

## ***Dutch Copyright Act (implementing the Copyright Directive).***

The updated Dutch Copyright Act implementing the Copyright Directive is in force as of September 2004.

### **Article 29a**

1. For the purpose of this article, technical measures mean technology, devices or components which in the normal course of their operation serve to prevent or restrict acts in respect to works, which are not authorised by the author or his successor in title. Technological measures are considered to be effective if the use of a protected work of the author or his successor in title is controlled by means of an access control or by application of a protection process, such as encryption, scrambling or other transformation of the work or other subject-matter or a copy control mechanism, which achieves the intended protection.

2. He who circumvents an effective technological measure, and does so with the knowledge or with reasonable grounds to know, that he is pursuing that objective, acts unlawfully.

3. He who provides services or manufactures, imports, distributes, sells, rents, advertises or possesses for commercial purposes devices, products or components that:

- a. are promoted, advertised or marketed for the purpose of circumvention of any effective technological measures, or
- b. have only a limited commercially significant purpose or use other than to circumvent any effective technological measures, or
- c. are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of any effective technological measures,

acts unlawfully.

### **Article 32a**

A person who intentionally:

- a. offers for public distribution;
- b. has in his possession for the purpose of reproduction or distribution;
- c. imports, conveys in transit or exports, or
- d. keeps for profit

any means designed exclusively to facilitate the removal or overriding, without the consent

of the author or his successor in title, of a technical device for the protection of a work as referred to in article 10, paragraph 1, sub 12° [i.e. a computer program] , is liable to a term of imprisonment of not more than six months or a fine of the fourth category.

4. By ministerial decree, rules can be specified that compel the author or his successor in title to make available to the user of a work of literature, science or art for the purposes described in the articles 15i [usage by disabled people], 16 [educational purposes], 16b [private-copy], 16c [private-copy], 16h [reprographic reproductions], 16n [reproduction for preservation purposes], 17b [ephemeral recordings made by broadcasting organisations] en 22 [judicial and administrative procedure] of this Act the necessary means needed to benefit from these exceptions, provided that the beneficiary has lawful access to the protected work. The provisions of the previous sentence do not apply to works, made available to the public under contractual terms from a place and at a time individually chosen by them.