force of this Law and protected under paragraph 1 may not be held responsible for infringements of the copyright committed prior to that date. The use of a program after the entry into force of this Law, and under conditions applicable until that time, by a person who already had the program in his possession shall be lawful in the absence of any separate authorization or remuneration, subject to compliance with the provisions of Article 75. Any use of the programs that is wider in scope, notably reproduction and disclosure, is prohibited.

4. The provisions of contracts entered into before the date of entry into force of this Law that are contrary to the provisions of paragraphs 2 and 3 of Article 75 shall be null and void.

Art. 125.–1. The provisions of this Law shall be applicable to performances

- (1) that first took place after the entry into force thereof,
- (2) with respect to the use thereof after the entry into force of the said provisions if, under this Law, the said performances continue to enjoy protection. This provision shall not apply to performances that took place more than 20 years before the date of its entry into force.

2. This Law shall not affect the ownership rights in copies of material on which the performances have been fixed prior to its entry into force.

Art. 126.–1. The provisions of this Law shall be applicable

(1) to phonograms and videograms manufactured after its entry into force,

(2) to radio and television programs broadcast after its entry into force,

(3) to phonograms, videograms and radio and television programs which, under this Law, continue to enjoy protection. This provision shall not apply to phonograms or videograms manufactured or radio and television programs broadcast more than 20 years prior to the date of its entry into force.

2. The rules set forth in the first sentence of paragraph 1(3) shall not apply to the use:

(1) by public radio and television organizations,

(2) by schools, for teaching purposes,

of broadcasts, phonograms and videograms that are not fiction films or stage plays made prior to the date of entry into force of this Law, or to the use of performances fixed on phonograms and videograms.

Art. 127.–1. If the use of a work, performance, phonogram, videogram or radio or television program that started prior to the date of entry into force of this Law was allowed under the provisions in force up to that time and require authorization thereafter, it may be completed on condition that the owner of rights has received appropriate remuneration.

2. Subject to paragraph 3, legal acts in relation to copyright that occurred prior to the date of entry into force of this Law shall produce their effects and be assessed according to the provisions of the Law in force up to that time. This provision shall likewise be applicable to acts other than legal acts.

3. This Law shall apply to long-term contracts entered into prior to the date of its entry into force with respect to the period following that date, and also to obligations undertaken prior to that date with respect to the legal consequences of events occurring after that date and unconnected with the nature of the obligation.

4. Unless otherwise agreed by the parties, questions concerning neighboring rights shall be excluded from the scope of contracts entered into prior to the date of entry into force of this Law.

Art. 128. The Law of July 10, 1952, on Copyright (Official Gazette No. 34, text No. 234, 1975, No. 34, text No. 184, and 1989, No. 35, text No. 192) is repealed.

Art. 129. This Law shall enter into force on the expiration of a period of three months following the date of its publication, with the exception of paragraph 3 of Article 124, which shall enter into force on the date of publication (of the Law).