

# PANORAMIC

# COPYRIGHT 2025

Contributing Editors

Steven R Englund, Andrew J Thomas and Lauren M Greene

Jenner & Block LLP



 LEXOLOGY

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Panoramic guide (formerly Getting the Deal Through) enabling side-by-side comparison of local insights into copyright issues, including online and digital regulation; extraterritorial application; role of centralised copyright agencies; protectable works and rights; copyright notice, deposit and registration; ownership and transfer; copyright duration, renewal and extension; infringement (liability, remedies, and prevention); relationship to foreign rights; relationship to international copyright conventions; and recent trends.

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# Copyright: Global overview

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During the past year, copyright law around the world continued to evolve to address advances in technology. National legislation, international treaties and judicial decisions in various countries all reflect efforts to strike the appropriate balance between encouraging creativity by providing meaningful protection of intellectual property rights and encouraging the continued growth and development of new technologies.

Governments around the world are considering the copyright implications of the rapid rise in availability, use and performance of artificial intelligence (AI) technologies. A key issue is the extent to which national legislation recognises copyright protection for works generated in whole or in part through the use of AI. In the United States, courts and the Copyright Office have agreed that human authorship is a requirement for copyright protection. In January 2025, the US Copyright Office provided detailed guidance on distinguishing between situations in which AI is merely used as a tool to assist human creativity, and situations in which AI serves as a substitute for human creativity, finding that mere prompting of a generative AI system does not provide sufficient human control to make the user of an AI system the author of its output. The European Union requires human intellectual creation, but it has been up to the EU member states to decide how much human involvement with an AI system is required to establish human intellectual creation. It appears that Austria and Italy would recognise authorship by the user of an AI system, at least where there is some level of human creativity involved in prompting the system. Pending legislation in Italy may further clarify the issue.

Pending lawsuits in various countries also raise questions as to whether copyrighted works can be used to ‘train’ generative AI systems without the copyright owner’s consent. Meanwhile, some countries are considering new exceptions to copyright law to enable such training. In the UK, the government has advanced a bill to provide such an exception, with an opt-out for copyright owners, although that proposal has proved controversial. Vietnam is actively developing a legal framework for AI.

In the EU, the Regulation on Artificial Intelligence (the AI Act) is taking effect on a staggered timeline. While it does not contain specific copyright provisions, it refers to the text and data mining exception in the EU Directive on Copyright in the Digital Single Market. That exception provides an opt-out for copyright owners. In France, various collectives representing copyright owners have opted out, meaning that an AI system provider wishing to use works from the repertoires of those societies must obtain their authorisation. AI providers are also required to make publicly available a detailed summary of the material used for training a general-purpose generative AI model.

Countries continue to implement and accede to the 2013 Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print

Disabled. It entered into force in 2016, and as at May 2025, 100 countries have ratified or acceded to that treaty. Recent countries to do so include Jamaica, Georgia and Colombia.

Domestically, China adopted a major revision of its copyright law in 2020, and Nigeria and Vietnam adopted major revisions of their copyright laws in 2022. Vietnam also has recently launched a specialised court of first instance that will handle intellectual property cases, including copyright cases. Pending legislation in Sweden would add new limitations on copyright, particularly ones permitting a greater scope of use of works such as smartphone videos for media reporting of current events. India is considering regulation of 'over-the-top' video streaming platforms.

Courts also continue to confront novel copyright issues. For example, in the United States, a court has decided the first case involving the application of copyright's fair use doctrine to the use of works in training data for AI and machine learning (albeit not involving generative AI). Other decisions could well come this year. The Supreme Court of Sweden has recently clarified principles for interpreting copyright-related contracts.

As the digital world continues to evolve, so too do the copyright laws around the world. We hope that you find our analysis helpful and informative as you navigate the ever-changing copyright landscape in your practice or business. We look forward to hearing from you and welcome any comments that you might have.

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## Summary

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

In Austria, the Federal Law on Copyright in Works of Literature and Arts and on Related Rights (the Copyright Act), in the current version of the [Federal Gazette I No. 182/2023](#), provides for the protection of an author's intellectual property and therefore defines the terms 'author' and 'co-author', the requirements of a protected work and the author's moral rights. Further, the law prescribes the exclusive exploitation rights of an author and the exemptions from it. [The Federal Law on Collecting Societies 2016](#), in the current version of the Federal Gazette I No. 138/2023, provides for the operational requirements of collecting societies, and their rights and duties to copyright owners and users.

Law stated - 31 March 2025

### Enforcement authorities

#### 2 | Who enforces it?

The civil law provisions of the Copyright Act regarding infringement of exploitation rights and moral rights are enforced by the author of a work or the exclusive licensee, who is entitled to legal enforcement according to the licence agreement, through remedies before the ordinary civil courts.

Criminal law provisions are enforced by a public prosecutor upon a prosecution request from the injured rights holder.

Law stated - 31 March 2025

### Online and digital regulation

#### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

The digital exploitation of works is considered in Austrian copyright law. Section 18a of the Copyright Act provides for the protection of an author's 'making available' right. It is prescribed that the author has the exclusive right to make their works available to the public by wire or wireless means, in such a way that members of the public may access them from a place and at a time individually chosen by them.

This provision transposes article 3 of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. Additional provisions relating to the digital market were introduced through the amendment of the Copyright Act, adopted on 31 December 2021 (Federal Law Gazette I No 244/2021), which transposes Directive (EU) 2019/790 on

copyright and related rights in the digital single market and amending Directives 96/9/EC and 2001/29/EC (the DSM Directive).

The introduction of a new liability regime for online content-sharing service providers is one of the central provisions of the DSM Directive. Pursuant to section 18c of the Copyright Act, providers of large online platforms engage in copyright-relevant acts of exploitation when they provide the public with access to uploaded copyrighted works. Specifically, the providers concerned undertake a broadcast pursuant to section 17(1) or (2) of the Copyright Act, or a public 'making available' act pursuant to section 18a of the Copyright Act. The term 'providers of large online platforms' is defined as platforms competing with online content services such as audio and video streaming services for the same audiences. One of the main purposes of the service is to store and provide public access to a large amount of works uploaded by its users, and the service is used to organise and promote this content for profit.

Against providers of non-major platforms with user-generated content, there exists the right to injunctive relief against intermediaries under section 81(1a) of the Copyright Act (ie, if the intermediary does not remove unlawfully placed content from its platform after receiving a warning). This provision was adapted adopted the effectiveness of the Digital Services Act. If the conditions for an exclusion of liability pursuant to articles 4 to 6 of the Digital Services Act are met, however, it can only be sued after a warning has been issued.

Law stated - 31 March 2025

## AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

No.

Law stated - 31 March 2025

## Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Austrian copyright laws do not have extraterritorial application.

On 22 January 2015, the European Court of Justice ruled in the *Hejduk* case (C-441/13) that copyright owners are entitled to file an action before a court in the jurisdiction in which the damage arising out of an alleged infringement of copyright occurs or is likely to occur. The occurrence of damage or the likelihood of its occurrence arises from the accessibility of a website in the applicable member state of the court; it is, however, irrelevant whether the website is directed at a member state in which the court seised is situated. However, given that the protection of copyright and rights related to copyright granted by the member

state of the court seised is limited to the territory of that member state, a court seised on the basis of the place where the alleged damage occurred has jurisdiction only to rule on the damage caused within that member state.

Law stated - 31 March 2025

## Agency

6 | Is there a centralised copyright agency? What does this agency do?

Austria does not have a copyright agency, because copyright originates from the creation of a work and no formal requirements (eg, registration in public registers) need to be fulfilled for copyright to be acknowledged.

Law stated - 31 March 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

7 | What types of works may be protected by copyright?

The Federal Law on Copyright in Works of Literature and Arts and on Related Rights (the Copyright Act) protects original intellectual productions in the fields of literature, music, art and cinematography.

Works of literature include:

- works of language of any kind, including computer programs;
- theatrical works expressed by gestures or other movements of the body (works of choreography and pantomime); and
- works of a scientific or didactic nature that consist of two-dimensional or three-dimensional pictorial representations, unless they constitute works of art.

Works of art include works of photography (photographic works), architecture and applied art (commercial art).

Cinematographic works (films) are motion pictures in which the events and actions that form the subject of the work are presented either by images only or simultaneously by images and sounds, irrespective of the nature of the process employed in the production or performance of the work.

The Copyright Act does not legally define 'musical art'. However, it is understood in the prevailing literature that musical art includes the supply of tones as a whole, including the melody.

Law stated - 31 March 2025

## AI-generated works

### 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

Section 1 Copyright Act states that works are originally intellectual creations in the fields of literature, music, art and cinematography. Section 10 Copyright Act stipulates that the author of a work is the person who created it. Even if not explicitly defined in the Austrian copyright law, it can be concluded from these two provisions that only natural persons who are capable of such original, creative work which constitutes the relevant act of creation can create works that are subject to copyright protection. The concept of copyright therefore assumes, that the protection of creative works that a person as a creator produces. Only a product of the human mind can be protected by copyright. It is therefore necessary that the work was created by a human being in order to be protected. Therefore, if a natural person contributes to the AI-generated work through the prompt and a minimum level of creative human design can be recognised in it, that person would be qualified as an author. However, if the prompt only consisted of a banal technical request, a relevant human creative act would be denied. In this case, the AI generated would not be subject to copyright protection.

Law stated - 31 March 2025

## Rights covered

### 9 | What types of rights are covered by copyright?

The Copyright Act covers exploitation rights and moral rights. Exploitation rights grant the author the exclusive right to exploit their work in the manner reserved to them in sections 14 to 18a of the Copyright Act, which set out the following rights:

- the right to adapt and translate the work (section 14, paragraph 2);
- the right to communicate to the public the contents of a work of literature or cinematography for the first time (section 14, paragraph 3);
- the right of reproduction (section 15);
- the right of distribution (section 16);
- the right of rental and lending (section 16a);
- the right of broadcasting (section 17);
- the right of recitation, performance and presentation (section 18); and
- the right to make a work available (section 18a).

Further provisions that are regulated under the section for exploitation rights are the following:

- Ancillary online services (section 18b) implements the provisions of Art 3 of the Directive (EU) 2019/789 as of 17 April 2019 laying down rules on the

exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, and amending Council Directive 93/83/EEC (Online SatCab Directive) word for word. The provision regulates the application of the country of origin principle to certain online services of a broadcaster with a principal place of business in the EEA that complements a programme (such privileged programmes include radio or television programmes that are news programmes, current affairs programmes or fully financed in-house productions). This is intended to simplify the acquisition of rights by broadcasting organisations.

- Broadcasting and making available by providers of large online platforms (section 18c). The provision is linked to the right to broadcast (section 17) and the right to make available (section 18a) and extends their scope of application to the provider of the platform. The exploitation rights ensure that authors can decide for themselves if and to what extent their work shall be exploited. In general, the use of a work is not admissible without the author's consent (except for limitations of copyright that are determined by law). Only certain types of use that can be subsumed under the exploitation rights are exclusively reserved to the author. Any new and unclassifiable types of use are not bound by the exploitation rights and, hence, a work could be used in this manner freely without the consent of the author. The following moral rights are provided for:
  - protection of authorship (section 19);
  - designation of the author (section 20); and
  - protection of works (section 21).

**Law stated - 31 March 2025**

## 10 | What limitations and exceptions apply?

The Copyright Act provides for exceptions to the rights of exploitation in the form of free use of works. These are individual possibilities for the free use of protected works under certain conditions. Free use of works allow allows the use of protected works without the author having to consent to the use. The only entitle the user to individual acts of use, while the copyright act itself remains in full force. The limits of free use of works are generally narrowly defined so as not to unduly impair the rights of the copyright holder.

The free use of works, includes, among others:

- duplication for personal use;
- reproduction for private research use;
- reproduction for the use of schools; and
- the right to quote under which works may be copied, distributed, made publicly available, performed and presented for special purposes.

**Law stated - 31 March 2025**

## Excluded works

### 11 | What may not be protected by copyright?

The Copyright Act only protects works that are peculiar and intellectual creations. According to court practice, the creation of a human mind is deemed peculiar and intellectual if the work is the result of creative mental activity, which has obtained its peculiarity (ie, that which makes it distinguishable from other works) from the personality of the creator, who expresses his or her innermost nature in the applicable creation and these personal elements make it unique. Hence, the creation must stand out from ordinary and popular works.

Thoughts as such (eg, ideas) are not protected under Austrian law. Only the specific form of the content is subject to protection. Hence, ideas must be brought in a tangible form of expression to be protected by copyright.

A distinction has to be made between protectable ideas and free content (that is, work in the public domain). For instance, any inspiration from nature or the chronology of historical events is in the public domain, hence, anybody can bring this material into a certain form. Only the peculiar form into which the author has transformed the free content shall then be protectable.

Further, according to section 7 of the Copyright Act, laws, orders, official decrees, public notices and decisions, or official works produced exclusively or mainly for official use, shall not enjoy copyright protection.

Law stated - 31 March 2025

## Fair use and fair dealing

### 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

The Copyright Act does not include a fair use doctrine. Austrian law expressly determines the rights of the users to freely (ie, without the consent of the author) use a work and hence, prefers specific statutory exemptions from copyright infringement to the general concession that any use of a work could be fair depending on certain factors (eg, the purpose of use, the effect of the use). Chapter VII of the Copyright Act contains several provisions stipulating limitations to the exploitation rights of the rights holder. The most relevant are the following:

- Copyright shall not prevent the use of works as evidence in proceedings before courts or other authorities or for the purposes of administration of criminal justice and public safety (section 41).
- Temporary acts of reproduction that are transient or incidental and an integral and essential part of a technological process and whose sole purpose is to enable a transmission in a network between third parties by an intermediary, or a lawful use of a work or other subject matter to be made, and that have no independent economic



significance, shall be exempted from the reproduction right of the copyright holder (section 41a).

- Any person may make single copies of a work on paper or a similar data carrier for their own use (including for professional use), and on any other data carrier (particularly digital copies) only for personal use and neither for direct nor indirect commercial use.
- Schools and universities may make and distribute copies for the purposes of teaching or training in the quantities required for a specific class or lecture (reproduction by schools for their own use).
- The copying, distribution, broadcasting, public reproduction and making available to the public of published works in the context of non-commercial, educational or teaching-related digital uses by schools, universities or other educational institutions is privileged (section 42g). Authors are entitled to statutory remuneration for this, which can only be realised by collecting societies.
- Works that become perceivable to the public during the reporting of current events may, to the extent warranted by the purpose of information, be reproduced, distributed, broadcast or used for public lectures, performances or presentations (section 42c).
- Works may be reproduced, distributed, broadcast, made available to the public and used for public recitation, performance and presentation, provided that they are only used coincidentally and in passing without reference to the primary object of the exploitation action (inessential attachment).
- Generally speaking, reproduction and distribution, as well as public recitation and broadcasting, shall be permissible when citing individual passages of a work of language that has been published, provided that the use to a certain extent is legitimated by the specific purpose (section 42f). Among other things, citations from works of literature as well as from musical and visual artworks shall be admissible.
- Speeches made in an assembly responsible for the conduct of public affairs, in the course of proceedings before a court of law or other public agency and political speeches given in public may be reproduced, distributed, publicly delivered and broadcast for the purpose of reporting (section 43).
- Individual articles contained in a newspaper or periodical concerning current economic, political or religious issues may be reproduced and distributed in other newspapers and periodicals (section 44). This shall not apply, however, where reproduction is expressly prohibited by the author (with wording such as 'reprinting only with permission of the publisher' or similar terms).
- Section 42h introduces mandatory limitations to the rights of right holders with respect to text and data mining what shall permit the reproduction of works if this serves the automated analysis of texts or data. Usage is privileged if it is made for a research organisation, for a cultural heritage institution or by an individual researcher for non-commercial purposes. If the research purpose is exhausted (and there is no new research purpose), the data corpus must be destroyed in such a way that it cannot be recovered.
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Section 42h paragraph 6 allows the reproduction of works for text and data mining in the context of any other purpose (private, personal, professional, non-commercial and commercial purposes) than research purposes.

- The digital use of works for the preservation of cultural heritage by cultural heritage institutions is privileged (section 42, paragraph 7).

Law stated - 31 March 2025

## Architectural works

### 13 | Are architectural works protected by copyright? How?

According to section 3 of the Copyright Act, 'works of art' also include works of architecture. To be protectable, the elected work must not only be functional but also have an artistic interpretation. Solely technical solutions are not protectable. Hence, whether an architectural work can be granted protection will depend on whether the form elements rely only on technical aspects or whether they have also been included simply for reasons of taste, beauty and aesthetics, and, hence, the artist has decided on the elements by use of creative exploitation of a certain margin.

In addition, models, plans, designs and drawings of buildings can be protected as works, provided that the particular technical task can be solved in different ways and that the concrete selected execution is not only functional but can be qualified as artistic interpretation (see Austrian Supreme Court, [Case No. 4 Ob 26/00b](#)).

Law stated - 31 March 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

Performance rights in the sense of the rights granted to performers (eg, musicians, actors or dancers, or any person reciting or performing a work of literature or music) and to promoters are protected by the Copyright Act as neighbouring (or related) rights.

Performers are granted moral and exploitation rights. Hence, a performer shall have the exclusive right to fix their recitation or performance, including broadcasting thereof, on a video or audio recording medium, and to reproduce or distribute that recording. At the request of the performer, their name (or pseudonym) shall be shown on the video or audio media. This may not be done without their consent.

Further, it is illegal to use a performance in an amended version, if these amendments are of a nature that harms the reputation of the performer (section 67, paragraph 3 of the Copyright Act). The same applies to the distribution and reproduction for the purpose of distribution of audio media on which the performance is fixed. Unless an exception is permitted by law, recitations and performances given on the instructions of a promoter may be recorded on video or audio media only with the consent of the promoter. Video or audio

media produced in violation of this provision may not be reproduced or distributed (section 72, paragraph 2 of the Copyright Act).

Law stated - 31 March 2025

## Neighbouring rights

15 | Are other 'neighbouring rights' recognised? How?

### Photographs

The Copyright Act acknowledges the protection of photographs (ie, images produced by a photographic process, in contrast to photographic works) in the chapter about neighbouring rights. The photographer shall have the exclusive right to reproduce, distribute and publicly present such photographs by means of optical devices and broadcast them. In the case of photographs produced commercially, the owner of the enterprise shall be deemed the producer. Where the producer has marked their name (including their pseudonym or trade name) on a photograph, copies thereof made by other persons and intended for distribution shall also bear the corresponding reference to the photographer. Copyright protection in respect of photographs terminates 50 years after they were taken or, where the photograph is made public before the expiry of that term, 50 years after publication.

### Audio recordings

Any person who fixes acoustic phenomena on an audio medium for the purpose of repeatable communication (the producer) shall enjoy the exclusive right to reproduce and distribute the audio medium. Reproduction shall be deemed to include the use of an audio medium for reproduction on another audio medium. In the case of commercially produced audio media, the owner of the enterprise shall be deemed the producer. Protection of audio recordings shall terminate 50 years after their production, but if the recording is made public before the expiry of such term, the term shall be 50 years after publication.

### Broadcasts

Any person who transmits sounds or images by broadcasting or similar means shall have the exclusive right to transmit the broadcast simultaneously over another transmitter, to fix the broadcast on a video or audio medium (in particular, in photographic form), and to reproduce and distribute such a medium. Protection of broadcasts shall terminate 50 years after the broadcast.

### Databases

A database shall enjoy protection under granted neighbouring rights if the obtaining, verification or presentation of its contents have required a qualitatively or quantitatively substantial investment. Therefore, the content of the database and not the structure itself, which could only be protected as copyrightable work, is subject to these provisions, and,

hence, these provisions more or less implement a protection of the investment. Any person who has made such an investment shall have the exclusive right to reproduce, distribute, broadcast and publicly communicate the database as a whole or a qualitatively or quantitatively substantial part of the database. The repeated and systematic reproduction, distribution, broadcasting and public communication of non-substantial parts of the database shall be deemed equivalent to these acts of exploitation where such acts conflict with the normal exploitation of the database or unreasonably prejudice the legitimate interests of the maker of the database. The rights in databases shall expire 15 years after the completion of the database; however, if the database is published before the end of that period, the term shall be 15 years after publication.

#### **Press publishers right**

A related right for press publishers is provided for in section 76f of the Copyright Act. It grants producers of press publications the protection of their investment in such publications. What is protected is, therefore, the respective actual performance of the publisher through which the individual components of a publication are combined to form a press product. The exploiter of a press publication, who must endeavour to obtain the consent of the press publisher, is the service provider within the meaning of section 3(2) E-Commerce Act (eg, search engines, news aggregators and social media platforms).

Law stated - 31 March 2025

### **Moral rights**

#### **16 | Are moral rights recognised?**

The Copyright Act recognises moral rights of authors in the following ways.

##### **Protection of authorship (section 19)**

Where the authorship of a work is contested or the work is attributed to a person other than its creator, the latter shall be entitled to claim authorship. This right would be infringed if a third party wrongly attributes a work to themselves. Waiver of this right shall be without effect.

##### **Designation of the author (section 20)**

The author shall determine whether and in what manner the work is to bear the author's designation (eg, their full name or a pseudonym) or if it shall be published anonymously.

##### **Protection of works (section 21)**

Any abridgements, additions or other alterations to the work itself, its title or the designation of the author must only be made with the author's consent thereto unless the law permits such an alteration. Such alterations, in particular, shall be permissible if they are in accordance with the accepted practices of fair trading, that is to say, alterations

necessitated by the manner or purpose of the authorised use of the work (eg, the adaption to new orthographic rules). However, certain alterations are under no circumstances admissible because they infringe on the moral interests of the works (protection from distortion of a work). This would be, for instance, a change in the fundamental character of a work.

Law stated - 31 March 2025

## COPYRIGHT FORMALITIES

### Notice

17 | Is there a requirement of copyright notice?

There is no requirement of copyright notice in Austria.

However, it is recommended for authors to mark their work as their own in some way, because according to section 12 of the Federal Law on Copyright in Works of Literature and Arts and on Related Rights, the person designated in the usual manner as the author on the copies of a work that has been published or on the original of a work of art shall be presumed to be the author, provided that the designation gives their true name or a pseudonym known to be used by the author – or, in the case of works of art, the artist's known mark – failing proof to the contrary.

Hence, if a work is not marked thus, this presumption of authorship is not applicable and, considering that it is not possible to determine a certain author, the protection period cannot follow the death of the author.

Law stated - 31 March 2025

18 | What are the consequences for failure to use a copyright notice?

Not applicable.

Law stated - 31 March 2025

### Deposit

19 | Is there a requirement of copyright deposit?

No, there is no such requirement.

Law stated - 31 March 2025

20 | What are the consequences for failure to make a copyright deposit?

Not applicable.

Law stated - 31 March 2025

## Registration

**21** | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

No, there is no copyright registration in Austria.

Law stated - 31 March 2025

**22** | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

Not applicable.

Law stated - 31 March 2025

**23** | What are the fees to apply for a copyright registration?

Not applicable.

Law stated - 31 March 2025

**24** | What are the consequences for failure to register a copyrighted work?

Not applicable.

Law stated - 31 March 2025

## OWNERSHIP AND TRANSFER

### Eligible owners

**25** | Who is the owner of a copyrighted work?

The creator of a work is the owner of a copyrighted work. Because of the legal requirement for a work to be a unique and intellectual creation, an author can only be a natural person, not a legal entity. For authorship, it does not matter whether the author has legal capacity or not; therefore, children and intellectually disabled people can be authors.

Law stated - 31 March 2025

## Employee and contractor work

### 26 | May an employer own a copyrighted work made by an employee?

The Federal Law on Copyright in Works of Literature and Arts and on Related Rights (the Copyright Act) only regulates the allocation of rights between employer and employee in copyrightable works for certain cases (eg, software). In all other cases, the general rule would apply whereby the copyright remains with the author (the employee) and the employer can only be a successor in exploitation rights.

Section 40b of the Copyright Act provides that, if a computer program is created by an employee in the performance of their employment duties, the employer shall enjoy an unlimited right of utilisation in the work unless the employer has agreed otherwise with the author of the program. This provision only applies to software; however, there are several legal opinions that would also apply these rules by analogy to other works that have been created by employees in the performance of their employment duties.

In addition, the Austrian Supreme Court has concluded that, in the employment of employees in certain functions with the purpose of creating works (eg, marketing departments) for the benefit of the employer, the implicit granting of exclusive exploitation rights in the works that have been created in the performance of the employment duties can be assumed unless an agreement to the contrary exists.

Law stated - 31 March 2025

### 27 | May a hiring party own a copyrighted work made by an independent contractor?

The hiring party does not acquire the copyright in a certain work, considering that this is not transferable. However, they are granted (implicitly) certain exploitation rights, if the relevant commission makes this necessary. The Austrian Supreme Court has stated that, according to sections 26 and 33 of the Copyright Act, the scope of the rights that are granted to the hiring party (the licensee) cannot be broader than required for the purpose of the intended use of the work.

Law stated - 31 March 2025

## Joint and collective ownership

### 28 | May a copyrighted work be co-owned?

Co-ownership is admissible under section 11 of the Copyright Act. The author, who has created a work together with a third party and, thus, who has worked together consciously with the purpose of creating a work is qualified as co-author. Further, the relevant work must form an indivisible whole. Joint authors share copyright. Hence, any alteration or exploitation of the work requires the consent of all co-owners.

Law stated - 31 March 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Copyright and moral rights cannot be transferred or be the subject of legal succession. Exploitation rights, however, can be subject to licence agreements, which assign the right to use the copyright-protected work in a certain manner.

Law stated - 31 March 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

Exploitation rights can be licensed to another individual person or a legal entity. There are two types of licensing according to Austrian law: section 24 of the Copyright Act regulates that the author may authorise others to non-exclusively use the work by some or all of the methods of exploitation reserved to the author under sections 14 to 18a (authorisation to use); further, they may also grant to other persons the exclusive right so to do (right to use), which entitles the licensee to prevent the rights holder, as well as third parties, from using the work in the licensed scope. The principle of transfer of rights by purpose for the interpretation of copyright contracts was newly stipulated through the 2021 amendment to the Copyright Act (section 24c). This provision only applies to contracts that entered into force on or after 1 January 2022. If the forms of exploitation are not expressly defined, the purpose of the contract will determine the forms of exploitation to which the grant of rights extends. The same applies to the question of whether a licence to use a work has been granted exclusively or not exclusively, how far the permission and the right granted extend, and what restrictions they are subject to. According to section 37b paragraph 2, the author must receive appropriate and proportionate remuneration when granting a right to use a work or a licence to use a work. The reasonableness of the remuneration requires that it is customary and fair, taking into account the circumstances of the individual case. This is irrefutably the case if the amount corresponds to the remuneration of a collective agreement or a remuneration rule agreed upon by representative associations of authors and work users. However, in accordance with paragraph 2, the author is free to transfer the exploitation rights free of charge.

Law stated - 31 March 2025

### 31 | Are there compulsory licences? What are they?

A compulsory licence only exists for audio recording (section 58 of the Copyright Act). Where the entitled person has permitted another person to reproduce and distribute a musical work on an audio medium, any manufacturer of such a medium may require the entitled person, once the work has been published, to grant them the same uses of the work for equitable payment. Where the manufacturer has their place of residence or principal place of business abroad, this shall apply, subject to international treaties, only on condition

that manufacturers having their place of residence or principal place of business in Austria are treated, in the country concerned, in approximately the same way or at least in the same way as manufacturers having their place of residence or principal place of business in that country. This provision also applies to works of language combined with a musical work, where the rights holder has permitted another person to reproduce and distribute the work of language, so combined, on audio media.

**Law stated - 31 March 2025**

### **32** | Are licences administered by performing rights societies? How?

Some types of exploitation rights of certain works (depending on the scope of the collecting society's permission) are administered by collecting societies (performing rights societies) upon the explicit request of the author. Hence, there is no obligation of an author to license a work through a collecting society (membership is not mandatory).

Their main task is to collect remuneration for the rights holders and distribute it to them. Collecting societies make rights to works and related rights in the sense of copyright law available that provide users with the necessary authorisations against consideration or make other claims under the Copyright Act. The collecting societies conclude, with the rights holders at their request under appropriate and consistent conditions, a contract for the perception of the rights and claims that belong to their field of activity (management agreements).

On this basis, the collecting societies grant permission to use the works under appropriate conditions and for an adequate fee.

**Law stated - 31 March 2025**

## **Termination**

### **33** | Is there any provision for the termination of transfers of rights?

With regard to the granting of a licence on exploitation rights, the parties are free to agree on the duration of the licence (an indefinite term is possible) and the reasons for terminating the agreement. The parties can agree on a termination at will (a good cause must justify the extraordinary termination) or on a termination without cause but under adherence to a certain notice period.

Further, the Copyright Act provides certain rules concerning the termination of exploitation rights. Where the right to use a work is not exercised in accordance with the purpose for which it was granted or is exercised only to an extent so inadequate as to prejudice important interests of the author, the latter, provided they are not at fault, may rescind the contract prematurely insofar as it relates to such a right to use. The right to rescind the contract for these reasons may not be waived more than three years in advance.

**Law stated - 31 March 2025**

## Recordal

**34** | Can documents evidencing transfers and other transactions be recorded with a government agency?

Such an agency does not exist in Austria.

Law stated - 31 March 2025

## DURATION OF COPYRIGHT

### Protection start date

**35** | When does copyright protection begin?

Protection starts with the creation of the work.

Law stated - 31 March 2025

### Duration

**36** | How long does copyright protection last?

In Austria, section 60 of the Federal Law on Copyright in Works of Literature and Arts and on Related Rights (the Copyright Act) provides for a protection period of 70 years following the death of the author with regard to literary and artistic works, and musical art. In the case of co-authorship, the protection period ends 70 years after the death of the last surviving co-author. If the speech or performance has been recorded on an audiovisual carrier or an audio carrier, the term of copyright protection lasts for 70 years from publication of the recording.

The neighbouring right for photos lasts for 50 years from the taking of the photo or, where the photograph is made public before the expiry of that term, 50 years after publication.

Law stated - 31 March 2025

**37** | Does copyright duration depend on when a particular work was created or published?

The protection period for anonymous and pseudonymous works shall run for 70 years after their creation. However, when the work is published before the expiry of that period, copyright shall run for 70 years after publication.

Law stated - 31 March 2025

## Renewal

### 38 | Do terms of copyright have to be renewed? How?

The terms for copyright protection are not renewable.

Law stated - 31 March 2025

#### Government extension of protection term

### 39 | Has your jurisdiction extended the term of copyright protection?

Prior to 1933, copyright protection expired 30 years after the death of the author. On 15 December 1933, the Austrian legislature extended the term to 50 years after the death of the author. In 1953, the protection term was further increased to 57 years. The increase was conditioned by the circumstances of the Second World War. It was required that the work was created before 1 January 1949 and that the work was still protected in 1953 (thus, the creator must have died after 31 December 1902). Through an amendment to the Copyright Act on 16 December 1972 (Federal Law Gazette No. 492/1972), Austria increased the protection term to 70 years, in accordance with the changes in Germany in 1965. Since then, the general protection term for copyright protectable works has not changed.

Law stated - 31 March 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

### 40 | What constitutes copyright infringement?

In general, any use of a work that fulfils the criteria for a protectable work under the Federal Law on Copyright in Works of Literature and Arts and on Related Rights (the Copyright Act) in a manner that is comprised of the types of exploitation mentioned in sections 14 to 18a of the Copyright Act without the consent of the author (or co-authors) constitutes a copyright infringement, unless such use falls under the limitations to copyright.

Additionally, if a user has been granted a licence to use the work and he or she disregards the scope of this licence, an infringement of the exploitation rights of the rights holder (apart from the breach of contract between the parties) has been committed.

Law stated - 31 March 2025

### Vicarious and contributory liability

### 41 | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Claims under the Copyright Act can also be asserted against indirect perpetrators (eg, the instigator), not only against the direct offender.

In particular, a specific liability of the entrepreneur is prescribed. An action for an injunction may also be brought against the owner of an enterprise where such an infringement has been committed or is likely to be committed within the activities of the enterprise by one of their employees or agents. Further, where the infringement giving rise to equitable remuneration is committed by an employee or agent in the course of the activities of an enterprise, the owner of the enterprise shall be liable to pay such remuneration. The owner of the enterprise shall also be liable to pay damages if they were aware or should have been aware of the violation.

Further, a rights holder can also apply for an injunction against an intermediary whose services are used by a third party to infringe a copyright or related right, provided that the intermediary is aware of the copyright infringement and, hence, liable under the rules of the Austrian E-Commerce Act.

Law stated - 31 March 2025

## Available remedies

### 42 | What remedies are available against a copyright infringer?

The author is entitled to bring a forbearance claim (section 81 of the Copyright Act). Such a cease-and-desist obligation would also include an obligation to remove the source of the infringement and the infringing products. However, this would only be admissible if the infringer is legally entitled to remove such products (section 86). Preliminary injunctions may be granted, among other things, to secure such cease-and-desist claims (section 87c). With regard to preliminary injunctions, Austrian law focuses on the questions of infringement and validity. According to a lower evidentiary standard in interim proceedings, it is generally sufficient to convince the court that a copyrighted work is valid and that the occurrence of an infringement is more likely than the opposite. Any person required to pay equitable remuneration or equitable compensation or to pay damages shall also be required to render accounts to the rights holder and to have their correctness verified by an expert as a first step (section 87a). The author is also entitled to be furnished with correct and complete information on the producer, content, country of origin and quantity of copies distributed by the offender. The right to information shall belong to the person to whom the right to distribute copies in Austria belonged at the time of exhaustion (section 87b). Providers of large online platforms within the meaning of section 18c shall, at the request of rights holders, provide them with appropriate information on contractually authorised uses of works and on how the measures they have taken to prevent unauthorised uses (section 87b paragraph 5).

Law stated - 31 March 2025

## Limitation period

### 43 | Is there a time limit for seeking remedies?

Claims for equitable remuneration, equitable compensation, and surrender of profits and information become time-barred within three years. Forbearance claims and claims for removal become time-barred after 30 years.

Law stated - 31 March 2025

## Monetary damages

### 44 | Are monetary damages available for copyright infringement?

Under section 86 of the Copyright Act, the owner of a work is entitled to be paid adequate compensation for the use of the work without their consent. The monetary compensation is assessed on the basis of a royalty as far as adequate compensation (and not damages in case of intentional or negligent behaviour) is concerned. There is minimal case law regarding the assessment of the exact amount of the royalty rate to be paid. The licence fees to be paid are usually assessed on the commonly paid licence fees.

In the event of negligent or intentional behaviour, damages may be awarded instead of adequate compensation. The author is entitled to either damages, including their own lost profits, or the surrender of profits made by the infringer. To facilitate the bringing of evidence, the author is also entitled to assert lump-sum damages claims. The amount of a lump-sum damages claim is calculated on the basis of double the amount for adequate compensation.

Law stated - 31 March 2025

## Attorneys' fees and costs

### 45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

In Austria, attorneys' fees can be claimed by the winning party from the losing party. The calculation basis for this is laid down in the Attorneys' Tariff Act. Based on a determined amount in dispute, which for intellectual property proceedings is €43,200, the fees for all the required court actions (eg, hearings and written pleading) are calculated. Hence, in Austria, the losing party must reimburse the winning party for the costs of court proceedings calculated on these principles.

Law stated - 31 March 2025

## Criminal enforcement

### 46 | Are there criminal copyright provisions? What are they?

According to section 91 of the Copyright Act, any person who commits an infringement of the kind referred to in section 86 paragraph 1 (unauthorised use of a literary or artistic work, a performance by an artist, a performance by an event organiser, a photographic

or audio recording, a radio broadcast, a database or a press publication); section 90b (protection of software); section 90c, paragraph 1 (illegal circumvention of technical protective measures); or section 90d, paragraph 1 (Removal or modification of protected labels) of the Copyright Act shall be liable to imprisonment not exceeding six months or to a fine not exceeding 360 times the daily rate (ie, the unit for the calculation of the fine on a certain daily basis). Therefore, Austrian verdicts determine a certain number of such daily rates and the applicable amount for these rates. For instance, if the defendant is sentenced to 180 daily rates at €70, the fine in total amounts to €12,600. The infringement shall not, however, be punishable if it only involves the unauthorised reproduction or an unauthorised recording of a recitation or a performance for personal use or for the personal use of another person, effectively free of charge. The offender shall be prosecuted only at the request of the person whose right has been infringed and, hence, the prosecutor does not initiate investigations ex officio.

Law stated - 31 March 2025

### Online infringement

47 | Are there any specific liabilities, remedies or defences for online copyright infringement?

Section 87b, paragraph 3 of the Copyright Act allows information claims of the rights holder against internet access providers to identify infringing users if there is an obvious rights infringement.

Law stated - 31 March 2025

### Prevention measures

48 | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

There is no fail-safe method of preventing copyright infringement. It depends on the circumstances of the case as to which measures can prevent or help to prevent copyright infringement. Hence, the strategy adopted must always be a tailor-made solution that recognises the specific risks and understands the financial, technical and organisational circumstances of the rights holder to provide the best protection.

Law stated - 31 March 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

49 | Which international copyright conventions does your country belong to?

The most important international copyright-related treaties to which Austria is a party are:

- the Berne Convention for the Protection of Literary and Artistic Works (the Berne Convention);
- the Universal Copyright Convention;
- the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement);
- the World Intellectual Property Organization Copyright Treaty (WCT);
- the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations;
- the World Intellectual Property Organization Performances and Phonograms Treaty; and
- the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

Further, Austria has been a member of the European Convention relating to questions on copyright law and neighbouring rights in the framework of transfrontier broadcasting by satellite since 11 May 1994.

**Law stated - 31 March 2025**

**50** | What obligations are imposed by your country's membership of international copyright conventions?

Austria has transposed the provisions of the most important conventions for copyright law (ie, the Berne Convention, the TRIPS Agreement and the WCT) into its own domestic law. As the National Assembly declared the accession of these three treaties with no reservations under Austrian constitutional law, there was no necessity for the issuance of further implementing laws. Therefore, all these treaties are directly applicable.

Austria is also a member state of the European Union and, hence, had to transpose a number of directives concerning copyright matters into national copyright law. The most important directives that are already transposed into national law are the directive on the harmonisation of certain aspects of copyright and related rights in the information society, the directive on the legal protection of databases, the directive on satellite broadcasting and cable retransmission, and the directive on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market.

In 2021, Austria transposed Directive (EU) 2019/790 on copyright and related rights in the digital single market and amending Directives 96/9/EC and 2001/29/EC into national law with Federal Law Gazette I No 244/2021. Most recently, the entry into force of Regulation (EU) 2022/2065 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act) and the resulting amendments to the E-Commerce Act also required amendments to the Copyright Act (Federal Law Gazette I No. 182/2023).

**Law stated - 31 March 2025**

**UPDATE AND TRENDS****Key developments of the past year**

- 51 | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

In accordance with the Digital Services Act, the Federal Law on Copyright in Works of Literature and Arts and on Related Rights (the Copyright Act) was last amended by the Federal Act enacting the Coordinator for Digital Services Act and amending the KommAustria Act, the E-Commerce Act and other laws (DSA-Begleitgesetz, Federal Law Gazette I No 182/2023), namely with the insertion of section 81, paragraph 1a of the Copyright Act. This reads:

If the person who has committed such an infringement [of an exclusive right under the Copyright Act] or who threatens such an infringement uses the services of an intermediary for this purpose, the intermediary may also be sued for injunctive relief pursuant to para. 1. However, if the intermediary fulfils the conditions for an exclusion of liability pursuant to articles 4 to 6 of Regulation (EU) 2022/2065 on a single market for digital services and amending Directive 2000/31/EC (Digital Services Act), OJ No. L 277 of 27 October 2022, p. 1, the intermediary can only be sued after a warning has been issued.

Law stated - 31 March 2025

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# France

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

Copyright in France is mainly governed by two laws: the Law of 11 March 1957 and the Law of 3 July 1985. These laws and all other relevant legislation are codified in the first part of the French Intellectual Property Code (from articles L 111-1 to L 343-7) (IPC). The copyright law applicable in France also derives from international conventions to which France is a party, such as:

- the Berne Convention for the Protection of Literary and Artistic Works of 1886;
- the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 1961;
- the World Intellectual Property Organization (WIPO) Performances and Phonograms Treaty of 20 December 1996;
- the 1995 Agreement on Trade-Related Aspects of Intellectual Property Rights, notably on copyright and related rights; and
- the WIPO Copyright Treaty of 1996.

The European Union law is also part of French copyright law when implemented. In particular, the 2006 Law on Copyright and Neighbouring Rights in the Information Society on authors' rights and related rights in the information society was adopted in France to implement the EU Directive 2001/29/EC, which itself implemented the WIPO Copyright Treaty of 1996.

Law No. 2015-195 of 20 February 2015 results from the implementation into French law of the EU [Directive 2011/77/EU](#) on the terms of protection of copyright and certain related rights.

In addition, Law No. 2019-775 of 24 July 2019 implements article 15 of the EU [Directive 2019/790/EU](#) into French law and creates neighbouring rights for press publishers. Orders No. 2021-580 of 12 May 2021, No. 2021-798 of 23 June 2021 and No. 2021-1518 of 24 November 2021 complete the implementation of the Directive 2019/790/EU of 17 April 2019 on copyright and neighbouring rights into French law. However, Order No. 2021-580 was partially censored in a recent decision of the French High Administrative Court.

Law stated - 9 April 2025

### Enforcement authorities

#### 2 | Who enforces it?

#### Civil courts

Only a few specifically designated courts throughout France have jurisdiction to hear copyright cases.

#### **Criminal courts**

Copyright infringement may also be a criminal offence, so criminal courts also have jurisdiction to hear copyright cases.

#### **French customs**

Copyright owners may request that customs detain goods that infringe their copyright. French customs detain allegedly infringing goods for up to 10 days. After that deadline, the goods are released unless legal proceedings are brought by the copyright owner.

#### **ARCOM**

The Regulatory Authority for Audiovisual and Digital Communication (ARCOM) results from the merger on 1 January 2022 of the High Audiovisual Council and the High Authority for the Dissemination of Works and Protection of Copyrights on the Internet. Independent from the government, it acts under the control of the judges and reports to Parliament. Its responsibilities include the protection of the freedom of speech, the protection of works and the respect of people and the public, as well as the technical and economic regulation of the sector. ARCOM ensures the protection of audiovisual works by fighting against illicit works and encouraging the development of legal works. It also supervises the means implemented by the major online platforms to fight against disinformation and online hate speech.

**Law stated - 9 April 2025**

### **Online and digital regulation**

**3** | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

The Order of 12 November 2014 has adapted the IPC to the digital era. The digital aspects of the exploitation of a work have been taken into consideration and introduced to the Code. Notably, article L 132-1 of the IPC, defining the edition contract, now specifically reads that:

A publishing contract is a contract by which the author of a work of the mind or their successors in title assign under specified conditions to a person referred to as the publisher the right to manufacture or have manufactured a number of copies of the work, or to create it or have it created in a digital form.

Additionally, the Digital Single Market Directive 2019/790/EU also has a great impact on French provisions relating to the digital exploitation of works. Article L 218-2 of the IPC now provides that 'the permission of the press publisher or press agency is required before any

reproduction or communication to the public of all or part of its press publications in digital form by an online public communication service'. Press publishers can now be remunerated for the use of their works by online content sharing service providers. However, this right does not apply to private non-commercial uses, hyperlinks, the use of isolated words or of 'very short' excerpts and texts first published before the Directive entered into force (article L 211-3-1 of the IPC).

Articles L 137-1 to L 137-4 of the IPC are dedicated to online content sharing service providers who, by providing access to copyrighted works uploaded by their users, perform an act of representation of these works. For those works, authorisation must be obtained from the rights holders without prejudice to the authorisation to be obtained for the reproduction of these works.

It also provides for the liability of the online content sharing service 'in the absence of authorisation from rights holders, [ . . . ] for the unauthorised acts of exploitation of copyrighted works'.

There are exceptions when the online content sharing service can demonstrate that:

- it has used its best efforts to obtain permission from rights holders who wish to grant such permission;
- it has made its best efforts, in accordance with the industry's high standards of professional diligence, to ensure the unavailability of specific works for which the rights holders have provided him or her, directly or indirectly through a third party designated by them, the relevant and necessary information; and
- it has in any case acted promptly, upon receipt of a sufficiently reasoned notification from the rights holders, to block access to the notified works or to remove them from its service and has made its best efforts to prevent the works from being uploaded in the future, pursuant to (2).

Articles L 136-1 to L 136-4 of the IPC provide rules regarding automated image referencing services and research. The goal is to ensure remuneration to authors whose works are referenced in these services.

Law stated - 9 April 2025

## AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

Article L 122-5 10° of the IPC provides for an exception to the monopoly of exploitation of works for text and data mining and article L 122-5-3 sets out those exceptions to, on the one hand, scientific research purposes and, on the other hand, for any purposes unless the author chooses to opt out to protect his or her work.

Law stated - 9 April 2025

## Extraterritorial application

5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Copyright provisions per se do not provide for extraterritorial application of French copyright law. However, further to article 7.2 of Council Regulation (EC) No. 1215/2012, 'a person domiciled in a member state may be sued in another member state: in matters relating to tort, delict or quasi-delict, in the courts of the place where the harmful event occurred or may occur'.

Based on this article, and in three different decisions handed down on 22 January 2014, the French Supreme Court ruled that the mere accessibility of the website from the French territory was sufficient to consider that French courts have jurisdiction to hear online copyright infringement cases.

Law stated - 9 April 2025

## Agency

6 | Is there a centralised copyright agency? What does this agency do?

There is no centralised copyright agency in France.

Law stated - 9 April 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

7 | What types of works may be protected by copyright?

As a matter of principle, all creations are protected by copyright provided that they are original. Considerations, such as the merit of the author, the purpose of the work, the type of work or the form of expression, are irrelevant.

French case law defines 'originality' as the expression of the author's personality. This definition is in line with European case law, which has validated the French broad conception of originality. Therefore, the mere display of skill, labour and judgement is not sufficient; creativity on the part of the author is required.

Article L 112-2 of the French Intellectual Property Code (IPC) provides a non-exhaustive list of works that may be protected by copyright law: books and other writings; speeches; musical works; works of fine art such as paintings, drawings or sculptures; photographic and cinematographic works; and plans, maps and sketches.

Law stated - 9 April 2025

## AI-generated works

### 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

To date, there is no law or case law in France providing for copyright protection for works generated in whole or in part by artificial intelligence systems.

Law stated - 9 April 2025

## Rights covered

### 9 | What types of rights are covered by copyright?

Copyright covers both economic and moral rights.

Pursuant to article L 122-1 of the IPC, economic rights relate to representation rights as well as reproduction rights.

Representation rights consist of the communication of the work to the public by any means, and reproduction rights consist of the physical fixation of a work by any process permitting it to be communicated to the public in an indirect way.

Acts of representation or reproduction of the work carried out without the authorisation of the owner of the rights constitute acts of infringement.

Law stated - 9 April 2025

### 10 | What limitations and exceptions apply?

Article L 122-5 of the IPC provides for exceptions to copyright, namely, when the work has been disclosed, the author may not prohibit:

- Private and free representations made exclusively within a family circle;
- Copies or reproductions made from a lawful source and strictly reserved for the private use of the copier and not intended for collective use;
- Provided that the name of the author and the source are clearly indicated:
  - Analyses and short quotations justified by the critical, polemical, educational, scientific or informative nature of the work in which they are incorporated;
  - Press reviews;
  - Broadcasting, even in their entirety, by the press or television, for news purposes, of speeches intended for the public made in political, administrative, judicial or academic assemblies, as well as in public meetings of a political nature and official ceremonies;
  -

Reproductions, in whole or in part, of graphic or plastic works of art intended for inclusion in the catalogue of a judicial sale held in France, for copies made available to the public prior to the sale for the sole purpose of describing the works of art offered for sale;

- The representation or reproduction of excerpts from works for the sole purpose of illustration in the context of research, provided notably that it is not published or distributed to a third party to the public or give rise to any commercial exploitation;
- Parody, pastiche and caricature, taking into account the laws of the genre;
- Acts necessary to access the contents of an electronic database for the purposes and within the limits of the contractually agreed use;
- Provisional reproduction of a transitory or accessory nature of works other than software and databases, when it is an integral and essential part of a technical process and its sole purpose is to enable lawful use of the work or its transmission between third parties via a network using an intermediary;
- Under the conditions set out in articles L 122-5-1 and L 122-5-2, reproduction and representation by legal entities and by establishments open to the public (libraries, archives, documentation centres and multimedia cultural spaces) with a view to strictly personal consultation of the work by persons suffering from impairments and prevented due to these impairments from accessing the work in the form in which the author makes it available to the public;
- The reproduction of a work and its representation for purposes of conservation or to preserve the conditions of its consultation for research or private study by private individuals, on the premises of the establishment and on dedicated terminals by libraries accessible to the public, by museums or by archive services, provided that they are not seeking any economic or commercial advantage;
- The reproduction or representation, in whole or in part, of a graphic, plastic or architectural work of art, by print, audiovisual or online media, for the exclusive purpose of immediate information and in direct relation to the latter, provided that the name of the author is clearly indicated;
- Digital copies or reproductions of a work for the purpose of text and data mining;
- Reproductions and representations of architectural works and sculptures, permanently placed on the public highway, made by natural persons, to the exclusion of any commercial use;
- Reproduction, use and marketing of parts intended to restore a motor vehicle or trailer to its original appearance;
- The representation or reproduction of extracts from works for the exclusive purpose of illustration in the context of education and vocational training; and
- The representation and reproduction of a work that is unavailable.

The exceptions listed in this article must not interfere with the normal exploitation of the work nor cause unjustified prejudice to the legitimate interests of the author.

**Law stated - 9 April 2025**

## Excluded works

### 11 | What may not be protected by copyright?

Mere ideas or concepts cannot be the subject of copyright protection and, thus, may be freely used. It is only the form in which the idea is expressed that can be protected.

Law stated - 9 April 2025

## Fair use and fair dealing

### 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

There is no doctrine of fair use or any equivalent general open norm in France. However, article L 122-5 of the IPC lists exceptions to the exclusive right of the author to reproduce their work. Indeed, once a work has been disclosed, the author may not prohibit, for instance:

[private] and gratuitous performances carried out exclusively within the family circle, parody, pastiche and caricature, observing the rules of the genre or acts necessary to access the contents of an electronic database for the purposes of and within the limits of the use provided by contract.

Order No. 2021-1518 of 24 November 2021 implements certain provisions of the EU Directive 2019/790 of 17 April 2019 on copyright and neighbouring rights into French law and provides for not optional exceptions to copyright and neighbouring rights to promote notable data mining for scientific research purposes, the use of works for educational purposes and their reproduction for the purpose of preserving cultural heritage (articles L 122-5-3, L 122-5-10 to L 122-5-13 of the IPC).

Law stated - 9 April 2025

## Architectural works

### 13 | Are architectural works protected by copyright? How?

As long as their work is original, architects own the copyright. Indeed, article L 112-2-12 of the IPC expressly mentions the plans, sketches and three-dimensional works relative to architecture. For instance, reproduction of a plan without authorisation, in order to build a new building, constitutes infringement.

Law No. 2016-1321 provides for a new exception to copyright infringement (article L 122-5-11 of the IPC), pursuant to which individuals are allowed to reproduce or represent architectural works and sculptures located permanently in public places for non-commercial purposes.

Law stated - 9 April 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

Performance rights are the rights granted to a performer, such as a musician, a dancer or any other person who acts, sings, recites or otherwise performs. In France, these rights are referred to as 'neighbouring rights'.

Pursuant to article L 212-3 of the IPC, performers have the exclusive right to authorise all recording, reproduction or communication to the public of their performance. Furthermore, the performer's permission is required in the case of any separate use of the sounds or images of his or her performance where both the sounds and images have been fixed.

There is, however, an exception concerning audiovisual works: the contract concluded between a performer and a producer for the performance of an audiovisual work implies the performer's authorisation to fix, reproduce and communicate this performance to the public.

In addition, Order No. 2021-580 of 12 May 2021 partially implements the EU Directive 2019/790 on the right of the author or performer who has assigned their rights on an exclusive basis to terminate the contract in the case of non-exploitation of the assigned work by the assignee. The terms of implementation will be determined by professional agreements between the collective management organisations and the representative organisations of the assignees or, in the absence of an agreement within 12 months of the publication of the Order, by decree. Furthermore, additional remuneration is also provided for all works except software when the proportional remuneration initially provided proves to be exaggeratedly low in relation to the income derived from the exploitation of the work.

Concerning performers, the Order provides for a limited list of cases where lump sum remuneration is possible.

Other decrees will be issued in application of the Order concerning, in particular, the conditions under which the author or performer may obtain communication of information held by the sub-licensee of their rights with respect to the rendering of accounts.

The provisions regarding remuneration and accountability to authors and performers are effective for all current contracts as of 7 June 2022.

Law stated - 9 April 2025

## Neighbouring rights

### 15 | Are other 'neighbouring rights' recognised? How?

The IPC lists two other 'neighbouring rights' that are only economic rights:

- the rights of the phonogram producers; and

- the rights of the videogram producers.

Alongside those 'neighbouring rights', producers of databases benefit from a *sui generis* right. Databases are protected for 15 years following their establishment.

Law No. 2019-775, dated 24 July 2019, grants neighbouring rights to press publishers. The term of these economic rights shall be two years from 1 January of the calendar year following that of the first publication of a press publication (article L 211-4 of the IPC).

In addition, Order No. 2021-580 of 12 May 2021, Order No. 2021-798 of 23 June 2021 and Order No. 2021-1518 of 24 November 2021 complete the implementation of the EU Directive 2019/790 of 17 April 2019 on copyright and neighbouring rights into French law, although Order No. 2021-580 was recently partially censored.

Law stated - 9 April 2025

## Moral rights

### 16 | Are moral rights recognised?

Moral rights are recognised in France. They are perpetual, inalienable and imprescriptible and, therefore, may not be transferred or renounced by the author and must be respected even after the work has entered the public domain. After the author's death, moral rights are transferred to their heirs.

As a result, moral rights belong to the author, even though they may have transferred the economic rights to someone else.

Moral rights cover the following prerogatives:

- the right to divulge their work;
- the right to have the integrity of their work respected. This right allows the author to oppose any modification of their work (cuts, for instance), as well as to oppose any modifications that would alter the spirit of their work;
- the right to have their name indicated on any representation or reproduction of the work. It is called the right of authorship. It should be noted, however, that the author is entitled to remain anonymous or to use a pseudonym; and
- the right to reconsider or to withdraw their work from the market even after publication, provided that they indemnify the assignee for any harm suffered as a result of the reconsideration or withdrawal.

Any violation of the moral right of the author constitutes an act of infringement.

Law stated - 9 April 2025

## COPYRIGHT FORMALITIES

### Notice

I

**17** | Is there a requirement of copyright notice?

There is no requirement of copyright registration in France. The protection afforded by copyright is granted automatically from the date of creation of the work.

However, copyright deposit is mandatory for some works.

Law stated - 9 April 2025

**18** | What are the consequences for failure to use a copyright notice?

There is no requirement of copyright notice in France. The protection afforded by copyright is granted automatically from the date of creation of the work.

Law stated - 9 April 2025

**Deposit****19** | Is there a requirement of copyright deposit?

Every publisher, printer, producer, distributor or importer of documents must deposit copies of all published materials in one of the following institutions:

- the French National Library;
- the French Audiovisual Institute, which manages radio and television;
- the French Cinematographic Centre, which is responsible for movies; and
- any library authorised by order of the Ministry of Culture.

Law stated - 9 April 2025

**20** | What are the consequences for failure to make a copyright deposit?

Pursuant to article L 133-1 of the French Heritage Code, the fine for not complying with the legal deposit is €75,000.

Law stated - 9 April 2025

**Registration****21** | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

There is no system for copyright registration in France.

Law stated - 9 April 2025

**22** | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

There is no system for copyright registration in France.

Law stated - 9 April 2025

**23** | What are the fees to apply for a copyright registration?

There is no system for copyright registration in France.

Law stated - 9 April 2025

**24** | What are the consequences for failure to register a copyrighted work?

There is no system for copyright registration in France.

Law stated - 9 April 2025

**OWNERSHIP AND TRANSFER****Eligible owners****25** | Who is the owner of a copyrighted work?

The owner of a copyrighted work is its author, in other words, the person who created the work. However, the economic rights may be transferred either through inheritance or by a contract, in which cases the beneficiary or the assignee becomes the owner of the copyright.

Under a French legal presumption, the name of the person under which the work was published is deemed to be its author.

If the author of a work is unknown, French law applies the regime of orphan works: even without a known author, the work is protected but can be used under some conditions, in particular, only for cultural, educative or research purposes and not for profit.

Law stated - 9 April 2025

**Employee and contractor work****26** | May an employer own a copyrighted work made by an employee?

Under French law, there is no work-for-hire theory. Hence, regardless of the employment contract that may be in force between an employer and their employee, the employee remains the author of their work, and an assignment agreement should be entered into between the employer and the employee.

One of the exceptions to this rule is a collective work.

A 'collective work' is defined by article L 113-2-3 of the French Intellectual Property Code (IPC) as:

[a] work created at the initiative of a natural or legal person who edits it, publishes it and discloses it under its direction and name and in which the personal contributions of the various authors who participated in its production are merged in the overall work for which they were conceived, without it being possible to attribute to each author a separate right in the work as created.

Therefore, if the name under which the collective work is published is that of the employer, the employer becomes the owner of the copyright, even though they are not the author of the work. The employees will be vested with the moral rights that ensue from the individual parts of their creations.

However, article L 113-9 of the IPC sets a devolution of the economic rights on software and its documentation to the employer when it has been created by its employees in the performance of their duties or according to his or her instructions.

Order No. 2021-1658 of 15 December 2021, relating to the devolution of intellectual property rights on assets obtained by authors of software or inventors who are not employees or public agents hosted by a legal person carrying out research, provides for an extension of the devolution or allocation of rights to the benefit of legal entities carrying out research and hosting individuals who are neither employees nor public agents. Article L 113-9-1 has, therefore, been added to the IPC to that end. This new provision concerns all software creators, and natural persons who are not employees or public agents of the state, in particular trainees, foreign doctoral students, professors and doctors emeritus. These persons must be hosted within the framework of an agreement by legal entities of public or private legal entities carrying out research; such notion not being specified must be understood broadly as including academic, theoretical or applied research, whether it is scientific or technical until case law provides more details.

**Law stated - 9 April 2025**

## **27** | May a hiring party own a copyrighted work made by an independent contractor?

Under French law, the creator of a work remains the author and, thus, the owner of the copyright. Hence, as a general rule, an assignment should be entered between the hiring party and the independent contractor for the former to own the copyright over the work made by an independent contractor.

**Law stated - 9 April 2025**

## Joint and collective ownership

### 28 | May a copyrighted work be co-owned?

A work may be co-owned whenever it results from the collaboration between two persons.

Article L 113-2-1 of the IPC defines works of collaboration as works 'in the creation of which more than one natural person has participated'. In this case, the copyright is co-owned by several natural persons.

Article L 113-3 of the IPC provides that a work of collaboration shall be the joint property of its authors. The authors shall exercise their rights by common accord.

If a work is used and amended to create a new one, that new work qualifies as a transformative work. The author of the new work must obtain the authorisation of the author of the existing work to do so. Without prior authorisation, the rights in the transformative work are owned by the author of the existing work. Notably, transformative works can be found in the context of non-fungible tokens or artificial intelligence creations.

Law stated - 9 April 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Moral rights are inalienable and may not be transferred by contract but are transferred by inheritance.

However, the economic rights of a copyright are transferable either through inheritance or contract.

Law stated - 9 April 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

The economic rights of copyright may be licensed under French law. Under French contract law, a licence may not be concluded for a perpetual term, and licences with an indefinite duration have been cancelled by French courts.

If the contract is not clear, it will be interpreted in favour of the author by French courts.

The IPC also provides for legal licences in three cases.

Article L 122-5-3<sup>e</sup> of the IPC provides, in the case of an exception for the use of a work for educational or research purposes, for a legal licence. The IPC sets a negotiated remuneration on a lump sum basis. However, in practice, educational and research institutions negotiate broader agreements to cover more than the exception.

Articles L 311-1 to L 311-7 of the IPC provide for a right to a lump sum remuneration, for private copy, to the benefit of authors, performers and producers of works fixed on phonograms, videograms or when copy has been made in digital mode. The remuneration will be collected on the selling price of the copy media. Article L 311-8 provides for hypotheses when the remuneration is not due.

Articles L 133-1 to L 133-4 of the IPC provide for the remuneration of the authors for the publishers of books that are loaned in libraries open to the public. This remuneration extends to lending a copy of a book in a digital version.

Articles L 132-25-1 and L 132-25-2 of the IPC (introduced by Order No. 2021-580 of 12 May 2021) enable authors' professional associations to conclude agreements with producers' professional associations, setting a minimum remuneration for authors. These agreements can last up to five years. One example is the Decree of 22 February 2023 setting a minimum overall remuneration to be paid by audiovisual production companies for the presentation of documentary projects of 52 minutes or more.

On 12 May 2022, the unions and organisations representing performers and music producers signed an agreement setting a minimum remuneration guarantee. It aims to implement the minimum remuneration guarantee provided for by article L 212-14 of the IPC. For performers receiving proportional royalties, royalty rates higher than 10 per cent are guaranteed. This creates a right to receive systematically a minimum advance from the producer and sets a maximum rate and duration of authorised abatement. It also establishes the principle of a rate bonus in case of major success. For musicians who are mainly paid on a fee basis, the agreement provides that they will receive, on the one hand, a specific lump sum for streaming and, on the other hand, additional remuneration each time certain success levels are reached.

**Law stated - 9 April 2025**

### **31** | Are there compulsory licences? What are they?

Article L 214-1 of the IPC provides for compulsory licences when a phonogram has been published for commercial purposes. Neither the performer nor the producer may oppose its broadcasting or the simultaneous and integral cable distribution of such broadcast, as well as the reproduction of such phonogram strictly reserved for those purposes, carried out for or on behalf of an audiovisual communication enterprise with a view to inclusion in the soundtrack of its own programme broadcast on its own channel or on any channels of audiovisual communication enterprises that pay equitable remuneration.

Law No. 2016-925 of 7 July 2016 has extended that regime of compulsory licences to internet radio services.

In compensation, the same provision confers rights to remuneration on performers and producers.

**Law stated - 9 April 2025**

### **32** | Are licences administered by performing rights societies? How?

Performers are free to join any performing rights societies but are under no obligation to.

In France, various societies exist, such as:

- the Society of Authors, Composers and Publishers of Music, for musical works;
- the Society of Dramatic Authors and Composers, for drama and audiovisual works;
- the Civil Society of Producers of Phonograms in France, for producers of phonograms;
- SAJE Distribution, for studio games, adventure games or game-like reality shows created for television; and
- the French-speaking Society for Non-fiction Authors, for multimedia works.

Law stated - 9 April 2025

## Termination

**33** | Is there any provision for the termination of transfers of rights?

Under French law, perpetual agreements are prohibited. Therefore, copyright transfer can only be temporary. The transfer agreement must specify precisely whether the transfer is valid for the whole duration of the protection of the copyrighted work or a shorter period.

Law stated - 9 April 2025

## Recordal

**34** | Can documents evidencing transfers and other transactions be recorded with a government agency?

There is no agency specific to copyright formalities in France.

Law stated - 9 April 2025

## DURATION OF COPYRIGHT

### Protection start date

**35** | When does copyright protection begin?

Copyright protection starts from the date of creation of the work.

Law stated - 9 April 2025

### Duration

**36** | How long does copyright protection last?

Moral rights have no time limit.

Economic rights last for the whole life of the author and shall subsist for their successors in title for 70 years after the author's death.

In the case of collaborative works, protection is provided for the authors' entire lives plus 70 years from the death of the last contributor.

Pseudonymous, anonymous or collective work is protected for 70 years starting from 1 January of the calendar year following the date at which the work was published.

When the protection expires, the work is said to enter the public domain, which means, in theory, that it can be freely used. However, a work in the public domain can be subject to other specific provisions such as the French Heritage Code for architectural work, which are classified as national domains and benefit from greater protection with the use of their image for commercial purposes being subject to prior authorisation of the administrator of the national domain.

**Law stated - 9 April 2025**

**37** | Does copyright duration depend on when a particular work was created or published?

Copyright protection is identical for all types of work and starts from the date of creation of the work.

**Law stated - 9 April 2025**

**Renewal****38** | Do terms of copyright have to be renewed? How?

Terms of copyright do not have to be renewed.

**Law stated - 9 April 2025**

**Government extension of protection term****39** | Has your jurisdiction extended the term of copyright protection?

Law No. 2015-195 of 20 February 2015, implementing into French law various provisions of Directive 2011/77/EU on the term of protection of copyright and certain related rights, increased the duration of performers' rights to 70 years after the communication of the performance to the public or from the publication of the performance.

**Law stated - 9 April 2025**

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

#### 40 | What constitutes copyright infringement?

Copyright is infringed by a person who, without the authorisation of the author or the rights holder, represents or reproduces the work partially or totally.

The same applies to the translation, adaptation or transformation, arrangement or reproduction by any technique or process.

Copyright may also be infringed when a moral right of the author (such as the right of disclosure, integrity, paternity or withdrawal) is violated.

Civil liability is strict; there is no requirement for the infringer to have any knowledge or intent to commit the infringement.

Law stated - 9 April 2025

### Vicarious and contributory liability

#### 41 | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

The provision that most closely approximates contributory liability is article L 335-2-1 of the French Intellectual Property Code (IPC) pursuant to which the editing, making available to the public or communicating to the public a piece of software obviously intended to make sound recordings available to the public without authorisation is prohibited as a criminal offence. The French Criminal Code also includes the concept of complicity, which is equivalent to the figure of contributory infringement. The accomplice of a criminal offence (including felonies against copyright) stands for anyone who knowingly abets, facilitates or by means of promises, threats or abuses of authority, provokes the offence or gives instructions to commit the offence.

Law stated - 9 April 2025

### Available remedies

#### 42 | What remedies are available against a copyright infringer?

Several remedies are available against a copyright infringer, including:

- an award of monetary damages;
- an injunction (final or preliminary) to refrain from infringing;
- a precautionary seizure order of the capital assets and real estate of the alleged infringer (at the pretrial stage);

- an injunction to disclose all the information regarding the distribution networks and the quantities of infringing products;
- recall from the trade circuits, destruction or confiscation for the benefit of the victim, of the following elements:
  - the objects made or manufactured in breach of the rights of the victim;
  - the media used to extract unlawfully data from a database; and
  - the equipment predominantly used for the manufacture;
- publication of the judgment (in whole or in part) at the defendant's costs; and
- an award of legal costs.

Law stated - 9 April 2025

### Limitation period

#### 43 | Is there a time limit for seeking remedies?

The statute of limitations for bringing a copyright infringement claim is five years from the date on which the claimant became aware or ought reasonably to have become aware of the infringing act.

Law stated - 9 April 2025

### Monetary damages

#### 44 | Are monetary damages available for copyright infringement?

Monetary damages are available for copyright infringement.

The court must take into account, separately:

- the negative economic consequences of the infringement, including loss of profits and loss suffered by the injured party;
- the moral prejudice caused to the rights holder; and
- the profits made by the infringer, including savings in intellectual investment, equipment and promotion, which the infringer made through the infringing acts.

French law also offers an alternative to the assessment of the damages. Upon the request of the claimant, the court may award damages in a lump sum. This amount shall exceed the amount of royalties that would have been due if the infringer had requested the authorisation to use the right that was infringed. This amount is not exclusive of compensation for the moral prejudice caused to the injured party.

Law stated - 9 April 2025

## Attorneys' fees and costs

### 45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

Attorneys' fees and costs may be claimed in an action for copyright infringement. Usually, the attorney will provide the court with an affidavit of the fees invoiced for the whole proceeding. However, in practice and despite the aforementioned affidavit, the sums discretionarily allocated by French courts are low.

Law stated - 9 April 2025

## Criminal enforcement

### 46 | Are there criminal copyright provisions? What are they?

Copyright infringement amounts to a criminal offence when committed with malice.

In addition, specific criminal offences exist such as:

- for the owner of an access to online public communication service not to have implemented security measures to ensure that such access is not used for the reproduction or communication to the public of works protected by copyright without the consent of the copyright owners, provided that the owner of such access has been advised by the Regulatory Authority for Audiovisual and Digital Communication (ARCOM) to implement a security system following a first infringement having taken place less than one year before (articles L 336-3 and R 335-5 of the IPC);
- the editing of, making available to the public or communicating to the public a piece of software obviously intended to make sound recordings available to the public without authorisation;
- any advertisement or notice of use relating to a means allowing the suppression or the neutralisation of any technical device protecting a software, which does not contain the mention in apparent characters that the illicit use of these means is liable to the sanctions provided for in the event of infringement (article R 335-2 of the IPC); and
- to hold for private use or use a technological application, device or service aimed at infringing digital rights management (DRM) that protects a work (article R 335-3 of the IPC).

Law stated - 9 April 2025

## Online infringement

### 47 | Are there any specific liabilities, remedies or defences for online copyright infringement?

Several provisions were created to deal with online copyright infringement, including the following examples.

#### The graduated response regime from the ARCOM

After the High Authority for the Dissemination of Works and Protection of Copyrights on the Internet Laws of 2009, Law No. 2021-1382 of 25 October 2021 created ARCOM, and Decree No. 2021-1853 of 27 December 2021 defined its competencies and organisation in the field of copyright and related rights. It is a criminal offence for the owner of access to an online public communication service not to have implemented security measures to ensure that such access is not used for the reproduction or communication of works protected by copyright to the public, without the consent of the copyright owners, provided that the owner of such access has been advised by ARCOM to implement a security system following a first infringement having taken place less than one year before (articles L 336-3 and R 335-5 of the IPC).

For internet users who continue to show evidence of infringing activity, ARCOM then selects the files to be reviewed and may ask the relevant internet user to participate in a hearing. Only professionals and legal entities are required to attend that hearing.

ARCOM then renders its decision. If the graduated response regime has not ended the illicit acts, it can also send files to the public prosecutor for criminal sanctions (a fine of up to €5,000).

ARCOM was appointed as coordinator regarding the obligation set by the [Digital Services Act](#), Regulation (EU) 2022/2065 of 19 October 2022. It can now order big platforms with more than 45 million active users to pay a fine of up to 6 per cent of their global turnover. In the case of recurring infringement of a certain gravity by a big platform, ARCOM can transfer the case to the European Commission.

#### Prevention of illegal downloading and offer

The presiding judge of the Judiciary Court can order, under penalty, any measure necessary for the protection of copyright where software is being used mainly to offer copyright-protected works illegally (article L 336-1 of the IPC).

Article L 336-2 of the IPC also provides that, in the case of copyright and related rights infringement occasioned by the content of an online communication service to the public, rights holders can ask courts to order 'all appropriate measures to prevent or stop a copyright infringement against any person who may be likely to contribute to such prevention or termination'.

Law stated - 9 April 2025

### Prevention measures

48 | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

Copyright infringement may be prevented by using a copyright notice or implementing technical protection measures.

Article L 331-5 of the IPC provides that DRM consists of technical technologies or devices aimed at preventing or limiting the unauthorised use of works. DRM must not prevent users from benefiting from the exceptions for private copying, and users shall be informed that DRM is in use.

Moreover, it is a criminal offence to hold for private use or use a technological application, device or service aimed at infringing a DRM that protects a work. The fine for this offence is up to €750 (article R 335-3 of the IPC).

Law stated - 9 April 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

**49** | Which international copyright conventions does your country belong to?

France is signatory of the following international copyright conventions:

- the Berne Convention for the Protection of Literary and Artistic Works of 1886 (the Berne Convention);
- the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 1961;
- the World Intellectual Property Organization Performances and Phonograms Treaty of 20 December 1996;
- the Agreement on Trade-Related Aspects of Intellectual Property Rights of 1995, notably on copyright and related rights; and
- the World Intellectual Property Organization Copyright Treaty of 1996.

Law stated - 9 April 2025

**50** | What obligations are imposed by your country's membership of international copyright conventions?

International copyright conventions impose the obligation of national treatment, which is a rule of non-discrimination requiring France to extend copyright protection to non-French nationals on the same terms as it does to its nationals.

The Berne Convention provides that the enjoyment and the exercise of copyright shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. There are also consequences in terms of duration of protection. Indeed, pursuant to the Berne Convention, if a contracting state provides for a longer term than the minimum prescribed by the Convention and

the work ceases to be protected in the country of origin, protection may be denied once protection in the country of origin ceases.

Law stated - 9 April 2025

## UPDATE AND TRENDS

### Key developments of the past year

**51** | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

In late 2023, various societies, including the Society of Authors, Composers and Publishers of Music, the French-speaking Society for Non-fiction Authors for multimedia works and the Society of Authors in the Graphic and Plastic Arts, opted out. Consequently, any AI system provider wishing to reproduce works from the repertoires of these societies must obtain their authorisation.

The European Regulation on Artificial Intelligence No. 2024/1689 (the AI Act) of 13 June 2024 aimed at regulating AI entered into force on 1 August 2024 and shall apply from 2 August 2026, with some provisions applying as early as 2 February 2025. Although the AI Act does not contain specific copyright provisions, its Recitals 105 and 106 and article 53.1.c refer to article 4(3) of Directive (EU) 2019/790 providing for the text and data mining exception.

On 19 May 2024, the EU Commission adopted Recommendation (EU) 2024/915 aiming at combating counterfeit and at enhancing the enforcement of IP rights, notably by emphasising the role of intermediary service providers and the fight of counterfeit via technological tools.

Law stated - 9 April 2025

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# India

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

Copyright law in India is governed by the [Copyright Act 1957](#), which has been amended six times, with the last amendment in 2012. It is a comprehensive statute providing for copyright, moral rights (known as author's special rights) and neighbouring rights (rights of broadcasting organisations, performers and *droit de suite*). The Act provides for exhaustive economic rights (copyright and performers' rights) in various works that are transferable. Moral rights exist in perpetuity and are vested in the authors and their legal representatives, being non-transferable and enforceable by the authors and legal representatives even when the copyright in the work has been assigned.

The [Copyright Rules 2013](#) came into force on 14 March 2013 and provide for the procedure to be adopted for relinquishing copyright, compulsory licences, statutory licences, voluntary licences, registration of copyright societies, membership and administration of affairs of copyright societies and performers' societies.

The [Copyright Amendment Rules 2021](#) were more recently passed by the Ministry of Commerce and Industry and came into effect on 30 March 2021.

The amendments relate to the following:

- Measures have been introduced to achieve the transparent functioning of copyright societies. For example, Rule 65A has been inserted, which provides for an obligation on the copyright society to publish an annual transparency report for each financial year within six months of the end of that financial year. The copyright society shall ensure that the published report remains available on its website for at least three years and contains information relating to details of royalties, among other things.
- A sub-rule has been inserted under Rule 55(2), providing that, in relation to the collection and distribution of royalties, the copyright society should create a system of payment through electronic modes that are traceable.
- Additional sub-rules have been inserted under Rule 58, which provide for the obligation of the copyright society to keep unpaid royalties in a separate account in a situation where the authors and owners of the copyright are not traceable. The society must also ensure that at the end of each quarter it publishes on its website information including the title of the work, the name of the author and the owner of the work, and any other information that would assist in identifying the rightsholder. If the royalties remain undistributed at the end of three years from the end of the financial year in which the royalties are collected, the society is obligated to transfer them to the welfare fund of the copyright society.

Law stated - 15 April 2025

### Enforcement authorities

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## 2 | Who enforces it?

Copyright can be enforced in civil courts and criminal courts. Civil remedies for the copyright owner include injunctions, damages and a rendition of accounts. Infringement of copyright is also an offence under the act and may incur imprisonment of up to three years and a fine of up to 200,000 rupees. The Copyright Act provides for enhanced penalties on second and subsequent convictions.

The Copyright Board constituted under the act provides an alternative forum for resolving certain limited disputes, such as those pertaining to assignments and payment of royalties.

The Act also provides for border enforcement of copyright and other rights and provides for the confiscation of infringing copies of copyright works as prohibited goods, which is carried out by the customs department under the supervision of the Commissioner of Customs, provided that there is an order within 14 days of the date of detention from a court that has jurisdiction.

As part of the Finance Act 2017, the Copyright Board was merged into the Intellectual Property Appellate Board (IPAB). The IPAB now stands abolished in view of the promulgation of the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance 2021, which came into effect on 4 April 2021. The current position is that all appeals arising from an order of the Registrar of Copyrights can be made to the high courts.

Section 72 of the Copyright Act stipulates that an aggrieved person can challenge any final order passed by the Registrar of Copyrights within a period of three months to the Appellate Board. Such appeal will henceforth lie with the high court concerned.

In this regard, it is notable that recently the Delhi High Court enacted the Delhi High Court Intellectual Property Rights Division Rules 2022 (the IPD Rules) to regulate the practice and procedure of the Intellectual Property Division, which was created by the Delhi High Court in July 2021 pursuant to the abolition of the Intellectual Property Appellate Board. The IPD Rules set out the procedure for dealing with cases transferred to the High Court (which the IPAB previously had jurisdiction upon).

Law stated - 15 April 2025

## Online and digital regulation

### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

Amendments to the Copyright Act 1957 (up until 2012) have ensured that, with the advent of satellite television and the internet, the definitions of rights are such that all digital platforms and formats are covered. The last amendment to the Copyright Act by the Copyright (Amendment) Act 2012 introduced specific provisions for dealing with the circumvention of technological measures pertaining to copyrighted works and provides solutions on a par with those for copyright infringement. This addition to the Act is specifically to deal with digital piracy and amending digital protection measures used to check piracy. By virtue of the newly inserted section 65A of the act, any person who circumvents an effective technological measure applied for the purpose of protecting rights conferred under the act,

with the intention of infringing such rights, shall be punished with imprisonment that may extend to two years and would also be liable to a fine. Similarly, section 65B provides that any person who removes or participates in the removal of rights management information, or the dissemination of copies of works from which rights management information has been removed, shall be punished with imprisonment of up to two years and shall also be liable to pay a fine. The Copyright Rules 2013 also provide for the maintaining of records by a person permitted to circumvent technological measures as per the act.

The 2012 amendments to the Act introduced certain provisions that are specifically relevant to copyright infringement and the internet.

Under the fair use provisions of the act, section 52(1)(b) provides that transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public does not constitute infringement of copyright. This provision provides safe harbour to internet service providers that may have incidentally stored infringing copies of a work for the purpose of transmission of data.

Section 52(1)(c) further provides that transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration that is not expressly prohibited by the rightsholder would not be infringement of copyright, unless the person responsible is aware of infringement or has reasonable grounds for believing that such storage is that of an infringing copy.

Under section 52(1)(c), if the owner of a copyrighted work, in a written complaint to the person responsible for digitally storing an infringing copy of the work, complains that such transient or incidental storage is an infringement, then the person responsible would have to refrain from facilitating access to the infringing copy of the work for a period of 21 days. If, within 21 days, the person responsible does not receive an order from a competent court that directs them to refrain from providing access, then access may be resumed at the end of that period.

Apart from the above-mentioned provisions, the Copyright Act makes it amply clear that all the provisions of the act must be applied to electronic and digital media in the same manner that they are applied to conventional media. The Copyright (Amendment) Act 2012 has also clarified this in many places. Remedies against copyright infringement on the internet are not dealt with separately under that act as the provisions sufficiently cover all forms of exploitation of works, including exploitation over the internet, and the remedies for copyright infringement would apply to the internet as they would to any other medium or platform.

Courts have interpreted the infringement provision under the Act in the context of secondary liability and held that permitting 'a place' to be used for profit for the purposes of communication of a work to the public under section 51(a)(ii) would also include the internet.

Law stated - 15 April 2025

## AI regulation

4 |

Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

No, India's Copyright Act 1957 currently does not address artificial intelligence (AI)-generated works, as it is based on human authorship, making ownership of AI generated works uncertain. With the rapid advancement of AI, which can autonomously generate artistic, literary and musical works, such models have made creating novel content possible. While section 2(d)(vi) of the Copyright Act 1957 defines the author of a computer-generated work as 'the person who causes the work to be created', this definition implies human intervention.

On 9 February 2024, the Ministry of Commerce and Industry issued a statement, averring that the existing intellectual property rights regime is adequate to protect AI-generated works and that there is no need for a separate category of rights for AI innovations. Consequently, no amendments to the Copyright Act have been proposed to address AI-specific issues.

In November 2024, Asian News International (ANI), an Indian news agency, filed a copyright infringement suit against OpenAI before the Delhi High Court, alleging unauthorised use of its copyrighted news content to train OpenAI's Large Language Model (LLM), ChatGPT. ANI claimed that ChatGPT was generating responses containing excerpts from its proprietary news articles without proper authorisation. Since its institution, several parties have intervened in the lawsuit such as the Federation of Indian Publishers, the Digital News Publishers Association; major industry players such as T-Series, Saregama and Sony also intervened, expressing concerns over the unauthorised use of copyrighted music and recordings in AI training. The Court has framed issues to be decided in the suit that include aspects such as storage of the plaintiff's data for training its software, copyright infringement of the plaintiff's copyrighted works as well as fair use.

Therefore, as it stands today, the Indian Copyright Act 1957 lacks clarity on assigning authorship when AI operates with minimal human involvement, leading to legal ambiguities.

While there is no proposed legislation that addresses the use of works in AI and machine learning, and neither do such AI tools find any mention in the Information Technology Act 2000 nor its allied Rules, the Ministry of Electronics and Information Technology (MeiTY) has published 'Advisories' time and again exercising a regulatory status in the interim.

An Advisory dated 7 November 2023 was issued by MeiTY for social media intermediaries advising them to conduct due diligence to identify misinformation (false news and deep fakes), while also burdening social media intermediaries with an obligation of removing such content within 36 hours of being reported. Further, any other non-compliance by such platforms would take away their safe harbour protection under the Information Technology Act 2000, which provides intermediaries immunity from any liability arising out of user-generated content that is hosted on its platform as long as the intermediary does not know that such content is infringing in nature.

Another significant circular was the Advisory dated 1 March 2024 wherein the following obligations were placed on intermediaries and platforms:

- the intermediaries/platforms should ensure that their use of AI models does not permit hosting/displaying/sharing of unlawful content. Further, these platforms were

advised to prevent bias/discrimination/threat to the integrity of the electoral process through the use of such AI models;

- under testing or unreliable AI Models/LLMs/Gen AI software/algorithms were advised to take explicit permission from the government of India before making their models/software available to users on the internet that is accessible in India. However, a revised advisory was later shared stating that such AI models/tools should be deployed only after appropriately labelling and informing users about the 'possible inherent fallibility or unreliability of the output generated';
- intermediaries and platforms should have 'terms of services' and 'user agreements' to sufficiently apprise the users of risks and any consequences of dealing with unlawful information; and
- further, if an intermediary facilitates the creation/generation/modification of information that could be used as misinformation or deepfake, the same should be embedded with metadata or a unique identifier identify its origin.

Law stated - 15 April 2025

### Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Yes. The Copyright Act 1957 provides jurisdiction to a copyright owner to sue if they are conducting business in India.

Additionally, the courts have jurisdiction to adjudicate upon disputes arising within the territories of India. Hence, a website based outside India that facilitates infringement of copyright by providing infringing copies of a work to users in India will confer jurisdiction on the courts in India to adjudicate the matter.

The courts may block complete access to a website by ordering that all internet service providers (ISPs) refrain from providing access to specific websites and block access to the infringing copies by the users of the ISP. Courts in India continue to block several infringing websites and other file-sharing websites that facilitate infringement through ISPs in India. Civil action against regular pirate websites by geo-blocking them within the territories of India has become a popular measure to counteract infringement. Such actions are often taken by the motion picture producers of Bollywood and by sports broadcasters. The Delhi High Court also issued orders to the Department of Telecommunications and the Department of Electronics and Information Technology, to monitor and hence prevent URLs with infringing content from resurfacing under a different URL, despite an injunction order restraining the former URL. In another case, *Swami Ramdev v Facebook* (Order dated 23 October 2019 in CS (OS) 27/2019), which dealt with the taking down of defamatory content by an intermediary, the Delhi High Court directed that as long as the uploading of information had taken place from an IP address in India, Indian courts would have jurisdiction to have that content completely taken down globally. However, where content

had not been uploaded from an IP address in India, the intermediaries could be directed to geo-block the content within India's jurisdiction. Although this was decided in a case dealing with defamatory content, the court's ruling regarding the taking down of unlawful content extends to copyright infringement cases.

In the case of *Star India Private Limited & Anr v Live4Wap.Click & Ors* (CS(COMM) 11/2023), the Delhi High Court highlighted the need for legislative policy to address the rising cases of copyright infringement by rogue websites. The judgment stated 'This Court finds itself inundated with such suits, which keep cropping up every now and then. It may be useful for the Legislature to formulate some kind of a policy by which such disputes can avoid being taking up the time of the courts.'

As a signatory to the Berne Convention for the Protection of Literary and Artistic Works (the Berne Convention), India follows the principle of national treatment and therefore does not discriminate between Indian and foreign works. Section 40 of the Copyright Act 1957 provides the central government with the power to extend copyright to foreign works, and it is in pursuance of this power that the legislature enacted the International Copyright Order 1999. The Order extends protection to any work made or published in a country that is party to the Berne Convention, the Universal Copyright Convention or the Phonograms Convention, or that is a member of the World Trade Organization.

Law stated - 15 April 2025

## Agency

### 6 | Is there a centralised copyright agency? What does this agency do?

Yes. There are two centralised copyright agencies in India: the Copyright Office and the Copyright Board. The Copyright Board does not have jurisdiction over civil copyright litigation.

The Copyright Office is headed by the Registrar of Copyrights. The function of the Copyright Office is to maintain the Register of Copyrights. The Registrar also has certain regulatory functions in relation to copyright societies, serves as a registry and provides secretarial support to the Copyright Board.

The Copyright Board is a quasi-judicial tribunal that is empowered to rectify errors in the Register of Copyrights, to grant compulsory licences and to fix the rates of licence fees in cases of statutory and compulsory licences. It also provides an alternative forum for the resolution of certain disputes between assignors and assignees. The chair of the Copyright Board is a person who has been a judge of a high court or is qualified for appointment as a judge of a high court. It has been clarified by the high courts that, despite no expressed statutory provision for review powers, the Copyright Board has the power to review its own decision if it is to correct procedural infirmities.

The government of India passed the Finance Act 2017, which merged the Copyright Board and the IPAB. The IPAB was previously constituted to hear appeals from the decisions of the Trademark Registry and Patent Office, but it now hears appeals and references from the Registrar of Copyrights as well. The IPAB now stands abolished, following the promulgation

of the Tribunals Reforms (Rationalisation and Conditions of Service) Ordinance 2021, which came into effect on 4 April 2021 and later became an act.

Law stated - 15 April 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

#### 7 | What types of works may be protected by copyright?

The Copyright Act provides a closed list of protected works under section 13. These works are original literary, dramatic, musical, artistic works, sound recordings and cinematographic works. Copyright law in India also protects neighbouring rights (ie, broadcast reproduction rights and performers' rights).

The Indian courts (notably the Supreme Court in [Eastern Book Company v DB Modak](#) (2008) 1 SCC 1 and the Division Bench of the Delhi High Court in [Dart Industries Inc v Techno Plast](#) (Order dated 21 July 2016 in FAO (OS) 326 of 2007) have laid down that not every effort or industry, or exercise of skill, results in a copyrightable work, and only those works whose creation involves some intellectual effort, as well as a certain degree of creativity, can be protected by way of a copyright.

Each category of works is separately defined under the act, providing the corresponding exclusive rights associated with each such right under section 14 and certain other provisions applicable to neighbouring rights, such as section 37 (broadcast reproduction right) and section 38A (performers' rights). Section 16 of the Copyright Act stipulates that there shall be no copyright except in accordance with the provisions of the act. In other words, copyright is a creation of the statute. In the case of [Aquate Internet Services Pvt Ltd v Star India Pvt Ltd](#), which dealt with the 'hot news' doctrine, the court interpreted section 16 to deny protection to the plaintiff who had filed an action to prevent others from publishing or sharing match information. As of April 2021, the matter is pending adjudication before the Supreme Court.

Law stated - 15 April 2025

### AI-generated works

#### 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

India does not have any specific provisions addressing Artificial Intelligence (AI) generated works. The Copyright Act of 1957 defines the author of a computer-generated work as 'the person who causes the work to be created'. This suggests that a human user or developer may claim copyright, but AI itself cannot. Indian courts have not ruled on any AI-generated copyright claims as of yet, leading to uncertainty in this area.

The Copyright Office in the matter of an artwork 'Suryast' commissioned by Mr Ankit Sahni (artist and lawyer) using an AI tool 'RAGHAV' (Robust Artificially Intelligent Graphics and Art Visualizer) allowed registration of the Copyright application listing Ankit Sahni and the AI tool RAGHAV as co-authors. However, the same was later withdrawn by the Copyright Office emphasising that under sections 2(d)(iii) and 2(d)(vi), the author must be a person who causes the work to be created. The current status of the said registration is unknown, however, as per the Copyright Office website, the status of the application is still registered.

As AI continues to advance, copyright laws will likely evolve to provide clearer guidelines on AI-generated content. Some experts suggest hybrid models, where AI-assisted works receive partial protection based on the level of human involvement. Others advocate for public domain status for purely AI-generated works to encourage broader access and innovation. However, the policy that Indian copyright law will adopt regarding AI generated works is yet to be seen.

Law stated - 15 April 2025

## Rights covered

### 9 | What types of rights are covered by copyright?

The Copyright Act 1957 sets out the following rights of copyright held by copyright owners:

- in the case of literary, dramatic or musical works – the exclusive right to reproduce (including storage in any medium by electronic means, issuing copies, public performance, or making any film or sound recording in respect of that work); to translate and adapt the work; and to communicate the work to the public (which is defined widely enough to cover dissemination over the internet);
- in the case of computer programs – all rights as mentioned for literary works in addition to selling or giving for hire, or offering for sale or hire for commercial rental any copy of the computer program;
- in the case of artistic works – to reproduce the work in any material form. This may include storing it in any medium by electronic or other means or depicting a two-dimensional work in three dimensions or vice versa. Copyright in an artistic work also includes the exclusive right to communicate the work in public, issue copies of it, include it in a cinematograph film and translate or adapt the work in any way;
- in the case of cinematograph films – to make copies of the film (on any medium, electronic or otherwise), including copies in the form of photographs that form a part of the film, sell or give for hire, or offer for sale or hire any copy of the film, to sell, give or offer for sale on commercial rental copies of the film and communicate the film to the public; and
- in the case of sound recordings – to make any other sound recording embodying it on any medium including storing it on any medium, to sell or give on commercial rental or offer for sale such rental and to communicate the sound recording to the public.

Further, the incorporation of a literary, dramatic or musical work in a sound recording or a cinematographic film does not extinguish the separate copyright in such works, which continues to subsist in favour of the authors of such works, unless and until the copyright in these works has been specifically assigned by authors of the works to the producers of the sound recordings or cinematographic films. In cases where such assignments have been entered into by the authors of such works, the authors of the works, after the 2012 amendment to the Copyright Act, continue to retain an inalienable right to royalty in respect of the commercial exploitation of such works.

The author enjoys moral rights independent of copyright; these being the rights to paternity and integrity, which exist despite the assignment of copyright. However, this does not extend to the adaptation of a computer program for fair dealing purposes. The Copyright Act also specifically states that violation of moral rights (specific to the right to integrity) is to be judged objectively.

Moral rights can be enforced by the legal representatives of the author. The 2012 amendments to the Copyright Act provide that a legal representative of an author can exercise both paternity as well as integrity rights in a work. The 2012 amendments also consciously omit the previous co-extensive term of moral rights with copyright by specifically removing the copyright term restriction on a claim for right to integrity by the legal representative. Moral rights are not assignable (although on general principles as it is a civil right and not a fundamental right under the Indian Constitution, moral rights can be waived).

Law stated - 15 April 2025

## 10 | What limitations and exceptions apply?

The Indian Copyright Act, 1957 provides copyright owners with exclusive rights over their works. However, to balance the rights of authors with public interest, section 52 of the Indian Copyright Act 1957 lists exceptions where the use of copyrighted material does not amount to copyright infringement. Key exceptions to infringement include fair dealing for private use, research, criticism, review and reporting of current events, use in judicial and legislative proceedings, reproduction for educational purposes and limited copying by libraries and archives. Non-commercial performances by amateur groups, use in religious ceremonies, adaptations for persons with disabilities and incidental inclusion in films or broadcasts are also listed as exceptions to infringement. These exceptions aim to balance creators' rights with public interest and access to knowledge.

Another limitation to copyright in India is that in certain cases, the Indian Copyright Office grants compulsory licences that allow use of copyrighted works without the owner's consent, subject to payment of a fixed royalty in cases where the work is not available to the public (section 31), the work is for disabled persons (section 31B) or for translations of works in other languages (section 32).

Law stated - 15 April 2025

## Excluded works

## 11 | What may not be protected by copyright?

The 'idea and expression' dichotomy is applied generally, as in other common law jurisdictions, as required under article 9.2 of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights. Further, any work that is made substantially from the infringement of any other work does not enjoy any copyright protection.

As per section 15 of the Copyright Act, a design (which may be the reproduction of an original artistic work) does not get copyright protection if it is registered under the Designs Act 2000. Additionally, as per section 15(2) of the Copyright Act 1957, copyright in any design ceases to have copyright protection if it is capable of being registered under the Designs Act 2000 but has not been and more than 50 copies of the work have been made by any industrial process. However, in a judgment in 2015 by the Delhi High Court, it has been held that in order to be a subject matter registrable as a design for the operation of section 15(2), the work should be 'novel' and this is the sole condition for the operation of section 15(2) in order to deny copyright protection to artistic works not registered as designs.

Apart from the aforesaid cases, there have been some cases that have held that certain categories of works are not entitled to copyright protection. These include a title of a film – the rationale being that it is not sufficiently original to be afforded protection. Copyright protection was denied to a format of a game in the *Scrabble* case before the Delhi High Court ([Mattel, Inc and Others v Jayant Agarwalla and Others](#)), based on the idea and expression dichotomy. Moreover, methods of operation, such as an accounting system, would not merit copyright protection. Historical facts, functional aspects and also techniques are not copyrightable. In the case of [Institute for Inner Studies v Charlotte Anderson](#) 2014 (57) PTC 228 (Del), MIPR 2014 (1) 129, the court denied copyright protection to Pranic healing techniques on the principle that only the selection and arrangement of the expression of the art form was copyrightable, not the technique itself. However, the court recognised the rights of the co-author, who had written down and transcribed lectures by expending skill and labour.

Law stated - 15 April 2025

### Fair use and fair dealing

## 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

The Copyright Act contains an exhaustive list of non-infringing uses. The doctrine of 'fair dealing' applies to the extent and nature of such uses as specifically delineated in section 52 of the Copyright Act. The Delhi High Court, in the landmark judgment of [Chancellor, Masters & Scholars of University of Oxford v Rameshwari Photocopy Services](#) 2016(68) PTC 386, observed that all defences provided under section 52 have to be analysed against the touchstone of fairness and that the 'purpose of the use' would determine whether it is fair use.

In that case, the court held that in the context of teaching and the use of copyrighted material under section 52(1)(i), the fairness in the use can be determined using the touchstone of 'extent justified by the purpose'.

Further, the Division Bench of the Delhi High Court in another leading case, [Syndicate of the Press of the University of Cambridge v BD Bhandari](#)> 2011 (47) PTC 244 (Del) (DB), held that the 'four factors' test as enunciated by the courts in the United States (ie, the purpose and character of the use, the nature of the copyrighted work, the amount and substantiality of the portion taken, and the effect of the use upon the potential market) would be applicable in determining fair dealing of copyrighted works under section 52(1)(a) of the Copyright Act.

Law stated - 15 April 2025

## Architectural works

### 13 | Are architectural works protected by copyright? How?

Yes. Architectural works are protected as a form of artistic work. However, an injunction cannot be taken out against a structure that has already been erected.

In the case of [Raj Rewal v Union of India & Ors](#), the Delhi High Court held that copyright, being a creation of statute, will not prevail over a defendant's constitutional right to freely deal with their property and land. Accordingly, the court held that an architectural work created on another person's land may be liable to demolition. Further, the court held that such demolition would not amount to a distortion, mutilation or modification of the work and that therefore it would not amount to an infringement of the architect's moral rights.

Moreover, the protection of the architectural work does not extend to the processes or methods of construction. This underscores the functionality doctrine.

Law stated - 15 April 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

The right of performance (that is, the right to perform a work in public) is covered by the Copyright Act. Section 14 lists the exclusive rights of all copyright holders and section 14(a)(iii) recognises the exclusive right of an author of a literary, dramatic or musical work to perform the work in public.

Law stated - 15 April 2025

## Neighbouring rights

### 15 | Are other 'neighbouring rights' recognised? How?

Yes. The Copyright Act provides for broadcasting reproduction rights and rights of performers over their performances under Chapter 8 of the Act. *Droit de suite* is recognised under section 53A of the Act.

Broadcast Reproduction Rights under section 37 of the Copyright Act are special rights granted to broadcasting organisations in respect of their broadcasts. These include the right to:

- re-broadcast a broadcast;
- cause a broadcast to be heard or seen by the public on payment of any charges;
- make sound recordings or visual recordings of broadcasts, and reproduce such sound or visual recordings; and
- sell or provide for commercial rental, or offer for sale or rental, any sound or visual recording of the broadcast.

Broadcast reproduction rights subsist for 25 years from the beginning of the year following the year in which the broadcast is made.

Performers' rights are recognised under sections 38 and 38A of the Copyright Act 1957 as special rights, separate from copyright. These exclusive rights of a performer are independent of and without prejudice to the rights conferred on authors of works that are performed.

The exclusive rights of a performer consist of the right to:

- make sound recordings or visual recordings of the performance, including reproduction of it in material form and storing it in any medium by electronic or other means and issuing copies to the public;
- sell the recording or provide it for commercial rental, or offer it for sale or for commercial rental; and
- broadcast or communicate the performance to the public, except where the performance is already broadcast.

Once a performer has, by way of a written agreement, given their consent for incorporation of their performance in a cinematograph film, they cannot object to the producer enjoying the exclusive performers' rights, provided that there is no contract to the contrary. Performers' rights last for 50 years from the beginning of the year following the year in which the performance is made.

Performers are further also entitled to an inalienable right to royalties from commercial exploitation of a performance (ie, the right to receive royalties (R3 right)). This right is unaffected by a performer's written consent to allow their performance to be incorporated in a film. Hence, the right to royalties of performers would have to be dealt with separately from other performers' rights when parties negotiate upon how the performance will be incorporated in a film and the mutual considerations between them.

With the passing of the Copyright (Amendment) Act 2012, the concept of performers' rights has been cemented and exclusive rights have been granted to a performer akin to copyright in original works. This is in accordance with provisions of the World Intellectual Property Organization Performances and Phonograms Treaty. The 2012 amendments to

the Copyright Act have also granted moral rights to performers giving them extra protection. The rules accompanying the Copyright Act further provide for the setting up of a separate 'performers' society' for each class of 'performer'.

The Indian Singers' Rights Association (ISRA) has been registered with the government of India as a copyright society for singers as a class of performers. The purpose of the copyright society is to administer the rights of the singers who are its members and collect royalties on their behalf for their exclusive rights as per the Copyright Act. The Delhi High Court has, on many occasions, upheld ISRA members' right to receive royalties and has restrained third parties from infringing this right by not paying the royalties due to performers.

Section 53A of the Copyright Act provides a special right to an author who is the first owner of a painting, sculpture, drawing or manuscript of a literary or dramatic or musical work. Such an author has the right to receive a share in the resale price of the original painting, sculpture, drawing or manuscript of a literary or dramatic or musical work. The share of the author in the resale price shall be fixed by the Intellectual Property Appellate Board. Further, this special right is coterminous with the term of copyright in the concerned work.

Law stated - 15 April 2025

## Moral rights

### 16 | Are moral rights recognised?

Yes. The Copyright Act provides for the protection of the moral rights of authors in their works and of performers in their performances. Performers' moral rights were provided by the Copyright (Amendment) Act of 2012.

The moral rights of an author consist of the right to:

- claim authorship of the work (paternity right); and
- claim damages in respect of any distortion, mutilation, modification or other acts in relation to the work if such distortion, etc, would be prejudicial to their honour or reputation (integrity right).

Prior to the 2012 amendments, such remedy was available only against mutilation, modification, etc, of a work during the term of the copyright in the work. However, this moral right is now a perpetual right of the author and their heirs.

There are a few instances of Indian courts passing orders to enforce and protect the moral rights of authors, including the following:

- [Amar Nath Sehgal v Union of India](#) 2002 (25) PTC 56 (Del): in this case, the government of India had commissioned a sculptor to create a mural for the lobby of a central government ministry. Once the sculptor had completed the mural, it was displayed for a period of time after which it was pulled down and disposed of by the government. The sculptor then sued the government for violating his moral rights, comprising his right of paternity and right of integrity, both of which were

independent of copyright in the mural. The court in this case granted the defendant damages of 50,000 rupees for violation of his moral rights.

- *Jatin Das v Union of India*, Orders dated 2 August 2018 and 19 September 2019: in this case, on the first day of the hearing, the Delhi High Court issued an interim injunction in favour of an artist who had sought to protect the integrity of his work, a 30-foot-tall steel art installation entitled 'Flight of Steel', which had been commissioned for the Bhilai Steel Plant in 1996. The plaintiff, a few years after the artwork was installed, discovered that the sculpture had been broken into pieces, removed to a nearby zoo and painted over. The court, in order to enforce the moral rights of the plaintiff as an author, issued an interim injunction against the government of India and the concerned authorities ordering that no further loss, damage or mutilation was to be caused to the art installation until the suit is decided. Thereafter, the court fashioned a unique remedy wherein it constituted a committee of senior officials of the central government as well as the director of the National Gallery of Modern Art to look into the matter and suggest a fair solution. The committee, after holding multiple meetings with all stakeholders concerned, recommended relocation of the sculpture to a new location selected by the artist, to be undertaken under the supervision of the artist at the cost of the defendant. The court decreed the matter in terms of this recommendation and also directed the defendant to pay an honorarium of 15,000 rupees to the artist for this relocation of the sculpture.

The moral rights of a performer consist of the right to:

- claim to be identified as the performer of the performance except where omission is dictated by the manner of the use of the performance; and
- restrain or claim damages in respect of any distortion, mutilation or other modification of their performance that would be prejudicial to their reputation (the mere removal of a portion of a performance for the purpose of editing, or to fit a recording of a performance within a limited duration, or any other modification required for purely technical reasons, is not deemed to be prejudicial to the performer's reputation).

Law stated - 15 April 2025

## COPYRIGHT FORMALITIES

### Notice

17 | Is there a requirement of copyright notice?

No. There is no legal requirement. The ' ' mark was considered useful to protect copyright in countries that were members of the Universal Copyright Convention (UCC) but not members of the Berne Convention for the Protection of Literary and Artistic Works – but after the Agreement on Trade-Related Aspects of Intellectual Property Rights, the UCC is of little practical importance.

In practice, some form of notice such as , or a longer notice such as ‘ , name of owner, date’, is often displayed on or next to the copyrighted work.

Law stated - 15 April 2025

### 18 | What are the consequences for failure to use a copyright notice?

There are no adverse consequences.

However, section 52A of the Copyright Act requires certain particulars to be displayed on sound recordings published in India. The consequences of not complying with this provision are provided in section 68A, with a term of imprisonment that may extend to three years and a fine. This provision has been enacted to protect against piracy and counterfeiting.

Law stated - 15 April 2025

## Deposit

### 19 | Is there a requirement of copyright deposit?

There is no requirement of copyright deposit.

Law stated - 15 April 2025

### 20 | What are the consequences for failure to make a copyright deposit?

There is no requirement of copyright deposit.

Law stated - 15 April 2025

## Registration

### 21 | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

Yes. A register in the prescribed form called the Register of Copyrights is available at the Copyright Office with the names or titles of registered works, the names and addresses of authors, publishers and owners of copyright and other such particulars as prescribed. The author, publisher or owner of, or another person interested in, the copyright of a work may apply for registration.

The Register of Copyrights is evidence of the particulars entered therein and certified extracts from the register are admissible as evidence in all courts without further proof or requirement of the production of the original.

Law stated - 15 April 2025

## 22 | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

No. Copyright subsists in a work from the date of its creation for its entire term and there is no formal requirement of registration to be entitled to copyright protection. However, registration in the Register of Copyrights serves as prima facie proof of the particulars therein. Hence, registration is useful due to its initial evidentiary value.

Law stated - 15 April 2025

## 23 | What are the fees to apply for a copyright registration?

The [fees that are to be paid to the Registrar of Copyrights](#) along with a prescribed application for registration of copyright in a work are as follows:

- for literary, dramatic, musical or artistic works – 500 rupees per work;
- for literary or artistic works used in relation to any goods – 2,000 rupees per work;
- for a cinematograph film – 5,000 rupees per work; and
- for a sound recording – 2,000 rupees per work.

Law stated - 15 April 2025

## 24 | What are the consequences for failure to register a copyrighted work?

Since registration is not mandatory, there are no adverse consequences for failure to register a work. However, it is advisable to have a registration as enforcement agencies in India, including the police and customs, do not take action without proof by way of a copyright certificate.

Law stated - 15 April 2025

## OWNERSHIP AND TRANSFER

### Eligible owners

## 25 | Who is the owner of a copyrighted work?

As a general rule, the author of a work is the first owner of the copyright in a work. For an original literary, musical, dramatic and artistic work, it is the person who created or composed the work and for a sound recording and cinematograph film, it is the producer of the work. In the case of a photograph, it is the photographer. For computer-generated works, the author (ie, first owner of the copyright) is the person who causes the work to be created.

The exceptions to this rule are covered in section 17 of the Copyright Act, and are summarised below:

- In the case of literary, dramatic or artistic works made by the author in the course of their employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship for the purpose of publication in the newspaper, magazine or periodical, the proprietor of the publication shall be the first owner of the work for the purposes of its publication in a newspaper, magazine or similar periodical. In all other respects, the author is the first owner.
- In the case of a work that is a photograph, painting, portrait, engraving or cinematograph film that has been created at the instance of any person for valuable consideration, such person is the first owner of the copyright in the work. However, this does not affect the rights of an author in any original literary, dramatic, musical or artistic work that is incorporated in a cinematograph film.

In the case of *Indian Heritage Society & Anr v Meher Malhotra & Anr* (CS(OS) No. 2717 of 2011), the Delhi High Court granted a permanent injunction in favour of the plaintiff who was not the photographer, but was held to be the first owner of copyright in the photographs. This was because it was at the plaintiff's instance that the photographs were taken for a valuable consideration paid to the photographer. The general rules regarding ownership of works are as follows:

- in the case of a work created by an author in the course of their employment under a contract of service or apprenticeship, the employer is the first owner of the work. However, this does not affect the rights of an author in any original literary, dramatic, musical or artistic work that is incorporated in a cinematograph film as has been clarified by the 2012 amendments to the Copyright Act;
- in the case of any address or speech delivered, the person making the address or delivering the speech, or the person on whose behalf they do so, is the first owner of the work;
- in the case of a government work, the government is the first owner of the work;
- in the case of a work made or first published by a public undertaking, the public undertaking will be the first owner of the work; and
- in the case of works created by international organisations, the international organisation would be the first owner of the work.

Law stated - 15 April 2025

## Employee and contractor work

### 26 | May an employer own a copyrighted work made by an employee?

If a person in the course of their employment under a contract of service or apprenticeship creates any work, their employer becomes the first owner of the copyright in the work, as long as there is no contract to the contrary. Hence, an employer's ownership is automatic by virtue of the employer–employee relationship. However, for any literary, musical, artistic

and dramatic works that are incorporated in a film, the employer does not become the first owner of the copyright and the employee author retains the first ownership. A specific assignment of copyright in such a case is required by the employer.

Law stated - 15 April 2025

## 27 | May a hiring party own a copyrighted work made by an independent contractor?

In the absence of an assignment in favour of the hiring party, the first owner of the copyright is the independent contractor. The hiring party would have only an equitable right to use the material created for the purpose of hiring or commission, and possibly against any assignment detrimental to such use.

To own the copyright, the hiring party would have to obtain an assignment in writing from the independent contractor.

Law stated - 15 April 2025

## Joint and collective ownership

### 28 | May a copyrighted work be co-owned?

Yes. Joint authorship of a work is established only when the work is produced by the collaboration of two or more authors where the contribution of one author is not distinct from the contribution of the other author or authors.

The leading case of joint authorship in India is *Najma Heptulla v Orient Longman Ltd and Ors*, AIR 1989 Delhi 63.

Law stated - 15 April 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Yes. Copyright and neighbouring rights can generally be transferred by assignment, by testamentary disposition or by inheritance.

However, moral rights are not assignable. Furthermore, with the amendment of the Copyright Act in 2012, authors of literary or musical works that are included in cinematographic films or sound recordings have an inalienable right to receive royalties for the exploitation of their works, and this right to receive royalties cannot be assigned by the author to anyone except their own legal heirs or to a copyright society for the purpose of collection and distribution of royalties. Similarly, where performances of performers are incorporated in cinematographic films or sound recordings, such performers also have inalienable rights to receive royalties for the exploitation of their performances, and this right to receive royalties cannot be assigned by the performer to anyone except their own

legal heirs or to a performers' rights society for the purpose of collection and distribution of royalties.

Additionally, apart from other specific requirements listed in the Copyright Act for a valid assignment (eg, identifying the work, right assigned, territory, duration), it is also necessary to specify both the royalty and other consideration payable in the assignment agreement and this may also be applicable for licence agreements.

There is a requirement under the act for mentioning the territorial extent and the duration of the assignment. Further, the period of assignment would be considered to be five years, if such period is not otherwise mentioned. In such a case, after the expiry of the five-year period, the copyright in the work will revert to the assignor.

Law stated - 15 April 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

Yes, the owner of a copyright may either license the entire copyright or the licence may be confined to one or more interests in the copyright. The copyright may be licensed to more than one person non-exclusively. However, a licence would not result in a change of ownership of a work. Like assignment, the grant of any licence is also required to be in writing, and the details of work, territory and term should be specified. If it is not specified, the term shall be presumed to be five years and the territory shall be presumed to be restricted to India only. A licence agreement needs to be in writing. However, there is no requirement for it to be signed, as is mandatory for assignment agreements.

Law stated - 15 April 2025

### 31 | Are there compulsory licences? What are they?

Yes. The Copyright Board is empowered to grant compulsory licences with regard to Indian and foreign works. Some of the purposes for which compulsory licences may be granted are:

- when a work has been withheld from the public because the owner of the work has refused to grant a licence to republish or perform the work;
- when a work or a translation thereof has been withheld from the public because the author of the work is dead or cannot be found, or because the copyright owner cannot be found; and
- when a compulsory licence is required for making a work available to persons with disabilities.

The Copyright Act also provides for statutory licences to broadcasters and statutory licences for cover versions.

In the case *Tips Industries v Wynk Music* (Order dated 23 April 2019 in Notice of Motion (L) No. 197 of 2018 IN Commercial Suit IP (L) No. 114 of 2018) involving an online streaming service and the scope of statutory licences that can be granted to such a broadcaster, the Bombay High Court held that:

- section 31D does not allow for ‘download or purchase’ of the copyrighted work and the act of the defendant in permitting users to download and store copyrighted music for unlimited future use constituted a ‘sale’ and a not mere ‘communication to the public’, which section 31D contemplates; and
- section 31D was intended to cover only radio and television broadcasting, and did not cover internet broadcasting.

In another case, *Shumita Deb v Saregama*, a dispute involving cover versions, the Supreme Court of India emphasised the importance of strict compliance with the mandatory requirements laid out in section 31C of the Copyright Act and, upon an undertaking of such strict compliance by the respondent, disposed of the special leave petition filed by the petitioner.

In the case of *Music Broadcast Limited v Tips Industries Ltd & Ors*, which was decided on 30 December 2020, the Intellectual Property Appellate Board (IPAB) held that for radio broadcasting of musical works and sound recordings, there should be separate statutory royalty rates for owners of musical works and sound recordings, and owners of underlying works, and accordingly fixed the specific royalty rates. In particular, it was observed that the payment of the royalty and consideration for the sound recording as a whole must be made to the owner of the sound recording (ie, the producer), whereas the distribution of the royalty on a shared basis must be made between the relevant owner of the underlying work (authors and composers) and the assignee or owner of the sound recording.

The Delhi High Court, less than a week after the IPAB judgment, made a contrasting decision in the cases of *The Indian Performing Right Society Ltd (IPRS) v Entertainment Network (India) Ltd* (Radio Mirchi) and *Phonographic Performance Ltd (PPL) & IPRS v CRI Events (P) Ltd & Ors*, holding that when sound recordings are broadcast, the underlying works are not considered to be independent of the sound recording and, therefore, a separate licence for communicating the underlying works is not required.

While the IPAB recognised the rights of the authors of underlying works, the Delhi High Court did the opposite, thereby leaving the sharing of royalties a contentious issue. Both judgments have been challenged and are pending before the Division Bench of the Delhi High Court as at April 2021.

The Bombay High Court in the case of *Anil G Karkhanis v Kirloskar Press and Another* (MANU/MH/1141/2023), granted a licence under section 32 of the Copyright Act to the petitioner to translate a literary work from English to Marathi. [Section 32](#) allows the publication of a translated work after seven years from the first publication without the authorisation of the author. The petitioner, Anil G Karkhanis, was granted the licence to produce and publish the translated version of Madeleine Slade (popularly known as Mira Behn)’s autobiography *The Spirit’s Pilgrimage* in Marathi. Originally authored in English, the work was first published in 1960 in India by Orient Longman Private Ltd and in the United Kingdom by Longmans, Green & Co. The petitioner argued that, despite best efforts, he was not able to locate any publishers and thus had approached the court to issue the

licence. This is perhaps India's first licence to be granted under section 32 of the Copyright Act 1957.

Law stated - 15 April 2025

### 32 | Are licences administered by performing rights societies? How?

Yes. Performing rights societies (the Indian Performing Right Society Limited, the Phonographic Performance Limited and the Indian Singers' Rights Association) are copyright societies for the collection, licensing, administration and enforcement of rights. Such copyright societies are required to be registered under section 33 of the Copyright Act in order to legally continue the business of granting licences and collecting royalties. In the absence of valid registration, courts have struck down the licences granted by such societies (see *Leopold Café Stores v Novex Communications Pvt Ltd*). Further, the Division Bench of the Madras High Court in the case of *Lyca Productions v J Manimaran* (2018(73)PTC[Mad[DB]) held that an organisation that is not a copyright society is not competent to administer any right in any work, including cinematographic films.

On 18 April 2023, the central government registered [M/s Cinefil Producers Performance Limited](#) as a copyright society under section 33(3) of the Copyright Act in the realm of cinematographic film works. It is a society formed by film producers and other owners.

After the 2012 amendments to the Copyright Act, the newly inserted section 33(3A) required all previously registered copyright societies to re-register themselves. However, a few music-collecting societies refused to do so and, as a result, the legality of their business came under question. After an investigation, one of the societies re-registered itself as a copyright society, although enquiries were made relating to its management. These societies collect performance royalties for literary and musical works, for sound recordings and for cinematograph films. Another copyright society, the Indian Reprographic Rights Organisation, was duly registered in 2013.

Law stated - 15 April 2025

## Termination

### 33 | Is there any provision for the termination of transfers of rights?

A copyright may be transferred in one of two ways, namely by assignment or by licensing. Licences may be exclusive or non-exclusive.

Assignments can be in part or in full in a future or existing work subject to statutory presumptions such as the term, unless specified otherwise in the agreement or unless the agreement provides a contingency. Rights not utilised in a work within a period of one year from the date of assignment or licence are deemed to lapse back to the assignor.

An assignment more than five years old can be revoked by the Copyright Board if the author can show that it is, or has become, onerous. Transfers of rights might also, conceivably, be held to be unlawful under the law of contract. Again, a licence would normally be liable to termination if the licensee failed to comply with the conditions of the licence.

This is clear from section 51 of the Copyright Act, which states:

When copyright infringed. Copyright in a work shall be deemed to be infringed

–

(a) when any person, without a licence granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act.

Law stated - 15 April 2025

## Recordal

**34** | Can documents evidencing transfers and other transactions be recorded with a government agency?

Yes. If the copyright in a work has been registered with the Copyright Office and its particulars have been recorded in the Register of Copyrights, then transfer of ownership may be recorded in the Register pursuant to an application to the Registrar of Copyrights in a prescribed form, along with a prescribed fee.

Law stated - 15 April 2025

## DURATION OF COPYRIGHT

### Protection start date

**35** | When does copyright protection begin?

Copyright protection begins the moment a work comes into existence (ie, date of creation).

The first proviso to section 18(1) of the Copyright Act states that 'in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence'.

Law stated - 15 April 2025

### Duration

**36** | How long does copyright protection last?

The term of copyright depends on the nature of the work:

- literary, dramatic, musical or artistic work – throughout the life of the author and 60 years from the beginning of the year following the year in which the author dies;
-

anonymous or pseudonymous work – 60 years from the beginning of the year following the year when the work is published;

- posthumous works – 60 years from the beginning of the year following the year when the work is first published;
- cinematograph films, government work, work of a public undertaking or work of an international organisation – 60 years from the beginning of the year following the year of first publication;
- broadcast reproduction rights – 25 years from the beginning of the year following the year in which the broadcast is made; and
- performers' rights – 50 years from the beginning of the year following the year in which the performance is made.

Law stated - 15 April 2025

### 37 | Does copyright duration depend on when a particular work was created or published?

Yes. The term of copyright depends on the nature of the work:

- literary, dramatic, musical or artistic work – throughout the life of the author and 60 years from the beginning of the year following the year in which the author dies;
- anonymous or pseudonymous work – 60 years from the beginning of the year following the year when the work is published;
- posthumous works – 60 years from the beginning of the year following the year when the work is first published;
- cinematograph films, government work, work of a public undertaking, or work of an international organisation – 60 years from the beginning of the year following the year of first publication;
- broadcast reproduction rights – 25 years from the beginning of the year following the year in which the broadcast is made; and
- performers' rights – 50 years from the beginning of the year following the year in which the performance is made.

Law stated - 15 April 2025

## Renewal

### 38 | Do terms of copyright have to be renewed? How?

No. There is no renewal of copyright under Indian law as neither registration nor renewal are required for subsistence of copyright in a work for its entire term. After the completion of the copyright term, the work will fall into the public domain and is irretrievable.

Law stated - 15 April 2025

## Government extension of protection term

### 39 | Has your jurisdiction extended the term of copyright protection?

The terms of copyright protection have been extended as follows:

- Pursuant to the Copyright (Amendment) Act 2012, the term of copyright protection in photographs has been made coterminous with other artistic works. Therefore, instead of enjoying a 60-year post-publication term, copyright in photographs now effectively subsists until 60 years after the death of the photographer.
- The term of protection of performers' rights was extended in 1999 from 25 years to 50 years.
- The term of protection for all works, whether calculated after the death of the author or from the date of publication, was increased for a period of 10 years from 50 years to 60 years in 1992.

Law stated - 15 April 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

#### 40 | What constitutes copyright infringement?

Copyright infringement occurs when any of the following occur:

- unauthorised use of the exclusive rights of the owner of a copyright whether in relation to the whole or a substantial part of the copyright work;
- permitting a place to be used for infringing purposes on a profit basis; and
- displaying or exhibiting in public by way of trade or distributing for the purpose of trade or importing infringing copies of a work.

In the case of [MySpace Inc v Super Cassettes Industries Ltd](#), the Division Bench of the Delhi High Court held that the word 'place' mentioned in section 51 of the Copyright Act is broad enough to include the internet and therefore displaying infringing work on the internet would amount to copyright infringement.

Law stated - 15 April 2025

### Vicarious and contributory liability

#### 41 | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

The terms 'indirect', 'secondary', 'vicarious' and 'contributory' infringement are not mentioned in Indian copyright law, although they are sometimes used. The acts referred to would generally amount to infringement under Indian law, as in the case of jurisdictions that have similar wording in their copyright statutes, such as Australia or the United Kingdom.

In the context of intermediary liability, the only issue is that of secondary liability since an intermediary, by definition, only provides a platform for facilitating online transactions. An intermediary can be held liable if it does not comply with the provisions of section 79 of the Information Technology Act 2000, which also requires certain due diligence to be undertaken, as provided for in the [Consumer Protection \(E-Commerce\) Rules 2020](#) and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, which superseded the Intermediary Guidelines Rules 2011.

Law stated - 15 April 2025

## Available remedies

### 42 | What remedies are available against a copyright infringer?

The remedies provided by the Copyright Act 1957 against infringement of copyright are:

- civil remedies – these provide for injunctions, damages, rendition of accounts, delivery and destruction of infringing copies and damages for conversion;
- criminal remedies – these provide for imprisonment, fines, seizure of infringing copies and delivery of infringing copies to the owner; and
- border enforcement – the act also provides for the prohibition of import and destruction of imported goods that infringe the copyright of a person with the assistance of the customs authorities of India.

Law stated - 15 April 2025

## Limitation period

### 43 | Is there a time limit for seeking remedies?

Yes. The period of limitation for filing a suit for damages for infringement of copyright is three years from the date of such infringement.

However, each time there is an infringement, it constitutes a recurring cause of action, which will provide a fresh limitation for filing an action ([M/S Bengal Waterproof Ltd v M/S Bombay Waterproof Manufacturing Company & Another](#)).

Law stated - 15 April 2025

## Monetary damages

**44 | Are monetary damages available for copyright infringement?**

Yes. Besides damages the copyright owner can also claim rendition of account of profits.

Law stated - 15 April 2025

**Attorneys' fees and costs****45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?**

Yes. Litigation costs are a standard request in infringement suits, but the decision to award such costs is at the discretion of the court. Costs awarded seldom cover actual legal expenses. However, the Commercial Courts, Commercial Division and Commercial Division Appellate Division of High Courts Act 2015 brought forth amendments to the Code of Civil Procedure and specifically provides for payments of costs and lays down scenarios in which costs are to be paid and the method used to calculate costs.

Law stated - 15 April 2025

**Criminal enforcement****46 | Are there criminal copyright provisions? What are they?**

Yes. The Copyright Act 1957 has provided for the enforcement of copyright through a series of penal provisions under Chapter 13 of the act. The following are the principal penal provisions under the act:

1. Under section 63, where any person knowingly infringes or abets infringement of the copyright in a work and any other right as covered by the Copyright Act, 1957 (broadcast reproduction rights, performers' rights, moral rights, etc), such person may be punished with imprisonment of a minimum term of six months and a maximum term of three years, and a fine of between 50,000 and 200,000 rupees.
2. Section 65A penalises circumvention of effective technological measures that may be applied to copies of a work with the purpose of protecting any of the rights conferred under the act (ie, copyright and performance rights). The punishment under this provision is imprisonment, which may extend to two years and payment of a fine. Section 65A was inserted by the Copyright (Amendment) Act 2012.
3. Section 65B makes unauthorised removal or alteration of 'rights management information' punishable with imprisonment of up to two years and payment of a fine. The provision makes the unauthorised distribution, broadcast or communication to the public of copies of the work punishable in the same manner if the person is aware that electronic rights management information in the copy has been removed or altered. Section 65B was inserted by the Copyright (Amendment) Act 2012.
4. Section 63A provides for an enhanced penalty on second or subsequent convictions under section 63 (see point (1)).

5. Other provisions in Chapter 13 provide penalties for offences such as using infringing copies of a computer program, making or possessing plates for the purpose of making infringing copies of works and making false entries in the Register of Copyrights.

Law stated - 15 April 2025

## Online infringement

### 47 | Are there any specific liabilities, remedies or defences for online copyright infringement?

Yes. The 2012 amendments to the Copyright Act introduced certain provisions that are specifically relevant to copyright infringement and the internet.

Under the fair use provisions of the Act, section 52(1)(b) provides that transient or incidental storage of a work or performance purely in the technical process of electronic transmission or communication to the public does not constitute an infringement of copyright. This provision provides a safe harbour to internet service providers that may have accidentally stored infringing copies of a work for the purpose of transmission of data.

Section 52(1)(c) further provides that transient or incidental storage of a work or performance for the purpose of providing electronic links, access or integration that is not expressly prohibited by the rightsholder would not be an infringement of copyright unless the person responsible is aware of infringement or has reasonable grounds for believing that such storage is that of an infringing copy.

Under section 52(1)(c), if the owner of a copyrighted work, in a written complaint to the person responsible for digitally storing an infringing copy of the work, complains that such transient or incidental storage is an infringement, then the person responsible would have to refrain from facilitating access to the infringing copy of the work for a period of 21 days. If, within 21 days, the person responsible does not receive an order from a competent court that directs them to refrain from providing access, then access may be resumed at the end of that period.

Therefore, if A, the owner of a short story, finds that their short story has been published on the website of B, they may write a complaint to B declaring that B must refrain from providing the public with access to A's short story. B would then have to remove A's short story from visibility or accessibility on their website for 21 days, within which time A must persuade a competent court that it should order the complete removal of the infringing version or copy of the work. If the court does not issue such an order within that period of time, then B may resume making the short story available to the public on their website. This provision was inserted in the Act by the Copyright (Amendment) Act 2012, which came into force on 21 June 2012. It is yet to be seen in practice.

Apart from the above-mentioned provisions, the Copyright Act makes it amply clear that all the provisions of the act must be applied to electronic and digital media in the same manner they are applied to conventional media. The Copyright (Amendment) Act 2012 has also clarified this in many places. Remedies against copyright infringement on the internet

are not dealt with separately under that Act as the provisions sufficiently cover all forms of exploitation of works, including exploitation over the internet, and the remedies for copyright infringement would apply to the internet as they would to any other medium or platform.

As regards online copyright infringement involving intermediaries, section 79(3)(b) of the Information Technology Act 2000 fastens liability on an intermediary if it had actual knowledge of the infringement. 'Actual knowledge' was interpreted by the Supreme Court in the case of [Shreya Singhal v Union of India](#) (2013) 12 SCC 73 as meaning knowledge through a court order. However, this requirement was read down for cases involving copyright infringement by the Division Bench of the Delhi High Court in *MySpace Inc v Super Cassettes Industries Ltd*, and now, for copyright infringement matters specific knowledge by the intermediary is sufficient, without the need for a court order.

In the case of *Samridhi Enterprises v Flipkart Internet Private Limited & Ors* (CS(COMM) 63 of 2023), it was held by the Delhi High Court that intermediaries are not required to act against alleged infringers on a user's complaint under rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Rule 3 is concerned with the infringement of a copyright, patent, trademark or any other proprietary right.

The Delhi High Court, while repudiating the submissions of the counsel for that plaintiff, affirmed that rule 3(2) specifies the requirement for intermediaries to publish the details of the grievance officer and the mechanism by which the users could complain against the violation of the provisions of Rule 3 of the Information Technology Rules. On receipt of a grievance, Rule 3(2)(a) simply requires the grievance officer to acknowledge the complaint and dispose of it. The clause does not go on to say that the intermediary must take any specific action in response to a notice of infringement, much less take any specific action against the intermediary.

In sharp contrast to the above, the Delhi High Court in the case of *Aaradhya Bachchan v Bollywood Time* (CS(COMM) 230/2023) is examining whether intermediaries such as YouTube are required to take proactive measures to prevent the dissemination of misinformation. The suit was instituted on behalf of the plaintiff by her father – the famous Indian actor, Abhishek Bachchan. Mr Bachchan was aggrieved with objectionable videos of his daughter (ie, fake news about his daughter's health), Aaradhya Bachchan, being circulated on various platforms such as YouTube. The Court ordered several websites to stop disseminating or publishing such objectionable videos immediately and also directed Google (which owns YouTube) to set out its policy in detail to ensure that it is in compliance with the Information Technology Rules 2021. The Court has indicated that, on the next hearing date, it will examine the plea of the plaintiff on how the process of taking down objectionable content from YouTube without any lapse of time should be streamlined.

Law stated - 15 April 2025

## Prevention measures

48 | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

No degree of vigilance can guarantee an 'infringer-free' environment, but certain deterrent measures must be adhered to by copyright owners, for instance:

- documentation of instances of use;
- registration of copyright;
- proper notice of copyright;
- monitoring the activities of habitual infringers;
- making independent contractors and employees subject to confidentiality;
- having proper licensing agreements incorporating a proper control mechanism; and
- publicising a successful infringement trial (if resources allow).

In the context of 'confidentiality', the Bombay High Court on 30 March 2023 in [Rochem Separation Systems \(India\) Pvt Ltd v Nirtech Pvt Ltd](#) held that 'there has to be clear-cut, specific description and data with the Court pertaining to the information in which the plaintiff claims confidentiality. In the absence of such clear-cut information and material furnished by the plaintiff before the Court, there would be no basis for examining the allegations levelled against the defendants', owing to the fact that the plaintiff had not placed on record the specifics of the confidentiality before the Court. In this case, the Bombay High Court also referred to [Zee Telefilms Ltd and Ors v Sundial Communications Pvt Ltd and Ors](#), and [Narendra Mohan Singh and Ors v Ketan Mehta and Ors](#), and laid down that the procedure adopted by the courts of providing the 'information in sealed covers with material particulars' is mandatory and would not amount to the diluting of the information since it would check the veracity of the claims made by the plaintiff thereby adding an interesting twist to the enforcement of the breach of confidentiality claims.

Law stated - 15 April 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

**49** | Which international copyright conventions does your country belong to?

India is a member of the following conventions and agreements that concern its copyright regime:

- the Berne Convention for the Protection of Literary and Artistic Works;
- the Universal Copyright Convention (UCC);
- the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms;
- the Agreement on Trade-Related Aspects of Intellectual Property Rights;
- the World Intellectual Property Organization (WIPO) Performances and Phonograms Treaty; and
- the WIPO Copyright Treaty.

Law stated - 15 April 2025

- 50 | What obligations are imposed by your country's membership of international copyright conventions?

Due to the ratification of the Berne Convention and the UCC, works first published outside India in any of the convention countries enjoy protection in India that is equal to the protection granted to Indian works, with the exception that if the term specified in the country of origin is shorter than that in India, the work will be protected for the shorter term in India.

Law stated - 15 April 2025

## UPDATE AND TRENDS

### Key developments of the past year

- 51 | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

The Delhi High Court set the Live Streaming and Recording of Court Proceedings Rules of the High Court of Delhi 2022. One of the ways whereby the Court aims to curtail misuse of the recordings of court proceedings is by claiming copyright on these recordings. The Court framed these rules as per section 7 of the Delhi High Court Act 1966 (Act 26 of 1966) and article 227 of the Constitution of India. These are applicable to the Delhi High Court and the courts and tribunals over which it has supervisory jurisdiction.

It was held by the Supreme Court in the case of *M/s Knit Pro International v The State of NCT of Delhi and Anr* (Criminal Appeal No. 807 of 2022) that copyright infringement under section 63 of the Copyright Act 1957 is a cognisable and non-bailable offence. Section 63 discusses the punishment of the offence or infringement of copyright and states that such acts are punishable with imprisonment for a term 'which shall not be less than six months, but which may extend to three years'.

In the case of *JA Entertainment Pvt Ltd v MS Sithara Entertainment & Ors* (CS(COMM) 191/2022), the rights of copyright owners in relation to the subtitling and dubbing of their work were decided by the Delhi High Court. The plaintiff had been assigned the rights to remake a Malayalam film in Hindi and obtained the dubbing rights for the same. The defendant, on the other hand, had secured the right to remake the Malayalam film in Telegu. However, when the Hindi-dubbed version of the teaser for the Telegu remake (made by the defendant) was shared in public, the plaintiff claimed that his rights had been violated and asked for an interim injunction as a relief contending that the rights of the defendant were limited to making a Telegu remake only. Although the producers of the original Malayalam film agreed with the plaintiff, the Court, after perusing the agreements between the defendant and the original producers of the Malayalam film, determined that since the defendant is the rightful author of the Telegu remake, they also had the right to

subtitle as well as dub their work in Hindi. The Court held that as no exclusive right of the plaintiff was infringed, then hence there was no infringement of copyright.

In the landmark case of *Amitabh Bachchan v Rajat Negi* (CS (COMM) 819/2022), the Delhi High Court widened the scope of John Doe orders to protect personality rights for the first time. The plaintiff had, inter alia, averred in the plaint that 'personality rights' are protected under the Copyright Act 1957 as they are an extension of moral rights that enure to artists. It was submitted that since sections 38, 38A and 38B of the Act grant authors and the performers the right to be given credit and claim authorship of their work, the corollary of this is equally true, in other words, performers have a negative right of restraining others from causing any kind of damage to their work, which in turn disrupts their reputation. In this case, the Court enjoined the known defendants and other John Does from illegally exploiting the famous actor Amitabh Bachchan's rights, including his right to personality, right to publicity, rights under the Copyright Act 1957 and other common law rights, including passing off whether via standard means and modes and including on future mediums inclusive of non-fungible tokens and the Metaverse.

There continues to be a possibility that 'over-the-top' platforms will be regulated by the government. The government issued a gazette notification on 9 November 2020 stating that online films, audiovisual programmes, online news and current affairs content have been brought under the ambit of the Ministry of Information and Broadcasting. However, concrete rules and regulations are yet to come into effect.

Law stated - 15 April 2025



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# Italy

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

The main source of law regulating copyright in Italy is [Law No. 633 of 22 April 1941](#) (the Copyright Act), as supplemented and amended by subsequent laws (most recently by Legislative Decree No. 177/2021, which implemented Directive (EU) 2019/790).

The [Italian Civil Code](#) also contains some provisions concerning copyright (articles 2575 to 2583).

Moreover, as a member of the European Union, Italy is also subject to European legislation (regulations and directives) concerning copyright.

Finally, Italy is also a member state of several international treaties concerning copyright law, including the [Berne Convention for the Protection of Literary and Artistic Works of 1886](#).

Law stated - 8 April 2025

### Enforcement authorities

#### 2 | Who enforces it?

Copyright can be enforced before civil courts that specialise in intellectual property matters (created by [Legislative Decree No. 168/2003](#)). An action may be brought by the copyright holder, the author or their heirs, as well as by an exclusive licensee (it is still disputed whether the non-exclusive licensee can enforce copyright). Finally, the Italian Society of Authors and Publishers (SIAE) can also enforce copyright on behalf of its members.

Moreover, in 2018 ([Resolution No. 490/18/CONS](#)), the independent Italian Communications Regulatory Authority (AGCOM), which was established in 1997 as the national media regulatory body, introduced some amendments to the existing regulation on copyright enforcement in electronic communications networks. The above-mentioned claimants may consequently also seek a remedy for copyright violations before the AGCOM, which has specific powers for further combating copyright infringement, such as the power to adopt precautionary measures against specific violations. For example, the AGCOM can, following a specific administrative procedure, order that an internet service provider remove or block access to websites hosting copyright-infringing materials.

Following the implementation of Legislative Decree No. 177/2021, the AGCOM now also has the power to:

- issue a decision on a complaint lodged by the copyright holder against decisions of the online content-sharing service provider (OCSSP) not to remove or disable content that is allegedly infringing its rights (article 102-decies, Copyright Act); and
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determine fair compensation for press publishers for the online use of their journalistic content by information society service providers (ISSPs), in case they fail to negotiate a fee for such use.

Law stated - 8 April 2025

## Online and digital regulation

### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

Article 70(1-bis) of the Copyright Act allows the publication, through the internet, of low-resolution or degraded images and music for educational or scientific purposes only, provided that such use is not for profit.

Moreover, through the implementation of Legislative Decree No. 177/2021, the following additional provisions on the digital exploitation of copyright-protected works were introduced:

- the right of press publishers to receive fair compensation from ISSPs for the online publication – upon authorisation – of their journalistic work (article 43-bis, Copyright Act). Authorisation and compensation are not required for private and non-commercial uses, acts of hyperlinking, use of single words or very short extracts. On 24 February 2023, the AGCOM adopted the regulation to provide criteria to determine the amount of fair compensation;
- the right of the authors to receive, from press publishers, a fair amount, which is to be calculated between 2 per cent and 5 per cent of the compensation received by the press publishers from the ISSP; and
- the necessity for OCSSPs to obtain authorisation from the rightsholders (ie, through a licence agreement) to make copyrighted works available to the public on their platforms, even if such content is uploaded by the users of the OCSSP (article 102-sexies, Copyright Act). If no authorisation is granted, OCSSPs shall be liable for unauthorised acts of communication to the public of copyrighted works, unless they demonstrate that they have:
  - made their best efforts to obtain an authorisation;
  - made their best efforts to ensure the unavailability of specific works and other subject matter for which the rightsholders have provided the service providers with the relevant and necessary information; and
  - in any event, acted expeditiously, upon receiving a sufficiently substantiated notice from the rightsholders, to disable access to or to remove from their websites the works or other subject matter flagged by the rightsholders, and made their best efforts to prevent future uploads of the same (article 102-septies, Copyright Act).

Law stated - 8 April 2025

## AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

To date, there are no copyright laws currently in force that address works created by artificial intelligence specifically. However, on 20 March 2025, the Senate of the Republic approved the draft law on artificial intelligence (AI DDL), which will integrate the discipline established by the recent EU Regulation 2024/1689 (the AI Act) at national level.

The objective of the AI DDL is to strengthen the level of protection in relation to the use of artificial intelligence, with specific reference to certain area and sector, including the protection of users and copyright.

A part of the draft law is in fact dedicated to copyright, by introducing specific references to AI in copyright law, and criminal protection establishing a series of aggravating circumstances in relation to the use of artificial intelligence systems in the commission of certain crimes, in addition to introducing a new criminal offence that punishes the illegal dissemination of deep fakes.

Law stated - 8 April 2025

## Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Yes, according to Italian case law, in a certain way, copyright laws are applicable to foreign-owned or foreign-operated websites that infringe copyright, as long as the infringing material is directed at the Italian public or is visible from Italy. In particular, the consequence of such content on a foreign-owned or foreign-operated website is that it would be blocked in Italy.

Law stated - 8 April 2025

## Agency

- 6 | Is there a centralised copyright agency? What does this agency do?

Until 2017, the SIAE was the only administrative body acting as a register and a collecting society of authors, publishers, composers and other owners of copyright. From 2017, it became possible for other organisations and independent management entities to perform the same functions, according to the provisions under [Legislative Decree No. 35/2017](#) (see article 180 of the Copyright Act).

The main function of these organisations is intermediation in the field of authors' rights. They are entrusted with authorising the use of works, collecting fees due from users and distributing fees to the rightsholders.

Law stated - 8 April 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

#### 7 | What types of works may be protected by copyright?

Article 2 of Law No. 633 of 22 April 1941 (the Copyright Act) protects creative works of literature, music, fine arts, architecture, theatre and cinematography, computer programs, databases and, under specific conditions, objects of industrial design. According to Italian case law and doctrine, this list is 'open', meaning it can be extensively interpreted and thus does not exclude the potential for other creative works to be protected by copyright.

Law stated - 8 April 2025

### AI-generated works

#### 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

Copyright protections apply only to works created by human beings yet. However, the theoretical exclusion of AI-generated works is actually superseded by Italian Doctrine with the prospect of an extensive application of article 12-bis of the Copyright Act, identifying the owner of the copyright as the programmer or user of an AI system or, on the basis of article 7 of the Copyright Act, considering the author of what can be defined as a 'collective work' as the person who organised and directed the process of creation of the work itself.

Indeed, in January 2023, the Supreme Court stated a certainly relevant principle in this regard: the fact that the use of software in the realisation of an artistic work does not exclude per se the presence of human creativity (necessary for obtaining the copyright protection) but, where the element of human creativity is challenged, it will be necessary to give evidence about whether and to what extent the use of the tool 'absorbed' the creativity of the artist who used the software.

Law stated - 8 April 2025

### Rights covered

#### 9 | What types of rights are covered by copyright?

Copyright law covers the moral rights (article 20 of the Copyright Act) and economic rights (article 12) of the author or rightholder.

Law stated - 8 April 2025

## 10 | What limitations and exceptions apply?

Some limitations to the exclusive rights of the copyright owner are set forth in articles 68 (2-bis), 70, 70-ter, 70 , 70-sexies quarter of the Copyright Act balancing the protection of copyright with access to works for education, research and culture.

Law stated - 8 April 2025

## Excluded works

### 11 | What may not be protected by copyright?

An idea that is not expressed in any form or expression cannot be protected by copyright (article 1 of the Copyright Act).

Moreover, the official documents of Italy and of the Italian and foreign public administrations are excluded from copyright protection as well (article 5).

Law stated - 8 April 2025

## Fair use and fair dealing

### 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

In Italy, the doctrine of fair use has not been implemented. However, some limitations to the exclusive right of the copyright owner are set forth in the following articles of the Copyright Act.

- Article 70, which provides that summaries, quotations, reproductions and communications to the public of mere abstracts of works are allowed, if carried out for criticism or discussion purposes, or for teaching or scientific research purposes. This also holds for summaries, quotations, reproductions and communications to the public of mere abstracts of works carried out through digital means, provided that such uses take place under the responsibility of the educational institution in a secure digital environment, accessible only to staff and students of the institution (article 70-bis).
- Article 70-ter, which allows the reproduction of copyrighted works made by research institutes (such as universities or other research institutes operating without a commercial aim and pursuing purposes of public interest) and institutions for the protection of cultural heritage (such as libraries, museums or archives open to the public) for scientific research purposes, in order to extract text and data from works available in the databases to which they have access.

- Article 70-quater, which allows the acts of reproduction and extraction of text and data from copyrighted works that are contained in networks or databases that are accessed legally, provided that the copyright owners or the database owner did not expressly restrict the use of the works. Such reproduction or extractions may be stored only as long as is necessary for the purpose of text and data extraction.
- Article 70-sexies, which provides that when a copyright owner adopts technological measures to protect their work, educational institutions and research institutes and institutions that have legally acquired a sample of such work may extract a copy of it, provided that such copy does not infringe the copyright of the owner.
- Article 68(2-bis), according to which the institutions for the protection of cultural heritage may always make a copy of the copyrighted works that are permanently present in their collections.

In general, Italian case law's conclusion regarding fair use, recently confirmed by an interesting decision by the Italian Supreme Court discussing the caricature of a character protected under copyright, is that the exploitation of any protected work or content can be considered fair only if it does not prejudice the interest (including economic) of the author of the original work.

Law stated - 8 April 2025

## Architectural works

### 13 | Are architectural works protected by copyright? How?

Architectural works are protected as long as they manifest the personal imprint of the author and can be recognised as their unique creation due to precise choices in the composition of their elements. The choices must not be dictated by the necessity to solve a technical or functional problem (article 2 of the Copyright Act).

Law stated - 8 April 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

Performance rights are covered by Italian copyright law (article 80 et seq of the Copyright Act). In particular, performers (including voice actors) have the exclusive right (for 50 years following the performance) to authorise the reproduction, distribution or rental of their performance (article 85).

According to the Copyright Act, a performer can also enforce their moral rights against any communication or reproduction of their performance that might be prejudicial to their honour or reputation (article 81).

Moreover, performers who transfer or license the rights of exploitation of their works are entitled to receive compensation that is adequate and proportionate to the value of their

rights and to the revenue generated by the exploitation (article 107, Copyright Act). With specific regard to cinematographic works, the primary and co-primary performers are entitled to receive additional compensation as a percentage of the revenue generated from public viewings of the work (article 46, Copyright Act).

Performers (as well as authors) are also entitled to receive additional adequate compensation in cases that agreed on in the licence or transfer agreement turns out to be disproportionately low compared with the revenue generated by the exploitation of the works (article 110-quinquies, Copyright Act).

Law stated - 8 April 2025

## Neighbouring rights

15 | Are other 'neighbouring rights' recognised? How?

Italian copyright law recognises specific rights for those individuals who have certain connections to the author of the work. These rights protect interests related to the exercise of the author's rights and work that are the result of an industrial activity in the cultural and creative field. In addition to performers, the most important neighbouring rights are those reserved for:

- phonographic producers (article 72 et seq of the Copyright Act);
- producers of cinematographic or audiovisual works (article 78-bis et seq);
- radio and television broadcasting companies (article 79 et seq); and
- photographs (article 87 et seq).

Neighbouring rights are characterised by a shorter period of protection than copyright.

Law stated - 8 April 2025

## Moral rights

16 | Are moral rights recognised?

Moral rights are recognised under Italian copyright law (article 20 of the Copyright Act). They correspond to the right of the author to be recognised as author of the work (right of paternity) and prevent any third party from modifying the work without the author's permission (right of integrity). Moral rights are perpetual and cannot be assigned or waived (article 22 to 23).

Law stated - 8 April 2025

## COPYRIGHT FORMALITIES

### Notice

**17** | Is there a requirement of copyright notice?

No, there is no general requirement of copyright notice.

Law stated - 8 April 2025

**18** | What are the consequences for failure to use a copyright notice?

None, since copyright notice is not required by law.

Law stated - 8 April 2025

**Deposit****19** | Is there a requirement of copyright deposit?

Article 105 of Law No. 633 of 22 April 1941 (the Copyright Act) provides a general requirement of copyright deposit, requiring authors and producers to file a copy of the work with the Office of the President of the Council of Ministers within 90 days of publication or the start of the commercialisation of the work (this term is 60 days from the first representation, showing or public performance for works of public entertainment).

This deposit obligation does not apply to photographs, except for those photographs that reproduce works of figurative or architectural art or photographs of a technical or scientific nature or outstanding artistic value (article 105, paragraph 4 of the Copyright Act).

Moreover, article 103 provides for the possibility to deposit, on a voluntary basis, a work of software with the register kept by the Italian Society of Authors and Publishers. This registry indicates the name of the owner of the economic rights and the date of publication of the software (publication being the first act of exercise of the exclusive rights).

Nevertheless, those deposits rarely take place in practice and the failure to make the deposit is not sanctioned by the law.

Law stated - 8 April 2025

**20** | What are the consequences for failure to make a copyright deposit?

Article 106 of the Copyright Act provides that the failure to make a copyright deposit does not affect the acquisition and exploitation of the economic rights of the copyright over a protected work.

Nevertheless, the copyright deposit may be useful as proof of authorship and to establish the date of creation and date of publication of the works, in case they are disputed (article 103, paragraph 5).

Law stated - 8 April 2025

## Registration

**21** | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

No, Italian legislation does not provide for a copyright registration system.

Law stated - 8 April 2025

**22** | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

No, there is no mandatory or voluntary registration. The Copyright Act provides a general requirement of copyright deposit, requiring authors and producers to file a copy of the work with the Office of the President of the Council of Ministers within 90 days of publication or the start of the commercialisation of the work.

Law stated - 8 April 2025

**23** | What are the fees to apply for a copyright registration?

Italian legislation does not provide for a copyright registration system.

Law stated - 8 April 2025

**24** | What are the consequences for failure to register a copyrighted work?

Italian legislation does not provide for a copyright registration system.

Law stated - 8 April 2025

## OWNERSHIP AND TRANSFER

### Eligible owners

**25** | Who is the owner of a copyrighted work?

In general terms, the owner of a copyrighted work is its creator, the author. More specifically, article 8 of Law No. 633 of 22 April 1941 (the Copyright Act) stipulates that the author is considered to be the person identified as such in the forms of use (ie, the person who is announced as such in the recitation, representation, performance or broadcasting of a protected work).

Specific rules are provided in these cases:

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the author or owner of collective works (ie, works consisting of different and separate contributions coordinated for a specific and common purpose) is the person who organises and coordinates the creation of the work (article 7 of the Copyright Act);

- works that are made with the indistinguishable and inseparable contribution of several persons belong to all such persons, collectively (article 10); and
- works made and published in the name, on behalf of and at the expense of the state administrations belong to the state administrations (article 11 of the Copyright Act). The same applies for non-profit-making organisations, academies and other cultural organisations with reference to their records or publications (or both).

Law stated - 8 April 2025

## Employee and contractor work

### 26 | May an employer own a copyrighted work made by an employee?

Yes, the exploitation rights of certain copyrighted works, in particular software, databases and industrial design (see article 12-bis and 12-ter of the Copyright Act), made by employees in the performance of their duties are automatically owned by the employer. The owner, in this case, is not the author.

In all other cases, such ownership is not automatic: the alleged owner must be able to offer written evidence of their rights.

Law stated - 8 April 2025

### 27 | May a hiring party own a copyrighted work made by an independent contractor?

Yes, the exploitation rights of a copyrighted work made by an independent contractor are owned by the hiring party. Such ownership is automatic; thus, a written agreement is not necessary, but it is always advisable to be able to provide written evidence of the hiring relationship.

Law stated - 8 April 2025

## Joint and collective ownership

### 28 | May a copyrighted work be co-owned?

Yes. This is the case in works of joint authorship, which are created by several persons whose contributions are indistinguishable and inseparable. Copyright of those works is jointly co-owned by all co-authors and is governed by the provisions on community of property (article 1100 et seq of the Italian Civil Code). In such cases, all co-owners may individually act to defend the moral rights of a co-owned work.

By contrast, the publication, modification or new use of the work in a form other than that of its first publication must be approved by all the co-authors (article 10 of the Copyright Act). However, in the event of an unjustified refusal by one or more of the co-authors, the publication, modification or new use of the work may be authorised by the judicial authorities.

Law stated - 8 April 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Yes, the economic exploitation rights of a copyrighted work may be transferred by deed between living persons or *mortis causa* (article 107 of the Copyright Act), and the transfer must be proved in writing (article 110). The transfer agreement may include all of the exploitation rights or only some of them, in which case the other rights remain at the assignor's disposal (article 119). Furthermore, the transfer of some exploitation rights does not extend to the rights to use any elaboration or transformation of the copyrighted work (article 119).

Specific rules apply in the following cases:

- The transfer of one or more copies of a copyrighted work does not imply, unless otherwise agreed, the transfer of the exploitation rights as well (article 109). However, the transfer of a mould or other medium used to reproduce a work of art entails, unless otherwise agreed, the right to reproduce the work itself (article 109).
- After the artist's death, the exploitation right of the works, unless otherwise indicated by the artist, is shared by all heirs for three years, after which the heirs may decide whether to maintain the exploitation right as community property and for how long (article 115).
- In the case of an editing contract, the editor cannot transfer the acquired exploitation rights to third parties, unless otherwise agreed or in the case of transfer of the company (article 132).

Moral rights cannot be transferred and remain at the disposal of the author and of their heirs.

Law stated - 8 April 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

Economic rights in copyrighted works may be licensed according to the general rules and procedures provided by the Italian Civil Code on freedom of contract. As with transfer agreements, the existence of a licence agreement must be proved in writing, although it may (at least in theory) also be concluded orally (article 110 of the Copyright Act).

Law stated - 8 April 2025

**31** | Are there compulsory licences? What are they?

No, there are no compulsory licences for copyright under Italian law.

Law stated - 8 April 2025

**32** | Are licences administered by performing rights societies? How?

The licensing activity can be carried out by the Italian Society for Authors and Editors as well as other organisations and independent management entities that respect the provisions indicated in Legislative Decree No. 35/2017 (see article 180 of the Copyright Act).

In particular, those organisations and independent management entities shall:

- grant licences and authorisations for the economic exploitation of copyrighted works. According to article 180, paragraph 2 of the Copyright Act, such licensing shall take place on reasonable economic terms proportionate to the economic value of the use of the negotiated rights and to the representativeness of each collecting society. Moreover, according to article 22, Legislative Decree No. 35/2017, the licensing shall also take place on fair and non-discriminatory commercial terms, based on simple, clear, objective and reasonable criteria, and the fees shall be agreed on the basis of the economic value of the use of the rights, considering the nature and extent of the use of the copyrighted works; and
- collect the proceeds of such licences and authorisations and distribute such sums regularly among the rightholders (article 180, paragraph 2 of the Copyright Act) – such distribution shall take place within nine months of the end of the financial year in which the proceeds were received (article 17 of Legislative Decree No. 35/2017).

The copyright holders, when entrusting the management of their rights to one of those organisations, must specify in writing which rights they intend to entrust (article 4 of Legislative Decree No. 35/2017).

Nevertheless, licences, as well as any other economic right, may also be handled by the authors or their heirs or successors in title directly (article 180, paragraph 4 of the Copyright Act).

Law stated - 8 April 2025

## Termination

**33** | Is there any provision for the termination of transfers of rights?

According to article 110-septies of the Copyright Act, in the case of failure to exploit the rights deriving from the licensed or transferred work within the date established in the

contract (and in any case, no longer than five years, or two years after the work was made available by the author), the author of the work can ask for termination of the agreement providing for the licence or transfer of their rights, or revoke any exclusivity provisions of the contract.

In any other case, general rules in contractual matters are applicable.

Law stated - 8 April 2025

## Recordal

**34** | Can documents evidencing transfers and other transactions be recorded with a government agency?

Deeds drawn up by living persons transferring all or part of the economic rights and other transactions related to rights on copyrighted works can be registered at the Office of Literary, Artistic and Scientific Property, established at the Office of the President of the Council of Ministers. The following must be filed: (1) a certified copy of the deed or the original of a private contract with certified signatures, accompanied by a copy of the deed; and (2) a declaration in duplicate containing the applicant's data, the nature and date of the deed to be registered, the name of the public official who received the act and authenticated the signatures, and the registration number of the deposit of the protected work (article 104 of the Copyright Act).

Law stated - 8 April 2025

## DURATION OF COPYRIGHT

### Protection start date

**35** | When does copyright protection begin?

Copyright protection begins with the creation of a work in an expressive form (article 6 of Law No. 633 of 22 April 1941 (the Copyright Act) and article 2576 of the Italian Civil Code), as the mere idea cannot be protected. However, it is not required that the work is fixed in a material support, as oral communication (eg, a professor's lecture) can be protected as well.

Indeed, there is no general requirement of notice, registration or deposit of the work to obtain protection, although article 105 of the Copyright Act formally provides that the work must be deposited with the Office of the President of the Council of Ministers. The failure to make such a deposit does not affect the acquisition or exercise of the economic exploitation rights in the work, as provided by the subsequent article 106 of the Copyright Act.

Law stated - 8 April 2025

### Duration

## 36 | How long does copyright protection last?

The protection of moral rights is perpetual and, after the author's death, the rights belong to their spouse, children, and other ascendants and descendants (article 23, Copyright Act).

Economic rights are granted for the life of the author plus 70 years after their death (article 25, Copyright Act). Specific rules are provided in the following cases:

- The protection of anonymous or pseudonymous works expires 70 years after the first publication of the works, as long as the pseudonym is such as to guarantee the author's anonymity (article 27). However, if the author's name is disclosed – either by the author or by their heirs or authorised persons – before the expiry of that date, protection of the economic rights is granted for 70 years after the artist's death, according to the general rule.
- The copyright protection for works of joint authorship (ie, works created with the indistinguishable and inseparable contributions of several persons) expires 70 years after the death of the last surviving co-author (article 26, paragraph 1).
- The copyright protection for collective works (ie, works consisting of different and separate contributions coordinated for a specific and common purpose) expires 70 years after the first publication, and the protection period for each contribution runs from its respective author's death (article 26, paragraph 2).
- The copyright protection for posthumous works (ie, works published for the first time after the author's death) expires 70 years after the author's death (article 31). However, the lawful publication of a work for the first time after the expiry of that protection period guarantees the rights of economic exploitation of the work for a period of 25 years after the first publication (article 85-ter).
- The copyright protection for works published in separate and subsequent volumes and parts runs from the publication of each volume or part (article 30).
- The copyright protection for cinematographic works expires 70 years after the death of the last surviving contributor among the following persons: the artistic director, the authors of the screenplay and the composer of the music specifically created for that work (article 32).
- The right to receive compensation for the online publication of journalistic works is effective starting 1 January of the year after publication and lasts for two years after publication (article 43-bis, Copyright Act).

Specific rules are also provided for 'neighbouring rights' (the rights granted to other persons who are connected with the author of the work and who offer the work for public use), as follows:

- The rights of the performing artists, of the producers of phonograms and cinematographic works, and of radio or television broadcasting, last for 50 years respectively from the first performance, fixation or broadcast of the works (articles 75, 78-ter, 79 and 85 of the Copyright Act).
- The rights of the author of critical and scientific editions of a work in the public domain last for 20 years from the first lawful publication of the edition (article 85-quater).

- The rights of the author of 'simple photographs' (ie, photographs that have no artistic value) last for 20 years from when they were produced (article 92). By contrast, the duration of protection for photographs reproducing works of figurative or architectural art or that have a technical or scientific nature or outstanding artistic value is 40 years, starting from the mandatory deposit of the work with the Office of the President of the Council (as required by article 105).
- The right to obtain compensation for an engineering project work lasts for 20 years from the mandatory deposit of the work at the Office of the President of the Council (article 99).

Law stated - 8 April 2025

### 37 | Does copyright duration depend on when a particular work was created or published?

In general terms, copyright duration does not depend on when the work was created or published; it depends only on the life of the author.

However, in some cases, the duration of protection specifically depends on the date of publication or creation of a work. According to the Copyright Act:

- anonymous or pseudonymous works are protected for 70 years after first publication (article 27);
- collective works consisting of different and separate contributions coordinated for a specific and common purpose are protected for 70 years after first publication (article 26, paragraph 2);
- works published in separate and subsequent volumes and parts are protected from the publication of each volume or part (article 30);
- 'simple photographs' (ie, photographs that have no artistic value) are protected for 20 years from their production (article 92);
- photographs reproducing works of figurative or architectural art or that have a technical or scientific nature or outstanding artistic value are protected for 40 years from the mandatory deposit of the work, as required by article 105;
- engineering project works compensation right lasts 20 years from mandatory deposit at the Office of the President of the Council (article 99);
- protection of performing artists, producers of phonograms and cinematographic works, and of radio and television broadcasting, lasts 50 years respectively from the first performance, fixation or broadcast of the work (articles 75, 78-ter, 79 and 85); and
- the right to receive compensation for the online publication of journalistic works is effective starting 1 January of the year after publication and lasts for two years after publication (article 43-bis, Copyright Act).

Law stated - 8 April 2025

## Renewal

### 38 | Do terms of copyright have to be renewed? How?

It is not possible to renew the term of copyright protection under Italian law. Once the protection period has lapsed, the work becomes part of the public domain and is freely available to everyone, except in the case that the work is protected under the Italian Code of Cultural Heritage (Legislative Decree No. 42/2004 (article 32-quater, Copyright Act)).

Law stated - 8 April 2025

## Government extension of protection term

### 39 | Has your jurisdiction extended the term of copyright protection?

The term of copyright protection was extended from 50 to 70 years by [Law No. 52 of 6 February 1996](#) (article 17), which also extended the protection term for performing artists, producers of phonograms, cinematographic works and radio or television broadcasting, to 50 years.

Law stated - 8 April 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

#### 40 | What constitutes copyright infringement?

The general rule is that any unauthorised use of protected works by a third party constitutes copyright infringement.

Law No. 633 of 22 April 1941 (the Copyright Act) provides the following exceptions:

- the making of a copy of a volume or of a work or article for private use (article 68);
- the making of a copy, by the institutions for the protection of cultural heritage, of the works that are permanently present in their collections (article 68, paragraph 2-bis);
- the reproduction or communication to the public of articles concerning arguments of an economic, political or religious nature, provided that the name of the author, the source and the date of publication are specified and the reproduction and communication have not been expressly reserved (article 65);
- the reproduction and communication of summaries or quotations of works, provided that they are carried out for criticism or discussion purposes or for teaching or scientific research purposes, and that such use is not for commercial purposes (article 70). This is valid also for summaries, quotations, reproductions and communications to the public of mere abstracts of works carried out through digital means, provided that such use takes place under the responsibility of the

educational institution in a secure digital environment that is accessible only to staff and students of the institution (article 70-bis);

- the reproduction of copyrighted works made by research institutes and institutions for the protection of cultural heritage for scientific research purposes to extract text and data from works and materials available in the accessible database (article 70-ter);
- the reproduction and extraction of text and data of copyrighted works contained in networks or databases that are accessed legally, provided that the copyright owners or the database owner did not expressly restrict the use of the works (article 70-quater); and
- when a copyright owner adopts technological measures to protect their work, the educational institutions and research institutes and institutions that legally acquired a sample of such work may extract a copy of it, provided that such copy does not infringe the copyright of the owner (article 70-sexies).

Law stated - 8 April 2025

### Vicarious and contributory liability

**41** | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Under Italian law, there is no distinction between primary or secondary infringement or liability. The general rule is that any unauthorised use of a protected work falls under copyright infringement and any user engaging in such an act is liable for infringement. As to contributory liability, article 156 of the Copyright Act specifically provides for the liability of intermediaries (such as internet service providers) whose services are used for the purpose of infringing a protected work.

Law stated - 8 April 2025

### Available remedies

**42** | What remedies are available against a copyright infringer?

The main remedy under Italian copyright law is a permanent injunction against the infringer (article 156 of the Copyright Act). Other available remedies are:

- delivery up or destruction of the infringing products or materials (article 158);
- seizure or description of infringing products or materials (article 161);
- withdrawal or recall of the infringing goods from the market (article 158); and
- publication of the decision in the press or on the internet (article 166).

Law stated - 8 April 2025

## Limitation period

### 43 | Is there a time limit for seeking remedies?

Under Italian law, it is possible to enforce rights within the general duration of the single copyright. That said, for seeking remedies such as an interim injunction or seizure, Italian case law requires the existence of *periculum in mora*, which means that the applicant will suffer serious and irreparable damage if the infringement is not immediately stopped.

Law stated - 8 April 2025

## Monetary damages

### 44 | Are monetary damages available for copyright infringement?

According to article 158 of the Copyright Act, monetary damages are granted to the copyright holder. The award of damages can be calculated by the court based on the infringer's profit or on the 'cost of consent', or both. The cost of consent is a virtual royalty that would have been applied if the infringer had obtained a regular licence.

Moreover, if an injunction is ordered, the court can also provide for a penalty to be paid for further infringements carried out in violation of the order.

In terms of recovering damages, according to article 2947 of the Italian Civil Code, a claimant can recover damages only for the five years preceding the beginning of the action.

Law stated - 8 April 2025

## Attorneys' fees and costs

### 45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

Yes, attorneys' fees and costs can be claimed. The general principle is that the losing party bears the costs of the action as well as attorneys' fees (article 91 of the [Italian Code of Civil Procedure](#)).

Law stated - 8 April 2025

## Criminal enforcement

### 46 | Are there criminal copyright provisions? What are they?

Specific cases where the copyright infringement constitutes a crime under Italian criminal law provisions include the following:

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The willful reproduction, transcription, offer for sale, performance, broadcast communication to the public or distribution of a third party's work without consent, or publishing online a copyrighted work, is punishable with a fine. If the infringing acts concern a work not intended for publication, or they constitute infringement of the author's right of paternity or of the integrity of the work, the punishment may include imprisonment (article 171 of the Copyright Act).

- The unlawful reproduction, import or distribution in Italy of computer programs or databases for profitable purposes can be punished by imprisonment and a fine (article 171-bis).
- Reproduction, broadcasting fixation on a medium (digital, audio, video or audiovideo) or disseminating of a work intended for television or cinematographic distribution, or in cases of offering for sale or hire recordings of musical, cinematographic or audiovisual works, literary, dramatic, scientific, musical or multimedia works (article 171-ter), can be punished by imprisonment and a fine.

Law stated - 8 April 2025

## Online infringement

**47** | Are there any specific liabilities, remedies or defences for online copyright infringement?

According to Resolution No. 490/2018 of the Italian Communications Regulatory Authority (AGCOM) and article 102-decies of the Copyright Act, specific procedures can be used to remove copyright-infringing material from the internet.

As to liabilities, according to article 102-sexies of the Copyright Act, online content-sharing service providers are liable for giving access to copyrighted content uploaded by their users if they did not obtain the necessary authorisation from the rightholder, unless they demonstrate that they have:

- made their best efforts to obtain an authorisation;
- made their best efforts to ensure the unavailability of specific works and other subject matter for which the rightholders have provided the service providers with the relevant and necessary information; and
- in any event, acted expeditiously, upon receiving a sufficiently substantiated notice from the rightholders, to disable access to or to remove from their websites the works or other subject matter flagged by the rightholders, and made their best efforts to prevent future uploads of the same (article 102-septies, Copyright Act).

Moreover, the AGCOM may impose administrative sanctions on the information society service providers in the event that they refuse to provide the information necessary to determine the amount of fair compensation due to the press publishers for the online use of their journalistic content (article 43-bis, Copyright Act).

Law stated - 8 April 2025

## Prevention measures

**48** | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

According to [Regulation \(EU\) No. 608/2013](#) concerning customs enforcement of intellectual property rights, customs authorities must suspend the release of an imported good if they suspect that it may infringe an intellectual property right, including copyright.

Law stated - 8 April 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

**49** | Which international copyright conventions does your country belong to?

Italy belongs to the following conventions:

- the Berne Convention for the Protection of Literary and Artistic Works, ratified by [Law 399/1978](#);
- the [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#);
- the [World Intellectual Property Organization \(WIPO\) Copyright Treaty](#); and
- the [WIPO Performances and Phonograms Treaty](#).

Law stated - 8 April 2025

**50** | What obligations are imposed by your country's membership of international copyright conventions?

EU and international law prevails over Italian legislation.

Law stated - 8 April 2025

## UPDATE AND TRENDS

### Key developments of the past year

**51** | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

No relevant interventions were passed within the past 12 months.

However, as anticipated above, on 25 March 2025 the Senate of Republic approved the draft law on artificial intelligence (AI DDL), which will integrate the discipline established by the recent EU Regulation 2024/1689 (the so called AI Act) at the national level.

The text approved by the Senate is not yet final. However, some relevant points are reported below.

In particular, article 25 of the draft bill introduced the concept that a work is protected under copyright law only if the author is 'human'. A creation can certainly be made with the aid of artificial intelligence but it must constitute in any case the result of the author's intellectual labour. In other words, AI DDL emphasise the need for a creative work to be realised through a human contribution, even if supported by artificial intelligent tools.

Another relevant introduction made by the AI DDL is related to the criminal issues related to copyright. In this regard, the draft law provides stricter penalties for the commission of certain crimes if they are committed using artificial intelligence system.

It remains to be seen whether the draft law will be maintained as it is, but it certainly represents an initial strong idea of regulation of this matter.

Law stated - 8 April 2025



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# Japan

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## **RELATIONSHIP TO FOREIGN RIGHTS**

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

Relevant legislation includes:

- the Copyright Act (Act No. 48 of 1970);
- the Act on Registration of Program Works (Act No. 65 of 1986);
- the Act on Management Business of Copyright and Neighbouring Rights (Act No. 131 of 2000);
- the Intellectual Property Basic Act (Act No. 122 of 2002);
- the Act for Improvement of Creation, Protection and Utilisation of Contents (Act No. 81 of 2004);
- the National Diet Library Act (Act No. 5 of 1948); and
- relevant regulations relating to these statutes.

Law stated - 24 April 2024

### Enforcement authorities

#### 2 | Who enforces it?

Copyright-related legislation is enforced by the district courts, the Intellectual Property High Court (for civil cases), other high courts (for criminal cases and civil cases having jurisdiction other than the Tokyo High Court), and the Supreme Court of Japan. The Intellectual Property High Court was established on 1 April 2005 as a special branch of the Tokyo High Court that exclusively hears intellectual property cases.

Law stated - 24 April 2024

### Online and digital regulation

#### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

Yes. There are some specific provisions addressing the digital exploitation of works under the Copyright Act that have been amended and expanded to keep up to date with the digital society, for example:

- rights of public transmission (article 23);
- compensation for private sound and visual recording (article 30, section 2);
-

copying by the National Diet Library for the collection of internet material (article 42–2);

- ephemeral reproduction for maintenance or repairs on reproducing machines with built-in memory (article 47–4); and
- copying for information analysis (article 47–7).

Law stated - 24 April 2024

## AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

Answer pending.

Law stated - 24 April 2024

## Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

While there is no specific provision addressing extraterritorial application to deal with foreign-owned or foreign-operated websites, protected works (such as works of Japanese nationals, works first published in this country (including those first published outside Japan but subsequently published in Japan within 30 days thereof) and works that Japan has the obligation to grant protection to under international treaties) are protected under the Copyright Act. If the infringed work is protected in this way, then the Act will generally apply to a foreign-owned or operated website that infringes copyright; however, there is some controversy in relation to extraterritorial application. Some guidance is provided by judicial precedents accepting application of the Copyright Act of Japan, in accordance with article 5, section 2 of the Berne Convention for the Protection of Literary and Artistic Works:

The enjoyment and exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his or her rights, shall be governed exclusively by the laws of the country where protection is claimed.

Law stated - 24 April 2024

## Agency

### 6 | Is there a centralised copyright agency? What does this agency do?

The Agency of Cultural Affairs (ACA) is the primary agency for handling copyright-related issues. The ACA registers copyrighted works – although registration is not mandatory in Japan – with the exception of computer programs, which are registered at the Software Information Centre.

Law stated - 24 April 2024

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

### 7 | What types of works may be protected by copyright?

Works in which thoughts or sentiments are expressed in a creative way, and that fall within the literary, scientific, artistic or musical domains, are copyrightable. The following are all copyrightable:

- novels;
- play or film scripts;
- dissertations, lectures and other literary works;
- musical works;
- choreographic works and pantomimes;
- paintings, engravings, sculptures and other artistic works;
- architectural works;
- maps and diagrammatic works of a scientific nature, such as drawings, charts and models;
- cinematographic works;
- photographic works; and
- computer programs.

Law stated - 24 April 2024

### AI-generated works

### 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

Answer pending.

Law stated - 24 April 2024

## Rights covered

### 9 | What types of rights are covered by copyright?

Rights of reproduction, performance, screen presentation, public transmission, recitation, exhibition, distribution, ownership transfer, rental, translation and adaptation are covered by copyright.

Law stated - 24 April 2024

### 10 | What limitations and exceptions apply?

Answer pending.

Law stated - 24 April 2024

## Excluded works

### 11 | What may not be protected by copyright?

The following works may not be protected by copyright:

- the Constitution and other laws and regulations;
- public notices, instructions, circular notices and the like issued by public entities;
- judgments, decisions, orders and decrees of courts;
- rulings and judgments made by government agencies;
- translations and compilations prepared by public entities;
- current news reports and miscellaneous reports having the character of mere communication of fact; and
- ideas without any creative expression, even if the idea is unique.

In addition, utility articles, applied arts and designs for utilities in which thoughts or sentiments are not expressed in a creative way and that fall within the literary, scientific, artistic or musical domains may not be protected by copyright.

Law stated - 24 April 2024

## Fair use and fair dealing

### 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

While there was no general doctrine of 'fair use' in Japan prior to the amendment in 2018, there have been some equivalent exemptions provided by the Copyright Act, such as:

- quoting from and exploiting a work already made public fairly and to the extent justified by the purpose of the quotations;
- private use, to a limited extent;
- consequent copy of copyrighted work, to a limited extent;
- use of copyrighted work for consideration before licensing, to a limited extent;
- test use of publicised work, to a limited extent;
- reproduction in libraries;
- reproduction in school textbooks, schools and other educational institutions;
- use for those with disabilities; and
- reproduction for judicial proceedings.

In addition to those exemptions, the amendment in 2018 introduced the following new exemptions:

- certain actions that are usually considered not to harm copyright owners' interests (articles 30-4 and 47-4); and
- certain actions that may cause only minor harm to copyright owners (article 47-5).

The amendment in 2018 aimed to extend the scope of rights restriction provisions to balance the fair use of copyrighted works and the proper protection of copyright to correspond with the move towards digitisation and networking.

Article 30-4 of the Copyright Act permits the free use of copyrighted works to the extent considered necessary where the intended use of such works is not the enjoyment of the ideas or emotions expressed therein. In such circumstances, the works' use would usually not impair the copyright owner's interests. Therefore, these circumstances have been added to the exclusive list of rights restriction provisions. In addition to the general framework for determining whether a certain unlicensed use is permitted, article 30-4 states that the unlicensed use of copyrighted works is permitted where it is required to:

- test the development of technology for the use of copyrighted works or similar;
- analyse information; or
- process information using electronic computers without human recognition.

Article 47-4 permits the use of copyrighted works without the copyright owner's authorisation to the extent necessary to ensure the smooth or efficient use of the copyrighted works in computers or to maintain or restore their state of use. As with article 30-4, article 47-4 provides a list of circumstances in which the use of works would usually not impair the copyright owner's interests. Article 47-4 provides some specific applicable circumstances and the general framework for determining whether a certain unlicensed use is permitted. As a consequence, creating a cache for speeding up information processing through a network and the temporary copying of data to media from a portable

audio player during its exchange to another party can be performed without the copyright owner's authorisation under article 47-4.

Article 47-5 permits the unlicensed use of copyrighted works where the use is minor and forms part of information processing by computers and the provision of the results thereof. Article 47-5 provides circumstances in which the use of works could cause only minor harm to the copyright owner's interests. Unlike articles 30-4 and 47-4, article 47-5 identifies only specific applicable circumstances where a person searches for or analyses information and provides the results thereof, although to meet future needs the government can add certain circumstances to this category by a cabinet order. Notably, under article 47-5, the extent of the use must be minor. For example, locating a certain book using specific keywords and displaying a part thereof with the keywords can be done without the copyright owner's authorisation.

Law stated - 24 April 2024

## Architectural works

### 13 | Are architectural works protected by copyright? How?

Yes. Copyright protects architectural works in which thoughts or sentiments are expressed creatively and that fall within the literary, scientific, artistic, or musical domains.

Architectural works protected by copyright have the same general rights as copyright, except the right to maintain integrity. The author of an architectural work is required to accept the modification of the work by way of extension, rebuilding, repairing or remodelling. In addition, the exploitation of architectural works located permanently in open space shall be permitted except for the (imitative) reproduction of an architectural work and the offering of such reproduction to the public by transferring ownership of it.

Law stated - 24 April 2024

## Performance rights

### 14 | Are performance rights covered by copyright? How?

A performer has the moral right to:

- indicate their name and to preserve integrity;
- make sound or visual recordings;
- broadcast and to wire-broadcast;
- make their performance transmittable;
- transfer ownership; and
- offer their performance to the public by rental as neighbouring rights.

In addition, a performer has the right to receive secondary use fees from broadcasting organisations or wire-broadcasting organisations using commercial phonograms incorporating a sound recording of the performance through designated organisations (this right is not deemed to be a neighbouring right).

Law stated - 24 April 2024

### Neighbouring rights

15 | Are other 'neighbouring rights' recognised? How?

Yes. Producers of phonograms, broadcasting organisations and wire-broadcasting organisations all have neighbouring rights.

Law stated - 24 April 2024

### Moral rights

16 | Are moral rights recognised?

Yes. An author shall have the right to:

- make the work and derivative works thereof public;
- determine how the author's name is shown (whether it is their true name or a pseudonym);
- and maintain the integrity of their work and its title, without distortion, mutilation or other modification against the author's will.

Law stated - 24 April 2024

## COPYRIGHT FORMALITIES

### Notice

17 | Is there a requirement of copyright notice?

No. However, many authors do put copyright notices on their works to help prevent copyright infringement.

Law stated - 24 April 2024

18 | What are the consequences for failure to use a copyright notice?

There is no requirement to use a copyright notice.

Law stated - 24 April 2024

## Deposit

### 19 | Is there a requirement of copyright deposit?

No. However, there is a similar requirement to deposit a copy of a publication in the National Diet Library in order to maintain the publication as public property for public use and record in accordance with the National Diet Library Act. If a governmental institute publishes a piece of work, that institute deposits multiple copies to be used for the discussion of national issues and international cooperation.

Law stated - 24 April 2024

### 20 | What are the consequences for failure to make a copyright deposit?

When a publisher fails to make a deposit within 30 days after publishing without reasonable cause, an administrative fine of not more than five times the price of the book may be imposed.

Law stated - 24 April 2024

## Registration

### 21 | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

A work may be protected by copyright without any copyright registration. However, the transfer (other than by inheritance or another form of succession) of copyright or a restriction on the disposal of the copyright, and the establishment, transfer, modification or termination of a pledge on a copyright, or a restriction on the disposal of a pledge established on the copyright, may not be asserted against a third party unless the work has been registered.

In addition, the author of a work that is made public, anonymously or pseudonymously, may have their true name registered with respect to said work, regardless of whether they actually own the copyright therein; the copyright holder of any work, or the publisher of an anonymous or pseudonymous work, may register the said work's date of first publication or the date when the work was first made public.

Furthermore, the author of a computer program may register the date of the creation of their work within six months of the work's creation.

In practice, the copyright registration system is used in a limited number of situations, such as attachment security on musical copyright work in a financial transaction.

Law stated - 24 April 2024

## 22 | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

Copyright registration is not mandatory.

Law stated - 24 April 2024

## 23 | What are the fees to apply for a copyright registration?

The fee for registering the date of first publication and the date of creation is ¥3,000. The fee to register the true name of a work (including computer software) is ¥9,000. The fee for registering the transfer of copyright is ¥18,000. The fee for registering the transfer of neighbouring rights is ¥9,000. The fee for the establishment of the right of publication is ¥30,000. In addition to the above, a registration fee of ¥47,100 per software applies in the case of computer software.

Law stated - 24 April 2024

## 24 | What are the consequences for failure to register a copyrighted work?

The rightsholder or author may not assert their rights against a third party unless registered.

Law stated - 24 April 2024

## OWNERSHIP AND TRANSFER

### Eligible owners

## 25 | Who is the owner of a copyrighted work?

The author of a copyrighted work is its owner. Since copyright may be transferred, the assignee may become the owner of the work; this excludes moral rights, which may not be transferred.

Exemptions to this principle are authorship of a work made by an employee and authorship of a cinematographic work.

With the exception of computer programs, the authorship of a work that, on the initiative of a juridical person (such as a company) or other employers, is made by an employee in the course of the performance of their duties in connection with the employer's business and is made public by the employer as a work under its own name, shall be attributed to the employer, unless there are contract or work regulations that provide that the work should be attributed to the employee who created the work.

Authorship of a cinematographic work shall be attributed to those who, by taking charge of producing, directing, filming and art direction, etc, have creatively contributed to the creation of such cinematographic work as a whole, with the exception of authors of

novels, play and film scripts, music or other works adapted or reproduced in such a cinematographic work.

Law stated - 24 April 2024

## Employee and contractor work

**26** | May an employer own a copyrighted work made by an employee?

Yes. With the exception of computer programs, the authorship of a work that, on the initiative of a juridical person (such as a company) or other employers, is made by an employee in the course of the performance of their duties in connection with the employer's business and is made public by the employer as a work under its own name, shall be attributed to the employer, unless there are contract or work regulations that provide that the work should be attributed to the employee who created the work.

The authorship of a computer program work that, on the initiative of a juridical person (such as a company) or other employers, is made by an employee in the course of their duties in connection with the employer's business, shall be attributed to the employer unless otherwise stipulated by contract, work regulations or the like at the time of the making of the work.

Law stated - 24 April 2024

**27** | May a hiring party own a copyrighted work made by an independent contractor?

Yes. Such ownership must be expressly agreed to. Although it is not strictly necessary to have a written agreement, it is customary to have one in order to prevent copyright disputes.

Law stated - 24 April 2024

## Joint and collective ownership

**28** | May a copyrighted work be co-owned?

Yes. A co-holder of a copyright in a work of joint authorship or of any other co-owned copyright may not transfer or pledge their share without the consent of the other co-holders.

Law stated - 24 April 2024

## Transfer of rights

**29** | May rights be transferred? If so, what rules and procedures apply?

Yes.

Law stated - 24 April 2024

## Licensing

**30** | May rights be licensed? If so, what rules and procedures apply?

Yes.

Law stated - 24 April 2024

**31** | Are there compulsory licences? What are they?

Yes. When, despite reasonable efforts, it is not possible to contact the copyright holder because their identity is unknown or for other reasons, it shall be possible to exploit a work, under the authority of a ruling for a compulsory licence issued by the Agency of Cultural Affairs (ACA) and upon depositing, for the benefit of the copyright holder, compensation of the amount fixed by the Commissioner.

Law stated - 24 April 2024

**32** | Are licences administered by performing rights societies? How?

Yes. Japanese performing rights societies include the Japanese Society for Rights of Authors, Composers and Publishers (JASRAC), the Japan Writers' Association, the Writers Guild of Japan, and the Japan Writers Guild.

Owners of copyrighted works may either entrust administration of their copyright to the entity of their choice, or manage their rights personally in whole or in part. If a copyright owner chooses to entrust their copyright to an administrator, this entity and the owner will execute an entrustment agreement.

Law stated - 24 April 2024

## Termination

**33** | Is there any provision for the termination of transfers of rights?

No.

Law stated - 24 April 2024

## Recordal

**34** |

Can documents evidencing transfers and other transactions be recorded with a government agency?

If the transfer and other transactions are registered, yes. The ACA or the Software Information Centre requires such documents in order to register the transfer or transaction, and to summarise the fact in the registration.

Law stated - 24 April 2024

## DURATION OF COPYRIGHT

### Protection start date

**35** | When does copyright protection begin?

Copyright protection begins at the time of the creation of the work.

Law stated - 24 April 2024

### Duration

**36** | How long does copyright protection last?

Protection lasts for 50 years after the death of the author or, in the case of a jointly authored work, for 50 years after the death of the last surviving co-author (in principle). The copyright in a work that bears the name of a juridical person or other corporate body as its author shall continue to subsist until the end of the 50-year period following the work being made public. The copyright in a cinematographic work shall continue to subsist until the end of the 70-year period following the work being made public; or if the work was not made public within the 70-year period following its creation, until the end of the 70-year period following the work's creation. Since the end of December 2018, the protection period has been amended to 70 years, to comply with the Comprehensive and Progressive Agreement for Trans-Pacific Partnership.

Law stated - 24 April 2024

**37** | Does copyright duration depend on when a particular work was created or published?

Yes. There are special copyright durations, pursuant to the Act on Special Provisions of Duration of Copyright of the Allies, for works created during World War II (this time frame runs from 8 December 1941 to the day before each peace pact).

Law stated - 24 April 2024

### Renewal

**38** | Do terms of copyright have to be renewed? How?

No.

Law stated - 24 April 2024

### Government extension of protection term

**39** | Has your jurisdiction extended the term of copyright protection?

Yes. Protection for 30 years after death was extended to 38 years, and then to 50 years in 1970, in accordance with the Brussels Amendment of the Berne Convention (1948). With respect to cinematographic works, protection for a 50-year period following the copyright work being made public was also extended to 70 years (or, if the work was not made public within the 70-year period following its creation, until the end of the 70-year period following the work's creation).

Law stated - 24 April 2024

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

**40** | What constitutes copyright infringement?

Reproduction, performance, screen presentation, public transmission, recitation, exhibition, distribution, rental, translation or adaptation without the copyright owner's approval constitute copyright infringement.

Law stated - 24 April 2024

### Vicarious and contributory liability

**41** | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Yes. A representative, an agent, an employee or any other worker of a juridical person (such as a company) or a person (individual) who commits copyright infringement in connection with the business of that person shall be jointly or vicariously liable for the infringement under the Copyright Act and civil law, and may have criminal liability in accordance with the Copyright Act.

Law stated - 24 April 2024

## Available remedies

### 42 | What remedies are available against a copyright infringer?

Remedies available include injunction, compensation, measures for the restoration of honour and reputation (such as a public apology), and the collection of unjust enrichment.

Law stated - 24 April 2024

## Limitation period

### 43 | Is there a time limit for seeking remedies?

Compensation in accordance with the Civil Code must be sought within three years of the infringement and infringer becoming known, or within 20 years of the infringement.

Law stated - 24 April 2024

## Monetary damages

### 44 | Are monetary damages available for copyright infringement?

Yes.

Law stated - 24 April 2024

## Attorneys' fees and costs

### 45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

Yes, although it is rare that the amounts awarded in a judgment will cover attorneys' fees and the costs of an action.

Law stated - 24 April 2024

## Criminal enforcement

### 46 | Are there criminal copyright provisions? What are they?

Yes. A person who infringes copyright, right of publication or neighbouring rights (excluding some exemptions provided in the Act) shall be punished by imprisonment with work for a term not exceeding 10 years or a fine of not more than ¥10 million, or both. A person who infringes the author's moral rights, a person who, for profit-making purposes,

causes a machine that has a reproduction function (provided in the article) to be used to reproduce works or performances (eg, automated bulk video copying) or a person who commits an act deemed to constitute copyright infringement shall be punished with penal labour for up to five years or a fine of up to ¥5 million, or both. A person who infringes an author or performer's moral rights after the author or performer's death shall be punishable by a fine of up to ¥5 million. There are also criminal provisions against the illegal reproduction of computer programs; circumvention of technological protection measures; illegal reproduction of a person's true name or widely known pseudonym; and the reproduction, distribution or possession of a commercial phonogram without any authority, etc.

The authorities may not investigate copyright infringements and bring charges against offenders unless the copyright holders have filed a complaint with the authorities, or the following three requirements are met:

- the alleged offenders intend to financially benefit from or to harm the copyright holders;
- the alleged offenders assign, publicly transmit or duplicate paid copyrighted works in their original language; and
- the copyright holders' prospective benefit arising from offering paid copyrighted works is unjustly infringed.

If the preceding requirements are met, the authorities may investigate copyright infringements and bring charges, even if the copyright holders have not filed complaints.

In addition, selling devices to circumvent access control is subject to criminal sanctions.

Law stated - 24 April 2024

### Online infringement

**47** | Are there any specific liabilities, remedies or defences for online copyright infringement?

Yes. When copyright is infringed by information distributed through the internet, a person alleging that their copyright has been infringed may request that a telecommunications service provider, such as an internet service provider, prevent such infringed information from being transmitted to unspecified persons in practice (under civil laws); and disclose the identification information of the sender pertaining to the infringement, if there is evidence that the copyright was infringed by distribution through the internet, since the identification information of the sender is necessary for the rightsholder demanding the above disclosure to exercise their right to claim damages, and there is justifiable ground for the rightsholder to receive the disclosed identification information of the sender in accordance with the Act on the Limitation of Liability for Damages of Specified Telecommunication Service Providers and the Right to Demand Disclosure of Identification Information of the Senders (Act No. 137 of 2001).

When a telecommunication service provider has received a request to prevent the infringement, the service provider shall be liable for loss incurred from such infringement if:

- it is technically possible to take measures to prevent such information from being transmitted to unspecified persons;
- the service provider knew that the infringement was caused by the information being distributed through the telecommunications provided by the provider; or
- the service provider had knowledge of the information distributed by its service or there are reasonable grounds to find that the service provider could know the infringement was caused by information distributed through its service.

On the other hand, if a service provider takes measures to block the transmission of information, that provider shall not be liable for any loss incurred by a sender of such information allegedly infringed insofar as measures are taken within the limit necessary for preventing transmission of the infringement to unspecified persons and there is a reasonable ground to believe the infringement, or there is no notice of acceptance of blocking the information from the infringer who receives an enquiry from the service provider within seven days after the above inquiry is made.

In 2020, the Copyright Act was amended to remove knowingly downloading illegally uploaded content from the scope of the exception, and downloading infringing content was criminalised in 2021. Additionally, operators of 'leech sites' that lead internet users to other websites that offer bootlegged materials, such as manga (Japanese comic books) and movies, became subject to criminal sanctions in October 2020.

Law stated - 24 April 2024

### Prevention measures

**48** | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

Copyright infringement may be prevented in Japan by putting a copyright notice on the work; education; appropriate measures against infringement, such as issuing a warning immediately after infringement is recognised; and legal action against the infringer.

Japanese copyright holders have suffered a number of copyright infringements by individuals and corporations based in foreign countries (eg, counterfeit software and cartoon books being translated and printed without approval); therefore, government-level action against countries in which many copyright infringers exist should be a critical factor in helping to prevent future copyright infringement.

Law stated - 24 April 2024

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

#### 49 | Which international copyright conventions does your country belong to?

Japan belongs to:

- the Berne Convention for the Protection of Literary and Artistic Works (Paris Act);
- the Universal Copyright Convention (Paris Act);
- the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations;
- the World Intellectual Property Organization Performances and Phonograms Treaty;
- the Agreement on Trade-Related Aspects of Intellectual Property Rights; and
- the Beijing Treaty on Audiovisual Performances.

Law stated - 24 April 2024

#### 50 | What obligations are imposed by your country's membership of international copyright conventions?

Principles of national treatment in accordance with the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, and the Principle of Reciprocity in accordance with the Berne Convention are imposed.

Law stated - 24 April 2024

## UPDATE AND TRENDS

### Key developments of the past year

#### 51 | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

#### Generative AI and the Copyright Act

Generative artificial intelligence (AI) raises various legal issues regarding infringement in the learning and development phase, the infringement in the generation and use phase, and the copyrightability of AI-generated outputs. The Agency of Cultural Affairs continued to discuss those issues and issued a report on the relationship between the Copyright Act and AI as follows:

- Training data sets for AI machine learning may include copyrighted works, and AI machine learning usually requires duplication and transformation of such collected works. In principle, the duplication and transformation of copyrighted works requires the prior approval of the copyright holder of the relevant copyrighted works under the Copyright Act. If an end user's purpose in the use of copyrighted works, such as duplication and transformation, is not 'for enjoying oneself or having others enjoy

the ideas or emotions expressed in the works', such use does not require any prior approval under section 30-4 of the Copyright Act. On the other hand, if the user has a purpose of enjoyment, the exception of section 30-4 would not apply, and the user might be subject to a copyright infringement claim, including financial damages and injunctive relief, including disposal of learned AI models. The report indicates some situations in which the exception does not apply.

- AI-generated outputs such as text and images are sometimes accidentally the same or very similar to the existing copyrighted works. Infringement by AI-generated outputs is determined by the conventional criteria for the infringement: similarity with and reliance on existing copyrighted works as if the work were created by a natural person without using AI. The report says that the end user's recognition of the existing works and whether the existing works are included in the data set for machine learning of the relevant AI model should be considered.
- Infringement by AI-generated outputs may result in liability not only for the AI user but also for the developer and provider of the generative AI. According to the report, the possibility of liability of not only end users but also developers and providers for copyright infringement will increase in either of the following scenarios:
  - the scenario infringing material is generated at a high frequency when a particular generated AI is used; and
  - when the business operator, in developing and providing the generated AI, is aware of the high probability that the said generated AI will generate similar works to existing works but does not take measures to deter the generation of such similar works.
- Copyrightability of AI-generated work follows the traditional interpretation of copyrighted work. The report indicates that the following four factors should be considered:
  - amount and content of instructions and input (prompt, etc);
  - number of generation attempts;
  - selection from multiple products; and
  - additions and modifications after generation.

*The information in this chapter was correct as at April 2024.*

**Law stated - 24 April 2024**



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# Laos

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

Copyright and related rights in Laos are governed by a combination of specialised intellectual property laws and general civil and criminal laws, including:

- Civil Code (2018);
- Penal Code (2017);
- Civil Procedure Law (2004);
- Criminal Procedure Law (2012);
- Law on Intellectual Property No. 50/NA, dated November 20, 2023 (the IP Law);
- Ministerial Decision No. 0439/MOIC, dated March 30, 2023, on Copyright and Related Rights; and
- Ministerial Decision No. 0441/IC, dated 30 March 2023, on Administrative Remedies for Industrial Property and New Varieties.

Law stated - 12 May 2025

### Enforcement authorities

#### 2 | Who enforces it?

In Laos, several state bodies are responsible for enforcing copyright and related rights. The Department of Intellectual Property (DIP) under the Ministry of Industry and Commerce plays a central role by administering copyright matters, receiving optional registrations, handling complaints, imposing administrative sanctions and promoting IP awareness.

The Economic Police, under the Ministry of Public Security, are tasked with investigating criminal copyright violations and often collaborate with the DIP and the Public Prosecutor's Office in serious cases. The Public Prosecutor's Office prosecutes these cases and ensures that investigations and legal proceedings comply with the law.

People's Courts adjudicate both civil and criminal copyright disputes, with the authority to grant remedies such as injunctions, compensation for damages and criminal penalties. Additionally, the Customs Department under the Ministry of Finance plays a crucial role in border enforcement by preventing the import and export of counterfeit or pirated goods.

Law stated - 12 May 2025

### Online and digital regulation

#### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

The 2023 IP Law contains specific provisions addressing the digital exploitation of works.

Under article 4, a 'work' is defined as a creative work by an individual, legal entity or organisation in the fields of art, literature or science, expressed in any form or method. This broad definition encompasses both traditional and digital forms of expression.

Article 91 confirms that copyright applies to original works, including computer programs and data compilations in source or object code, once they are fixed in a tangible or electronic form.

Article 101 grants economic rights such as reproduction and distribution in any form, including digital formats, while article 103 provides specific protection for computer programs and databases.

These provisions strengthen the legal framework for protecting digital content and the rights of creators in the digital environment.

**Law stated - 12 May 2025**

### AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

The prevailing IP law in Laos does not specifically address the use of works in artificial intelligence (AI) or machine learning (ML). While the law protects electronic works, such as computer programs and databases, it does not cover AI-generated content or the use of copyrighted materials for training AI.

There is currently no publicly available information indicating any proposed legislation in Laos specifically targeting AI and ML in the context of intellectual property. However, as global discussions continue, future legal updates may follow. Those working with AI and ML should stay informed and seek legal advice to navigate the current IP landscape.

**Law stated - 12 May 2025**

### Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Laos' copyright law, does not expressly apply extraterritorially and lacks provisions targeting foreign-owned or operated infringing websites.

However, enforcement is guided by the principle of territoriality, meaning the law applies within Laos or where infringement has a domestic impact. While no specific mechanisms such as website blocking or cross-border take-downs exist, Laos participates

in international treaties such as the Berne Convention and TRIPS, which support cooperation with other countries in addressing foreign-based infringements.

Law stated - 12 May 2025

## Agency

### 6 | Is there a centralised copyright agency? What does this agency do?

Laos' centralised copyright agency is the Department of Intellectual Property (DIP) under the Ministry of Industry and Commerce (MOIC).

The DIP oversees copyright and related rights, including optional copyright registration and issuing certificates. It handles administrative enforcement of copyright infringement, including investigations and sanctions. The DIP also develops IP policies, promotes public awareness and cooperates internationally. In serious cases, it works with other authorities like the Economic Police, Customs, and the courts.

Under the same Ministry, Collective Management Organisations (CMOs) are authorised to manage copyright and related rights on behalf of creators. Their functions include negotiating licences, collecting and distributing royalties, and protecting members' rights. CMOs also help resolve disputes involving their members and are responsible for promoting creativity, engaging in national and international cooperation, reporting their activities to MOIC, and fulfilling other duties as prescribed by law.

Law stated - 12 May 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

#### 7 | What types of works may be protected by copyright?

In Laos, copyright protection applies to original literary, scientific and artistic works, regardless of the form or method of expression.

Under article 91, protected works include:

- Visual art: drawings, paintings, carvings, embroidery, sculptures, architectural designs and photographs.
- Performance-related works: choreographic works, pantomimes, dramatic works and musical compositions (with or without lyrics).
- Audiovisual and digital content: phonograms, films and cinematographic works.
- Functional and creative works: applied art, maps, plans and three-dimensional works related to science or architecture.

Computer programs shall be protected as literary works, whether in source or object code.

These works are protected as long as they are original creations of the author.

Law stated - 12 May 2025

### AI-generated works

#### 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

As of now, copyright protection in Laos does not explicitly extend to works generated in whole or in part by AI systems.

The Laos law protects original works of authorship in literary, artistic, and scientific fields, provided that the work is the result of human intellectual effort.

Law stated - 12 May 2025

### Rights covered

#### 9 | What types of rights are covered by copyright?

Under Lao copyright law, protection covers both moral rights and economic rights.

Moral rights ensure the personal connection between the author and the work. These include the right to first disclose and publish the work (unless transferred after the author's death), the right to be credited as the author, to use a pseudonym or remain anonymous, and to object to false attribution or the use of their name on works they did not create or that have been altered. Authors also have the right to object to any distortion, mutilation or modification of their work that may harm their honour or reputation. This right also extends to individuals whose names are used on a work without being its author. Importantly, moral rights are non-transferable, even if the author no longer holds the economic rights.

Economic rights give the copyright owner exclusive control over the use of their work. This includes the rights to reproduce, distribute, translate, adapt, and publicly perform or broadcast the work across any media. Owners can authorise or prevent import, export, sale, rental or lending of copies. For specific works like literary, musical, or dramatic pieces, rights extend to public recitation, performance and translation.

Law stated - 12 May 2025

#### 10 | What limitations and exceptions apply?

Like many other jurisdictions, Laos provides limitations and exceptions to copyright to balance the rights of creators with public interest. Aligned with the Berne Convention, article 113 of the Lao IP Law permits limited use of works without permission or payment, as long as it does not conflict with normal exploitation or harm the author's legitimate interests.

First, individuals may reproduce copyrighted works for personal, private and non-commercial use. This allows people to enjoy works for their own purposes without infringing on the rights of the author.

Second, the law allows for quotation of short excerpts from a work for purposes such as criticism, commentary or news reporting. Such use must be fair, properly attributed, and should not misrepresent the original work or its author.

Third, copyrighted materials may be used for teaching, scholarship or research as long as the use is non-commercial, limited to what is necessary for the educational purpose and properly cites the original source.

Law stated - 12 May 2025

## Excluded works

### 11 | What may not be protected by copyright?

In Laos, copyright does not protect:

- News of the day or factual press information.
- Ideas, procedures, methods of operation or mathematical concepts.
- Official texts and their official translations (eg, laws, regulations).

These exclusions exist to ensure that basic information, functional methods and public legal materials remain accessible to all and are not monopolised, supporting the free flow of knowledge and the public interest.

Law stated - 12 May 2025

## Fair use and fair dealing

### 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

Laos copyright law does not directly follow the 'fair use' or 'fair dealing' doctrines like the US or UK/Canada. However, it provides limited exceptions to copyright under the IP Law, in accordance with international agreements such as the Berne Convention and TRIPS. Article 113 allows certain uses of copyrighted works without permission, as long as they do not interfere with the normal exploitation of the work or harm the rights holder's legitimate interests.

Typical exceptions to copyright in Laos include personal and non-commercial use, short quotations for purposes like criticism, review, or news reporting (with proper attribution), and use for teaching or scientific research, as long as it follows fair practice and credits the source.

Copyright can also be used for reporting current events or newsworthy topics. Libraries and archives are allowed to reproduce works for preservation or for study by users. However, these exceptions do not apply to the reproduction of architectural works through construction, nor to reproduction that bypasses technological protections or alters/removes rights management information without authorisation.

Law stated - 12 May 2025

## Architectural works

### 13 | Are architectural works protected by copyright? How?

Architectural works are protected by copyright in Laos. Article 91 of the IP Law lists architectural works, including plans, drawings, and models, as protected literary and artistic works. Protection applies to original designs and is automatic upon creation, meaning no registration is required. The protection covers both design documents and the artistic expression in built structures. Additionally, reproduction by construction is not allowed under copyright exceptions.

Law stated - 12 May 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

Performance rights are covered by copyright-related rights in Laos. Performers, including actors, singers, musicians and dancers, are granted both moral and economic rights over their live or recorded performances. These rights differ from copyright, which protects the original work, while performers protect their interpretation or execution of that work.

Moral rights (article 106) allow performers to be identified as the author of their performances even if the economic rights have been transferred. Performers also have the right to object to any distortion, mutilation or modification that could harm their honour and reputation. These rights continue after the performer's death and can be exercised by their heirs until the expiration of the economic rights.

Economic rights (article 107) give performers exclusive control over broadcasting, recording, reproducing, distributing and renting their performances, whether unfixed (live) or fixed (eg, phonograms). Performers also have the right to make their fixed performances available online. These rights are automatically granted without the need for registration, though certain exceptions apply for private use, education or news reporting.

Law stated - 12 May 2025

## Neighbouring rights

### 15 | Are other 'neighbouring rights' recognised? How?

In Laos, other neighbouring rights are recognised for producers of phonograms and broadcasting organisations.

Producers of phonograms have exclusive rights to reproduce, distribute, commercially rent and make their works available through various means, including wire or wireless transmission (article 108). They can also transfer ownership through contract or inheritance.

Broadcasting organisations have rights to fix, reproduce, rebroadcast and communicate their broadcasts, as well as transfer ownership (article 110).

Additionally, performers and producers are entitled to equitable remuneration for the commercial use of their phonograms (article 109).

These rights are automatically granted, with protection typically lasting for 50 years from the first publication, and subject to certain exceptions such as private use, educational purposes or news reporting.

**Law stated - 12 May 2025**

## Moral rights

### 16 | Are moral rights recognised?

Moral rights are recognised in Laos. According to article 100 of the IP law, authors have the right to claim authorship of their work, object to misattribution, and prevent the use of their name in connection with works they did not author or that have been modified. They also have the right to object to any distortion or modification of their work that could harm their honour or integrity. While these rights cannot be assigned, rights related to authorship, misattribution and the integrity of the work last indefinitely, while rights related to first disclosure and publication last until the end of the economic rights term.

**Law stated - 12 May 2025**

## COPYRIGHT FORMALITIES

### Notice

#### 17 | Is there a requirement of copyright notice?

In Laos, while there is no mandatory requirement for a copyright notice, article 96 of the IP law allows for the notification of copyright or related rights to be recorded with the Ministry of Industry and Commerce for evidence, particularly in cases of violation or dispute. Article 97 specifies that upon application, the Ministry will record the notification, which must include the author's name, the title of the work and the creation date, but this notification does not establish or affect the applicant's rights. This process serves as a useful tool for evidence or record keeping but is not a requirement for copyright protection.

**Law stated - 12 May 2025**

## 18 | What are the consequences for failure to use a copyright notice?

There is no legal consequence for not using a copyright notice in Laos. Copyright protection is automatic upon creation. However, the absence of a notice may make it harder to prove ownership or deter infringement. While optional, using a notice is recommended as evidence of authorship and to facilitate the enforcement proceedings.

Law stated - 12 May 2025

## Deposit

### 19 | Is there a requirement of copyright deposit?

Copyright protection in Laos is automatic upon creation of a work, without the need for deposit or formal registration.

Law stated - 12 May 2025

### 20 | What are the consequences for failure to make a copyright deposit?

In Laos, there are no legal consequences for failing to make a copyright deposit, because deposit is not required.

Law stated - 12 May 2025

## Registration

### 21 | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

There is no registration requirement for copyright protection in Laos. Copyright is an automatic protection that arises when the work has been created. However, a copyright owner can voluntarily inform the national authority for science and technology through the DIP about the creation of the work. Such an application to inform that a copyright exists must be submitted thereto.

Provided that correct documentation and receipt of payment is submitted, the DIP will issue a receipt or a 'Certificate of Information' that it has entered the notification into the records, which will serve as evidence in future administrative or judicial proceedings and can, therefore, prove extremely useful. The copyright or related rights notification shall indicate the name of the author, title of the work including date of creation but shall not determine the rights of the applicant.

The documents that need to be prepared include a brief description of the work, an original notarised power of attorney from the applicant, a completed application form with the

necessary information and documents, and a notarised copy of the business licence if the applicant is a company, or a notarised copy of the passport or ID card if the applicant is an individual. Additionally, a notarised copy of the author's passport or ID card must be provided, along with three copies of the work fixed or represented in a tangible form.

Typically, the process to obtain a copyright registration certificate in Laos takes approximately three to four months from the date of filing.

**Law stated - 12 May 2025**

**22** | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

Copyright registration is not mandatory in Laos, as protection is automatic upon creation.

However, registration is voluntary and provides significant benefits. A copyright registration certificate serves as prima facie evidence of ownership, which is especially valuable in enforcement actions. It helps overcome challenges such as limited awareness of copyright law and hesitation by authorities to act in cases where infringement isn't obvious. With a certificate, the rights holder does not need to prove ownership in disputes, unless there is evidence to the contrary.

**Law stated - 12 May 2025**

**23** | What are the fees to apply for a copyright registration?

The official fee for applying for copyright registration is 200,000 Lao kip per application.

**Law stated - 12 May 2025**

**24** | What are the consequences for failure to register a copyrighted work?

In Laos, failure to register a copyrighted work does not result in legal penalties, since registration is not mandatory. However, it may lead to practical disadvantages. Without a registration certificate, proving ownership in legal disputes can be more difficult, and enforcement authorities may hesitate to act in complex or unclear infringement cases. Additionally, it may weaken the right holder's position in licensing or rights transfer negotiations due to the lack of formal documentation.

**Law stated - 12 May 2025**

## OWNERSHIP AND TRANSFER

### Eligible owners

**25** | Who is the owner of a copyrighted work?

The author of a literary, artistic or scientific work is the default owner of both the moral and economic rights in the work.

In the case of a jointly created work, the copyright is jointly owned by the co-authors unless otherwise agreed.

If a work is created in the course of employment, the employer is considered the copyright owner unless there is an agreement to the contrary.

Any person who acquires economic rights through sale, contract, or inheritance is also considered a copyright owner. A person holding such rights by contract, including employment contracts, is entitled to exercise and benefit from those rights in their own name.

In addition, individuals who make creative contributions to performances or cinematographic works (eg, directors, screenwriters, editors, composers, technicians) are considered joint authors. These contributors have the right to be credited, unless it is impractical to do so under the circumstances.

**Law stated - 12 May 2025**

### **Employee and contractor work**

**26** | May an employer own a copyrighted work made by an employee?

By default, the employer is the copyright owner of works created by employees as part of their job duties. However, the employer and employee can agree otherwise in a contract. If such an agreement exists, it will override the default rule.

**Law stated - 12 May 2025**

**27** | May a hiring party own a copyrighted work made by an independent contractor?

A hiring party can own the copyright to a work created by an independent contractor only if there is a written agreement. However, if the contract states otherwise, the ownership will follow the agreement. The moral rights, such as the right to be named as the author, remain with the independent contractor (the author).

**Law stated - 12 May 2025**

### **Joint and collective ownership**

**28** | May a copyrighted work be co-owned?

A copyrighted work can be co-owned in Laos. If a work is jointly created, the authors automatically share ownership unless there is an agreement stating otherwise.

**Law stated - 12 May 2025**

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

According to articles 47 and 98 of the IP Law, copyright ownership and any economic rights may be assigned by contract or transferred by inheritance.

Moral rights, as outlined in article 100, remain with the author and cannot be transferred.

The assignment of copyright in Laos must be made in writing and signed by the involved parties. The agreement should clearly specify the details of the assignor and assignee, the scope of the rights being transferred (such as reproduction, distribution, public display, etc), the duration and territorial extent of the assignment, payment terms and the obligations of each party. This written contract serves as a legal basis to ensure the protection and enforcement of rights for both sides.

While registration with the Department of Intellectual Property (DIP) is not mandatory, it is recommended to create a public record and aid enforcement. Economic rights can also be inherited by heirs after the author's death. However, moral rights cannot be transferred but may be exercised by the author's heirs.

**Law stated - 12 May 2025**

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

In Laos, copyright owners may grant licences to others to use their works without transferring ownership. Such licences must be in writing and signed by both the licensor and the licensee. The agreement should clearly define the scope of use, duration, territory and any applicable fees or royalties. Depending on the terms, a licence can be exclusive or non-exclusive.

Although registration of the licence with the DIP is not mandatory, it is advisable to help establish legal proof and supports enforcement efforts.

Importantly, moral rights remain with the author and cannot be transferred, licensed or waived.

**Law stated - 12 May 2025**

### 31 | Are there compulsory licences? What are they?

Lao copyright law does not explicitly provide for compulsory licences in the field of copyright. Instead, the law outlines certain exceptions and limitations where copyrighted works may be used without permission from the rights holder, such as for private use, education, research, news reporting and other fair use purposes, provided that such use

does not conflict with the normal exploitation of the work or unreasonably prejudice the rights holder.

Law stated - 12 May 2025

### 32 | Are licences administered by performing rights societies? How?

Licences in Laos may be administered by Collective Management Organizations (CMOs).

Under articles 115 to 117 of the Lao IP law, CMOs are legally recognised entities established by agreement among authors and rights holders to manage copyrights and related rights.

These organisations operate under the supervision of the Ministry of Industry and Commerce and are authorised to:

- negotiate licensing agreements and collect royalties or remuneration on behalf of their members;
- distribute collected payments to the appropriate rights holders;
- protect their members' rights and benefits and mediate disputes; and
- cooperate with domestic and international organisations on copyright matters.

Although CMOs are permitted by law, their practical presence and activity in Laos may still be limited or developing.

Law stated - 12 May 2025

## Termination

### 33 | Is there any provision for the termination of transfers of rights?

Copyright transfers in Laos may be terminated, although the law does not provide detailed procedures. Under the IP law, economic rights can be transferred by contract or inheritance, but moral rights remain with the author. Termination of a transfer would follow general contract law principles, such as mutual agreement, contract expiration, breach or invalidation.

Law stated - 12 May 2025

## Recordal

### 34 | Can documents evidencing transfers and other transactions be recorded with a government agency?

Copyright transfers and related transactions can be recorded with the DIP in Laos. While not mandatory, registration is recommended as it creates a public record and strengthens enforcement by serving as prima facie evidence of ownership.

The DIP has streamlined the process by allowing electronic submission of supporting documents, such as assignment agreements and powers of attorney, without requiring original hard copies in most cases.

Law stated - 12 May 2025

## DURATION OF COPYRIGHT

### Protection start date

**35** | When does copyright protection begin?

Copyright protection begins automatically from the moment a work is created and fixed in a tangible form, without the need for registration.

Law stated - 12 May 2025

### Duration

**36** | How long does copyright protection last?

In Laos, copyright protection begins from the date a work is created and lasts until the end of the calendar year in which the protection term expires.

For most works, the term is 50 years after the death of the author, or in the case of joint authorship, 50 years after the death of the last surviving author.

For anonymous or pseudonymous works, protection lasts for 50 years from the date the work was lawfully made available to the public; however, if the author's identity becomes known during that time, the term changes to 50 years after their death.

Cinematographic works are protected for 50 years from the date they were made public with the author's consent, or if not made public, from the date of creation. For works of applied art and photographs, the term is 30 years from the date of creation.

If an international treaty to which Laos is a party provides a different term, that treaty may apply.

Law stated - 12 May 2025

**37** | Does copyright duration depend on when a particular work was created or published?

The duration of copyright generally depends on both the date of creation and, in some cases, the date of publication. For most works, protection begins from the date of creation and lasts for a fixed term, such as 50 years after the author's death. However, for certain

types of works like anonymous, pseudonymous or cinematographic works, the duration is counted from the date the work was lawfully made available to the public, unless specific conditions apply. So the timing of creation or publication can affect how long copyright lasts.

Law stated - 12 May 2025

## Renewal

**38** | Do terms of copyright have to be renewed? How?

Copyright terms in Laos do not need to be renewed. Once a work is protected, the duration is automatically granted for the full term as provided by law. There is no requirement to file for renewal or take additional steps to maintain protection during that period.

Law stated - 12 May 2025

## Government extension of protection term

**39** | Has your jurisdiction extended the term of copyright protection?

Laos recently extended copyright protection for certain works. According to the amended IP Law (No. 50/NA dated 20 November 2023 and published 1 March 2024), the protection period for applied art and photographs increased from 25 to 30 years from creation. This update shows Laos' effort to align with international standards and strengthen creator rights.

Law stated - 12 May 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

**40** | What constitutes copyright infringement?

In Laos, copyright infringement occurs when a person or organisation, without the author's authorisation and unless otherwise permitted by law, performs any act that violates the author's moral or economic rights (article 102).

Unauthorised use of an author's moral rights is considered copyright infringement. Moral rights include the right to be recognised as the author of the work and to protect the integrity of the work. This means that no one may falsely claim authorship, fail to properly credit the author when the work is used, or modify, distort or mutilate the work in a way that harms the author's reputation or honour. Any such acts done without the author's consent, unless specifically allowed by law, are considered violations of their moral rights.

Infringement of economic rights occurs when someone exploits the work for financial or commercial purposes without the author's permission. This includes acts such as copying

or reproducing the work, publishing or distributing it to the public, renting it out, publicly performing or displaying it, broadcasting it through media channels, or adapting, translating or transforming the work. These rights are granted exclusively to the author or copyright holder, and any unauthorised use may lead to legal consequences, including claims for damages.

Law stated - 12 May 2025

### Vicarious and contributory liability

41 | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Laos' current IP law does not explicitly define or codify secondary liability for indirect copyright infringement. The law primarily addresses direct infringement, focusing on unauthorised acts that violate an author's moral and economic rights.

While the law does not specifically outline secondary liability, entities that facilitate or benefit from infringement, such as by distributing infringing materials or providing platforms for infringement, could potentially be held liable under general principles of civil and criminal law, especially if they are found to have knowledge of the infringement and fail to take appropriate action.

Law stated - 12 May 2025

### Available remedies

42 | What remedies are available against a copyright infringer?

The Laos law outlines civil, administrative, and criminal measures to address violations of intellectual property rights, including copyright.

Regarding civil remedies, under articles 48 and 102 of the IP Law, authors or copyright owners have the right to protect their rights against infringements of their moral or economic rights. This includes instituting court actions and seeking compensation for damages caused by others.

Additionally, the Civil Procedure Law allows courts to order injunctions, seize infringing goods and award damages to the rights holder. The court may also order the destruction or other reasonable disposition of infringing products and their packaging to avoid harm to the right holder.

Administrative remedies are available through the Department of Intellectual Property Rights (DIP). Rights holders can request the DIP to take action against infringers, such as issuing warnings, ordering cessation of infringing activities, or imposing fines.

For serious cases, criminal prosecution is possible. Violations of IP, forgery, fraud and unfair competition practices relating to intellectual property, including copyrights, can cause damage to another person, and violators are subject to penalties, such as one to three

years' imprisonment or re-education without deprivation of liberty, and fines ranging from 5 million to 20 million kip.

Law stated - 12 May 2025

### Limitation period

#### 43 | Is there a time limit for seeking remedies?

There is a time limit for seeking remedies against copyright infringement in Laos, depending on the type of remedy.

For administrative remedies, which involve actions through authorities such as the Department of Intellectual Property under the Ministry of Industry and Commerce, the law does not specify a clear statute of limitations. However, it is considered to act promptly upon discovering the infringement to ensure effective enforcement.

In civil cases, the statute of limitations is three years from the date the copyright holder becomes aware of both the infringement and the identity of the infringer.

For criminal remedies, which apply to serious or intentional infringements carried out for commercial gain, the offence is classified as a major offence under article 246 of the Penal Code. In such cases, the statute of limitations is seven years from the date the offence occurred, as provided under article 31 of the Penal Code.

Law stated - 12 May 2025

### Monetary damages

#### 44 | Are monetary damages available for copyright infringement?

Monetary damages are available for copyright infringement in Laos. Under the IP law, copyright holders have the right to seek compensation for damages caused by infringement.

Specifically, article 102 of the IP law states that authors or copyright owners can protect their rights under the law and regulations against infringements of their moral or economic rights by others, including the right to institute court action and to claim compensation for damages caused by others.

If a right holder initiates a lawsuit in the People's Court and successfully proves that their copyright has been infringed, the court may award monetary damages based on the actual loss suffered or the illegal profits gained by the infringer.

Additionally, article 140 of the IP law provides that individuals, legal entities or organisations who violate copyright, whether intentionally or unintentionally (but not to the level of criminal liability), shall be fined 1 per cent of the damages value. If the violation is intentional and repeated, the fine increases to 5 per cent of the damages value for each subsequent violation.

While the law provides for these remedies, the actual enforcement and calculation of damages may vary depending on the specifics of each case.

Law stated - 12 May 2025

### Attorneys' fees and costs

45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

Attorneys' fees and legal costs may be claimed in actions for copyright infringement in Laos. A defendant may request the Laotian People's Court to order a party at whose request measures were taken and who has abused enforcement procedures to provide to a party wrongfully enjoined or restrained with compensation including expenses in connection with the legal action, which may include attorney's fees for the injury suffered because of such abuse.

Law stated - 12 May 2025

### Criminal enforcement

46 | Are there criminal copyright provisions? What are they?

According to the Penal Code, criminal charges for infringers and the punishments and fines relating to IP infringement are regulated in Laos. The legislation not only covers civil measures for protecting IPRs, but also extends protection under criminal legislation, such as article 246 of the Penal Code, which can be used to sanction IP infringers. Violations of IP, forgery, fraud and unfair competition practices relating to intellectual property can cause damage to another person, and violators are subject to penalties, such as one to three years' imprisonment or re-education without deprivation of liberty, and fines ranging from 5 million to 20 million kip.

Law stated - 12 May 2025

### Online infringement

47 | Are there any specific liabilities, remedies or defences for online copyright infringement?

Laos has a developing legal framework to address online copyright infringement, combining provisions from IP law, e-commerce regulations and cyber-related legislation.

Under the IP law, copyright holders have the right to enforce their works against unauthorised online use. This includes civil remedies such as injunctions and monetary damages, as well as administrative actions through relevant authorities and criminal liabilities. Although the law does not specifically detail online enforcement, its provisions apply to both physical and digital infringements.

The Decree on Electronic Commerce (No. 296/GOV, 2021) supplements this by regulating online business activities. It requires individuals and businesses engaged in e-commerce to register with the Ministry of Industry and Commerce. It also obliges operators of electronic marketplaces to be incorporated in Laos and obtain a business licence. The decree sets standards for online contracts, terms of service and consumer protection, providing a legal basis for enforcement of rights in the digital space.

In addition, several cyber-related laws support enforcement against online copyright infringement. The Law on Cyber Crime (2015) and its implementing Decision on Penalties (2017) criminalise various types of unlawful online behaviour, which can include the distribution of pirated content. Meanwhile, the Law on Electronic Data Protection (2017) governs the use and security of electronic data and may apply to cases involving unauthorised digital reproduction or dissemination of copyrighted material.

Despite these provisions, the current legal framework in Laos lacks specific mechanisms for addressing online copyright infringement, such as notice-and-take-down procedures or intermediary liability provisions. This may pose challenges in effectively enforcing rights against online infringements.

**Law stated - 12 May 2025**

### Prevention measures

**48** | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

Copyright infringement in Laos may be prevented through a combination of legal, administrative and border enforcement measures, alongside growing use of digital tools.

Under the IP Law, rights holders can protect their works and pursue action through civil, administrative or criminal channels. Although copyright arises automatically, voluntary registration helps strengthen enforcement.

Customs enforcement is available, with the Department of Intellectual Property (DIP) working alongside the Customs Department to suspend or seize suspected infringing goods at the border, based on notifications from rights holders. Although Laos has not fully implemented a comprehensive customs recordal system for IP rights, border officials can act upon notification and support seizure of pirated materials in cooperation with the DIP.

Administrative action through the DIP allows rights holders to file complaints, which may lead to inspections, warnings, fines or confiscation of infringing items. Fines under article 140 of the IP law range from 1 to 5 per cent of the damage value, depending on the severity and repetition of the offence.

In addition, public awareness efforts, international cooperation, and the gradual introduction of online monitoring tools contribute to reducing infringement risks, especially in digital spaces.

**Law stated - 12 May 2025**

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

**49** | Which international copyright conventions does your country belong to?

Laos is a member of several international copyright conventions, reflecting its commitment to the global protection of IP rights. These include:

- Berne Convention for the Protection of Literary and Artistic Works, effective from 14 March 2012;
- Universal Copyright Convention (UCC), acceded on 16 September 1955; and
- Agreement on Trade-Related Aspects of Intellectual Property Rights under the World Trade Organization, effective from 2 February 2013.

Law stated - 12 May 2025

**50** | What obligations are imposed by your country's membership of international copyright conventions?

Laos, as a member of key international copyright agreements, including the Berne Convention, the UCC, and the TRIPS Agreement under the WTO, is bound by several important obligations that align its legal framework with international standards.

Under the principle of national treatment, Laos is obliged to offer the same level of copyright protection to foreign authors from other member countries as it does to its own nationals. This ensures equal rights and access to legal remedies for all right holders.

Through automatic protection, Laos is required to protect copyrighted works from other member countries without any need for registration or formal procedures. Protection is granted as soon as a work is created and fixed in a tangible form.

Laos must also observe minimum standards of protection. These include safeguarding a wide range of creative works and providing key rights to authors, such as reproduction, distribution, public performance and adaptation, for a term of at least the life of the author plus 50 years.

Under enforcement obligations, Laos is required to ensure that right holders have access to effective legal measures, including civil, administrative and criminal procedures, to address copyright infringement and seek remedies.

Law stated - 12 May 2025

## UPDATE AND TRENDS

### Key developments of the past year

**51** |

Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

In the past years, Laos has undertaken several initiatives to modernise its IP and copyright framework, reflecting its commitment to international standards and regional cooperation. These developments signal the country's efforts to enhance legal certainty, promote innovation, and attract foreign investment.

#### **Expanded copyright protection**

Under the amended Law on Intellectual Property No. 50/NA, enacted in November 2023 and published in March 2024, the scope of copyright protection now includes electronic creations and other works of art. The protection term for applied art and pictorial works has been extended from 25 to 30 years, offering creators more time to commercially benefit from their work.

The revised law also introduces the principle of exhaustion of rights, which means that once a copyrighted product is sold legally, the rights holder cannot control its resale or further distribution. This brings Laos closer in line with global IP practices.

#### **ASEAN IP Cooperation Plan**

In October 2023, Laos collaborated with ASEAN and WIPO to begin developing the ASEAN IP Cooperation Action Plan (2026–2035). This initiative focuses on key areas such as IP policy, enforcement, education, the digital economy, public health and sustainability.

#### **Streamlining IP registration procedures**

Laos is also focusing on digital transformation to enhance its IP system. In September 2024, the Ministry of Industry and Commerce introduced a revamped IP Portal, developed with assistance from the United States Agency for International Development, to provide businesses with streamlined application procedures and information on IP rights.

However, as of May 2025, the e-filing system in Laos has not yet been fully implemented for copyright registrations, and its introduction is anticipated in the near future.

Together, these developments reflect Laos' commitment to strengthening IP governance and fostering regional and international cooperation.

**Law stated - 12 May 2025**

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# Nigeria

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

[The Copyright Act 2022](#) (the Act) is the primary legislation regulating, protecting and administering copyright in Nigeria. The Act repeals the erstwhile Copyright Act Cap C28 LFN 2004, which was a re-enactment of the 1988 Copyright Decree enacted by the then military administration. The Copyright Act 2022 responds to the various gaps in the repeal Act and introduces modernity to copyright law in Nigeria.

Law stated - 29 April 2025

### Enforcement authorities

#### 2 | Who enforces it?

The Nigerian Copyright Commission (the Commission) and copyright officers appointed by the Commission are tasked with the enforcement of the provisions of the Act. The Act may also be enforced by private individuals and entities through the institution of civil action in the Federal High Court.

Law stated - 29 April 2025

### Online and digital regulation

#### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

Yes, there are several innovative provisions of the Act that address and protect the digital exploitation of copyrighted works. The Act introduces a new exclusive right to owners of copyright: the right to make the work available to the public by wire or wireless means so that members of the public can access the work from a place and time independently chosen by them. Furthermore, section 50 of the Act introduces a prohibition against the circumvention of technological protection measures that protect access to copyrighted work. In addition, the Act introduces a notice and take-down regime to allow copyright owners to control the online distribution and access to their copyright.

Law stated - 29 April 2025

### AI regulation

#### 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

No. Although recently enacted, the Act does not have specific provisions that address the use of works in artificial intelligence and machine learning. We are also not aware that there are any proposed legislation to address the use of copyright protected works in AI or machine learning.

Law stated - 29 April 2025

### Extraterritorial application

5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Generally, the Act is only applicable to foreign-owned copyright and foreign-operated websites if actions done in relation to them or any infringement are considered to occur in Nigeria.

Law stated - 29 April 2025

### Agency

6 | Is there a centralised copyright agency? What does this agency do?

Yes. The Commission, by section 78 of the Act, is tasked with administering copyright in Nigeria. The functions and powers of the Commission are expansive and include the:

- administration, regulation and enforcement of copyright in Nigeria;
- redress of cases of infringement of copyright;
- settlement of copyright disputes, copyright registration, prosecution of crimes and offences under the Act;
- regulation of the activities of collective management societies; and
- conduct of collective management of rights and regulation of the grant of compulsory licences for copyright in Nigeria.

The Commission is also responsible for maintaining a database relating to copyright works and constituting a dispute resolution panel that has the power to resolve disputes arising from the payment of royalties, terms of licences, infringement of copyright and other related matters for which a determination by the Commission is required under the Act.

Law stated - 29 April 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

7 | What types of works may be protected by copyright?

The Copyright Act 2022 (the Act) recognises copyright protection for literary works, musical works, artistic works, audiovisual works, sound recordings and broadcasts. The Act also recognises copyright protection in collective works.

Law stated - 29 April 2025

## AI-generated works

8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

Copyright protection is available for works generated in whole or in part by artificial intelligence systems, provided that the work meets the requirements of originality and fixation under the Act. Additionally, copyright authorship/ownership can only subsist in a human author or a corporate personality as Nigerian law does not recognise the right of AI to own property. The Act does not make any provisions that apply specifically to AI generated works.

Law stated - 29 April 2025

## Rights covered

9 | What types of rights are covered by copyright?

Sections 9, 10, 11, 12 and 13 of the Act grant several exclusive economic rights depending on the type of work concerned. The general economic rights that are afforded to all types of works include the right to: reproduce the work; publish the work; communicate the work to the public; distribute the work; broadcast the work; make the work available to the public by wire or wireless means in such a way that members of the public can access the work from a place and at a time independently chosen by them; and make adaptations of the work.

Other exclusive rights granted to specific works are listed below:

- literary and musical works: the exclusive right to perform the work in public, produce, reproduce, perform or publish any translation of the work, and make any audiovisual work or a record in respect of the work;
- artistic works: the exclusive right to include the work in an audiovisual work;
- audiovisual works: the exclusive right to cause the audiovisual work that consists of visual images to be seen in public and of sounds to be heard in public, make any copy of the soundtrack of an audiovisual work, and make a translation of the audiovisual work or any part;
- sound recording: the exclusive right to distribute to the public for commercial purposes: copies of the sound recording, either by way of rental, lease, hire, loan or similar arrangement and distribute to the public for commercial purposes; or copies

of the work through sale or other transfer of ownership provided the work has not been subject to distribution authorised by the owner; and

- broadcasts:the exclusive right to the fixation of the broadcast, reproduction of a fixation of the broadcast, adaptation of a fixation of the broadcast, and distribution of a fixation of the broadcast or copies for commercial purposes by way of rental, lease, hire, loan or similar arrangement. With respect to the copyright in a television broadcast, the right also includes the right to control the taking of still photographs from the broadcast.

Additionally, the Act recognises the moral right of authorship and integrity for works protected by copyright in section 14.

**Law stated - 29 April 2025**

## 10 | What limitations and exceptions apply?

Part II of the Act sets out a list of exceptions to the exclusive rights granted by copyright protection. These include Fair Dealing, the Doctrine of Exhaustion, Acts for Purposes of Instruction or Examination, Recording of Broadcasts by Educational Establishments, Limited Repographic Copying by Educational Institutions, and other special exceptions for archives, libraries, museums and galleries etc, contained in Part II of the Act. Additionally, the rights granted by copyright may be limited where the Copyright Commission grants a compulsory licence over a copyright protected work to a third party.

**Law stated - 29 April 2025**

## Excluded works

### 11 | What may not be protected by copyright?

Generally, works that do not meet the requirements of originality and fixation are not eligible for copyright under the Act. Furthermore, works intended by the author to be used as an industrial design are not eligible for copyright protection. Additionally, section 3 of the Act lists the following works are ineligible for copyright: ideas, procedures, processes, formats, systems, methods of operation, concepts, principles, discoveries or mere data; official texts of a legislative or administrative nature as well as any official translations thereof, except for their compilations; and official state symbols and insignia, including flags, coat-of-arms, anthems and banknote designs.

**Law stated - 29 April 2025**

## Fair use and fair dealing

### 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

Yes, section 20 of the Act recognises the doctrine of 'fair dealing' as an exception to the exclusive rights granted to copyright owners. In determining what amounts to fair dealing, the court would be guided by the facts of each case but would consider the following factors:

- the purpose and character of the usage of the copyrighted work;
- the nature of the copyrighted work;
- the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
- the effect of the use upon the potential market or value of the copyrighted work.

Based on the above, private use, use for parody, satire, pastiche or caricature, or use for non-commercial research and private study, criticism, review or reporting of current events may be considered fair dealing under the Act.

Law stated - 29 April 2025

## Architectural works

### 13 | Are architectural works protected by copyright? How?

Yes. The Act defines artistic works to include works of architecture in the form of building models and is, therefore, protected by copyright. Section 10(3) of the Act provides that copyright in a work of architecture shall also include the exclusive right to control the erection of any building that reproduces the whole or a substantial part of the work either in its original form or in any form recognisably derived from the original, but not the right to control the reconstruction in the same style as the original of a building to which the copyright relates.

Law stated - 29 April 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

Yes. Part VIII of the Act recognises protection for performers' rights and affords performers similar exclusive rights to those granted to a copyright holder in an eligible work. Section 63 of the Act grants the exclusive right to control, in relation to their performance, the following Acts:

- fixation of their unfixed performance;
- reproduction of a fixation of their performance, in any manner or form;
- distribution to the public by sale or other transfer of ownership, of a fixation of their performance, or copies, that have not been subject to a distribution authorised by the performer;
-

broadcasting or communicating to the public an unfixed performance of such performer, unless the performance used in the broadcast or communication to the public is itself a broadcast performance;

- renting or lending to the public or public lending of a fixation or copies of the fixation of their performance irrespective of the ownership of the copy rented or lent; and
- making available to the public their fixed performance by wire or wireless means in a way that members of the public may access them from a place or at a time individually chosen by them.

The Act also recognises moral rights, the right to be identified as the performer and the right of integrity for performers, which are inalienable during the performer's lifetime. The duration of the performer's right is 50 years commencing from the end of the year when the performance was first fixed.

Law stated - 29 April 2025

## Neighbouring rights

### 15 | Are other 'neighbouring rights' recognised? How?

Yes. The Act recognises the protection of only two neighbouring rights – performers' rights and expressions of folklore. It protects performers' rights in their performances by granting them exclusive economic and moral rights similar to those afforded to copyright holders.

On a related note, Part IX of the Act also protects the expressions of folklore (traditional cultural expressions) from unlawful commercial exploitation. Section 74(1) of the Act provides that expressions of folklore are protected against reproduction, communication to the public by performance, broadcasting, distribution by cable or other means; and adaptation, translation and other transformation when these expressions are made either for commercial purpose or outside their traditional or customary context. The Act recognises exempted acts that do not require the approval of the Nigerian Copyright Commission including private and domestic use, utilisation for purposes of education, utilisation by way of illustration in an original work of an author, the borrowing of expressions of folklore for creating an original work of the author (provided that the extent of this utilisation is compatible with fair practice) and the incidental utilisation of expressions of folklore. The infringement of rights in the expression of folklore may make the infringer liable for breach of statutory duty and liable for a criminal offence under the Act.

Law stated - 29 April 2025

## Moral rights

### 16 | Are moral rights recognised?

Yes. The Act recognises the protection of moral rights in section 14. The Act recognises three moral rights – the right to claim authorship, the right of integrity (the right to object to

the distortion, mutilation or other modification of, and any other derogatory action in relation to a work, where this action would be or is prejudicial to the author's honour or reputation) and the right to object to false attribution of authorship. These rights have historically been inalienable and perpetual. However, the Act has altered this position and section 14(3) now provides that moral rights shall not be transmissible during the life of the author and shall subsist for the duration of the copyright in the work.

Law stated - 29 April 2025

## COPYRIGHT FORMALITIES

### Notice

**17** | Is there a requirement of copyright notice?

No, the Copyright Act 2022 (the Act) does not provide for copyright notice.

Law stated - 29 April 2025

**18** | What are the consequences for failure to use a copyright notice?

Not applicable.

Law stated - 29 April 2025

### Deposit

**19** | Is there a requirement of copyright deposit?

No. While the deposit of a work is part of the copyright registration process, the Act does not provide for a requirement of copyright deposit.

Law stated - 29 April 2025

**20** | What are the consequences for failure to make a copyright deposit?

Not applicable.

Law stated - 29 April 2025

### Registration

**21** | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

Yes. Section 87 of the Act provides that the Nigerian Copyright Commission (the Commission) shall establish and maintain a register of works and individuals may apply in the prescribed manner to register an eligible work. However, registration does not confer copyright on a work. Presently, registration of works is done via the Commission's Nigerian Copyright e-Registration System. An application for copyright registration is done by filling and submitting the required form to the Commission, paying the applicable filing fees and depositing a copy of the work with the Commission.

Law stated - 29 April 2025

**22** | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

Copyright registration is not mandatory under the Act. Section 4 of the Act provides that eligibility for copyright does not require any formality and hence registration is voluntary. Further to section 43 of the Act, registration of a work confers the following presumptions in a civil or criminal action:

- that copyright subsists in the work that is the subject matter of an alleged infringement;
- that the name appearing on the work purporting to be the name of the author is the name of such author;
- that the name appearing on the work purporting to be that of the publisher or producer of the work is the name of that publisher or producer;
- where the author is dead, that the work is an original work; and
- that it was published or produced at the place and on the date appearing on the work.

Law stated - 29 April 2025

**23** | What are the fees to apply for a copyright registration?

The regulatory fees applicable for copyright registration are as follows:

- copyright registration fee/registration of transfers: 10,000 naira;
- issuance of certified true copy of certificate: 5,000 naira;
- issuance of certified true copy of form: 5,000 naira;
- issuance of certified true copy of a work (paper-based only): 5,000–15,000 naira (depending on the number of pages of the literary work); and
- corrections and changes in submitted data: 5,000 naira.

Law stated - 29 April 2025

**24** | What are the consequences for failure to register a copyrighted work?

There is no consequence for failing to register a copyrighted work, as copyright registration is voluntary.

Law stated - 29 April 2025

## OWNERSHIP AND TRANSFER

### Eligible owners

#### 25 | Who is the owner of a copyrighted work?

As a general rule, ownership of copyright vests in the author. The Copyright Act 2022 (the Act) defines who an author is different for different types of works. Thus, an author, in the case of:

- an audiovisual work means the person by whom the arrangements for the making of the audiovisual work were made, unless the parties to the making of the audiovisual work provide otherwise by contract between themselves;
- collective work means the person responsible for the selection and arrangement of the collection;
- a photographic work means the person who took the photograph;
- a sound recording means the person by whom the arrangements for the making of the sound recording were made; and
- a broadcast transmitted from within any country means the person by whom the arrangements for the making or the transmission from within that country were undertaken.

On a related note, the general rule of author ownership of copyright does not apply to copyright in a collective work. Rather, section 29 of the Act provides that copyright in a collective work shall vest in the person on whose initiative or direction the work was created.

Law stated - 29 April 2025

### Employee and contractor work

#### 26 | May an employer own a copyrighted work made by an employee?

The general rule is contained in section 28(1) of the Act, and it provides that copyright shall initially vest in the author, except as otherwise provided in an agreement. The Act provides different definitions for who an author is, depending on the type of work, but generally, the author in an employer–employee relationship will be the employee. This position may be modified by an agreement between the employee and employer. Unlike the repealed Copyright Act, the Act does not require the agreement modifying the author ownership to be by a contract in writing. Nevertheless, a written agreement is still advised.

On the other hand, based on section 28(2) of the Act, works created by government employees shall be owned by the employer (ie, the government, ministry, department, agency of government or prescribed international or inter-governmental organisation).

Law stated - 29 April 2025

## 27 | May a hiring party own a copyrighted work made by an independent contractor?

The same rules that apply to employer–employee relationships also apply to independent contractor arrangements. Copyright initially vests in the author, except as otherwise provided in an agreement. The Act does not require the agreement modifying the author ownership to be by a contract in writing. On a related note, works created for the government or government agencies by independent contractors shall be owned by the relevant government or government agency and not the author.

Law stated - 29 April 2025

## Joint and collective ownership

### 28 | May a copyrighted work be co-owned?

Yes. The Act recognises joint and co-ownership of copyright. The Act defines work of joint authorship to mean a work produced by the collaboration of two or more authors in which the contributions of the authors are merged into an inseparable or interdependent part of a whole. Similarly, the Act recognises that persons shall be deemed to be co-owners of copyright if they share a joint interest in the whole or any part of a copyright or they have interests in the copyright in various works comprised in a production of two or more works.

Law stated - 29 April 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Yes. Copyright is deemed to be movable property under the Act and is transferable by way of assignment, testamentary disposition or the operation of law and the rules guiding the transfer of copyright are provided in section 30 of the Act. The general principles of contract apply to the transfer or assignment of copyright and there is no requirement to register the transfer of copyright with any authority. For there to be an effective assignment of copyright, the agreement must be in writing; otherwise, the assignment will not be enforceable. Furthermore, it is possible for the copyright in a future work to be assigned; however, such an assignment will not be effective if it seeks to transfer all the future works of the author.

Law stated - 29 April 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

Yes, the owner of copyright may grant exclusive or non-exclusive licences to third parties and the rules guiding the licence of copyright are provided in section 30 of the Act. The grant of an exclusive licence to do an act, which is controlled by copyright, must be in writing, otherwise the grant shall have no effect. On the other hand, the grant of a non-exclusive licence does not have to be in writing and may be oral or inferred from the conduct of the owner of the copyright. There is no requirement to register licences granted over copyright.

Law stated - 29 April 2025

### 31 | Are there compulsory licences? What are they?

Yes, the Act recognises compulsory licences in sections 31, 32 and 35, which are non-exclusive licences granted by the Nigerian Copyright Commission (the Commission) for various purposes, including producing and publishing translations of literary works and for the public interest. A compulsory licence may be granted by the Commission upon the application of a qualified person and subject to the payment of the prescribed fee (including royalties to the owner of the copyright).

Law stated - 29 April 2025

### 32 | Are licences administered by performing rights societies? How?

Yes. The Act recognises the existence of collective management organisations (CMOs), which are defined as organisations representing copyright owners, which have principal objectives, including the negotiation and granting of licences and collection and distribution of royalties in respect of copyright works. For a CMO to operate in Nigeria, it must represent a substantial number of owners of copyright in any category of works protected by the Act and must be registered by the Commission. Primarily, CMOs administer the copyright of copyright owners who are their members. CMOs may also issue licences permitting the use of works of owners who are not their members subject to the conditions listed in section 88(19) of the Act. The Act also provides that the Commission shall not approve another CMO in respect of any category of copyright works if it is satisfied that an existing approved CMO adequately protects the interests of copyright owners in that category of work.

Law stated - 29 April 2025

## Termination

### 33 | Is there any provision for the termination of transfers of rights?

No, the Act does not provide for the termination of transfer of rights.

Law stated - 29 April 2025

## Recordal

- 34** | Can documents evidencing transfers and other transactions be recorded with a government agency?

The Act does not require the registration of transfers, assignments, licences or other transactions on copyright to be registered with a government agency. In any event, documents evidencing transfers may be registered with the Commission under the Nigerian Copyright e-Registration System.

Law stated - 29 April 2025

## DURATION OF COPYRIGHT

### Protection start date

- 35** | When does copyright protection begin?

Section 18 of the Copyright Act 2022 (the Act) provides that copyright protection commences when the work is created or made.

Law stated - 29 April 2025

### Duration

- 36** | How long does copyright protection last?

The duration of the copyright depends on the type of work and the owner of the copyright, as follows:

1. literary, musical or artistic works other than photographs: 70 years after the end of the year in which the author dies;
2. works created by or under the control of a government, an agency of government or a prescribed international body: 50 years after the end of the year in which the work was first made available to the public or 50 years after the work was created, if not made available to the public within that time;
3. audiovisual works and photographs: 50 years after the end of the year in which the work was first made available to the public with the consent of the author or 50 years after the work was created, if not made available to the public within that time;
4. sound recordings: same as (3);
5. broadcasts: 50 years after the end of the year in which the broadcast first took place; and

6. anonymous or pseudonymous literary, musical or artistic works: 70 years after the year in which the work was first made available to the public with the consent of the author or 70 years after the work was created, if not made available to the public within that time, provided that when the author becomes known, the duration of copyright shall be the same with (1) above.

Law stated - 29 April 2025

### 37 | Does copyright duration depend on when a particular work was created or published?

Yes, copyright duration may depend on the date of creation or publication of certain types of work. Generally, section 18 provides that copyright shall commence when the work is created or made. However, section 19 of the Act provides specific cases, such as works created by or under the control of a government, an agency of government or a prescribed international body, audiovisual works, photographs, sound recordings and anonymous or pseudonymous literary, musical or artistic works, where the duration of copyright may be determined with reference to when the work is first made available to the public.

Law stated - 29 April 2025

## Renewal

### 38 | Do terms of copyright have to be renewed? How?

No, the Act does not recognise the renewal of copyright.

Law stated - 29 April 2025

## Government extension of protection term

### 39 | Has your jurisdiction extended the term of copyright protection?

Yes. By virtue of the first schedule of the Copyright Act Cap C28 LFN 2004, the duration of copyright in literary, musical or artistic works other than photographs was increased from 25 years under the repealed Copyright Act 1970 No. 61 Cap 161 LFN 1970. The duration of copyright in cinematograph films and photographs, sound recordings and broadcasts was also increased from 25 years to 50 years respectively.

Law stated - 29 April 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

### 40 | What constitutes copyright infringement?

Section 36 of the Copyright Act 2022 (the Act) provides for a wide range of acts that constitute infringement. Generally, the Act recognises the doing, without the permission of the copyright owner, of any of the exclusive rights held by copyright as constituting copyright infringement. The Act lists the following acts as constituting copyright infringement:

- (a) does or causes any person to do an act which constitutes a violation of the exclusive rights conferred under the Act;
- (b) imports or causes to be imported into Nigeria any copy of a work which if it had been made in Nigeria would be an infringing copy under the Act;
- (c) sells, offers for sale or hire any work in respect of which copyright is infringed under paragraph (a) above;
- (d) makes or has in his possession, plates, master tapes, machines, equipment or contrivances used for the sole purpose of making infringing copies of the work;
- (e) permits a place of public entertainment or of business to be used for a public performance of the work, where the performance constitutes an infringement of copyright in the work, unless the person permitting the place to be used was not aware and had no reasonable ground to suspect that the performance constitutes an infringement of the copyright;
- (f) permits within its premises the reproduction of a copyright work; or
- (g) performs or causes to be performed for the purposes of trade or business or the promotion of a trade or business, any work in which copyright subsists.

For copyright infringement to be established, the alleged copyright owner must be able to prove a causal connection between their work and the alleged infringing work (ie, a high likelihood that the defendant copied their work and substantial taking by the defendant).

Law stated - 29 April 2025

### **Vicarious and contributory liability**

**41** | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Yes. While the Act does not recognise an express distinction between primary and secondary infringement of copyright, the Act recognises indirect copyright infringement. Section 36(a) provides that copyright is infringed by any person who, without the authorisation of the owner of the copyright, does or causes any person to do an act that constitutes a violation of the exclusive rights conferred under the Act. Based on this provision, a principal may be liable for the acts of their agent, similar to the principles of vicarious and contributory liability.

Law stated - 29 April 2025

## Available remedies

### 42 | What remedies are available against a copyright infringer?

Section 37(2) of the Act provides that, in a civil enforcement action, the party claiming shall be entitled to several reliefs, including damages, injunction, accounts or other remedies as is available in corresponding proceedings in respect of infringement of proprietary rights. Other available remedies include orders for inspection and seizure, forfeiture and destruction.

Law stated - 29 April 2025

## Limitation period

### 43 | Is there a time limit for seeking remedies?

The Act is silent on a time limit for seeking remedies under the Act. However, there may be limits placed on seeking certain remedies under the limitation laws of a state. Furthermore, section 104(2) provides for the limitation of actions against the Nigerian Copyright Commission (the Commission) through the requirement of a pre-action notice.

Law stated - 29 April 2025

## Monetary damages

### 44 | Are monetary damages available for copyright infringement?

Yes. Section 37(2) of the Act recognises the relief of damages for copyright infringement and the courts are willing to grant monetary damages where a plaintiff is able to prove copyright infringement.

Law stated - 29 April 2025

## Attorneys' fees and costs

### 45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

Yes. This is a matter of civil procedure that is guided by the applicable civil procedure rules.

Law stated - 29 April 2025

## Criminal enforcement

### 46 | Are there criminal copyright provisions? What are they?

Yes, there are several criminal copyright provisions contained in the Act. The Act provides for copyright liability with respect to copyright infringement and several offences relating to the administration of copyright in Nigeria. Section 44 provides for criminal infringement of copyright for the following acts:

- (a) makes or causes to be made for sale, hire or for the purposes of trade or business any infringing copy of a work in which copyright subsists;
- (b) imports or causes to be imported into Nigeria, other than for private or domestic use, a copy of any work which, if it had been made in Nigeria, would be an infringing copy;
- (c) has in his possession, any plate, master tape, machine, equipment, device or contrivance for the purposes of making any infringing copy of any such work;
- (d) sells, lets for hire or for the purposes of trade or business, exposes or offers for sale any infringing copy of a work;
- (e) distributes for the purposes of trade or business any infringing copy of a work;
- (f) has in his possession other than for his private or domestic use, any infringing copy of a work;
- (g) has in his possession, sells, lets for hire or distributes for the purposes of trade or business or exposes or offers for sale or hire any copy of a work which if it had been made in Nigeria would be an infringing copy;
- (h) distributes to the public for commercial purposes, by way of rental, lease, hire, loan or similar arrangement, copies of a work in which copyright subsists;
- (i) communicates to the public or makes the work available to the public by wire or wireless means in such a way that members of the public are able to access the work from a place and at a time individually chosen by them for commercial purposes
- (j) does any of the acts specified under section 13(1)(a)-(e) of this Act, in respect of a broadcast;
- (k) aides or procures any of the offences listed above

The offences listed above are punishable with a fine of at least 1,000, 10,000 or 1 million naira or imprisonment for a term of at least three or five years, or both, depending on the offence. Furthermore, section 46 of the Act extends the criminal liability for copyright infringement done by corporate bodies to their principal officers, including directors, managers and secretaries, except if they are able to prove that the offence was committed without their knowledge and that they exercised all due diligence to prevent the commission of the offence.

The Act also provides for other copyright-related offences, including the offence of making or importing into Nigeria a technology or device for the circumvention of a technology

protection measure, offences in relation to performer's rights, expressions of folklore and false registration of copyright.

Law stated - 29 April 2025

## Online infringement

**47** | Are there any specific liabilities, remedies or defences for online copyright infringement?

The Act introduces a notice and takedown regime for online copyright infringement, which creates specific liabilities, remedies and defences. Section 54 of the Act provides the owner of copyright in a work the remedy of issuing a notice of infringement to a service provider requesting the takedown of any infringing content on the service provider's system or network. Further to section 55, service providers have a mandatory obligation to expeditiously take down or disable access to infringing content after receiving a notice of infringement. The takedown obligation imposed on service providers creates an obligation on them the service provider may be liable for copyright infringement if they refuse to comply with a notice of infringement. Should a service provider comply with the notice of infringement, they are afforded a defence under section 55(6), which provides that a service provider shall not be liable to any person for any action taken in compliance with the notice and take down procedure and done in good faith. On the other hand, a service provider who fails to comply with a valid notice shall be liable for this failure as a breach of statutory duty and for infringement of copyright to the same extent as the person responsible for placing the infringing content on the service provider's system or network.

Law stated - 29 April 2025

## Prevention measures

**48** | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

There are various mechanisms included in the Act to prevent copyright infringement. First, the Act provides for custom enforcement measures in section 53. Under this provision, the owner of copyright in a work may give notice in writing, requesting the Commission to notify the Nigerian Customs Service, during the period specified in the notice, to treat as prohibited goods any work in respect of which the copyright owner's right has been infringed. Further to this, the Comptroller-General of Customs or other customs shall intercept and impound these infringing works.

In addition, the Act has introduced a notice and takedown regime, which provides copyright owners with a further remedy against online infringement. In relation to this, the Act provides for a 'stay down' provision in section 54(3) to ensure that infringing content is not reuploaded on a service provider's platform.

Law stated - 29 April 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

**49** | Which international copyright conventions does your country belong to?

Nigeria is a party to the following international copyright conventions:

- Berne Convention for Protection of Literary and Artistic Works;
- Universal Copyright Convention;
- Agreement on Trade-Related Aspects of Intellectual Property Rights;
- World Intellectual Property Organization (WIPO) Copyright Treaty;
- WIPO Performances and Phonograms Treaty;
- Marrakesh Treaty to Facilitate Access to Published Works to Visually Impaired Persons and Persons with Print Disabilities; and
- Beijing Treaty on Audiovisual Performances.

Law stated - 29 April 2025

**50** | What obligations are imposed by your country's membership of international copyright conventions?

Nigeria is a party to several international copyright conventions that impose several obligations, including the obligation to protect audiovisual performances under the Beijing Treaty, the obligation to protect performances, phonograms, computer programs and compilations of data or other materials (databases) under the WIPO Treaties and the obligation to facilitate access to copyrighted works for visually impaired persons and persons with print disabilities. With the passing of the Act in 2022, Nigeria has taken significant strides in complying with its obligations under several treaties.

Law stated - 29 April 2025

## UPDATE AND TRENDS

### Key developments of the past year

**51** | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

No. The Copyright Act 2022 is still a relatively new piece of legislation, and parties, lawyers, the Copyright Commission and the courts have yet to fully explore the changes and innovations introduced by it.

Law stated - 29 April 2025

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# Sweden

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## **RELATIONSHIP TO FOREIGN RIGHTS**

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- Key developments of the past year

## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

[The 1960 Act on Copyright in Literary and Artistic Works \(Swedish Books of Statute 1960:729\)](#), as amended, is the primary legislation governing copyright in Sweden. The said act is commonly referred to as the Copyright Act.

Law stated - 2 April 2025

### Enforcement authorities

#### 2 | Who enforces it?

With the exception of the Swedish Patent and Registration Office, which is entrusted to monitor organisations subject to the 2016 Act on the Collective Management of Copyright, no government authorities are specifically charged with regulating and enforcing copyright law.

Law stated - 2 April 2025

### Online and digital regulation

#### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

Section 12 of the Copyright Act explicitly excludes private copying of digital content.

Sections 15(a) to 15(c) of the Copyright Act provide a specific copyright exception for text and data mining.

Section 16 of the Copyright Act provides libraries, museums and certain other institutions with a right, in specific situations, to digitalise works with a view to preserve such works.

Section 23 of the Copyright Act excludes digital reproduction of works of fine art in connection with critical presentations.

Sections 26(l) and 26(m) of the Copyright Act on private copying compensation explicitly apply to digital media.

As to the neighbouring rights, mention should be made on the following provisions.

Sections 48(b) to 48(d) of the Copyright Act provide a new specific right for press publications concerning commercial online use of their press publications. A new collective licence mandate is also provided in section 42(h) for the online use of press publications.

Section 52(d) of the Copyright Act prohibits the unauthorised circumvention of any digital lock that prevents or limits the making of copies of a work protected by copyright.

Sections 52(i) to 52(u) of the Copyright Act set out the responsibilities of online content-sharing service providers.

Online content is not subject to specific statutory regulations in the Copyright Act, but the Act nevertheless applies when copyrighted works are made available online.

Law stated - 2 April 2025

### AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

No, the use of works in artificial intelligence and machine learning is not subject to any specific provisions in the Copyright Act.

Law stated - 2 April 2025

### Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Yes, although not codified in the Copyright Act, the Supreme Court has made a wide interpretation of the special jurisdiction rule, meaning that Swedish courts have jurisdiction in internet-related copyright infringements inter alia if the online content is or has been accessible in Sweden, thereby confirming the European Court of Justice's case law concerning the EU Regulation on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (44/2001). There are no specific rules to deal specifically with foreign-owned or foreign-operated websites that infringe copyright.

Law stated - 2 April 2025

### Agency

- 6 | Is there a centralised copyright agency? What does this agency do?

No, although the Patent and Registration Office has certain responsibilities in relation to collective licensing bodies.

Law stated - 2 April 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

## 7 | What types of works may be protected by copyright?

In principle, any original physical expression of literary or artistic work may be subject to copyright protection. According to a non-exhaustive list in section 1 of the Copyright Act, such work may be a:

- fictional or descriptive representation in writing or speech;
- computer program;
- musical or dramatic work;
- cinematographic work;
- photographic work or another work of fine art;
- work of architecture or applied art; or
- work expressed in some other manner.

Section 1 also states that maps and other works of a descriptive nature executed as drawings, engravings, or in a three-dimensional form, shall be considered as literary works.

In addition, section 1 explicitly states that provisions on computer programs will *mutatis mutandis* apply to preparatory design material.

Law stated - 2 April 2025

### AI-generated works

## 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

In principle, only works created by humans may be protected by copyright. As a consequence, works created entirely by artificial intelligence systems are not covered by copyright. However, copyright may apply if it can be shown that an individual person has merely used the artificial intelligence system as a tool to express the individual's free and creative choices resulting in an original work.

Law stated - 2 April 2025

### Rights covered

## 9 | What types of rights are covered by copyright?

Even though the language of the Copyright Act implies otherwise, the main right afforded to a copyright holder is negative. Rights holders may limit the use by others of a copyrighted work. Another vital right vested with the copyright holder is the right to receive reasonable compensation and, in some cases, damages. A third important right for creators is moral rights.

Moral rights include the author's or artist's right to have his or her name stated when copies are made of a work, or when it is made available to the public. Further, a work may not be altered in a manner that is prejudicial to the author's literary or artistic reputation or to his or her individuality, nor may it be made available to the public in such a form or in such a context that is prejudicial in the manner stated.

Law stated - 2 April 2025

## 10 | What limitations and exceptions apply?

The limitations and exceptions listed in Chapter 2 of the Copyright Act address, for example, temporary copying as a part of an integrated technical process, private copying, quotations, copying for people with disabilities and for educational purposes, text and data mining, for libraries and certain other institutions, use in news reporting, use of public office documents, and adaptations of computer programs.

Law stated - 2 April 2025

## Excluded works

### 11 | What may not be protected by copyright?

According to section 9 of the Copyright Act, copyright does not subsist in:

- laws and other regulations;
- decisions by public authorities;
- reports by Swedish public authorities; or
- official translations of the above-mentioned texts.

Section 10 excludes copyright in data chips.

Law stated - 2 April 2025

## Fair use and fair dealing

### 12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

The limitations of copyright are addressed in Chapter 2 of the Copyright Act. The limitations and exceptions listed therein are exhaustive. Chapter 2 does not spell out a general fair use rule. However, case law must be taken into account.

In a judgment rendered by the Supreme Court (delivered on 18 March 2020, case [NJA 2020 page 293](#)), Sweden's public service television company was found liable for infringement even though the company argued that a legal basis for exception could be found in the European Convention on Human Rights and the Copyright Directive (2001/29/EC).

According to the reasoning of the Supreme Court, the rights claimed by the defendant were not applicable in a civil matter as the items in question (short film cuts of no originality) had not lawfully been made available to the public by the rights holder. According to the Supreme Court, the Copyright Act could not be interpreted in conformity with the specific provision in the directive against the express wording of the Act.

As to parodies, Swedish courts have traditionally taken the view that such expressions may be regarded as new works created in free connection with the original work and, therefore, not dependent on a statutory exception. In a 2019 Patent and Market Court of Appeal judgment (Case No. [PMT 1473–18](#)), the Court declared that an exception for parody can no longer be upheld on that basis. Nevertheless, it concluded that such an exception still exists under Swedish law and that it must be construed and applied in conformity with the case law of the European Court of Justice. The existence of a parody exception in Swedish copyright law has grown increasingly unclear following a more recent judgment from the Patent and Market Court of Appeal (Case No. [B 12315-20](#)), where the Court found that there is a norm conflict between EU law and Swedish case law on parodies. The Court nevertheless concluded that the illustrations at issue could be seen as new and independent works, thus not dependent on the contested parody exception.

Limitations on copyright listed in Chapter 2 address, for example, temporary copying as a part of an integrated technical process, private copying, quotations, copying for people with disabilities and for educational purposes, text and data mining, for libraries and certain other institutions, use in news reporting, use of public office documents and adaptations of computer programs. Some limitations entitle the copyright holder to receive reasonable compensation.

Law stated - 2 April 2025

## Architectural works

### 13 | Are architectural works protected by copyright? How?

Yes, all original artistic works are protected by copyright, including works of architecture (provided that they are constructed in Sweden). The protection relates to the expression of the architectural idea as such, regardless of whether it is formed in a blueprint or as a constructed building.

Law stated - 2 April 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

According to section 1 of the Copyright Act, copyright is extended to dramatic works, which include theatrical plays and dance choreographies.

Under section 45 of the Copyright Act, performing artists have the exclusive right (neighbouring to copyright) to exploit their performances of a literary or artistic work or

of an expression of folklore. The right relates to the performance as such, regardless of the quality level, meaning that less artistic deliveries enjoy protection. Such performance rights are typically not afforded to imitators, illusionists, acrobats, circus artists or athletes.

Law stated - 2 April 2025

## Neighbouring rights

15 | Are other 'neighbouring rights' recognised? How?

Ancillary and neighbouring rights in relation to copyright are governed by Chapter 5 of the Copyright Act. Rules on neighbouring rights apply to, for example, performing artists, television and radio companies, producers of recordings and sound images, producers of catalogues and databases and photographers who have taken photos (regardless of the originality of the photo).

In short, the restrictions applicable to neighbouring rights are similar to those that apply to original works subject to copyright pursuant to section 1 of the Copyright Act.

The rules are detailed for each type of neighbouring right and the technique in the text is based on a large number of cross-references.

Law stated - 2 April 2025

## Moral rights

16 | Are moral rights recognised?

Yes. Moral rights include the author's or artist's right to have their name stated when copies are made of a work, or when it is made available to the public. Further, a work may not be altered in a manner which is prejudicial to the author's literary or artistic reputation or to their individuality, nor may it be made available to the public in such a form or in such a context as is prejudicial in the manner stated.

Law stated - 2 April 2025

## COPYRIGHT FORMALITIES

### Notice

17 | Is there a requirement of copyright notice?

Under Swedish law, copyright is in principle established on creation. There are no requirements on registration, deposit or any other formalities.

Law stated - 2 April 2025

**18** | What are the consequences for failure to use a copyright notice?

Not applicable.

Law stated - 2 April 2025

## Deposit

**19** | Is there a requirement of copyright deposit?

There are no requirements on registration, deposit or any other formalities.

Law stated - 2 April 2025

**20** | What are the consequences for failure to make a copyright deposit?

Not applicable.

Law stated - 2 April 2025

## Registration

**21** | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

Under Swedish law, copyright is not subject to any formal procedure for registration or deposit, be it mandatory or voluntary. A copyright holder may display their work for someone (eg, anotaricus publicus in order to secure evidence), but such a measure has no formal effect.

Law stated - 2 April 2025

**22** | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

Not applicable.

Law stated - 2 April 2025

**23** | What are the fees to apply for a copyright registration?

Not applicable.

Law stated - 2 April 2025

**24** | What are the consequences for failure to register a copyrighted work?

Not applicable.

Law stated - 2 April 2025

**OWNERSHIP AND TRANSFER****Eligible owners****25** | Who is the owner of a copyrighted work?

Any natural or legal person can be a holder of copyright. However, moral rights are not vested in legal persons.

Law stated - 2 April 2025

**Employee and contractor work****26** | May an employer own a copyrighted work made by an employee?

Generally, copyright to works created in the course of employment is transferred from the employee to the employer only to the extent that is explicitly or implicitly agreed between the employer and employee. Thus, there are no statutory requirements for the agreement to be expressed or in writing. There is no ban on an employer being the full and sole holder of a copyrighted work made by an employee.

Although the Copyright Act includes a chapter on the transfer of copyright, rules governing the relationship between the employer and employee are few. One specific rule should be observed: section 40(a) of the Copyright Act presumes that copyright in a computer program created by an employee as a part of his or her tasks, or following instructions by the employer, is automatically transferred to the employer unless otherwise agreed.

The legal principles on the transfer of copyright with regard to employees and commissioned work were discussed by a legislative commission ([SOU 2010:24](#)). The commission forwarded a proposal for the codification and definition in the Copyright Act of the 'rule of thumb', a principle developed in Swedish case law. The commission suggested that an employer would be given a limited but exclusive right to use works created in the framework of employment relationships. However, to date, the government has not forwarded any proposal for statutory amendments in that regard.

A judgment by the Swedish Labour Court (27 November 2019, Case No. A 69/18) illustrates the context-specific demarcation issues in determining whether copyright has been transferred from an employee to the employer. An animator had created a set of popular characters for children, first as a freelance contractor for approximately 10 years and later as an employee. Even though the matter of copyright ownership was first mentioned in a supplement to the employment agreement, the Labour Court found that the

company had acquired the copyright to all works created within the scope of the parties' contractual and employment relationships.

Law stated - 2 April 2025

## 27 | May a hiring party own a copyrighted work made by an independent contractor?

Generally, it can be said that copyrights to works created by an independent contractor are transferred to the hiring party only to the extent that is explicitly or implicitly agreed between the parties. Thus, there are no statutory requirements for the agreement to be expressly made or in writing. There is no ban on a hiring party being the full and sole holder of a copyrighted work made by an independent contractor.

The legal principles on the transfer of copyright with regard to commissioned works were discussed by a legislative commission (SOU 2010:24). The commission forwarded a proposal for the codification of a 'principle on specification' developed in Swedish case law. In short, the commission proposed a statutory provision where the hiring party would not acquire a more extensive right in a copyrighted work than what was expressed in the agreement or stemming from its purpose. However, to date, the government has not forwarded any proposal for statutory amendments in that regard.

A judgment by the Swedish Labour Court (27 November 2019, Case No. A 69/18) illustrates the context-specific demarcation issues in determining whether copyright has been transferred from an independent contractor to the hiring party. An animator had created a set of popular characters for children, first as a freelance contractor for approximately 10 years and later as an employee. Even though the matter of copyright ownership was first mentioned in a supplement to the employment agreement, the Labour Court found that the company had acquired the copyright to all works created within the scope of the parties' contractual and employment relationships.

Law stated - 2 April 2025

## Joint and collective ownership

### 28 | May a copyrighted work be co-owned?

Yes. Section 6 of the Copyright Act states that copyright will belong to the authors jointly, if a work has two or more authors and where the contributions do not constitute independent works.

Each author may dispose of their rights and bring an action for infringement. However, the use of a copyrighted work is subject to mutual consent between the joint holders.

Law stated - 2 April 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Yes. Under Swedish law, copyright is regarded as property. The copyright holder is entitled to freedom of contract and copyright may, with an exception for moral rights, be transferred, in whole or in part, or licensed (see section 27 of the Copyright Act). Pursuant to section 28, the person to whom a copyright has been transferred may not alter the work or transfer the copyright to others, unless otherwise agreed. One exception from this principle exists where the copyright forms part of a business activity; in that case, the applicable party (eg, an employer) may transfer the copyright together with the business activity.

No formalities are required to secure the legal effect of a transfer or an assignment.

Sections 29 to 29(c) of the Copyright Act contain newly introduced mandatory provisions on the author's right to compensation and information. Contract terms are void to the extent that they restrict the author's right to request an alternative dispute resolution procedure in a dispute regarding such rights.

Law stated - 2 April 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

Yes. Under Swedish law, copyright is regarded as property. The copyright holder is entitled to freedom of contract and copyright may, with an exception for moral rights, be transferred, in whole or in part, or licensed (see section 27 of the Copyright Act). Section 28 of the Copyright Act states that in the absence of an agreement to the contrary, the person to whom a copyright has been transferred, which includes licences, may not alter the work or license the copyright to others.

In addition, the Act includes statutory provisions on, for example, film and book publishing contracts. Mention should also be made of the extended effect of collective licences (see Chapter 3(a) of the Copyright Act).

There are no formal requirements for copyright licences.

Sections 29 to 29(c) of the Copyright Act contain newly introduced mandatory provisions on the author's right to compensation and information. Contract terms are void to the extent that they restrict the author's right to request an alternative dispute resolution procedure in a dispute regarding such rights.

Law stated - 2 April 2025

### 31 | Are there compulsory licences? What are they?

Yes, the Copyright Act includes a number of provisions on compulsory licences, such as section 18 on the making of composite works for use in educational activities and section 47 on the use of sound recordings for public performances (a neighbouring right).

Law stated - 2 April 2025

**32** | Are licences administered by performing rights societies? How?

There are several collective licensing bodies operating in Sweden – for example:

- the Visual Copyright Society in Sweden (BUS);
- Bonus Copyright Access;
- the Swedish Performing Rights Society (STIM); and
- the Swedish Artists and Musicians Interest Organisation (SAMI).

The Patent and Registration Office has recently published an exhaustive list of all 27 currently registered organisations engaged in the collective management of copyright in Sweden.

The Act on Collective Management of Copyright (Swedish Books of Statute 2016:977) regulates the activities of collective licensing bodies. The Patent and Registration Office is entrusted with monitoring collective licensing bodies and registering new ones.

Law stated - 2 April 2025

**Termination****33** | Is there any provision for the termination of transfers of rights?

Yes. Sections 29(d) and 29(e) of the Copyright Act contain newly introduced mandatory provisions on the author's right to revoke a transfer of exclusive rights if the work has not been exploited within a reasonable timescale following the transfer and other certain conditions stated therein have been met. The author's right of revocation does not apply to film works or to the transfer of the right to record a work on film when such recording is already completed.

Aside from this right of revocation, general principles of contract law apply, along with specific principles on the construction of agreements in the field of copyright. The language of a transfer is vital as to the scope and limitations of an assignment.

Law stated - 2 April 2025

**Recordal****34** | Can documents evidencing transfers and other transactions be recorded with a government agency?

No. A copyright assignment agreement may be notarised, although there is no statutory requirement in this regard.

Law stated - 2 April 2025

## DURATION OF COPYRIGHT

### Protection start date

#### 35 | When does copyright protection begin?

Copyright protection arises automatically as soon as the work is created.

Law stated - 2 April 2025

### Duration

#### 36 | How long does copyright protection last?

Copyright protection subsists until 70 years have passed since the author's death. As regards a cinematographic work, copyright protection lasts until 70 years have passed since the death of the last living principal director, author of the screenplay, author of the dialogue or composer of the music specifically created for the work. Copyright in musical works with lyrics lasts until 70 years have passed since the death of the last living composer or lyricist if music and lyrics have been created specifically for the work.

A work that has been made public without stating the author's name is copyright protected until 70 years have passed since the year it was made public.

The duration of protection for neighbouring rights is 50 years. The starting point for the protection varies depending on the right in question. The duration of protection for catalogues and databases is 15 years from the year in which the product was produced.

In addition, there are specific rules on duration in specific cases and for neighbouring rights.

Law stated - 2 April 2025

#### 37 | Does copyright duration depend on when a particular work was created or published?

Generally, the duration of copyright is determined by the year of the author's death. However, the duration of protection will in some cases depend on when the work was created or published; such exception applies to neighbouring rights and to copyright to works where the author is unknown or unidentified.

Law stated - 2 April 2025

### Renewal

#### 38 | Do terms of copyright have to be renewed? How?

No, terms of copyright do not have to be renewed. Copyright protection arises and continues to exist without registration.

Law stated - 2 April 2025

## Government extension of protection term

39 | Has your jurisdiction extended the term of copyright protection?

Since the last extension in 1995, copyright subsists until the end of the 70th year after the year in which the author died (with a few exceptions).

Law stated - 2 April 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

40 | What constitutes copyright infringement?

Infringement occurs when the rights holder's exclusive right to exploit its work is violated by making copies of the work or making the work available to the public (see section 2 of the Copyright Act).

Law stated - 2 April 2025

### Vicarious and contributory liability

41 | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Yes, any person or legal entity that contributes to an infringement may be held responsible for contributory copyright infringement.

In relation to internet service providers (ISPs), in a 2017 Patent and Market Court of Appeal judgment, the Court declared that an ISP can be subject to blocking injunction. The Court stated that neither a contractual relationship between the intermediary and the third-party infringer nor criminal liability is needed for the grant of an injunction against an intermediary (13 February 2017, Case No. [PMT 11706–15](#)).

Law stated - 2 April 2025

### Available remedies

42 | What remedies are available against a copyright infringer?

The court can, according to section 53(b) of the Copyright Act, issue an injunction to prohibit an infringing party from continuing to commit, aid or abet an act constituting a

copyright infringement. An injunction can also be issued to prohibit an attempt or a prepared infringement.

Section 54 of the Copyright Act stipulates that the rights holder is entitled to reasonable compensation for the use of their copyrighted work. If the infringement is committed with intent or negligence, the rights holder is also entitled to additional damages. When determining the amount of the compensation, the following are considered:

- lost profits;
- profits made by the infringer;
- damage to the reputation of the work;
- moral damages; and
- the interest of the rights holder in avoiding infringements.

Unless clearly unreasonable, property and profits in connection with the crime (pursuant to the Copyright Act) will be declared forfeited. In lieu of property, the value of the property may be declared forfeited (see section 53(a) of the Copyright Act).

The Supreme Court has clarified how reasonable compensation and additional damages should be determined (judgment on 21 January 2019, Case [NJA 2019 page 3](#)). As regards reasonable compensation, the primary basis is an established regular price for the particular kind of use. In the absence of an existing market model, reasonable compensation is calculated through the court's assessment of the evidence submitted in the case. Reasonable compensation can be either higher or lower than the actual damage or loss suffered. The Supreme Court also noted that additional damages are not awarded to the extent already covered by the reasonable compensation.

According to section 55 of the Copyright Act, the court can decide that property involved in an infringement should be recalled from the market, altered or destroyed or that some other measures should be taken. The same applies to means of assistance that have been, or are intended to be, used in connection with an infringement.

If it can be reasonably assumed that someone has committed, aided or abetted an infringement, for the purpose of preserving evidence, the court may, in accordance with section 56(a) of the Copyright Act, order an infringement investigation to search for objects or documents that can be assumed to be of importance for the inquiry into the infringement.

If a claimant can demonstrate a likelihood that someone has committed an infringement, the court may, under the penalty of a fine, order one or several of the defendants to provide information to the claimant regarding the origin and distribution networks for the goods or services in respect of which the infringement has been committed (see section 52(b) of the Copyright Act).

Finally, according to section 53(h) of the Copyright Act, the court can order the infringing party to pay compensation for appropriate measures taken in order to distribute information about the judgment in the case.

Law stated - 2 April 2025

## Limitation period

**43** | Is there a time limit for seeking remedies?

The Copyright Act has no limitation period regarding the initiation of civil infringement action. As a consequence, the general 10-year statute of limitations from the accrual of the claim applies. For criminal proceedings, the limitation period is five years, according to Chapter 35, section 1 of the Penal Code.

Law stated - 2 April 2025

**Monetary damages****44** | Are monetary damages available for copyright infringement?

Yes. Section 54 of the Copyright Act stipulates that the rights holder is entitled to reasonable compensation for use of its copyrighted work. If the infringement is committed with intent or negligence, the rights holder is also entitled to additional damages.

Law stated - 2 April 2025

**Attorneys' fees and costs****45** | Can attorneys' fees and costs be claimed in an action for copyright infringement?

In general, the costs (including attorneys' fees) follow the outcome of the trial. Thus, in most cases the winning party will recover all or a substantial part of its costs, subject to a specific decision by the court in this regard. Compensation for litigation costs is governed by the provisions in Chapter 18 of the [Swedish Code of Judicial Procedure](#).

Law stated - 2 April 2025

**Criminal enforcement****46** | Are there criminal copyright provisions? What are they?

Yes. Under section 53 of the Copyright Act, wilful or grossly negligent acts of copyright infringement are punishable by fines or imprisonment for up to two years. If the infringement is found wilful and gross, imprisonment shall be imposed for at least six months and, at most, six years. Criminal action may, according to section 59 of the Copyright Act, be instituted by a public prosecutor only if it is in the public interest. Should the public prosecutor decide not to commence criminal proceedings, the rights holder may do so.

Law stated - 2 April 2025

**Online infringement**

## 47 | Are there any specific liabilities, remedies or defences for online copyright infringement?

Sections 48(b) to 48(d) of the Copyright Act provide a new specific right for press publications concerning commercial online use of their press publications. A new collective licence mandate is also provided in section 42(h) for online use of press publications.

Section 52(g) of the Copyright Act prohibits the deletion or removal of electronic rights management information relating to a work protected by copyright.

Obviously, rights holders have an interest in maintaining a state-of-the-art administrative system, inclusive of electronic marks for each copyright-protected item.

Sections 52(i) to 52(u) of the Copyright Act set out the responsibilities of online content-sharing service providers.

Law stated - 2 April 2025

### Prevention measures

## 48 | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

Many steps can be taken to prevent infringement, including various technical protection measures. The copyright symbol is not necessary for copyright to apply but may deter infringers. Likewise, effective copyright monitoring and enforcement may prevent future infringements.

An anticipated cross-border infringement may be dealt with by alerting Swedish Customs.

An ongoing copyright infringement, including certain attempts to commit it, may be addressed legally by filing a motion for a preliminary injunction.

Law stated - 2 April 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

## 49 | Which international copyright conventions does your country belong to?

Sweden has signed and ratified several international treaties on copyright and neighbouring rights, most notably the 1886 Berne Convention, the 1952 Universal Copyright Convention, the 1996 World Copyright Treaty, and the 2013 Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise Print Disabled.

With regard to neighbouring rights, the 1961 Rome Convention, the 1971 Phonograms Convention, the 1996 World Intellectual Property Organisation Performances and

Phonograms Treaty, and the 2012 Beijing Treaty on Audiovisual Performances should be mentioned.

Sweden is also a member of the World Trade Organization and a party to the Agreement on Trade-Related Aspects of Intellectual Property Rights, Including Trade in Counterfeit Goods.

Law stated - 2 April 2025

**50** | What obligations are imposed by your country's membership of international copyright conventions?

Conventions and other international treaties which have been signed and ratified by Sweden do not automatically become part of Swedish law. For such treaty obligations to be applicable and binding before Swedish courts and authorities, they must be incorporated into Swedish law. The Copyright Act includes a number of obligations imposed by the aforementioned conventions.

Law stated - 2 April 2025

## UPDATE AND TRENDS

### Key developments of the past year

**51** | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

The following developments are noteworthy.

#### Legislative developments

A legislative commission has forwarded a proposal for new limitations on copyright to the Swedish Government (SOU 2024:4). It suggests an introduction of both widened and more precise prerequisites in the Swedish Copyright Act's provisions governing the statutory limitations on copyright. The proposed rules are of particular interest to mass media reporting current events. The proposals address, inter alia, the approach taken by the Supreme Court in an infringement case where a member of the far-right populist party the Sweden Democrats was awarded the right to damages after his smartphone video had been used in news reports on a major political scandal revealed by that same video (judgment delivered on 18 March 2020, Case NJA 2020 page 293). Further, the commission considers that it is not yet time to place restrictions on the use of artificial intelligence when it comes to copyright-protected material. The amendments are proposed to enter into force in September 2025.

#### Case law

Swedish courts have delivered a number of judgments in the past few years in infringement cases concerning works of applied art. The main issue has generally concerned the assessment of originality in relation to works of applied art. Considerations regarding the reparation or renovation of works of applied art have also been a topic of debate.

The Patent and Market Court has, in two separate judgments, found that a kitchen table and an armchair cushion are protected by copyright as works of applied art (judgments delivered on 19 October 2022 and 2 November 2022, Cases No. PMT 16606-21 and PMT 16530-21). Following an appeal of the former judgment, the Patent and Market Court of Appeal has requested a preliminary ruling from the European Court of Justice regarding the interpretation of Directive 2001/29/EC (decision dated 20 September 2023, Case No. PMT 13496-22). The referred questions concern how the assessments of originality, similarity and infringement should be conducted in relation to works of applied art.

The Supreme Court has dismissed a copyright infringement claim brought by an author against another author over the second book in a series they originally created together (judgment delivered on 28 February 2025, Case No. T 5449-23). Following the end of their collaboration, the authors signed an agreement stating that the defendant held full copyright to the second book. The claimant argued in the case that the agreement gave the defendant the right to use the concept of the book series, but not the specific texts he had written for the book. The Supreme Court clarified that copyright contracts are interpreted in accordance with general contract law principles, although the purpose and characteristics of copyright may be considered. Applied to the present case, the Supreme Court found that the rights to the texts had been fully assigned, and thus there was no copyright infringement.

Law stated - 2 April 2025

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# USA

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

The main copyright statute in the United States is the Copyright Act, which is codified in Title 17 of the United States Code (17 USC section 101 et seq), and is sometimes referred to as the Copyright Act of 1976. It originally took effect on 1 January 1978 and has been amended numerous times since. In addition, 18 USC sections 2319 to 2319C provide for criminal penalties for certain copyright-related offences.

Law stated - 12 May 2025

### Enforcement authorities

#### 2 | Who enforces it?

The copyright laws of the United States are generally enforced through civil lawsuits initiated by copyright owners. In certain circumstances, the US federal government may initiate a criminal copyright enforcement action against an alleged infringer at the request of the copyright owner. However, only a handful of criminal copyright charges are typically filed in a year. Copyrights are also sometimes enforced against imported goods through actions at the US International Trade Commission. A copyright owner can record its rights with US Customs and Border Protection, which will then seek to stop the infringing products at the border and prevent them from entering the United States.

Law stated - 12 May 2025

### Online and digital regulation

#### 3 | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

Various specific provisions of the Copyright Act address digital exploitations, including the following.

[Section 106\(6\)](#) provides a sound recording performance right limited to performances by means of a digital audio transmission, and sections [114](#) and [112\(e\)](#) provide statutory licences for certain kinds of digital performances of sound recordings, including non-interactive internet webcast performances, along with ephemeral copies made to facilitate such performances.

[Section 115](#) provides a statutory licence for 'mechanical' reproduction and distribution of musical works with special provisions for 'digital phonorecord deliveries', including a blanket licence of musical works for digital music services. These provisions extend to interactive streaming of musical works.

[Section 512](#) of the Act provides a conditional safe harbour for online service providers by shielding them from money damages and limiting injunctive relief for certain acts of direct and secondary liability when they meet certain requirements. In particular, safe harbours are provided for transitory digital network communications, system caching, storage of information at the direction of a user, and the provision of information location tools, subject to detailed requirements for each safe harbour and certain generally applicable requirements.

Chapter 10 of the Act addresses limited categories of digital audio recording devices and media, requiring manufacturers and importers of such items to pay royalties for the distribution of such items in the United States and providing a mechanism for allocating those royalties to interested parties with respect to sound recordings and musical works.

Chapter 12 of the Act provides civil and criminal remedies for certain circumventions of technological protection measures that control access to works or protect works from copying or other infringement (digital rights management), as well as for certain violations involving the integrity of copyright management information.

**Law stated - 12 May 2025**

## AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

The US does not currently have any special provisions of law addressing the use of copyrighted works in artificial intelligence (AI) or machine learning. The propriety of any such use would be analysed under generally applicable principles such as the fair use doctrine. As at April 2025, there is no pending legislation to address copyright issues relating to use of works in artificial intelligence and machine learning.

**Law stated - 12 May 2025**

## Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

US copyright law generally does not have extraterritorial effects. However, US law would not view as extraterritorial the enforcement of the Copyright Act against infringing transmissions from a foreign-operated website into the United States. Accordingly, there has been successful enforcement of the Copyright Act against foreign-based sites. The United States has also applied civil forfeiture provisions to seize US-registered internet domain names associated with foreign-owned and foreign-operated websites that infringe US copyright by targeting the distribution of infringing copies into the United States.

**Law stated - 12 May 2025**

## Agency

### 6 | Is there a centralised copyright agency? What does this agency do?

The Copyright Office, which is part of the Library of Congress, is the centralised copyright agency in the US. It administers various provisions of the Copyright Act and serves as an office of record where private parties' claims to copyright are registered and where documents relating to copyright may be recorded to give notice thereof. The Copyright Office's Copyright Claims Board adjudicates on a voluntary basis copyright disputes with no more than US\$30,000 in controversy.

The Copyright Office also:

- furnishes information to the general public about copyright law;
- provides expert assistance to Congress and the executive branch on copyright matters;
- analyses and assists in drafting copyright legislation and undertakes studies for Congress;
- assists the Department of State, the US Trade Representative's Office and the Department of Commerce in negotiating international intellectual property agreements; and
- provides technical assistance to other countries in developing their own copyright laws.

Additionally, a separate unit of the Library of Congress, the Copyright Royalty Board, determines royalty rates and terms and distributes royalties under statutory licences in the music, cable and satellite television industries.

Law stated - 12 May 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

#### 7 | What types of works may be protected by copyright?

US copyright law protects any qualifying 'original works of authorship' that are fixed in a tangible medium of expression so as to be perceptible for more than a transitory duration. The fixation need not be directly perceptible, as long as it may be perceived with the aid of a machine or device. Protected works include the following categories:

- literary works, including characters;
- musical works, including any accompanying words;
- dramatic works, including any accompanying music;
- pantomimes and choreographic works;
- pictorial, graphic and sculptural works;

- motion pictures and other audiovisual works;
- sound recordings created on or after 15 February 1972, as well as certain earlier foreign sound recordings entitled to US protection under international treaties; and
- architectural works created on or after 1 December 1990 (or created but not published or constructed prior to that date and constructed by 31 December 2002).

Sound recordings created before 15 February 1972 have specialised protection pursuant to section 1401 of Title 17 of the United States Code. This specialised protection largely mirrors copyright protection for later recordings, but there are important differences. For example, formalities such as registration do not apply, but there is a special statutory process for rights owners to record claims to be eligible to recover statutory damages. There is also a special statutory process for seeking permission for non-commercial uses of pre-1972 recordings that are not being commercially exploited.

Law stated - 12 May 2025

## AI-generated works

- 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

US law concerning copyright protection for works generated in whole or in part by AI systems continues to evolve, but courts and the Copyright Office have to date agreed that human authorship is a requirement for copyright protection. US courts have not yet had an opportunity to address how much and what kind of human authorship is required. However, the Copyright Office has provided guidance indicating that whether human contributions to AI-generated outputs are sufficient to constitute authorship must be analysed on a case-by-case basis. In undertaking such analysis, the Copyright Office has identified several principles that it believes apply: (1) copyright does not extend to material where there is insufficient human control over the expressive elements, which includes material generated by prompting of current, generally available generative AI systems; (2) human authors are entitled to copyright in their works that are perceptible in AI-generated outputs, as well as the creative selection, coordination or arrangement of material in the outputs, or creative modifications of the outputs; and (3) use of AI tools to assist human creativity does not affect the availability of copyright protection. The Copyright Office has also directed that AI-generated content that is more than *de minimis* should be explicitly excluded from a copyright registration application.

Law stated - 12 May 2025

## Rights covered

- 9 | What types of rights are covered by copyright?

The Copyright Act generally gives the owner of a copyright the exclusive right to:

- reproduce the work in copies or phonographic records;
- prepare derivative works based upon the work;
- distribute copies or phonographic records of the work to the public by sale or other transfer of ownership, or by rental, lease or lending;
- perform the work publicly, in the case of literary, musical, dramatic and choreographic works, pantomimes and motion pictures, and other audiovisual works;
- display the copyrighted work publicly, in the case of literary, musical, dramatic and choreographic works, pantomimes, and pictorial, graphic or sculptural works, including the individual images of a motion picture or other audiovisual work; and
- perform the work publicly by means of a digital audio transmission, in the case of sound recordings.

Law stated - 12 May 2025

## 10 | What limitations and exceptions apply?

The US Copyright Act contains numerous limitations and exceptions, including:

- fair use ([section 107](#));
- exceptions for libraries and archives ([section 108](#));
- the first sale doctrine ([section 109](#));
- exceptions for certain types of performances ([section 110](#));
- statutory licences in the music, cable and satellite television industries; and
- reproduction for blind or other people with disabilities ([section 121](#)).

Law stated - 12 May 2025

## Excluded works

### 11 | What may not be protected by copyright?

The following may not be protected by copyright:

- works that have not been fixed in a tangible medium of expression;
- works prepared by employees of the US government as part of their official duties, except for scholarly publications created by civilian faculty of certain military schools;
- works that do not have a human author;
- words and short phrases such as names, titles and slogans;
- familiar symbols or designs;
- mere variations of typographic ornamentation, lettering or colouring;

- mere listings of ingredients or contents;
- facts, ideas, procedures, processes, systems, methods, concepts, principles and discoveries, as distinguished from descriptions, explanations or illustrations;
- blank forms that are designed for recording information and do not themselves convey information; and
- works containing no original authorship.

Law stated - 12 May 2025

## Fair use and fair dealing

**12** | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?

US law recognises the doctrine of fair use, which is codified in [section 107](#) of the Copyright Act. Under section 107, courts are to consider four non-exclusive factors in determining whether a particular use is fair use. These are:

- the purpose and character of the use, especially whether the use is 'transformative' in nature and whether it is for commercial purposes or for non-profit educational purposes (a use is considered transformative if it does not merely supersede the original work, but instead has a justification, such as a distinct purpose or function);
- the nature of the copyrighted work;
- the amount and substantiality of the portion taken; and
- the effect of the use upon the potential market for or value of the copyrighted work.

Courts have suggested additional non-statutory factors that may bear on a fair use analysis, such as whether an alleged infringer acted in good faith. Courts apply these factors to particular situations on a case-by-case basis, weighing the factors in light of the purposes of copyright. The outcome of any given question of fair use can therefore be difficult to predict.

Law stated - 12 May 2025

## Architectural works

**13** | Are architectural works protected by copyright? How?

Architectural works are protected by copyright. For this purpose, an architectural work is defined as 'the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings'. Protection extends to 'the overall form as well as the arrangement and composition of spaces and elements in the design but does not include individual standard features'. Protection for architectural works is generally provided on the same basis as for other types of works, except that pictorial representations of constructed buildings are permitted if ordinarily visible from a public place, and building

owners are permitted to alter or destroy their buildings without the consent of the author or copyright owner.

Protection is available for any architectural work created on or after 1 December 1990. In addition, any architectural works that on 1 December 1990 were not constructed but were embodied in unpublished plans or drawings and were constructed by 31 December 2002 are eligible for protection. Architectural works embodied in plans published or buildings constructed prior to 1 December 1990 are not protected by copyright.

Law stated - 12 May 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

The US Copyright Act provides a general right of public performance for literary, musical, dramatic and choreographic works, pantomimes, motion pictures and other audiovisual works. This right encompasses both performances to an audience present in the place where the performance is rendered and performances made by means of transmission. The Act also provides a public performance right for sound recordings, but it is limited to performances by means of digital audio transmission.

To be a 'public' performance, the work must be performed in a place open to the public or to a 'substantial number' of people outside of a family and its social acquaintances or be transmitted in such a way that members of the public are capable of receiving it. Thus, a public performance may be accomplished by rendering a work to an audience present in a public or semi-public place or by transmitting a work by radio, television, internet or other means.

Exemptions are provided for various kinds of performances in specialised circumstances. For example, performances of non-dramatic literary or musical works to an audience present where the performance occurs (not performances by means of transmission) are exempted if the performances are not for commercial advantage, no compensation is paid to the performers or organisers, and admission is free (or, where the copyright owner has not objected, any proceeds are used for charitable purposes).

Law stated - 12 May 2025

## Neighbouring rights

### 15 | Are other 'neighbouring rights' recognised? How?

Although US law does not use the term 'neighbouring rights' as such, it recognises various rights similar to ones covered by that term in other countries. Rights of performers and producers of audiovisual works and of sound recordings created on and after 15 February 1972, as well as broadcasters and creators of photographs and many databases, are protected in the US as a matter of federal copyright law. In addition, other enactments codified in Title 17 of the United States Code provide specialised copyright-like protection:

- integrated circuit layouts (mask works) are protected under specialised provisions in Chapter 9 of Title 17;
- unauthorised fixation and trafficking in live musical performances are prohibited by Chapter 11 of Title 17;
- designs of boat hulls and decks are protected under specialised provisions in Chapter 13 of Title 17; and
- sound recordings created before 15 February 1972 are protected under specialised provisions in Chapter 14 of Title 17.

Law stated - 12 May 2025

## Moral rights

### 16 | Are moral rights recognised?

Moral rights are protected to some extent, but they are more narrowly defined and of less practical effect in the US than in many other jurisdictions.

The Copyright Act provides only limited moral rights of attribution and integrity to authors of a narrowly defined class of works of visual art, under the [Visual Artists Rights Act](#) (VARA). VARA provides authors of limited edition works of the fine arts and exhibition photographs the right to claim or disclaim authorship in a work; limited rights to prevent distortion, mutilation or modification of a work; and the right, under some circumstances, to prevent destruction of a work that is incorporated into a building. The legislation provides for waiver of these moral rights, but only by a signed, written agreement specifically identifying the work and the uses of the work to which the waiver applies. The Copyright Act's exclusive right to prepare derivative works protects all types of works against modification but is freely assignable and also subject to limitations such as fair use. The Copyright Act also prohibits providing false copyright management information (CMI), including the name and identifying information of the author, and removing or altering CMI in certain circumstances.

State laws relating to privacy, publicity, contracts, fraud, misrepresentation, unfair competition and defamation, and the federal Lanham Act also provide certain protections consistent with the concept of 'moral rights'.

Law stated - 12 May 2025

## COPYRIGHT FORMALITIES

### Notice

#### 17 | Is there a requirement of copyright notice?

Although US law once required use of a copyright notice as a condition of copyright protection, notice has been optional on copies of works published since 1 March 1989. A copyright notice generally consists of the symbol '©', the word 'copyright' or the abbreviation

'copr'; the year of first publication; and the name of the copyright owner (eg, ' 2024 Jenner & Block LLP'). For sound recordings, a copyright notice consists of the symbol ' ', the year of first publication and the name of the copyright owner.

**Law stated - 12 May 2025**

### 18 | What are the consequences for failure to use a copyright notice?

The only current legal consequence of a failure to use a copyright notice is that it makes it easier for an infringer of the work to claim that they are an 'innocent infringer', which in some circumstances can result in a lower award of damages. However, if a work was published without notice before 1 March 1989, the omission may have caused copyright protection to be lost.

**Law stated - 12 May 2025**

## Deposit

### 19 | Is there a requirement of copyright deposit?

To obtain a copyright registration for a published work, it is generally necessary to deposit two copies of the best edition of the work with the Copyright Office. Other deposit requirements apply for registration of unpublished works. However, copyright registration is not required (except as a condition to enforcement of rights to US works). If the copyright owner chooses to register their work, the applicant must submit specified copies of the work in connection with the registration application. Upon their deposit in the Copyright Office, all copies and identifying material, including those deposited in connection with applications that have been refused registration, become the property of the US government. The details of the deposit requirement vary depending on the type of work involved.

The Copyright Act also specifies that the owner of copyright or of the exclusive right of publication in a work published in the US generally is required to deposit two copies of the best edition of the work in the Library of Congress within three months of the date of publication. This requirement ostensibly applies even if the copyright is not registered. However, in 2023, the US Court of Appeals for the DC Circuit held that this requirement is unconstitutional, at least as applied to physical copies.

**Law stated - 12 May 2025**

### 20 | What are the consequences for failure to make a copyright deposit?

When registration is sought, the underlying work will not be registered unless the required deposit copy or copies are submitted to the Copyright Office. Otherwise, the Copyright Act specifies that if a mandatory deposit is not made on demand, a fine may be levied, and the relevant person may be required to pay the Library of Congress' cost of buying the copies

demanded. However, in 2023, the US Court of Appeals for the DC Circuit held that this requirement is unconstitutional, at least as applied to physical copies.

Law stated - 12 May 2025

## Registration

**21** | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

The United States has a copyright registration system. To apply for a copyright registration, the author must submit a completed application form, a non-refundable filing fee, and a non-returnable deposit copy or copies of the work to be registered. The primary means of registration is to use the Copyright Office online system called the Electronic Copyright Office (eCO). The Copyright Office receives about 98 per cent of copyright claims through eCO. When using the online system, the filing fee is paid online, and deposit copies of certain categories of works can be uploaded directly. Otherwise, hard-copy deposits are submitted with a shipping slip that allows the Copyright Office to associate the deposit with the online registration record. Paper forms can also be used for copyright registration but require payment of a higher filing fee and involve a longer processing time. Forms can be downloaded from the Copyright Office's website, picked up in person or requested by post.

Law stated - 12 May 2025

**22** | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

There is no requirement that a work be registered. Copyright protection exists from the moment the work is created. However, for 'US works' (generally, works first published in the United States or unpublished works where all the authors are US nationals), registration (or an unsuccessful attempt to register) is a prerequisite to suing for infringement.

Law stated - 12 May 2025

**23** | What are the fees to apply for a copyright registration?

The standard registration fee for a simple application submitted through the eCO online system is US\$45. When there are multiple authors, a claimant is not the author or a work is made for hire, the fee for an online application is US\$65. When paper forms are used, the standard fee is US\$125. Various different fees apply for certain kinds of 'group registrations' covering multiple works. The fee for expedited service is US\$800.

Law stated - 12 May 2025

**24** | What are the consequences for failure to register a copyrighted work?

A US work must be registered to bring a suit for infringement, unless a registration application, deposit and registration fee have been delivered to the Copyright Office in proper form and registration has been refused. In addition, attorneys' fees and statutory damages will be unavailable if the author has not registered the work within certain time requirements.

Registration is also recommended because it gives the public notice that the copyright owner claims copyright protection in the work. Further, if registration occurs within five years after first publication, the registration certificate is considered prima facie evidence of copyright validity and of the facts concerning authorship and ownership stated in the certificate. This presumption is important because it can greatly simplify proving copyright ownership in a court, particularly when multiple works are at issue or it is necessary to prove authorship or ownership many years after the creation of a work.

Law stated - 12 May 2025

## OWNERSHIP AND TRANSFER

### Eligible owners

#### 25 | Who is the owner of a copyrighted work?

The general rule is that the author of the work initially owns the copyright. A corporate entity can be considered the author in the case of a work made for hire. The initial owner of the copyright may assign its rights.

Law stated - 12 May 2025

### Employee and contractor work

#### 26 | May an employer own a copyrighted work made by an employee?

An employer will be considered the author of a work, and will initially own the copyright, when the work is a 'work made for hire'. A work will be considered a work made for hire if it is prepared by an employee within the scope of their employment. Traditional common law agency principles are applied to determine who constitutes an employee. As an alternative to the 'work made for hire' doctrine, an employer may own a copyrighted work as the result of an assignment from its employee.

Law stated - 12 May 2025

#### 27 | May a hiring party own a copyrighted work made by an independent contractor?

A hiring party may own a copyrighted work made by an independent contractor either by assignment or, in some circumstances, as a work made for hire. If a work prepared by an independent contractor is considered a work made for hire, the hiring party will be

considered the author of the work. For a work created by an independent contractor to be considered a work made for hire, the parties must expressly agree in a written document signed by them that the work will be considered a work made for hire, and the work must be specially ordered or commissioned for use as:

- a contribution to a collective work;
- a part of a motion picture or other audiovisual work;
- a translation;
- a supplementary work;
- a compilation;
- an instructional text;
- a test;
- answer material for a test; or
- an atlas.

Law stated - 12 May 2025

## Joint and collective ownership

### 28 | May a copyrighted work be co-owned?

Copyrights can be co-owned either in the case of a joint work or by assignment or other transfer of ownership (such as inheritance). In either case, unless the co-owners have agreed otherwise, a co-owner can exploit or license the work without seeking permission from the other co-owners but owes the other co-owners a duty to account for the profits of such exploitation or licensing. A co-owner cannot grant a licence that is exclusive as to the interests of another co-owner without the agreement of the other co-owner.

When two or more people create a joint work together, the copyright in the work is initially co-owned by the joint authors. A joint work is defined by the Copyright Act as 'a work prepared by two or more authors with the intention that their contributions be merged into inseparable or interdependent parts of a unitary whole'. Under this definition, all the involved authors must intend that their contributions be combined, and this intention must exist at the time a contribution is created. It is not necessary that the contributions be equal in effort or value. Nor is it necessary that the joint authors work in the same physical area or at the same time. If a joint work exists, then the authors are co-owners of equal, undivided interests in the entire work.

However, not everyone who makes a contribution to a work will be considered an 'author' of the work. Whether a contribution rises to the level of authorship generally requires that a person contribute copyrightable expression and play a sufficiently important role in the creation of the work to be considered an author (based on factors such as an intention shared with other authors of the work to be co-authors, control over the work, receiving credit commensurate with other authors and contribution to the audience appeal of the work).

Law stated - 12 May 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Any or all of the copyright owner's exclusive rights or any subdivision of those rights may be transferred. However, a transfer of exclusive rights (other than by operation of law) is not valid unless that transfer is memorialised in writing and signed by the owner of the rights conveyed or such owner's duly authorised agent. The writing need not be made at the time of assignment. A letter or other writing confirming the agreement is sufficient. Transfer of a right on a non-exclusive basis does not require a written agreement. A copyright may also be conveyed by operation of law and may be bequeathed by will or passed as personal property by the applicable laws of intestate succession. Although the recording of a transfer in the US Copyright Office is not required to make the transfer valid between the parties, it does provide certain legal advantages against third parties.

Copyright is a personal property right and is subject to state laws that govern the ownership, inheritance or transfer of personal property as well as the terms of contracts. Thus, for example, if an assignment is accomplished by means of a contract imposing obligations on both parties, it would be desirable (and may in some cases be necessary) to have the document signed by both parties (and not just by the assignor).

Law stated - 12 May 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

Copyright rights can be licensed on an exclusive or non-exclusive basis. The holder of an exclusive licence is the owner of the licensed right and, as such, is entitled to sue any party that infringes the right while the exclusive licensee owns it. A non-exclusive licence gives the licensee the right to exercise one or more of the copyright owner's rights but does not prevent the copyright owner from giving others permission to exercise the same right or confer standing to sue.

Law stated - 12 May 2025

### 31 | Are there compulsory licences? What are they?

The Copyright Act provides various compulsory licences (sometimes referred to in the United States as 'statutory licences'):

- [section 111](#) – secondary transmissions by cable systems;
- [section 112](#) – ephemeral reproductions of sound recordings;
-

[section 114](#) – public performance of sound recordings by means of digital audio transmissions;

- [section 115](#) – ‘mechanical’ reproduction and distribution of musical works;
- [section 118](#) – use of certain works in non-commercial broadcasting;
- [section 119](#) – secondary transmissions by satellite carriers; and
- [section 122](#) – local retransmissions by satellite carriers.

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- [section 119](#) – secondary transmissions by satellite carriers; and
- [section 122](#) – local retransmissions by satellite carriers.

These licences are all very different from each other, and the details of most of them are complicated. The section 122 licence is generally royalty-free. Otherwise, royalty rates under these licences are determined or, subject to adjustment in certain circumstances, by the Copyright Royalty Board.

Royalties under sections 111 and 119 are paid into the Copyright Office and distributed to copyright owners under the supervision of the Copyright Royalty Board. Royalties under sections 112 and 114 are paid by digital music service providers to an organisation called SoundExchange and distributed to performing artists and copyright owners. Royalties under section 115 are generally paid by digital music service providers to an organisation called the Mechanical Licensing Collective and distributed to copyright owners. Royalties under section 118 are paid directly to collecting societies representing copyright owners and creators.

In addition to these compulsory licences, [section 116](#) provides special authority for collective negotiations between copyright owners of musical works and operators of coin-operated phonorecord players (jukeboxes), with the possibility of a rate determination by the Copyright Royalty Board if necessary.

**Law stated - 12 May 2025**

### 32 | Are licences administered by performing rights societies? How?

In the case of musical works, there is no requirement that licences be administered by performing rights organisations, but songwriters and music publishers generally have chosen to have a performing rights organisation grant and administer voluntary collective licences on their behalf. The American Society of Composers, Authors and Publishers

(ASCAP), Broadcast Music Inc (BMI), SESAC and Global Music Rights are the principal US performing rights organisations for musical works.

In the case of sound recordings, SoundExchange collects and distributes royalties under the sound recording statutory licences on behalf of the featured artists and copyright owners of such works, and also under some direct licence agreements.

Law stated - 12 May 2025

## Termination

**33** | Is there any provision for the termination of transfers of rights?

The Copyright Act has two operative provisions for termination of transfers. For transfers or licences executed by an author on or after 1 January 1978, the Act permits termination under certain conditions, generally between 35 and 40 years after first publication, by serving written notice on the transferee within specified time limits. For grants made before 1978 of 'renewal' rights to works under statutory copyright protection before 1978, the statute provides similar rights of termination between 56 and 61 years after the date the copyright was originally secured.

Law stated - 12 May 2025

## Recordal

**34** | Can documents evidencing transfers and other transactions be recorded with a government agency?

A document that transfers copyright ownership, and other documents pertaining to a copyright, may be recorded in the Copyright Office. To be recorded, the document filed for recording must bear the actual signature of the person who executed it or be accompanied by a sworn or official certification that it is a true copy of the original signed document. A recordation fee must be paid.

Recording of a document in the US Copyright Office gives all persons constructive notice of the facts stated therein (if the work has been registered), and recording a transfer also provides priority over certain conflicting transfers.

Law stated - 12 May 2025

## DURATION OF COPYRIGHT

### Protection start date

**35** | When does copyright protection begin?

Copyright protection exists from the time a work is created and fixed in a tangible medium of expression. The copyright in the work of authorship immediately becomes the property of the author who created the work.

Law stated - 12 May 2025

## Duration

### 36 | How long does copyright protection last?

The length of copyright protection varies according to when the particular work was created and published, and according to whether the author is an identified natural person.

Law stated - 12 May 2025

### 37 | Does copyright duration depend on when a particular work was created or published?

The duration of copyright protection depends on when a particular work was created and published and on the nature of the author. A work created on or after 1 January 1978 is automatically protected from the moment of its creation and is ordinarily given a term continuing for the author's life plus an additional 70 years after the author's death. In the case of a 'joint work prepared by two or more authors who did not work for hire', the term lasts for 70 years after the last surviving author's death. For works made for hire, and for anonymous and pseudonymous works (unless the author's identity is revealed in Copyright Office records), the duration of copyright is 95 years from first publication or 120 years from creation, whichever is shorter.

For works created before 1 January 1978, the duration of copyright depends on whether the work was published, or the copyright in the work was registered, before 1 January 1978. If so, the copyright term is 95 years from the date federal copyright was originally secured (usually the date of publication). Otherwise, the copyright term is generally computed in the same way as for works created on or after 1 January 1978. That is, the term is life plus 70 years, or 95 or 120 years, depending on the circumstances of authorship and publication. However, for works that were unpublished and unregistered on 1 January 1978 but were published on or before 31 December 2002, the term of copyright will not expire before 31 December 2047.

Both the requirements for copyright protection and the US copyright term have changed over time. In the past, the copyright term was shorter, and many pre-1978 works fell into the public domain earlier than the expiry of their full term. Determining whether any particular work created before 1 January 1978 is still under copyright is thus fairly complicated and depends on factors such as the source country of the work, when the work was created and published, whether the work was published with notice, and whether the copyright was renewed during the 28th year after publication or registration.

Similarly, the duration of the specialised protection for sound recordings created before 15 February 1972 depends on when a particular work was published. Recordings published before 1923 entered the public domain at the end of 2021. Unpublished pre-1972

recordings, and pre-1972 recordings published in 1923 or later, have varying periods of protection, with the last of them entering the public domain on 15 February 2067.

Law stated - 12 May 2025

## Renewal

**38** | Do terms of copyright have to be renewed? How?

Renewal does not apply to works created on or after 1 January 1978, or to earlier works that were not published or registered before 1 January 1978. Works first published or registered up until 1963 had to be formally renewed through a renewal registration in the US Copyright Office to maintain protection. Failure to renew placed the work in the public domain. However, copyright protection was later restored to certain works of foreign origin that had fallen into the public domain due to failure to renew. For works first published or registered between 1964 and 1977, renewal was automatic, but obtaining a renewal registration provides certain advantages.

Law stated - 12 May 2025

## Government extension of protection term

**39** | Has your jurisdiction extended the term of copyright protection?

The US term of copyright protection has been extended many times. Most recently, the Sonny Bono Copyright Term Extension Act of 1998 extended the term of existing copyrights by 20 years. The extension was not applied to copyrights that had already expired.

Law stated - 12 May 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

**40** | What constitutes copyright infringement?

Copyright infringement occurs when a party violates any of the copyright owner's exclusive rights. Assuming ownership of a valid copyright and no applicable authorisation, infringement requires both of the following:

- the alleged infringer, as a factual matter, copied from the copyright owner's work in a manner that implicates the copyright owner's exclusive rights (eg, reproduction, public performance); and
- the alleged infringer appropriated enough of the copyright owner's original expression to give rise to liability.

Application of these requirements in any particular case can vary widely depending on the nature of the defendant infringer's activity. In a traditional case focused on a single work, where the defendant did not copy the plaintiff's work literally or in its entirety, there may be a substantial factual question as to whether the defendant even knew of the plaintiff's work, and even assuming the fact of copying, as to whether the defendant copied a sufficient amount of the plaintiff's work to consider the works 'substantially similar'. In a case involving the legality of an unlicensed online service, it is typically not disputed that the plaintiff's works were used in their entirety; the questions typically are, instead, whether the service is of a type that implicates the copyright owner's exclusive rights and whether the service provider is legally responsible for the activity.

Law stated - 12 May 2025

### Vicarious and contributory liability

**41** | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Secondary liability for indirect copyright infringement has been established by case law, although it is not specifically prescribed by statute. Secondary liability can be found under several theories:

- vicarious liability, when the defendant has the ability to supervise the infringing conduct and benefits financially from the infringement;
- contributory infringement, when the defendant has knowledge or reason to know of the infringement and contributes to, authorises or induces the infringement; and
- inducement as discussed in the Supreme Court's *Grokster* decision, when the defendant acts with the object of promoting infringement, as shown by clear expression or other affirmative steps taken to foster infringement.

Law stated - 12 May 2025

### Available remedies

**42** | What remedies are available against a copyright infringer?

Remedies for copyright infringement can include:

- payment to the copyright owner of any profits the infringer received and of any losses suffered by the copyright owner or, in some circumstances, 'statutory damages' as an alternative to actual profits and losses;
- a court order restraining the infringer from continuing the infringing activity;
- confiscation and destruction of the infringing items; and
- attorneys' fees.

Law stated - 12 May 2025

## Limitation period

### 43 | Is there a time limit for seeking remedies?

The statute of limitations for bringing a civil copyright infringement claim is three years (and five years for criminal actions). It is measured from the time the claim accrued. In most courts, a claim is considered to accrue at the time the plaintiff knew or had sufficient reason to know that the infringement occurred. However, some courts may view a claim as accruing at the time the infringement occurred. If, at the time of suit, the infringement has been ongoing for more than three years since the claim accrued, the copyright owner will at least be able to pursue remedies for the infringements occurring within the past three years. However, where the essence of a copyright claim is a dispute concerning ownership of the copyright, courts have rejected the assertion of an ongoing wrong and have dismissed the claim if it was brought more than three years after it accrued.

Law stated - 12 May 2025

## Monetary damages

### 44 | Are monetary damages available for copyright infringement?

Monetary damages are available for copyright infringement. A party found liable for copyright infringement may be found liable for either the copyright owner's actual damages and any additional profits of the infringer or statutory damages within a prescribed range, as provided by the Copyright Act. However, statutory damages are available only if registration for the infringed work was obtained within certain time requirements.

Law stated - 12 May 2025

## Attorneys' fees and costs

### 45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

Both costs and attorneys' fees can be claimed in a copyright infringement action. They may be awarded to a prevailing party at the court's discretion if the work was registered with the US Copyright Office within certain time requirements.

Law stated - 12 May 2025

## Criminal enforcement

### 46 | Are there criminal copyright provisions? What are they?

The Copyright Act has criminal provisions. It is a criminal offence to wilfully infringe a copyright if the infringement was committed:

- for either commercial advantage or private financial gain;
- by the reproduction or distribution, including by electronic means, during a 180-day period, of one or more copies or phonographic records of one or more copyrighted works that have a total retail value of more than US\$1,000; or
- by the distribution of a work being prepared for commercial distribution by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

Title 18 of the United States Code (18 USC section 2319C) specifies an additional infringement-related criminal offence: wilfully, and for purposes of commercial advantage or private financial gain, providing to the public a digital transmission service with the primary purpose of making infringing public performances of copyrighted works.

The Copyright Act specifies various other copyright-related criminal offences:

- placing a fraudulent copyright notice on any article, or publicly distributing or importing for public distribution any article bearing such fraudulent notice;
- removing or altering any notice of copyright appearing on a copy of a copyrighted work with fraudulent intent;
- knowingly making a false representation of a material fact in an application for copyright registration, or in any written statement filed in connection with the application; and
- wilfully and for purposes of commercial advantage or private financial gain violating the provisions of the Act concerning circumvention of technological protection measures or those concerning protecting the integrity of copyright management information.

Law stated - 12 May 2025

## Online infringement

47 | Are there any specific liabilities, remedies or defences for online copyright infringement?

Yes. Section 512 of the Copyright Act provides a conditional safe harbour for online service providers by shielding them from money damages and limiting injunctive relief for certain acts of direct and secondary liability when they meet certain requirements. In particular, safe harbours are provided for transitory digital network communications, system caching, storage of information at the direction of a user, and the provision of information location tools, subject to detailed requirements for each safe harbour and certain generally applicable requirements.

Law stated - 12 May 2025

## Prevention measures

**48** | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

Copyright owners in the United States employ a mix of strategies to control copyright infringement, including:

- discouraging infringement by applying to their works a statutory copyright notice and sometimes other warnings against infringement, and by registering their works with the Copyright Office;
- employing technological protection measures to frustrate infringement;
- recording their works with US Customs and Border Protection to try to keep infringing copies out of the US market;
- policing the market to identify infringements, including sometimes by hiring specialised contractors to identify online infringements;
- invoking statutory or informal notice and takedown procedures to remove infringing material from online services;
- sending 'cease-and-desist' letters demanding that infringers stop infringing activity;
- bringing civil actions; and
- in appropriate circumstances, working with law enforcement authorities concerning possible criminal enforcement.

Trade associations and collecting societies representing copyright owners also take various measures on a collective basis to control infringement, including:

- supporting programmes to educate and inform the public concerning copyright compliance and legitimate sources of copyrighted material;
- operating telephone 'tip lines' and investigating infringements;
- facilitating collective enforcement action; and
- working with US government trade officials to resolve significant infringement issues abroad.

Law stated - 12 May 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

**49** | Which international copyright conventions does your country belong to?

The United States is a party to:

- the Berne Convention for the Protection of Literary and Artistic Works (1886, as revised);

- the Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974);
- the Buenos Aires Convention (1910);
- the Geneva Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms (1971);
- the Universal Copyright Convention (1952 and 1971);
- the World Intellectual Property Organization (WIPO) Copyright Treaty (1996);
- the WIPO Performances and Phonograms Treaty (1996); and
- the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled (2013).

The United States has signed the Beijing Treaty on Audiovisual Performances (2012). However, as of April 2024, that treaty has not yet been ratified by the United States.

The United States is also a member of the World Trade Organization and a party to various free trade agreements containing copyright-related provisions.

**Law stated - 12 May 2025**

**50** | What obligations are imposed by your country's membership of international copyright conventions?

Each copyright treaty to which the United States is a signatory has its own unique requirements. They generally require a certain minimum level of protection in terms of the rights recognised and the duration of protection and create an obligation to honour the copyrights of citizens of other treaty parties by affording them copyright protection in the United States on the same basis as US citizens.

**Law stated - 12 May 2025**

## UPDATE AND TRENDS

### Key developments of the past year

**51** | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

#### Copyrightability of works containing material generated by artificial intelligence

As artificial intelligence (AI) systems capable of generating text, images, video and music from user prompts have become widely available and are increasingly being used in the process of creating works entering the stream of commerce, there has been increasing interest in the circumstances in which such AI-generated works might qualify for copyright protection.

Courts and the Copyright Office have agreed that human authorship is a requirement for copyright protection in the US. In March 2025, in the case of *Thaler v Perlmutter*, the US Court of Appeals for the DC Circuit strongly endorsed that position based on a detailed review of the text of the Copyright Act.

In January 2025, the Copyright Office issued a long-awaited report on the copyrightability of works consisting of or incorporating material generated by AI systems. When a work is created with some human involvement, the report identified the key distinction in assessing copyrightability as whether AI tools have been used 'to assist' human creativity or instead as a 'stand in' for it. Applying that principle, the report concludes that, based on the current state of generally available AI systems, 'prompts alone do not provide sufficient human control to make users of an AI system the authors of the output.' However, the report recognises a number of ways in which AI systems can be used to assist in the creation of works that will have copyright protection:

- '[T]he inclusion of elements of AI-generated content in a larger human-authored work does not affect the copyrightability of the larger human-authored work as a whole.'
- Using AI in a brainstorming process and incorporating ideas from AI-generated material into a human-created work does not affect the work's copyrightability.
- '[W]here a human inputs their own copyrightable work [into a generative AI system] and that work is perceptible in the output, they will be the author of at least that portion of the output.'
- When human authors modify, arrange or select AI-generated material in a way that rises to the required standard of originality, the result is copyrightable.
- When AI is used 'as a tool, not to generate expression'.

#### Training of AI systems

Generative AI systems are developed by 'training' them on vast quantities of existing material that is generally protected by copyright. A market is beginning to emerge for the licensing of data for use in training AI systems, with numerous deals announced, particularly between news media companies and AI companies. However, many major AI initiatives have relied on training data scraped from the internet without authorisation. In such cases, there are substantial questions as to whether the training of the system and creation of outputs is infringing or fair use.

Several dozen lawsuits are pending in federal courts across the US challenging the unauthorised use of copyrighted material in training generative AI systems. Early motion practice has resulted in limiting some claims brought by some plaintiffs, but a number of closely watched cases are now into the discovery phase, with the central question of whether the unauthorised copying of copyrighted material for use in AI training is a fair use under US copyright law likely to be addressed on motions for summary judgment later this year.

In addition, in February 2025, the US District Court for the District of Delaware issued a decision granting partial summary judgment to Thomson Reuters in *Thomson Reuters Enterprise Centre GmbH v Ross Intelligence Inc*. While the case does not involve generative

AI, but rather a more traditional application of AI to provide a legal research tool, the court's decision rejecting a fair use defence is the first time a US court has reached a conclusion concerning the application of copyright's fair use doctrine to the use of works in training data for AI and machine learning. Importantly, the court found that the defendant's use of the plaintiff's works to train an AI model was not transformative, because its goal was to create a legal research tool to compete with the plaintiff's. As at April 2025, the defendant is seeking an interlocutory appeal to the US Court of Appeals for the Third Circuit.

#### **Digital replicas**

In August 2024, the Copyright Office released a report concluding that 'new federal legislation is urgently needed' to address the potential harms of digital replicas, or as they are often called, 'deepfakes'. New AI technologies have made it fast, easy and inexpensive to produce high-quality videos, images and audio recordings that have been digitally created or manipulated to realistically but falsely depict an individual. To mitigate the risks to markets for original creative works and risks of fraud, election interference and proliferation of false sexually explicit imagery, the Copyright Office recommended creating a new copyright-like 'digital replica right' that would allow all individuals to control knowing public dissemination of unauthorised digital replicas of themselves. Proposed legislation that would provide a right generally along these lines is pending in Congress.

#### **Damages for infringements more than three years old**

In May 2024, the Supreme Court addressed what had been a disagreement among regional courts of appeals as to whether a plaintiff in a copyright infringement lawsuit can recover damages for infringements occurring more than three years prior to filing the lawsuit when the plaintiff did not reasonably know about the infringements until after they occurred. In *Warner Chappell Music v Nealy*, the Court found that there is no distinct three-year limit on copyright damages where the accrual of a copyright cause of action depends on when the plaintiff discovered it. Rather, a copyright owner who files suit within three years of learning of an infringement generally may recover damages back to the inception of the infringement. The Court assumed, but did not decide definitively, that the 'discovery rule' applied to copyright infringement claims. A dissent argued that the discovery rule should not apply under copyright law, and copyright's three-year statute of limitations should apply from the time an infringement occurs.

#### **Legislative developments**

The only copyright legislation enacted by the 118th Congress (sitting 2023–2024) was a refinement to section 105 of the Copyright Act addressing scholarly publications created by civilian faculty of certain government-operated institutions of higher education.

**Law stated - 12 May 2025**

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# Vietnam

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## LEGISLATION AND ENFORCEMENT

### Relevant legislation

#### 1 | What is the relevant legislation?

In Vietnam, regulations related to copyright are governed by the following legal instruments:

- the IP Law 2005 (amended in 2009, 2019 and 2022);
- the Civil Code 2015;
- the Civil Procedure Code 2015 (CPC);
- the Penal Code 2015 (amended 2017);
- the Criminal Procedure Code 2015;
- Decree No. 17/2023/N -CP, effective as of 26 April 2023: Detailing several provisions of the IP Law regarding copyright and related rights;
- Decree No. 99/2013/ND-CP, amended by Decree No. 126/2021/ND-CP, effective from 1 January 2022, stipulates administrative sanctions for violations in the field of industrial property;
- Decree No. 131/2013/N -CP, amended by Decree No. 28/2017/ND-CP dated 20 March 2017, and Decree No. 129/2021/ND-CP dated 30 December 2021, providing regulations on administrative sanctions for violations of copyright and related rights;
- Circular No. 08/2023/TT-BVHTTDL, effective as of 15 July 2023: Providing detailed guidance on the registration of copyright and related rights;
- Joint Circular 01/2008/TTLT-TANDTC-VKSNDTC-BCA-BTP guiding the examination of penal liability for acts of IP infringement;
- Joint Circular 02-2008-TTLT-TANDTC-VKSNDTC-BVHTTDL-BKHCHN-BTP guiding the application of a number of legal provisions to the settlement of disputes over IP rights at the people's courts; and
- Resolution 02/2020/NQ-HDTP of the Judicial Council of the Supreme People's Court guiding the application of some provisions stipulating provisional measures in the CPC.

Law stated - 12 May 2025

### Enforcement authorities

#### 2 | Who enforces it?

In Vietnam, copyright enforcement is handled by various competent authorities, depending on the type of infringement and the enforcement mechanism – administrative, civil or criminal.

Administrative enforcement is primarily carried out by the Inspectorate of the Ministry of Culture, Sports and Tourism, as well as provincial Departments of Culture, Sports and

Tourism. Other relevant authorities include the Economic Police, Market Management Agency, People's Committees at all levels, Customs, Coast Guard and Border Guard.

Civil enforcement falls under the jurisdiction of the People's Courts at all levels. In cases where parties have agreed to arbitration, disputes may also be resolved by commercial arbitration bodies.

Criminal enforcement is handled by Investigation Agencies, the People's Procuracy and the People's Courts.

Border control measures are implemented by the General Department of Vietnam Customs and the local Customs departments, particularly to prevent the import or export of infringing goods.

**Law stated - 12 May 2025**

### Online and digital regulation

**3** | Are there any specific provisions of your copyright laws that address the digital exploitation of works?

Vietnamese laws and related regulations include specific provisions that address the digital exploitation of works, particularly in the context of internet and digital environments.

The IP Law grants copyright holders the exclusive right to communicate their works digitally (article 20.1). It also allows them to request removal of infringing content (article 198.1b) and apply technological measures to protect their rights (article 198.1a). Article 198b sets the responsibility of intermediary service providers, such as ISPs and online platforms, to cooperate with authorities in protecting digital copyrights, with certain exemptions.

Decree No. 17/2023/ND-CP defines digital exploitation, including uploading, storing and streaming copyrighted works online. It mandates that ISPs and platforms must remove infringing content upon request from rights holders or authorities and outlines enforcement mechanisms to protect digital copyrights using technological measures.

While not focused on copyright, the 2018 Cybersecurity Law mandates quick removal of infringing content by ISPs and platforms (article 5). It also prohibits using cyberspace to violate intellectual property rights (article 8) and requires businesses to remove infringing content upon authorities' requests (article 26).

The Law on Electronic Transactions (2023) supports the digital transfer and licensing of copyrights by recognising the legal value of electronic contracts. It provides a legal framework for signing, storing and processing copyright-related data electronically, ensuring that digital content transactions are legally enforceable.

The Law on Information Technology (2006) provides broader provisions that are also applicable to the protection of copyrighted content in the digital space. It focuses on securing digital information and protecting copyrighted content online. It also addresses preventing the distribution of unauthorised works, supporting copyright protection in the digital realm.

**Law stated - 12 May 2025**

## AI regulation

- 4 | Are there any specific provisions of your copyright laws that address the use of works in artificial intelligence and machine learning? Is there any proposed legislation that would do so?

Currently, Vietnamese copyright law does not specifically address the use of works in artificial intelligence (AI) and machine learning (ML). Vietnamese law generally requires human authorship for copyright protection, making the copyright status of entirely AI-generated content uncertain under the current framework.

General principles of copyright law regarding reproduction rights, the right to create derivative works, and communication to the public are still applicable. Therefore, using copyrighted works for AI/ML without permission may infringe copyright.

Vietnam is actively developing a legal framework for AI, driven by national initiatives and proposed legislation. A key component is the National Strategy for AI by 2030, which aims at developing a supportive legal system that protects legal rights in the AI era. Furthermore, the draft Law on Digital Technology Industry directly addresses AI management and development. This draft law emphasises crucial principles for AI activities, such as transparency, fairness and security. It includes proposed mechanisms such as requiring identification labels for AI-generated content, mandating that AI system developers establish policies to comply with applicable laws (including copyright and related rights), and obligating developers to maintain detailed records of materials used for AI training, including copyrighted content, for disclosure upon request by legitimate interest holders. These ongoing efforts indicate Vietnam's commitment to developing a comprehensive legal environment for AI and intellectual property.

Law stated - 12 May 2025

## Extraterritorial application

- 5 | Do your copyright laws have extraterritorial application to deal with foreign-owned or foreign-operated websites that infringe copyright?

Vietnam's copyright laws do not have explicit provisions for extraterritorial application regarding foreign-owned or foreign-operated websites that infringe copyright. However, there are legal mechanisms that can address online infringements targeting Vietnamese users.

According to article 64.4 of Decree 17/2023/ND-CP, infringements committed on the internet and aimed at consumers in Vietnam are considered to have occurred in Vietnam. The act under consideration is also regarded as occurring in Vietnam if it occurs on the telecommunications network and the internet of which consumers or users exploit and use digital information contents in Vietnam.

Additionally, the Cybersecurity Law of 2018 addresses copyright violations in cyberspace, including those by foreign service providers, and provides enforcement measures and sanctions. Vietnam's participation in international treaties such as the Berne Convention

and the TRIPS Agreement also facilitates cooperation in enforcing intellectual property rights across borders.

Law stated - 12 May 2025

## Agency

6 | Is there a centralised copyright agency? What does this agency do?

The Copyright Office of Vietnam, under the Ministry of Culture, Sports and Tourism, is responsible for managing copyright and related rights. Its main tasks include receiving and issuing copyright certificates for eligible works, maintaining a database of registered works, handling copyright disputes, promoting awareness of copyright laws and collaborating with international organisations and other countries on copyright protection. Additionally, the Expertise Centre of Copyright and Related Rights, which operates under the Copyright Office, provides expert opinions on copyright matters and assists in assessing potential infringements.

Law stated - 12 May 2025

## SUBJECT MATTER AND SCOPE OF COPYRIGHT

### Protectable works

7 | What types of works may be protected by copyright?

Per article 14 of the IP Law, copyright protection is given to literary, artistic or scientific works that fall within any of the following 13 categories:

- literary and scientific works, textbooks, teaching materials and other works expressed written letters or other characters
- lectures, addresses and other speeches;
- press works;
- musical works;
- dramatic works;
- cinematographic works and works created by similar methods;
- fine art works and applied artworks;
- photographic works;
- architectural works;
- sketches, plans, maps and drawings relevant to topography, architecture or scientific works;
- folklore and folk art works;
- computer programs and data collections; and

- derivative works (it is of note that derivative works shall only be protected if such protection is not prejudicial to the copyright in the works used to create such derivative works).

To qualify for protection, a work must be original. The current copyright rules expressly state that copyright protection for a work is granted upon creation of the work in a given work, without subject to publication or registration. The protection is also given to the work irrespective of its form of embodiment and quality.

Law stated - 12 May 2025

## AI-generated works

- 8 | To what extent is copyright protection available for works generated in whole or in part by artificial intelligence systems?

Copyright protection is granted only to works created by natural persons through their intellectual effort, as stated in article 14.3 of the IP law. This means that currently, works entirely generated by AI, without human creative input, are not eligible for copyright protection. According to article 12a, an 'author' must be a natural person, so AI systems cannot be recognised as authors or hold copyright. However, if AI is used as a tool under human guidance and there is significant intellectual contribution from the human, the resulting work may be eligible for copyright, with the human user considered the author.

Law stated - 12 May 2025

## Rights covered

- 9 | What types of rights are covered by copyright?

Copyright includes two categories: moral rights and economic rights.

Moral rights are personal to the author, including the rights to name the work, be acknowledged as the author, publish or authorise publication, and protect the integrity of the work against distortion or misuse.

Economic rights allow the author or rights holder to exploit the work for commercial benefit, such as reproduction, distribution, performance, broadcasting and making derivative works (eg, translations or adaptations). These rights are granted automatically upon the creation of a work, without the need for registration or publication, and are subject to specified duration depending on the type of work and rights involved.

Law stated - 12 May 2025

- 10 | What limitations and exceptions apply?

Certain uses of copyrighted works are allowed without prior permission, provided that the author and source are credited, and the use does not conflict with the normal exploitation of the work or unreasonably prejudice the author's legitimate interests.

These exceptions apply to personal and non-commercial use, use for teaching or research purposes, use in official activities by state agencies, reasonable citation in press, publications, or broadcasts, and use by persons with disabilities to access content in suitable formats, as stipulated in article 25a.

In addition, under article 26, some uses are permitted without the need for prior authorisation but require royalty payments. For example, commercial broadcasting organisations may use published works or those licensed for recording with or without sponsorship, advertisements or paid access, without seeking additional permission but must pay royalties to the copyright owner. The same applies to the reuse of previously licensed recordings for broadcasting. Royalty rates are subject to mutual agreement or, if unresolved, government regulations. However, these limitations do not apply to cinematographic works, for which prior permission is always required.

**Law stated - 12 May 2025**

## **Excluded works**

### **11 | What may not be protected by copyright?**

In Vietnam, copyright protection does not extend to the following: news of the day as mere items of information, legal legislation, administrative and judicial documents (and official translations) and processes, systems, methods of operation, concepts, principles and data.

**Law stated - 12 May 2025**

## **Fair use and fair dealing**

### **12 | Do the doctrines of 'fair use' or 'fair dealing' exist, and, if so, what are the standards used in determining whether a particular use is fair?**

The concepts of 'fair use' or 'fair dealing' are reflected in exceptions outlined in articles 25 and 25a of the IP Law. These allow the use of copyrighted works without permission or payment, as long as the author and source are credited and the use does not harm the author's legitimate interests or conflict with the work's normal exploitation. The standards for determining fairness include personal and non-commercial uses (eg, research or education), public interest uses (eg, commentary, news reporting, public performances), and uses by libraries or archives for preservation. Additionally, uses for accessibility purposes, news coverage and personal importation are allowed under these exceptions. However, these exceptions do not apply to architectural works, artistic works, computer programs or compilations of works.

**Law stated - 12 May 2025**

## Architectural works

### 13 | Are architectural works protected by copyright? How?

According to article 14.1(i) of the Intellectual Property Law, architectural works are expressly recognised as protected. Protection applies to both design drawings (such as blueprints, technical drawings and plans for buildings or landscapes) and completed architectural structures (the actual built works that reflect the original design and creativity). To be protected, the work must be original, fixed in a tangible form and not a mere copy. Copyright protection is automatic upon creation and fixation in a material form, covering both moral rights (eg, the right to be credited as the author) and economic rights (eg, the right to reproduce, distribute and create derivative works).

Law stated - 12 May 2025

## Performance rights

### 14 | Are performance rights covered by copyright? How?

Performance rights are covered by copyright in Vietnam, but they are categorised under related rights, which are distinct from copyright but closely associated. These rights are granted to performers such as singers, actors, musicians and dancers who perform literary or artistic works.

According to article 17 of the IP Law, performance rights are protected if the performance is by a Vietnamese citizen inside or outside Vietnam, a foreigner within Vietnam, or if the performance is fixed in a recording or broadcast. Performers are entitled to both moral and economic rights. Moral rights include the right to be identified as the performer and to object to any distortion or modification of their performance that harms their reputation. Economic rights include the right to authorise or prohibit the recording, reproduction, distribution, broadcasting or public communication of their performance, as well as the right to receive royalties when their performance is used.

Protection arises automatically when the performance is fixed or broadcast, provided it does not infringe the copyright of the original work performed.

Law stated - 12 May 2025

## Neighbouring rights

### 15 | Are other 'neighbouring rights' recognised? How?

Vietnam recognises other 'neighbouring rights' specifically for producers of sound/video recordings and broadcasting organisations. The rights of performers, producers of phonograms and video recordings, and broadcasting organisations are protected under

the Vietnam IP Law, in line with international treaties such as the Rome Convention and the WIPO Performances and Phonograms Treaty.

Producers of sound and video recordings have exclusive rights to reproduce, distribute, rent and broadcast their recordings. These rights extend to granting permission to others to carry out these acts, and producers must receive royalties or other benefits in return. However, producers cannot prevent certain lawful activities, such as reproducing for other legal uses or making temporary copies during transmission that have no independent economic purpose.

Broadcasting organisations are granted exclusive rights to rebroadcast, fix, reproduce and publicly communicate their broadcasts. They also have the authority to permit third parties to use or re-transmit their broadcasts on other platforms.

Neighbouring rights are protected automatically once the work is created and fixed in a tangible form, without requiring registration. Protection applies if the producer or broadcaster is based in Vietnam or if the recording or broadcast is first published or transmitted in Vietnam.

Additionally, neighbouring rights are protected under international treaties to which Vietnam is a party. However, these rights must not prejudice the moral or economic rights of the original author.

Law stated - 12 May 2025

## Moral rights

### 16 | Are moral rights recognised?

Moral rights are recognised and protected under Vietnamese law. According to article 19 of the Intellectual Property Law, moral rights safeguard the personal and reputation interests of authors and creators. These include the right to title the work, the right to be identified as the author, the right to decide when and how the work is published, and the right to preserve the integrity of the work by objecting to any distortion or modification that may harm their honour or reputation.

Moral rights cannot be transferred, except for the limited right to allow others to use the work's title. These rights are protected for the life of the author and extend 50 years after their death. However, the right to attribution continues to be enforceable even after the expiration of economic rights.

Law stated - 12 May 2025

## COPYRIGHT FORMALITIES

### Notice

#### 17 | Is there a requirement of copyright notice?

A copyright notice is not required under Vietnamese law. Protection is automatic once a work is created and fixed in a tangible form, in line with the Berne Convention. However, using a notice is optional and may help deter infringement by identifying the copyright owner and creation date.

Law stated - 12 May 2025

## 18 | What are the consequences for failure to use a copyright notice?

There are no legal consequences for failing to use a copyright notice in Vietnam.

Law stated - 12 May 2025

## Deposit

### 19 | Is there a requirement of copyright deposit?

Under Vietnamese law, copyright arises automatically at the time the work is created and expressed in a certain material form, without the need for any formality or deposit. Although authors or copyright holders may choose to register their works with the competent authority for evidentiary purposes, such registration or deposit is entirely optional and not a precondition for copyright protection.

Law stated - 12 May 2025

### 20 | What are the consequences for failure to make a copyright deposit?

There are no legal consequences for failure to make a copyright deposit.

Law stated - 12 May 2025

## Registration

### 21 | Is there a system for copyright registration, and, if so, how do you apply for a copyright registration?

Vietnam has a voluntary copyright registration system. Authors or copyright holders may apply for registration with the Copyright Office of Vietnam to obtain a certificate serving as prima facie evidence of ownership. To apply, the applicant must submit a completed application form, two copies of the work, relevant documents proving ownership (eg, assignment agreement, contract of commissioned work, etc, if applicable), and pay the official fee. The foreign applicant needs to file through an authorised local representative. If the application is valid, a certificate is typically issued within 30 to 45 working days.

Law stated - 12 May 2025

## 22 | Is copyright registration mandatory? If voluntary, what are the benefits of registration?

Copyright registration is not mandatory in Vietnam, as copyright protection is automatic upon creation and fixation of a work, in line with the Berne Convention and article 6.1 of Vietnam's IP Law. However, registration is voluntary and highly recommended due to the following benefits:

- Legal presumption of ownership: A registration certificate serves as prima facie evidence of ownership, easing the burden of proof in disputes.
- Facilitates enforcement: Authorities are more likely to handle infringement cases when there is a registration certificate, simplifying the enforcement process.
- Expert assessment: A certificate is required to obtain expert opinions from the Expertise Centre of Copyright and Related Rights.
- Supports licensing and commercialisation: Registered works are easier to license or assign, generating royalties or enabling derivative works.
- Establishes priority date: The registration record helps establish the work's creation date, important in infringement cases.

Reduces risk of appropriation: Early registration lowers the chances of unauthorised claims or bad faith registration by others.

**Law stated - 12 May 2025**

## 23 | What are the fees to apply for a copyright registration?

The fees for copyright registration in Vietnam are regulated by Circular 211/2016/TT-BTC and vary depending on the type of work being registered. The fees range from 100,000 Vietnamese dong to 600,000 dong, as follows:

- Written works (literary, scientific works, textbooks, speeches, journalistic works, musical works, photographic works): 100,000 dong per registration.
- Architectural works, maps, diagrams, drawings related to topography and scientific works: 300,000 dong per application.
- Works of visual art and applied art: 400,000 dong per application.
- Cinematographic works and theatrical works fixed on tapes or discs: 500,000 dong per application.
- Computer programs, data collections or programs running on computers: 600,000 dong per registration.

**Law stated - 12 May 2025**

## 24 | What are the consequences for failure to register a copyrighted work?

There are no legal consequences for failing to register a copyrighted work in Vietnam, as protection is automatic upon creation. However, in practice, registration is highly recommended. A certificate serves as prima facie evidence of ownership and can simplify enforcement. Vietnamese authorities often rely on the registration certificate as the basis for handling copyright infringement cases.

Law stated - 12 May 2025

## OWNERSHIP AND TRANSFER

### Eligible owners

#### 25 | Who is the owner of a copyrighted work?

The copyright owner can be the author, co-authors or an organisation or individual who commissions or contracts the creation of the work. It can also be the author's heir or a transferee through an assignment agreement. In some cases, such as state-funded works, works transferred to the state or when there are no heirs, the state may be the copyright owner.

Law stated - 12 May 2025

### Employee and contractor work

#### 26 | May an employer own a copyrighted work made by an employee?

An employer may own the copyright to a work made by an employee if the work is created within the scope of employment or under a contract. However, the parties can agree otherwise in writing. It is important to note that the moral rights, such as the right to be named as the author, still belong to the employee, even if the economic rights belong to the employer.

Law stated - 12 May 2025

#### 27 | May a hiring party own a copyrighted work made by an independent contractor?

The hiring party owns the copyright if the work is created under a written contract for hire. However, if the contract states otherwise, the ownership will follow the agreement. The moral rights, such as the right to be named as the author, remain with the independent contractor (the author).

Law stated - 12 May 2025

### Joint and collective ownership

#### 28 | May a copyrighted work be co-owned?

A copyrighted work may be co-owned under Vietnamese law when it is jointly created by two or more authors whose contributions form an inseparable whole. In such cases, the co-authors share joint ownership of the copyright, and any use or exploitation of the work typically requires the agreement of all co-owners, unless otherwise agreed.

Law stated - 12 May 2025

## Transfer of rights

### 29 | May rights be transferred? If so, what rules and procedures apply?

Copyrights may be transferred in Vietnam. Under the law, the economic rights of a copyrighted work can be wholly or partially assigned to other individuals or organisations. However, moral rights, such as the right to be named as the author and the right to protect the integrity of the work, are generally non-transferable, except for the right to publish the work, which may be assigned.

In cases of co-ownership, all co-owners must agree to the transfer. If the work is divisible into separate parts, each co-owner may transfer rights to their specific part.

The contract must clearly state the full names and addresses of the assignor and assignee, the legal basis for the transfer, the price and payment method, the rights and obligations of each party, and the liability in case of breach of contract.

Although not mandatory, the transfer agreement can be registered with the Copyright Office of Vietnam for evidentiary purposes. The transferee must use the rights within the agreed scope.

Law stated - 12 May 2025

## Licensing

### 30 | May rights be licensed? If so, what rules and procedures apply?

Copyrights may be licensed in Vietnam. The economic rights of a copyrighted work can be licensed either exclusively or non-exclusively, while moral rights remain with the author and are generally non-transferable, except for the right to publish. Additionally, usage rights may be transferred for a specified period, but the transferee can only sub-license these rights with the original owner's consent.

In cases of co-ownership, all co-owners must agree to the licensing. If the work is divisible into separate parts, each co-owner may transfer rights to their specific part.

Licensing agreements must be made in writing and should clearly specify the full names and addresses of the licensor and licensee, the legal basis for the licensing, the scope of licensed rights, the price and payment method, the rights and obligations of the parties, and liability for breach of contract. Although licence registration with the Copyright Office is

not required, it is recommended to support enforcement if needed. The licensee must use the rights within the agreed limits or risk termination or legal action.

Law stated - 12 May 2025

### 31 | Are there compulsory licences? What are they?

Vietnamese copyright law does not explicitly provide for compulsory licences in the field of copyright. Instead, the law outlines certain exceptions and limitations where copyrighted works may be used without permission from the rights holder, such as for educational purposes, personal use or quotation under specific conditions (article 25 of the IP Law).

Law stated - 12 May 2025

### 32 | Are licences administered by performing rights societies? How?

Licences in Vietnam can be administered by collective management organisations, which operate similarly to performing rights societies. Authorised by the Ministry of Culture, Sports and Tourism, these organisations act on behalf of authors and rights holders to license copyrighted works, collect royalties and distribute them. The Vietnam Centre for Protection of Music Copyright is a key example, mainly handling public performance and broadcasting rights for music.

Law stated - 12 May 2025

## Termination

### 33 | Is there any provision for the termination of transfers of rights?

The termination of a copyright transfer contract is governed by the Civil Code 2015, as referenced by the IP Law. A contract may be terminated by mutual agreement, upon the expiration of its term, or if one party commits a serious breach, entitling the other to unilaterally terminate it. Termination may also occur on other legal or agreed grounds, such as force majeure.

Law stated - 12 May 2025

## Recordal

### 34 | Can documents evidencing transfers and other transactions be recorded with a government agency?

In Vietnam, documents evidencing the transfer or licensing of copyright and related rights may be recorded with the Copyright Office of Vietnam (COV). While registration is not mandatory for the validity of such transactions, recording them provides evidentiary value

and can help establish priority or ownership in the case of disputes. To record a transaction, parties must submit a request to the COV along with:

- a written agreement (eg, assignment or licensing contract);
- copies of relevant identification documents;
- a completed application form; and
- payment of applicable fees.

Law stated - 12 May 2025

## DURATION OF COPYRIGHT

### Protection start date

#### 35 | When does copyright protection begin?

Copyright protection begins automatically from the moment a work is created and fixed in a tangible form, without the need for registration.

Law stated - 12 May 2025

### Duration

#### 36 | How long does copyright protection last?

In Vietnam, moral rights such as the rights to title the work, be named, and protect the work's integrity are protected indefinitely. However, the right to publish or permit publication is only protected for the same duration as the economic rights.

Economic rights for most works (literary, musical, artistic) last for the author's lifetime plus 50 years. For joint authorship, protection extends 50 years after the last surviving author's death.

For cinematographic, photographic, applied art and anonymous or pseudonymous works, protection lasts 75 years from the first publication. If unpublished within 25 years of fixation, protection lasts 100 years from fixation.

If the author of an anonymous or pseudonymous work is revealed, protection is extended to the author's life plus 50 years.

Law stated - 12 May 2025

#### 37 | Does copyright duration depend on when a particular work was created or published?

The duration of copyright protection is generally based on when the work was created, not when it was published.

For most works, copyright protection lasts for the life of the author plus 50 years after their death. However, the date of publication is relevant for cinematographic works, photographic works, applied art works and anonymous or pseudonymous works, in which case the copyright lasts 75 years from the date of first publication.

Law stated - 12 May 2025

## Renewal

**38** | Do terms of copyright have to be renewed? How?

Copyright in Vietnam does not require renewal. Once a work is protected by copyright, the protection lasts for the prescribed duration without the need for renewal.

Law stated - 12 May 2025

## Government extension of protection term

**39** | Has your jurisdiction extended the term of copyright protection?

Under the revised laws of 2009, 2019, and 2022, compared to the previous 2005 law, the term of protection for certain works has been extended. Specifically, cinematographic works, photographic works, applied art works, and anonymous or pseudonymous works are now protected for 75 years from the date of first publication, up from 50 years under the 2005 law. Additionally, the revised law stipulates that if a work is not published within 25 years from the date it is fixed in a material form, the protection term is extended to 100 years from the date of fixation.

These changes align Vietnam's copyright protection more closely with international standards.

Law stated - 12 May 2025

## COPYRIGHT INFRINGEMENT AND REMEDIES

### Infringing acts

**40** | What constitutes copyright infringement?

In Vietnam, copyright infringement occurs when a work is used without the rights holder's permission, violating their moral or economic rights, except where allowed by law (eg, fair use or statutory exceptions).

According to article 28 of the IP Law, infringement includes:

- Moral rights infringement: Violating an author's rights to claim authorship, be credited, control publication and protect work integrity.

- Economic rights infringement: Violating exclusive rights to reproduce, distribute, perform, display and create derivative works.
- Non-compliance with exceptions: Failing to adhere to exceptions that permit use without permission under certain conditions (eg, attribution or royalties).
- Circumventing technological protections: Bypassing digital rights management or access controls.
- Distribution of circumvention tools: Manufacturing or selling tools to bypass protections.
- Alteration/removal of rights management information: Tampering with information identifying the copyright holder or work terms.
- Non-compliance by service providers: Failure of online platforms to regulate copyright infringement.

Certain uses (eg, quoting for teaching, private use, or archiving) are exceptions and not considered infringements if conditions are met under articles 25, 25a and 26.

Law stated - 12 May 2025

### Vicarious and contributory liability

41 | Does secondary liability exist for indirect copyright infringement? What actions incur such liability?

Secondary liability applies in Vietnam, especially for intermediary service providers (ISPs) that enable users to upload, access or share digital content. ISPs may be held liable for copyright infringement if they fail to implement measures to protect copyright, cooperate with authorities and rights holders, or remove infringing content after receiving proper notice.

However, ISPs are not liable if they merely transmit or provide access to content without modifying it, are unaware of and cannot control the content, or take prompt action to remove infringing material upon notification.

This approach follows the 'safe harbour' principle, balancing copyright protection with the fair operation of online services.

Law stated - 12 May 2025

### Available remedies

42 | What remedies are available against a copyright infringer?

Copyright infringement in Vietnam may be subject to the administrative, civil or criminal remedies, depending on the nature and severity of the violation.

Under Administrative remedies, infringers may face warnings, fines (ie, up to 250 million dong against individual infringer and up to 00 million dong against infringing organisation) or the confiscation of infringing goods. Additionally, administrative authorities may also impose border control measures to prevent the import/export of infringing goods.

Under Civil remedies, copyright holders have the right to request the cessation of the infringement, an apology or public correction and compensation for damages. Infringing goods, materials and means of infringement may be confiscated or destroyed.

Under criminal liability, in cases of serious or repeated infringement, particularly for commercial purposes, criminal sanctions may be imposed, which could result in imprisonment or fines.

Law stated - 12 May 2025

### Limitation period

#### 43 | Is there a time limit for seeking remedies?

Vietnamese law provides specific time limits for seeking remedies against copyright infringement, depending on the type of legal action.

For administrative remedies, the time limit is two years from the date the violation is discovered.

For civil remedies, the statute of limitations is three years from the date the copyright holder becomes aware or should have become aware of the infringement.

In cases involving criminal liability, the statute of limitations is five years, counted from the date the offence is committed. However, if the offender commits a new crime during this period, the limitation period for the original offence will be reset and recalculated from the date the new crime is committed.

Law stated - 12 May 2025

### Monetary damages

#### 44 | Are monetary damages available for copyright infringement?

Monetary damages are available for copyright infringement in Vietnam. Under civil remedies, the copyright holder can claim compensation for actual damages caused by the infringement. This includes material damages (such as lost income or profits due to the unauthorised use of the work) and moral damages for harm to the author's honour, reputation, or dignity. The amount of compensation is calculated based on one of the following bases, as prescribed in article 205 of the IP Law:

- total actual losses directly caused by the infringement;
- profits gained by the infringer as a result of the infringement; and
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a fixed amount determined by the court, which may not exceed 500 million dong, in cases where actual losses are hard to determine.

Law stated - 12 May 2025

### Attorneys' fees and costs

#### 45 | Can attorneys' fees and costs be claimed in an action for copyright infringement?

Under Vietnamese law, attorneys' fees and costs may be claimed in a copyright infringement case. According to article 205.3 of the IP Law, the rights holder can recover reasonable attorney's fees as part of the damages if they are directly related to handling the infringement.

Law stated - 12 May 2025

### Criminal enforcement

#### 46 | Are there criminal copyright provisions? What are they?

Vietnamese law imposes criminal penalties for certain copyright infringements. According to article 225 of the 2015 Criminal Code (amended in 2017), criminal liability applies to individuals who, without authorisation, intentionally copy or distribute works or phonograms/videograms. Infringement is punishable if it meets one of the following criteria:

- commercial scale infringement;
- illicit profits ranging from 50 million to under 300 million dong;
- damages to the rights holder between 100 million to under 500 million dong; and
- infringing goods valued between 100 million to under 500 million dong.

Penalties include fines from 50 million to 300 million dong or up to three years of non-custodial reform. For more severe cases, such as higher profits or repeated/organised actions, fines range from 300 million to 1 billion dong, with imprisonment from six months to three years.

Legal entities can also face fines up to 3 billion dong, operation suspension, or dissolution for serious violations. Criminal liability applies only to deliberate acts of reproducing or distributing copies of works, phonograms or video recordings.

Law stated - 12 May 2025

### Online infringement

#### 47 | Are there any specific liabilities, remedies or defences for online copyright infringement?

Online copyright infringement can be addressed through administrative, civil or criminal remedies, depending on the severity of the violation. Administrative measures include fines, content removal orders or suspension of activities. Civil remedies allow the copyright holder to seek compensation for damages, cessation of the infringement and public apology. Criminal remedies apply in cases of serious or repeated infringements, particularly for commercial purposes. Offenders may face penalties including fines, imprisonment for up to three years and, in certain cases, the confiscation of infringing goods. Additionally, authorities may impose border control measures for infringing goods.

Intermediaries (such as online platforms and internet service providers) may face liability if they fail to take necessary measures to prevent or cooperate in handling copyright infringement occurring on their platforms. However, they are only held accountable if they are aware or should have been aware of the infringement and do not act promptly.

Intermediary service providers may be exempt from liability if they merely provide connections or store information passively, without actively controlling content, and have removed or disabled access to infringing content after receiving a valid notice from the rights holder. These actions are considered part of the safe harbour mechanism, which protects intermediaries if they comply with the law.

Law stated - 12 May 2025

## Prevention measures

**48** | How may copyright infringement be prevented (including, for example, customs enforcement measures and any technological notable developments)?

Copyright infringement can be prevented through both customs enforcement and technological solutions. By registering intellectual property with Vietnam's Customs Department, copyright holders can stop counterfeit or pirated goods from entering or leaving the country, as customs authorities have the power to seize such items at the border. Technological measures also play a crucial role in preventing infringement. These include:

- Access control: Restricting access to copyrighted works to authorised users only.
- Protection processes: Preventing unauthorised reproduction or distribution of works.
- Copy control: Monitoring and limiting the copying of protected content.

The IP Law in Vietnam provides a robust framework for enforcement, allowing for legal actions such as fines, penalties and orders to cease infringement. Additionally, the government and copyright holders actively raise awareness through public education campaigns to help prevent violations.

Law stated - 12 May 2025

## RELATIONSHIP TO FOREIGN RIGHTS

### International conventions

**49** | Which international copyright conventions does your country belong to?

Vietnam is a member of several key international copyright treaties, including:

- Berne Convention for the Protection of Literary and Artistic Works (acceded in 2004);
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations (acceded in 2007);
- TRIPS Agreement (under the WTO framework, acceded in 2007);
- Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (joined in 2006);
- Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of Their Phonograms (joined in 2005);
- ASEAN Framework Agreement on Intellectual Property Cooperation (joined in 1997);
- The World Intellectual Property Organisation Copyright Treaty (WCT) (acceded in 2022);
- The WIPO Performances and Phonograms Treaty (WPPT, acceded in 2022);
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (joined in 2018);
- European Union–Vietnam Free Trade Agreement (joined in 2019); and
- Regional Comprehensive Economic Partnership (joined in 2022).

**Law stated - 12 May 2025**

**50** | What obligations are imposed by your country's membership of international copyright conventions?

As a member of international copyright treaties, Vietnam must provide national treatment. This means it must offer the same copyright protection to foreign works from other member countries as it does to domestic works, without requiring registration or formalities.

Vietnam is also obligated to meet minimum standards of protection. These include granting authors exclusive rights such as reproduction, distribution, public performance and communication to the public. In addition, Vietnam must protect moral rights, such as the right to be named as the author and to preserve the integrity of the work.

Under treaties like the Rome Convention and WPPT, Vietnam must also protect related rights. These cover performers (eg, singers, actors), producers of sound recordings, and broadcasting organisations, ensuring they have control over the use of their performances and recordings.

Furthermore, with the rise of digital content, agreements such as the WCT, WPPT and TRIPS require Vietnam to protect digital works. This includes enforcing measures against

copyright infringement online and preventing the circumvention of technological protection measures.

Law stated - 12 May 2025

## UPDATE AND TRENDS

### Key developments of the past year

**51** | Are there any emerging trends or hot topics in copyright regulation in your jurisdiction? Has there been any new copyright legislation passed or proposed within the past 12 months?

Vietnam has made significant reforms in copyright law, notably in 2022, when it joined the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty, aligning its legal framework with international standards. In the same year, a comprehensive amendment to the Intellectual Property Law was adopted, supported by Decree No. 17/2023/ND-CP, which clarifies enforcement, exceptions and intermediary liability.

A key change is the clearer responsibility for intermediary service providers, which must quickly act on valid take-down requests to remove infringing content. This shift aligns Vietnam with global digital copyright norms and strengthens efforts against online piracy.

There have been several notable developments in copyright legislation in Vietnam over the past 12 months:

- **Establishment of a Specialised IP Court:** On 24 June 2024, the National Assembly of Vietnam officially passed the amended Law on the Organisation of the People's Courts, which took effect on 1 January 2025. A key highlight of this amendment is the introduction of specialised first-instance courts within the judicial system, designed to handle cases of a specific nature, particularly in areas such as intellectual property, including copyright. This reform aims to improve the quality of adjudication and provide stronger protection for the legitimate rights and interests of parties involved in IP disputes.
- **Draft Decree on Royalties for Journalistic and Publishing Works:** In September 2024, the government released a draft Decree that proposes a minimum royalty rate of 20 per cent for both print and online journalistic and publishing works. For broadcast works, it refers to the existing Decree No. 17/2023/ND-CP. The draft is currently under public consultation.
- **Draft Personal Data Protection Law:** Also in 2024, the Vietnamese government published the draft Personal Data Protection Law for public consultation. While this law does not directly concern copyright, it may impact the processing and protection of data related to copyrighted works, especially in the digital environment. The law is expected to be passed by the National Assembly in May 2025 and will come into effect on 1 January 2026.

Law stated - 12 May 2025

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