

Neighboring Rights Act Amendments (implementing the Copyright Directive).

Article 1, sub "n"

Technological measures: technology, devices or components which in the normal course of their operation serve to prevent or restrict acts in respect to material, protected on the basis of this Act, which are not authorised by the performing artist, the producer of phonograms, the film producer or broadcasting organisation; technological measures are considered to be «effective» if the use of material, protected on the basis of this Act, by the performing artist, the producer of phonograms, the film producer or broadcasting organisation, or their 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 material, protected on the basis of this act, or a copy control mechanism, which achieves the intended protection.

Article 19

1.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.

2.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 or adapted for the purpose of enabling or facilitating the circumvention of any effective technological measures,

acts unlawfully.

3. By ministerial decree, rules can be specified that compel the performing artist, the producer of phonograms, the film producer or broadcasting organisation or their successor in title to make available to the user of a performance, recording of a performance, phonogram, film or programme or a reproduction thereof for the purposes described in the articles 10, sub e [reproduction for private usage without commercial intent], f [reproduction for preservation purposes], g [ephemeral copying by broadcasting organizations], i [usage by disabled people] and k [usage for the purpose of judicial and administrative procedures], and article 11 [educational usage] of this Act the necessary means needed to benefit from these exceptions, provided that the beneficiary has lawful access to the protected performance, recording of a performance, phonogram, film or programme or a reproduction thereof. The provisions of the previous sentence do not apply to performances, recordings of a performance, phonograms, films or programmes or reproductions thereof, made available to the public under contractual terms from a place and at a time individually

chosen by them.