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**Council for Trade-Related Aspects
of Intellectual Property Rights**

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**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

Germany

The present document reproduces¹ Article 54, as amended by the Law of 24 June 1985 and by the Law of 25 July 1994, of the Law dealing with Copyright and Related Rights (Copyright Law) of 9 September 1965, and Articles 54 a - 54 h of that Law. The most recent amendments of Article 54 and Articles 54 a - 54 h were not reflected in the version of the Law as last amended by the Law of 23 June 1995, notified earlier and circulated as document IP/N/1/DEU/C/1.

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES
A LA PROPRIETE INTELLECTUELLE NOTIFIEES
AU TITRE DE L'ARTICLE 63:2 DE L'ACCORD**

Allemagne

Le présent document contient le texte¹ de l'article 54, modifié par la Loi du 24 juin 1985 et par la Loi du 25 juillet 1994, de la Loi du 9 septembre 1965 relative au droit d'auteur et aux droits connexes (Loi sur le droit d'auteur), ainsi que les articles 54a à 54h de cette loi. Les dernières modifications de l'article 54 ainsi que le texte des articles 54a à 54h ne figuraient pas dans la version de la loi telle que modifiée par la Loi du 23 juin 1995, qui a été notifiée précédemment et distribuée sous la cote IP/N/1/DEU/C/1.

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

Alemania

El presente documento reproduce¹ el artículo 54, modificado por la Ley de 24 de junio de 1985 y la Ley de 25 de julio de 1994, de la Ley de Derecho de Autor y Derechos Conexos, de 9 de septiembre de 1965, así como los artículos 54a a 54h de dicha Ley. Las últimas modificaciones introducidas en el artículo 54 y los artículos 54a a 54h no figuraban en la versión de la Ley que recogía las últimas modificaciones introducidas por la Ley de 23 de junio de 1995, notificada anteriormente y distribuida con la signatura IP/N/1/DEU/C/1.

¹English only/anglais seulement/inglés solamente.

Article 54 Obligation to Pay Remuneration for Reproduction by Means of Video and Audio Recording

(1) Where the nature of a work makes it probable that it will be reproduced by the recording of broadcasts on video or audio recording mediums or by transfer from one recording medium to another in accordance with Article 53(1) or (2), the author of the work shall be entitled to payment of equitable remuneration from the manufacturers

1. of appliances and

2. of video or audio recording mediums

that are obviously intended for the making of such reproductions, in respect of the possibility of making such reproductions that is created by the sale of the appliances and of the video or audio recording mediums. In addition to the manufacturer, any person who commercially imports or reimports such appliances or such video or audio recording mediums into the territory to which this Law applies or who deals therein shall be jointly liable. A dealer shall not be liable if he procures in one half calendar year video or audio recording mediums with less than 6,000 hours of playing time and less than 100 appliances.

(2) The importer shall be the person who introduces the appliances or the video or audio recording mediums, or causes them to be introduced, into the territory to which this Law applies. Where the importing is based on a contract with a person foreign to that territory, the importer shall be that contractual party alone who is domiciled in the territory to which this Law applies, in so far as he is commercially active. Any person who acts simply as forwarding agent, carrier or the like in the introduction of the goods shall not be considered the importer. A person who introduces goods from third countries, or causes them to be introduced, into a free zone or a free warehouse in accordance with Article 166 of Council Regulation (EEC) No. 2913/92 of October 12, 1992 establishing the Community Customs Code (OJ No. L 302, page 1) shall only be

deemed the importer if the items are used in that territory or if they are released for free circulation for customs purposes

(Amended by the Law of June 24, 1985, and by the Law of July 25, 1994.)

Article 54a Obligation to Pay Remuneration for Reproduction by Means of Photocopying

(1) Where the nature of a work is such that it may be expected to be reproduced in accordance with Article 53(1) to (3) by the photocopying of a copy or by some other process having similar effect, the author of the work shall be entitled to payment of equitable remuneration from the manufacturer of appliances intended for the making of such reproductions, in respect of the possibility created by the sale or other placing on the market of the appliances. In addition to the manufacturer, any person who commercially imports or reimports such appliances into the territory to which this Law applies or who deals therein shall be jointly liable. A dealer shall not be liable if he procures less than 20 appliances in one half calendar year.

(2) Where appliances of such type are operated in schools, universities or vocational training institutions or other educational and further education institutions (educational institutions), research institutions, public libraries or in institutions which have available appliances for the making of photocopies on payment, the author shall also be entitled to payment of equitable remuneration from the operator of the appliance.

(3) Article 54(2) shall apply mutatis mutandis.

(Former Article 54 paragraph (2), amended by the Law of July 25, 1994.)

Article 54b Inapplicability of the Dealer's Obligation to Pay Remuneration

The dealer's obligation to pay remuneration (Article 54(1) and Article 54a(1)) shall not apply,

1. where a person required to pay the remuneration, from whom the dealer obtains the appliances or the video or audio recording mediums, is bound by an inclusive contract concerning the remuneration or
2. if the dealer notifies the receiving office designated in accordance with Article 54h(3) in writing of the nature and quantity of the appliances and video or audio recording mediums received and of his source of supply by January 10 and July 10 for each preceding half calendar year.

(Added by the Law of July 25, 1994.)

Article 54 c Inapplicability of the Obligation to Pay Remuneration on Export

The claim under Article 54(1) and Article 54a(1) shall not apply where it is probable under the circumstances that the appliances or the video or audio recording mediums will not be used to make reproductions within the territory to which this Law applies.

(Former Article 54 paragraph (3), amended by the Law of July 25, 1994.)

Article 54d Amount of Remuneration

(1) The amounts set out in the Annex shall be deemed equitable remuneration in accordance with Article 54(1) and Article 54a(1) and (2) where not otherwise agreed.

(2) The amount of the total remuneration to be paid by the operator under Article 54a(2) shall depend on the type and extent of utilization of the appliance that is to be expected in view of the circumstances, particularly the location and the habitual use.

(Former Article 54 paragraph (4), first sentence, and paragraph (2), third sentence, amended by the Law of July 25, 1994.)

Article 54e Obligation to Refer in Invoices to Copyright Remuneration

(1) Invoices for the sale or other placing on the market of appliances under Article 54a(1) shall make reference to the copyright remuneration due for the appliance.

(2) Invoices for the sale or other placing on the market of appliances or video or audio recording mediums referred to in Article 54(1), in which turnover tax in accordance with the first sentence of Article 14(1) of the Law on Turnover Tax is to be shown separately shall include a note stating whether the copyright remuneration due in respect of the appliance or the video or audio recording medium has been paid.

(Former Article 54 paragraph (4), second sentence, amended by the Law of July 25, 1994. Paragraph (2) added by the Law of July 25, 1994.)

Article 54f Obligation to Report

(1) Any person who commercially imports or reimports appliances or video or audio recording mediums that are obviously intended for the making of reproductions by means of video and audio recording into the territory to which this Law applies shall have the obligation in respect of the author to report in writing the nature and quantity of the items imported to the

receiving office designated in accordance with Article 54h(3) monthly by the tenth day after the expiry of each calendar month.

(3) Paragraph (1) shall apply mutatis mutandis to appliances intended for making reproductions by photocopying a copy or by any procedure having a similar effect.

(3) Where the person required to report does not satisfy the obligation to report or only does so incompletely or otherwise incorrectly, twice the rate of remuneration may be required.

(Added by the Law of July 25, 1994.)

Article 54g Obligation to Provide Information

(1) The author may require information from those persons required to pay remuneration under Article 54(1) or Article 54a(1) as to the nature and quantity of appliances and video or audio recording mediums sold or otherwise put into circulation on the territory to which this Law applies. The dealer's obligation to provide information shall also extend to naming his sources of supply, it shall also subsist in the cases under the third sentence of Article 54(1), the third sentence of Article 54a(1) and of Article 54b, item 1. Article 26(6) shall apply mutatis mutandis.

(2) The author may require information necessary to assess the remuneration from the operator of an appliance in an institution within the meaning of the first sentence of Article 54a(2).

(3) Where the person required to give information fails to satisfy the obligation or only satisfies it incompletely or

otherwise incorrectly, twice the rate of remuneration may be required.

(Former Article 54 paragraph (5), amended by the Law of July 25, 1994.

Article 54h Collecting Societies, Handling of Reports

(1) Claims under Articles 54, 54a, 54f(3) and 54g may only be asserted through a collecting society.

(2) Each copyright owner shall be entitled to an equitable share in the remuneration paid under Articles 54 and 54a.

(3) The collecting societies shall designate a joint receiving office in each case for the claims to remuneration under Article 54(1) and those under Article 54a(1) to the Patent Office. The Patent Office shall publish them in the Federal Gazette.

(4) The Patent Office may publish models for the reports in accordance with Article 54b, item 2, and 54f in the Federal Gazette. The use of such models shall be compulsory.

(5) The collecting societies and the receiving office may only use the information received in accordance with Article 54b, item 2, 54f and 54g for the purpose of asserting claims under paragraph (1).

(Former Article 54 paragraph (6), amended by the Law of July 25, 1994.