

Creative Commons Project Open Educational Resources Policy in Europe
SELECTED NATIONAL LAW PROVISIONS
July 2014



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ALBANIA

Law No. 9380 of April 28, 2005: The Copyright and Other Rights Related to IT

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=223432

English Translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=223430

Relevant law provisions:

Quotations: article 27(1)

Compilations: article 27(2)

Other Uses: Not foreseen in the law? | does article 27(1) allow inclusion (beyond quotation) of a work in original form in a new work?

Related Provisions: ---

ARTICLE 27 PARTIAL REPRODUCTION OF THE WORK WITHOUT REMUNERATION

1. Briefing, citation or reproduction of excerpts or parts of a work for purposes of critical studies, or for discussions or theoretical purposes, is permitted within the extent of these aims, on the condition that these acts do not prejudice the commercial exploitation of the work.
2. In anthologies for educational purposes, the reproduction of the work or parts of it must not exceed the extent defined by the legal provisions and bylaws in force.
3. Briefing, citation or reproduction of a work or parts of it shall always be accompanied by mentioning the title of the work and the name of the author, the publisher and, in case of a translation, the name of the translator.

ANDORRA

Law on Copyright and Neighboring Rights of June 10, 1999

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=187688

English Translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=192960

Relevant law provisions:

Quotations: article 8

Compilations: article 9(1)(a)

Other Uses: article 9(1)(a)

Related Provisions: ---

ARTICLE 8 QUOTATION

Notwithstanding the provisions of Article 5(1)(a), the reproduction of a short part of a published work, in the form of quotation, in another work, shall be permitted without authorization of the author of, or other owner of the copyright in, the work from which the quotation is taken, provided that such a reproduction is

compatible with fair practice and its extent does not exceed the extent justified by the purpose. The quotation shall be accompanied by the indication of its source and the name of the author if his name appears in the work from which the quotation is taken.

ARTICLE 9 FREE REPRODUCTION FOR TEACHING

(1) Notwithstanding the provisions of Article 5(1)(a), the following acts shall be permitted without the authorization of the author of, or other owner of the copyright in, the work:

(a) the reproduction of a short part of a published work, by way of illustration, in writings or sound or visual recordings for teaching, provided that such reproduction is compatible with fair practice, and its extent does not exceed the extent justified by the purpose;

(b) the reprographic reproduction of a published article or other short work or short extract of a writing, with or without illustrations, for face-to-face teaching in educational institutions whose activities do not serve direct or indirect commercial gain, to the extent justified by the purpose, provided that the act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions.

(2) On any copy made under paragraph (1), its source and the name of the author shall be indicated, as far as practicable.

ARMENIA

Law on Copyright and Related Rights of June 15, 2006

Original available at: Not available

English Translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=135195

Relevant law provisions:

Quotations: article 22(2)(a)

Compilations: article 22(2)(b)

Other Uses: article 22(2)(b) | does article 22(2)(b) allow alterations of works (other than translations)? [see article 22(2)(j) and article 13]

Related Provisions: article 22(2)(j), article 3(1) and (4)(k), article 13

ARTICLE 22 FREE USE OF A WORK

(1) Free use of a work shall mean the use of a work without the consent of the author and without remuneration, however with the obligatory mention of the author's name and the origin of the work, which does not prejudice the normal exploitation of the work and legitimate interests of the author to his work.

(2) The following free uses shall be permitted:

a) the quotation, in original language or in translation, of an extract of the work lawfully made public for scientific, research, polemic, critical and informational purposes, including the reproduction of the extracts from the articles of newspapers and magazines in the form of a press release, to the extent justified by the purpose of quotations;

b) the use of works of literature and art lawfully made public and extracts thereof by illustration in the publications of educational nature, programs of broadcasting organizations, audio and video recordings to the extent justified by the purpose of illustration of education, and in the case of databases – for the illustration of education and to the extent justifying the non-commercial purpose;

(...)

j) transformation of a work made public

(i) if it is a private or other internal transformation and is not intended for or not available to the public;

(ii) if the work is transformed into a parody or caricature, provided this does not create confusion as to the source of the work.

(...)

ARTICLE 3 SUBJECT MATTERS OF COPYRIGHT

(1) Subject matters of copyright shall be the unique outcome of a creative activity in the domain of science, literature and art (hereinafter referred to as “works”) created individually or jointly, which are expressed in spoken, written or any other objectively perceivable manner, including permanently or temporarily storage in electronic form, regardless of the scope, significance, merits and purpose of creation.

(...)

(4) Subject matters of copyright are:

(...)

k) derivative works, particularly:

i translations, adaptations of works, changes, arrangements and rearrangements, , stage versions, audiovisual adaptations and other transformations of works in the scientific, literary and art domain, which are in compliance with paragraph (1) of this Article;

ii collections of works (encyclopedias, anthologies), databases and other composite works, which are, by the reason of the selection and (or) arrangement of their contents, results of a creative work;

(...)

ARTICLE 13. ECONOMIC RIGHTS OF THE AUTHOR

(1) Economic rights provide the economic interests of the author giving the author an exclusive right to authorize or to prohibit the use of his work or copies thereof. The author has an exclusive right to use his work in any mode and form, as well as to authorize or

prohibit third persons to use his work, particularly (...)

e) translation of a work (right of translation);

f) arrangement, rearrangement, illustration, adaptation and other transformations of a work (right of transformation);

(...)

AUSTRIA

Federal Law on Copyrights on Literary and Artistic Works and Related Rights (Copyright Act) (as last amended by Federal Law Gazette (BGBl) I No. 58/2010)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=230141

English Translation (as last amended by Federal Law Gazette (BGBl) I No. 25/1998) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=124840

Relevant law provisions:

Quotations: article 46(1), 52(1) and (2), article 54(1)(3) (for limited purposes)

Compilations: articles 45(1)(1), 51(1)(1) | does article 54(1)(3) allows the inclusion of works of art in a compilation?

Other Uses: articles 45(1)(2), 51(1)(2), 54(1)(3)

Related Provisions: article 57, article 21, article 2(3)

ARTICLE 45 [This article is part of FREE USES OF WORKS OF LITERATURE]

(1) Individual works of language or works as referred to in Article 2, item 3, may be reproduced and distributed after they have been published, to the extent justified by the purpose

1. in a collection containing the works of several authors and intended by its nature and designation for use in churches, schools, or for educational purposes; a work as referred in Article 2, item 3, may be included only for the purpose of elucidating the content;

2. in a work which, by its nature and designation, is intended for use in schools, only for the purpose of elucidating the content.

(2) Works of language which have been published may also be used, to the extent justified by the purpose, in broadcasts designated as school broadcasts where the use of the work in schools has been authorized by the education authorities.

(3) The author shall be entitled to equitable remuneration for reproduction and distribution in accordance with paragraph (1) and for broadcasts in accordance with paragraph (2). Such claims may only be asserted by collecting societies.

ARTICLE 46 [This article is part of FREE USES OF WORKS OF LITERATURE]

Reproduction and distribution, as well as public recitation and broadcasting, shall be permissible

1. when citing individual passages of a work of language which has been published;
2. when individual works of language as referred to in Article 2, item 3, after they have been published in the quantity justified by the purpose, are included in a work of an essentially scientific nature; a work as referred to in Article 2, item 3, may be included only for the purpose of elucidating the contents.

ARTICLE 51 [This article is part of FREE USES OF MUSICAL WORKS]

(1) Individual musical works which have been published may, to the extent justified by the purpose, be reproduced and distributed in the form of a musical notation in a work which, by its nature and designation, is intended for school use

1. where they are included in a collection intended for the teaching of singing and composed of works by several authors;
2. where they are included only for the purpose of elucidating the content.

(2) The author shall be entitled to equitable remuneration for reproduction and distribution in accordance with paragraph (1). Such claims may only be asserted by collecting societies.

ARTICLE 52 [This article is part of FREE USES OF MUSICAL WORKS]

Reproduction and distribution, as well as public performance and broadcasting, shall be permitted

1. where isolated passages of a musical work which has been published are quoted in an independent new musical work;
2. where isolated passages of a musical work which has been published are quoted in a literary work;
3. where isolated musical works which have been published are included, to the extent justified by the purpose, in a work that is predominantly scientific.

ARTICLE 54 [This article is part of FREE USES OF WORKS OF ART]

(1) It shall be permissible

(...)

3. to reproduce and distribute individual works of art which have been published, in a work of language which, by its nature and designation, is intended for use in schools or teaching, provided this serves only to elucidate the contents, or in a schoolbook for the purpose of educating the young in the arts;

3a. to reproduce and distribute individual works of art which have been published, in a work that is predominantly scientific;

4. to present in public, by means of optical devices, works of art which have been published, in a predominantly scientific or educational lecture, provided this serves only to elucidate the contents, and to make copies as necessary for this purpose;
(...)

(2) The author shall be entitled to claim equitable remuneration for reproduction and distribution in accordance with paragraph (1), item 3. Such claims may only be asserted by collecting societies.

ARTICLE 57 [This article is part of PROTECTION OF MORAL INTERESTS IN RELATION TO FREE USE OF WORKS]

(1) The permissibility of abridging, adding to or otherwise altering a work itself, its title or the designation of the author shall also be determined in accordance with Article 21 in the case of free uses. In no event may the meaning and essential nature of the work be distorted.

(2) Where passages of a work are reproduced in accordance with Article 46, item 1, or Article 52, item 1, by means other than audio media, or where a work is reproduced in whole or in part in accordance with Article 45, 46, item 2, 47, 48, 51, 52 items 2 or 3, or 54, items 1 to 3, the source must always be clearly shown. The statement of the source shall include the title of the work and the designation of the author in accordance with the provisions of Article 21(1). Where individual passages of works of language are used in schoolbooks under Article 45, the title of the work need only be shown where such work is not designated by the name or pseudonym of the author. Where passages or parts of works of language are reproduced under Article 46, they shall be clearly identified in the statement of the source, enabling them to be readily located in the original work. Where a work reproduced under Article 46 is taken from a collection, the collection shall also be identified; in such case, the title of the original work may be replaced by a reference to the relevant passage in the collection.

(3) In the cases referred to in Article 44(1) and (2), the newspaper or periodical from which the article was taken shall be shown in addition to the name or pseudonym of the author given in the source used; where the source given is another newspaper or periodical, the latter must be clearly stated. Where statement of such newspaper or periodical is omitted, the editor thereof or, if no editor is named, the publisher thereof shall have the same rights as an

author in the event of unlawful omission of the designation of the author.

(4) Whether, and to what extent, a statement of the source may be omitted in the case of free uses of works other than those referred to in paragraphs (2) and (3) shall be determined in accordance with fair practice.

ARTICLE 21 [This article is part of PROTECTION OF WORKS]

(1) Where a work is used in a manner which makes it available to the public, or where it is reproduced for the purpose of distribution, no abridgements, additions or other alterations to the work itself, its title or the designation of author may be made, even by a person entitled to such use, unless the author consents thereto or unless the law permits such alteration. Such alterations, in particular, shall be permissible, as the author may not prohibit in accordance with the accepted practices of fair trading, that it to say, alterations necessitated by the manner or purpose of the authorized use of the work.

(2) The provisions of paragraph (1) shall apply to the originals of works of art even where such originals are not used in a manner that makes the work available to the public.

(3) The fact of having given his consent to alterations which are not specifically designated shall not prevent the author from opposing distortions, mutilations or other alterations of the work which seriously violate his moral interests in the work.

ARTICLE 2 [This article is part of WORKS OF LITERATURE]

Works of literature within the meaning of this Law shall be

(...)

(3) works of a scientific or didactic nature which consist of pictorial representations in two or three dimensions, unless they constitute works of art.

AZERBAIJAN

Law of the Republic of Azerbaijan on Copyright and Related Rights (as last amended by Law No. 636-IVQD of April 30, 2013)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=317296

English Translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=317315

Relevant law provisions:

Quotations: article 19(1)

Compilations: article 19(2)

Other Uses: article 19(2)

Related Provisions: article 15

ARTICLE 19 USE OF A WORK FOR INFORMATIONAL, SCIENTIFIC, EDUCATIONAL AND OTHER PURPOSES

The following shall be permitted without the consent of the author or other copyright holder and without paying the author's remuneration, but with mandatory indication of the author's name and of the source of borrowing:

1. the use of short excerpts in original or in translation as quotations from lawfully published works, also from newspapers and magazines to the extent justified by the intended purpose, in the form of press reviews for scientific, research, polemical, critical and informational purposes;

2. the use of short excerpts from lawfully published works to the extent justified by the intended purpose, in publications, radio and broadcastings, sound and video recordings of an educational nature;

(...)

ARTICLE 15 PROPERTY (ECONOMIC) RIGHTS

1. Unless otherwise stipulated in this Law author or other right holder shall be vested with exclusive right to use the work in any form and in any manner.

2. exclusive right to use the work means to exercise, authorize or prevent followings:

(...)

- translation of the work (right of translation);

- adaptation, arrangement or other transformation of the work (right of adaptation).

(...)

BELARUS

Law of the Republic of Belarus No. 262-3 of May 17, 2011 on Copyright and Related Rights (2011)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=230501

English Translation available at: Not available

Relevant law provisions:

Quotations: ?

Compilations: ?

Other Uses: ?

Related Provisions: ?

BELGIUM

Law on Copyright and Neighboring Rights of June 30, 1994 (as last amended by Law of December 12, 2012)

Original available at:

http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?la_nuage=fr&la=F&cn=1994063035&table_name=loi

English Translation available at: *Translation by Author*
Relevant law provisions:

Quotations: article 21(1)

Compilations: article 21(2)

Other Uses: does article 22(1) (4.bis) and (4.ter) allow the inclusion of a work in another work? And if so can the work be altered? [see article 1(1)]

Related Provisions: article 1(1), article 22(4quarter); for related provisions on remuneration see article 59, article 61(bis)(a) and (quarter) [not translated]

ARTICLE 21 [This article is part of Section 5 EXCEPTIONS TO THE ECONOMIC RIGHTS OF THE AUTHOR]

§1 Short quotations taken from a lawfully published work for the purpose of criticism, polemic or teaching or in scientific works in accordance with the fair practice of the profession and to the extent justified by the purpose shall not infringe copyright. The quotations referred to in the foregoing subparagraph shall mention the source and the name of the author, unless this proves impossible.

§2 The compilation of an anthology intended for teaching that it is not intended to obtain a direct or indirect economic or commercial advantage shall require the consent of the authors of whose works extracts are compiled in that way. However, after the death of the author, the consent of his successor in title shall not be required on condition that the choice of the extract, its presentation and its place respect the moral rights of the author and that equitable remuneration be paid as agreed between the parties or, failing that, determined by the court in accordance with fair practice.

(...)

ARTICLE 22 [This article is part of Section 5 EXCEPTIONS TO THE ECONOMIC RIGHTS OF THE AUTHOR]

(1) Once a work has been lawfully published, its author may not prohibit:

(...)

4bis. The reproduction in part or in whole of articles or works of fine art or of short fragments of other works fixed on a graphic or similar support where such reproduction is made for purposes of illustration for teaching or scientific research to the extent justified by the non-profitable purpose and does not prejudice the normal exploitation of the work;

4ter. The reproduction in part or in whole of articles or works of fine art or of short fragments of other works where such reproduction is made in any medium other than paper or similar support for purposes of illustration for teaching or scientific research to the

extent justified by the non-profitable purpose and does not prejudice the normal exploitation of the work, provided, unless this proves impossible, the source, including the author's name, is indicated;

4quarter. The communication of works where such communication is made for purposes of illustration for teaching or scientific research by establishments officially recognized or organized for this purpose by the government and provided that such communication is justified by the non-profitable purpose, is done within the normal activities of the establishment, only by means of closed transmission networks of the establishment, does not prejudice the normal exploitation of the work, and, unless this proves impossible, the source, including the author's name, is indicated;

(...)

ARTICLE 1 [This article is part of Section 1 COPYRIGHT IN GENERAL]

(1) The author of a literary or artistic work alone shall have the right to reproduce his work or to have it reproduced in any manner or form whatsoever. This right shall also comprise the exclusive right to authorize adaptation or translation of the work. (...)

BOSNIA AND HERZEGOVINA

Copyright and Related Rights Law, as adopted on July 13, 2010

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=227217

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=227216

Relevant law provisions:

Quotations: article 47

Compilations: article 41 | does article 7(2) allows the making of compilation without the author's consent?

Other Uses: article 41

Related Provisions: article 7, article 50(c)

ARTICLE 47 QUOTATIONS [Note: This article is part of Section B. Free Use]

(1) It shall be permitted to literally quote passages and quotations from a disclosed work or individual disclosed works of photography, fine art, architecture, applied art and industrial and graphic design for the purpose of scientific research, critique, polemic, review, teaching and other reference to the extent justified by need for the intended illustration, confrontation or referral, and in accordance with good practices.

(2) In the case of the use referred to in paragraph (1) of this Article, the source and authorship must be indicated if they are indicated on the work used.

ARTICLE 41 TEACHING MATERIAL AND PERIODICALS [Note: This article is part of Section A. Statutory License]

(1) Without the transfer of the economic right of the author, and subject to the payment of equitable remuneration, it shall be allowed to:

a) reproduce in reading books, textbooks, workbooks and examination material the excerpts from the works and individual works of photography, fine art, architecture, applied art, industrial and graphic design and cartography if these are disclosed works.

b) reproduce in periodical press or in the clippings therefrom individual published articles on current political, economic, religious and other similar current issues, unless it is explicitly prohibited by the author.

(2) The provisions of paragraph (1) of this Article shall apply *mutatis mutandis* to the public communication of the said works.

(3) In the case referred to in paragraphs (1) and (2) of this Article, the source and authorship shall be indicated if they are indicated on the work used.

ARTICLE 7 COLLECTIONS

(1) The collections of works or other material (encyclopedias, miscellanea, anthologies, collections of folk literary and artistic creations, collections of documents, collections of court decisions, databases and the like) which, by reason of the selection, layout or the way of displaying their contents, constitute independent individual intellectual creations shall be considered works.

(2) The inclusion of original works in a collection must not infringe the rights of authors of such works. By inclusion of other original material in a collection, such material shall not become a protected work.

ARTICLE 50 FREE TRANSFORMATION [Note: This article is part of Section B. Free Use]

The free transformation of a disclosed work shall be permitted if it concerns:

(...)

c) transformation in connection with the permitted use of the work which is caused by the nature itself or the manner of such use.

BULGARIA

Law on Copyright and Neighboring Rights No.56/1993 (as last amended in 2011)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=237939

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=280106

Relevant law provisions:

Quotations: article 24(2) and (3)

Compilations: article 24(3)

Other Uses: article 24(3)

Related Provisions: article 18, article 23

ARTICLE 24 FREE USE WITHOUT PAYMENT OF COMPENSATION

(1) Without consent of the owner of the copyright and without payment of compensation shall be permissible: (...)

2. use of quotations from works of other persons already made available to the public at criticism or overview, pointing out the source and the name of the author, unless impossible; the quotation must comply with the usual practice and to be in amount, justified by the purpose;

3. use of parts of published works or of not big number of works in other works in amount, necessary for analysis, commentary or other kind of scientific research; such use shall be permissible only for scientific and educational purposes, indicating the source and the name of the author, unless impossible; (...)

ARTICLE 18 TYPES OF ECONOMIC COPYRIGHTS

(1) The author shall have the exclusive right to use the work created by him and to authorize its use by other persons except in the cases when this Law provides otherwise.

(2) In the sense of para 1 as use shall be considered the actions such as:

(...)

- translation of the work into another language;

- adaptation and synchronisation of the work.

Adaptation shall also be the adjustment and any alteration of the work, as well as the use of the work to create a new derivative work;

ARTICLE 23 PERMISSIBILITY OF THE FREE USE

The free use of works shall be permissible only in the cases, pointed out in the law, under the condition, that the normal use of the work is not hampered and the legitimate interests of the owner of the copyright are not impaired.

CROATIA

Copyright and Related Rights Act (O.G. 167/2003, as last amended by O.G. 141/2013)

Original available at: Not available

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=316458

Relevant law provisions:

Quotations: article 90

Compilations: article 85

Other Uses: Not foreseen in the law

Related Provisions: article 80

ARTICLE 90 QUOTATIONS

(1) It shall be permitted to make quotations of excerpts from a work, which has already been lawfully made available to the public for purposes of scientific research, teaching, criticism, polemics, revision, review to the extent justified by the purpose to be achieved and in accordance with fair practice, provided that the source and the name of the author are indicated.

ARTICLE 85 COLLECTIONS INTENDED FOR TEACHING OR SCIENTIFIC RESEARCH

(1) It shall be permitted to reproduce on paper or any similar medium and distribute particular portions (parts) of lawfully disclosed works, or integral short works from the domain of science, literature and music, as well as disclosed individual works of visual arts, architecture, applied arts and industrial design, photographic or cartographic works, and presentations of scientific or technical nature, in the form of a collection which contains contributions of several authors, and which is, by its contents, and systematization exclusively intended for teaching or scientific research, as long as the source is indicated, unless the author expressly prohibits it. Reproduction and distribution of particular parts of copyright works shall not be considered as infringement referred to in Article 16 of this Act, unless the disclosure of particular part would be prejudicial for the honor or reputation of the author.

(2) The authors of the works included in the collection referred to in paragraph (1) of this Article, are entitled to an appropriate remuneration for the reproduction and distribution of their works.

ARTICLE 80 COMMON PROVISIONS

Disclosed copyright work may be used without the author's authorization, or without the author's authorization and without payment of remuneration, only in the cases which are expressly stipulated in this Act. The provisions concerning the limitations referred to in this Chapter cover only such uses of a copyright work which do not conflict with regular use of the work and do not unreasonably prejudice the legitimate interests of the author.

CYPRUS

Copyright and Related Rights Law No. 59/1976, of December 3, 1976 (as last amended by Law No. 181(I)/2007, of December 31, 2007)

Original available at:

As last amended by Law No. 128(I)/2004:

http://portal.unesco.org/culture/en/files/39679/12518140243cy_copyright_1976_2004_gr.pdf/cy_copyright_1976_2004_gr.pdf

Subsequent amendments:

http://www.wipo.int/wipolex/en/results.jsp?countries=CY&cat_id=11

English translation available at:

As last amended by Law No. 18(I)/1993):

http://www.wipo.int/wipolex/en/text.jsp?file_id=126086

Subsequent amendments: Not available

Relevant law provisions:

Quotations: article 7(1)(f)

Compilations: article 7(1)(e)

Other Uses: article 7(1)(e)

Related Provisions: article 7(2)

ARTICLE 7 NATURE OF COPYRIGHT IN LITERARY, MUSICAL OR ARTISTIC WORKS AND CINEMATOGRAPH FILMS

(1) Copyright in a scientific, literary, musical or artistic work or a cinematograph film or photograph shall consist in the exclusive right to control the doing in the Republic of any of the following acts: the reproduction in any form, sale, rental, distribution, lending, advertising, exhibiting in public, the communication to the public, the broadcasting, the translation, adaptation and any other arrangement, of the whole work or a substantial part thereof:

Provided that copyright in any such work shall not include the right to control—

(...)

(e) the inclusion of a work in a broadcast, communication to the public, sound recording, cinematograph film or collection of works, if such inclusion is made by way of illustration for teaching purposes and is compatible with fair practice and provided that mention is made of the source and of the name of the author which appears on the work thus used;

(f) the quotation of passages from published works if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of

the author which appears on the work thus used;
(...)

(2) The use of a work under the provisions of paragraphs (a), (e), (f), (g), (i), (j), (m) and (n) of the provision to subsection (1) includes the use thereof in any of the languages in general use in the Republic.
(...)

CZECH REPUBLIC

Act No. 121/2000 Coll., of April 7, 2000, on Copyright and Rights Related to Copyright (the Copyright Act) (as last amended by Act of April 22, 2008)

Original available at: Not available

English translation available at:

As last amended by Act No. 216/2006 Coll.:

http://www.wipo.int/wipolex/en/text.jsp?file_id=137175

Subsequent amendments (Act of April 22, 2008):

http://www.wipo.int/wipolex/en/text.jsp?file_id=197796

Relevant law provisions:

Quotations: article 31(1)(a), (b) and (c) | is article 31(1)(c) applicable only while teaching in a lecture?

Compilations: article 31(1)(a), (b) and (c) | is article 31(1)(c) applicable only while teaching in a lecture?

Other Uses: article 31(1)(a), (b) and (c) | is article 31(1)(c) applicable only while teaching in a lecture?

Related Provisions: article 12, article 29

ARTICLE 31 QUOTATIONS

(1) Copyright is not infringed by anybody who:

a) In his own work uses to a justified extent excerpts from works of other authors which were made public;

b) Uses excerpts from a work, or small works in their entirety, for the purposes of critique or review related to such a work and for the purposes of scientific or technical work and such use being made to the extent complying with fair practices and required by the specific purpose;

c) Uses the work while teaching for illustration purposes or during scientific research, without seeking to achieve direct or indirect economic or commercial advantage and without exceeding the extent adequate to the given purpose; however, if possible, the name of the author, unless the work is an anonymous work, or the name of the person under whose name the work is being introduced in public and the title of the work and source, shall always be indicated.

(2) Copyright shall likewise not be infringed by

anybody who makes further use of excerpts from a work, or small works in their entirety, as referred to in Paragraph (1) (a) or (b); provisions of Paragraph (1) after the semicolon shall apply *mutatis mutandis*.

ARTICLE 12 RIGHT TO USE THE WORK

(1) The author shall have the right to use his work in its initial form or in a form adapted by another person or otherwise modified, whether separately or in a collection or connection with any other work or elements, and to grant authorisation on a contractual basis to any other person to exercise that right; the other person may use the work without such authorisation only in the cases stipulated herein.
(...)

ARTICLE 29 [This article is part of Section 1 GENERAL PROVISIONS]

(1) Copyright exceptions and limitations shall only be applied in certain special cases specified herein and only if the use of a work in such special cases shall not conflict with the normal exploitation of the work and shall not unreasonably prejudice the legitimate interests of the author.

(2) Free uses and compulsory licences, except official and reporting licences (Article 34), licence for a school work (Article 35 3), licence for temporary reproductions (Article 38a), licence for photographic portrait (Article 38b) and licence for immaterial accessory exploitation of the work (Article 38c), shall only apply to works that have been made public.

DENMARK

Consolidated Act on Copyright No. 202 of February 27, 2010

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=191419

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=191420

Relevant law provisions:

Quotations: section 22

Compilations: section 18

Other Uses: section 23 (limited purpose)

Related Provisions: section 1, section 11

SECTION 22 [This section is part of QUOTATIONS]

A person may quote from a work which has been made public in accordance with proper usage and to the extent required for the purpose.

SECTION 18 [This section is part of PRODUCTION OF ANTHOLOGIES FOR EDUCATIONAL USE, ETC.]

(1) Minor portions of literary works and musical works

or such works of small proportions may be used in composite works compiling contributions by a large number of authors for use in educational activities, provided that five years have elapsed since the year when the work was published. In connection with the text also works of art and works of a descriptive nature, cf. section 1(2), may be used, provided that five years have elapsed since the year when the work was made public. The author shall be entitled to remuneration. If agreement cannot be made on the size of remuneration, each party is entitled to bring the dispute before the Copyright License Tribunal, cf. § 47.

(2) The provision of subsection (1) does not apply to works prepared for use in educational activities or if the use is for commercial purposes.

(3) A few published songs may be freely used in song booklets produced solely for the use of participants in a particular meeting. However, no more than 300 copies of each booklet may be produced.

SECTION 23 [This section is part of USE OF WORKS OF FINE ART, ETC.]

(1) Works of art and works of a descriptive nature, cf. section 1(2), which have been made public may be used in critical or scientific presentations in connection with the text in accordance with proper usage and to the extent required for the purpose. Reproduction is not allowed for commercial purposes.

(...)

SECTION 1 [This section is part of PROTECTED WORKS]

(1) The person creating a literary or artistic work shall have copyright therein, be it expressed in writing or in speech as a fictional or a descriptive representation, or whether it be a musical or dramatic work, cinematographic or photo-graphic work, or a work of fine art, architecture, applied art, or expressed in some other manner.

(2) Maps and drawings and other works of a descriptive nature executed in graphic or plastic form shall be considered as literary works.

(...)

SECTION 11 [This section is part of GENERAL PROVISIONS]

(1) The provisions of this chapter do not limit the author's rights under section 3, except as provided in section 29.

(2) Where a work is used in accordance with the provisions of this chapter, the work may not be altered more extensively than is required for the permitted use. If the work is used publicly, the source shall be

indicated in accordance with the requirements of proper usage.

(...)

ESTONIA

Copyright Act adopted on 11 November 1992 (as last amended by Act of December 7, 2012)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=258142

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=258141

Relevant law provisions:

Quotations: section 19(1)

Compilations: section 19(2)

Other Uses: section 19(2)

Related Provisions: section 13, section 17

SECTION 19 FREE USE OF WORKS FOR SCIENTIFIC, EDUCATIONAL, INFORMATIONAL AND JUDICIAL PURPOSES

The following is permitted without the authorisation of the author and without payment of remuneration if mention is made of the name of the author of the work, if it appears thereon, the name of the work and the source publication:

1) making summaries of and quotations from a work which has already been lawfully made available to the public, provided that its extent does not exceed that justified by the purpose and the idea of the work as a whole which is being summarised or quoted is conveyed correctly;

2) the use of a lawfully published work for the purpose of illustration for teaching and scientific research to the extent justified by the purpose and on the condition that such use is not carried out for commercial purposes;

(...)

SECTION 13 ECONOMIC RIGHTS

(1) An author shall enjoy the exclusive right to use the author's work in any manner, to authorise or prohibit the use of the work in a similar manner by other persons and to receive income from such use of the author's work except in the cases prescribed in Chapter IV of this Act. The author's rights shall include the right to authorise or prohibit:

(...)

4) translation of the author's work (right of translation of the work);

5) making adaptations, modifications (arrangements) and other alterations of the work (right of alteration of the work);

(...)

SECTION 17 LIMITATION TO ECONOMIC RIGHTS OF AUTHORS

Notwithstanding §§ 13 – 15 of this Act, but provided that this does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, it is permitted to use a work without the authorisation of its author and without payment of remuneration only in the cases directly prescribed in §§ 18 – 25 of this Act.

FINLAND

Copyright Act (Law No. 404 of July 8, 1961) (as last amended by Law No. 307/2010, of April 30, 2010)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=194350

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=208099

Relevant law provisions:

Quotations: section 22

Compilations: section 18

Other Uses: section 14(3) and section 25
(both with limited purposes)

Related Provisions: section 11

SECTION 22 QUOTATION [This section is part of Chapter 2. Limitations on copyright and provisions concerning extended collective licence]

A work made public may be quoted, in accordance with proper usage to the extent necessary for the purpose.

SECTION 18 LITERARY OR ARTISTIC WORKS OF COMPILATION USED IN EDUCATION [This section is part of Chapter 2. Limitations on copyright and provisions concerning extended collective licence]

(1) Minor parts of literary or musical works or, if not extensive, the entire work may be incorporated into a literary or artistic work of compilation consisting of works by several authors which is printed or produced by corresponding means and intended for use in education, after five years have elapsed from the year of publication. A work of art made public may be reproduced in pictorial form in connection with the text. The provisions of this subsection shall not apply to a work created for use in education.

(2) The author shall have a right to remuneration for incorporation referred to in subsection 1.

SECTION 14 USE OF WORKS FOR EDUCATIONAL ACTIVITIES AND SCIENTIFIC RESEARCH [This section is part of Chapter 2. Limitations on copyright and provisions concerning extended collective licence]

(1) A work made public may, by virtue of extended collective licence, as provided in section 26, be reproduced for use in educational activities or in scientific research and be used in this purpose for communication to the public by means other than transmitting on radio or television. The provisions of this subsection shall not apply to reproduction by photocopying or by corresponding means.

(2) In educational activities, a work made public, performed by a teacher or a student, may be reproduced by direct recording of sound or image for temporary use in educational activities. A copy thus made may not be used for other purposes.

(3) Parts of a literary work that has been made public or, when the work is not extensive, the whole work, may be incorporated into a test constituting part of the matriculation examination or into any other corresponding test.

(4) The provisions of subsection 1 concerning works other than transmitted on radio or television shall not apply to a work whose author has prohibited the reproduction or communication of the work.

SECTION 25 USE OF WORKS OF ART [This section is part of Chapter 2. Limitations on copyright and provisions concerning extended collective licence]

(1) Works of art made public may be reproduced in pictorial form in material connection with the text:

1. in a critical or scientific presentation; and
- (...)

SECTION 11 GENERAL PROVISIONS [This section is part of Chapter 2. Limitations on copyright and provisions concerning extended collective licence]

(1) The provisions of this Chapter do not limit the rights conferred to the author by section 3 to a larger degree than as provided in section 25 e.

(2) If a work is reproduced or made available to the public under the provisions of this Chapter, the author's name and the source must be indicated to the extent and in a manner required by proper usage. The work may not be altered without the author's consent more than necessitated by the permitted use.

(3) A copy of a work made by virtue of a limitation on copyright as provided in this Chapter may be, for the purpose determined in the limitation, distributed to the public and used in a public performance.

(4) The provisions of subsection 3 shall correspondingly apply to use by virtue of extended collective licence.

(5) A limitation on copyright as provided in this Chapter does not permit the reproduction of a copy of a work which has been made or made available to the public contrary to section 2 or whose technological

measures have been circumvented in violation of section 50a(1). The provisions of this subsection shall not, however, pertain to the use of works under sections 11a, 16, 16a–16c or 22 or under section 25d(2) or (5).

FRANCE

Intellectual Property Code, approved by the Law No. 92-597 of July 1, 1992 (consolidated version as of January 1, 2014)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=322949

English translation available at:

As last amended by Act No. 2006-236, of March 1, 2006:

<http://www.legifrance.gouv.fr/Traductions/en-English/Legifrance-translations>

Consolidated version as of January 1, 2014:

Translation by Author

Relevant law provisions:

Quotations: article L122-5(3)(a)

Compilations: not foreseen in the law [permitted only to the extent they qualify as “analyses” or “short quotations” – see article L122-5(3)(a)]

Other Uses: not foreseen in the law [permitted only to the extent they qualify as “analyses” or “short quotations” – see article L122-5(3)(a)]

Related Provisions: article L122-5(3)(e) and L122-5(9)(4) [not translated]

ARTICLE L122-5

Once a work has been disclosed, the author may not prohibit:

(...)

3°. on condition that the name of the author and the source are clearly stated:

a) analyses and short quotations justified by the critical, polemic, educational, scientific or informative nature of the work in which they are incorporated;

(...)

GEORGIA

Law on Copyright and Neighboring Rights of 22 June 1999 (as last amended on May 4, 2010)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=245083

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=208969

Relevant law provisions:

Quotations: 23(a)

Compilations: 23(b)

Other Uses: 23(b)

Related Provisions: article 18

ARTICLE 23: USE OF A WORK WITHOUT CONSENT OF THE AUTHOR AND WITHOUT PAYING REMUNERATION

Without the consent of the author and without paying remuneration thereto, but subject to mandatory indication of the author and the source used, the following shall be permitted:

a. quotations for purposes such as research, criticism or review, provided that they relate to original works made available to the public by means of lawful publication or making available to the public, to the extent justified for the purpose of quotation, including reproduction of short extracts from newspapers and journals for a printed survey;

b. use for the purpose of illustrations of short extracts from the works made available to the public by means of lawful publication, in printed matter, radio and television programs, sound and visual recordings of educational character, to the extent justified by the purpose to be achieved;

(...)

ARTICLE 18: ECONOMIC RIGHTS OF AUTHORS

1. The author or other owner of copyright shall have the exclusive right to use a work in any form.

2. The exclusive right to use a work means the right to exercise, authorize or prohibit the following:

(...)

g. translation of the work (the right of translation);

h. adaptation of the work (the right of adaptation);

(...)

9. The limitations on economic rights stipulated by paragraph 2 of this Article shall be determined by Articles 21 through 28 of this Law, provided that such limitations shall not conflict with normal exploitation of the work or unreasonably prejudice the legitimate interests of the author or other copyright owner.

GERMANY

Law on Copyright and Neighboring Rights (Copyright Law) of September 9, 1965 (last amended by the Act of October 1, 2013)

Original available at:

<http://transpatent.com/gesetze/urhg.html>

English translation available at:

As last amended by the Act of December 12, 2008:

http://www.gesetze-im-internet.de/englisch_urhg/index.html

Subsequent amendments:

Not available

Relevant law provisions:

Quotations: section 51

Compilations: section 46

Other Uses: does section 53(3)(2) allow the inclusion of a work (in original form) in an examination material?

Related Provisions: section 52a, section 53(3)

SECTION 51 QUOTATIONS

It shall be permissible to reproduce, distribute and communicate to the public a published work for the purpose of quotation so far as such exploitation is justified to that extent by the particular purpose. This shall be permissible in particular where

1. subsequent to publication individual works are included in an independent scientific work for the purpose of explaining the contents,
2. subsequent to publication passages from a work are quoted in an independent work of language,
3. individual passages from a released musical work are quoted in an independent musical work.

SECTION 46 COLLECTIONS FOR RELIGIOUS, SCHOOL OR INSTRUCTIONAL USE

(1) Reproduction, distribution and making works available to the public shall be permissible after publication where limited parts of works, of small scale literary works and of musical works, individual artistic works or individual photographs are incorporated in a collection which combines the works of a considerable number of authors and is intended, by its nature, exclusively for instructional use in schools, in non-commercial basic and further training facilities or in vocational training facilities or for church use. Making a work available to the public being intended for instructional use at schools, shall be permissible only in cases where the person entitled has given his consent. The purpose for which the collection is to be used shall be clearly stated on the copies, or when making them available to the public.

(2) Paragraph (1) shall only apply to musical works where these are incorporated in a collection intended for use in musical instruction in schools which are not schools of music.

(3) Work on reproducing the work or making the work available to the public may only begin after the intention to exercise the entitlement according to paragraph (1) has been communicated by registered letter to the author or, if his place of residence or whereabouts are unknown, the holder of the exclusive exploitation right and two weeks have elapsed since the letter was sent. If the place of residence or

whereabouts of the holder of the exclusive exploitation right are also not known, notification may be effected by publication in the Federal Gazette (Bundesanzeiger).

(4) The author shall be paid equitable remuneration for the exploitation permissible in accordance with paragraphs (1) and (2).

(5) The author may forbid the exploitation permissible in accordance with paragraphs (1) and (2) if the work no longer reflects his conviction and he can therefore no longer be reasonably expected to agree to the exploitation of the work and he has for that reason revoked any existing exploitation right (Article 42). The provisions under Article 136 (1) and (2) shall apply mutatis mutandis.

SECTION 52a MAKING WORKS AVAILABLE TO THE PUBLIC FOR INSTRUCTION AND RESEARCH

(1) It shall be permissible for:

1. published small, limited parts of a work, small scale works, as well as individual articles from newspapers or periodicals for illustration in teaching at schools, universities, non-commercial institutions of education and further education, and at vocational training institutions, exclusively for the specifically limited circle of those taking part in the instruction, or
2. published limited parts of a work, small scale works, as well as individual articles from newspapers or periodicals exclusively for a specifically limited circle of persons for their personal scientific research to be made available to the public, to the extent that this is necessary for the respective purpose and is justified for the pursuit of non-commercial aims.

(2) Making a work intended for use in instruction in schools available to the public shall in all cases be permissible only with the consent of the copyright owner. Making a cinematographic work available to the public, in the territory to which this Act applies, before the expiration of two years from the beginning of normal regular utilisation in film theatres, shall in all cases be permissible only with the consent of the rightholder.

(3) It shall be permissible, in the cases referred to in paragraph (1), to produce copies also needed for making the work available to the public.

(4) An equitable remuneration shall be paid for making works available to the public in accordance with paragraph (1). Claims may only be asserted through a collecting society.

SECTION 53 REPRODUCTION FOR PRIVATE AND OTHER PERSONAL USES

(...)

(3) It shall be permissible to make copies for personal

use of small parts of a work, of small-scale works or of individual articles released in newspapers or periodicals or made available to the public

1. for the purpose of illustration for teaching in schools, in non-commercial training and further training institutions, as well as vocational training institutions in quantities required for the persons receiving instruction, or

2. for state examinations and examinations in schools, higher education institutions, non-commercial training and further training institutions, as well as vocational training institutions in the required quantity,

or to have these copies made if and insofar as reproduction is necessary for this purpose. The reproduction of a work intended for instructional use at schools shall be permissible only in cases where the person entitled has given his consent.

(...)

(5) Paragraph (1), paragraph (2), first sentence, items 2 to 4, as well as paragraph (3), item 2, shall not apply to database works the elements of which are individually accessible by electronic means. Paragraph (2), first sentence, item 1, as well as paragraph (3), item 1, shall apply to such database works on condition that the scientific use or use in instruction does not serve commercial purposes.

(6) The copies may neither be distributed nor communicated to the public. It shall, however, be permissible to lend lawfully produced copies of newspapers and out-of-print works, as well as those works in which no damaged or missing parts have been replaced by means of copies.

(...)

GREECE

Law No. 2121/1993 on Copyright, Related Rights and Cultural Matters (as last amended by Law No.3905/2010 of December 23, 2010)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=209257

English translation available at:

As last amended by Law No.3524/2007:

http://www.wipo.int/wipolex/en/text.jsp?file_id=186801

Subsequent amendments (Law No. 3905/2010 of December, 23, 2010):

http://www.wipo.int/wipolex/en/text.jsp?file_id=227235

Relevant law provisions:

Quotations: article 19

Compilations: article 20(2) (limited purpose) | does article 21 allow inclusion of a work in a compilation (other than the educational

textbooks mentioned in article 20)?

Other Uses: article 20(1) (limited purpose) | does article 21 allow inclusion of a work in a new work (other than the educational textbooks mentioned in article 20)?

Related Provisions: article 28c

ARTICLE 19 QUOTATION OF EXTRACTS

Quotation of short extracts of a lawfully published work by an author for the purpose of providing support for a case advanced by the person making the quotation or a critique of the position of the author shall be permissible without the consent of the author and without payment, provided that the quotation is compatible with fair practice and that the extent of the extracts does not exceed that justified by the purpose. The quotation of the extract must be accompanied by an indication of the source of the extract and of the names of the author and of the publisher, provided that the said names appear in the source.

ARTICLE 20: SCHOOL TEXTBOOKS AND ANTHOLOGIES

(1) The reproduction of lawfully published literary works of one or more writers in educational textbooks approved for use in primary and secondary education by the Ministry of National Education and Religions or another competent ministry, according to the official detailed syllabus, shall be permissible without the consent of the authors and without payment. The reproduction shall encompass only a small part of the total output of each of the writers. "The provision is applicable only as it concerns the reproduction by means of printing"

(2) After the death of the author it shall be permissible to reproduce his works in a lawfully published anthology of literary works of more than one writer, without the consent of the right holders and without payment. The reproduction shall encompass only a small part of the total output of each of the writers.

(3) The reproduction, as specified in paragraphs (1) and (2), above, shall not conflict with the normal exploitation of the work from which the texts are taken and must be accompanied by an indication of the source and of the names of the author and the publisher, provided that the said names appear in the source.

ARTICLE 21: REPRODUCTION FOR TEACHING PURPOSES

It shall be permissible, without the consent of the author and without payment, to reproduce articles lawfully published in a newspaper or periodical, short extracts of a work or parts of a short work or a lawfully

published work of fine art work exclusively for teaching or examination purposes at an educational establishment, in such measure as is compatible with the aforementioned purpose, provided that the reproduction is effected in accordance with fair practice and does not conflict with the normal exploitation. The reproduction must be accompanied by an indication of the source and of the names of the author and the publisher, provided that the said names appear on the source.

ARTICLE 28C: CLAUSE OF GENERAL APPLICATION CONCERNING THE LIMITATIONS

"The limitations provided for in Section IV of Law 2121/1993, as exists, shall only be applied in certain special cases which do not conflict with a normal exploitation of the work or other protected subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder".

HUNGARY

Copyright Act, approved by Act No. LXXVI of 1999 (as last amended by Act No. XVI of 2013)

Original available at:

http://www.njt.hu/cgi_bin/njt_doc.cgi?docid=41066.238708

English translation (consolidated text as of January 1, 2007) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=325838

Relevant law provisions:

Quotations: article 34(1)

Compilations: article 32(2) and (3)

Other Uses: article 34(2) and (3)

Related Provisions: article 33

ARTICLE 34 CASES OF FREE USE

(1) From a work any part may be cited by indication of the source and naming the author indicated therein. Such citation shall be true to the original and its scope shall be justified by the nature and purpose of the borrowing work.

(2) Part of a literary or musical work or such a type of an entire work of a minor volume disclosed to the public may be borrowed for the purposes of illustration for teaching and scientific research, with the indication of the source and the author named therein, to the extent justified by the purpose on condition that the borrowing work is not used for commercial purposes. Borrowing shall mean the use of a work in another work to an extent that goes beyond citation.

(3) The non-commercial reproduction and distribution of the borrowing work mentioned in paragraph (2) shall not be subject to the author's authorization where the

borrowing work is, pursuant to the relevant legislation, qualified as a textbook or a reference book and the school education purpose is indicated on its front page.

ARTICLE 33 GENERAL PROVISIONS

(1) Uses falling within the scope of the free use shall not be subject to the payment of any consideration and to any authorization of the author. Only works disclosed to the public may be used freely pursuant to the provisions of this Act.

(2) The use under the provisions relating to free use is permitted and not subject to the payment of a fee only so far as it does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use.

(3) The provisions relating to free use shall not be interpreted in an extensive manner.

(4) For purposes of the provisions of this chapter the use shall be taken to serve the purposes of school education if it is implemented in accordance with the requirements of education and with the curricula respectively used in kindergarten, primary school, secondary school, industrial school, vocational school education, the primary education of arts, as well as in higher education falling under the scope of the law on higher education.

ICELAND

Copyright Act No. 73 of May 29, 1972 (as last amended by Act No. 97 of June 30, 2006)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=190313

Relevant law provisions:

Quotations: Section 14

Compilations: Section 17 (limited purpose)

Other Uses: Not foreseen in the law

Related Provisions: ---

ARTICLE 14

Any presented literary work, including dramatic works and presented cinematographic or musical works, may be quoted if this is done in the context of a critical or scientific public discussion, or other recognised purpose, provided the quotation is correct and of reasonable length.

The same conditions apply to presentations of pictures and drawings of presented works of art and documents, as referred to in the third paragraph of Article 1, [providing that no commercial purpose is

involved.]

Should pictures or drawings of two or more works by the same author be presented in a text intended as general information the author shall be entitled to remuneration.

ARTICLE 17

The following may be presented in composite works, consisting of selections from works by many authors and compiled for use in religious services, classroom instruction or educational broadcasting, [providing that no commercial purpose is involved.]:

1. individual literary or musical works, if they are of limited size, and chapters taken from longer works, when five years have elapsed from the end of the year in which the work was published;
2. pictures or drawings of works of art or documents, as referred to in the third paragraph of Article 1, in connection with texts covered by Point 1, provided five years have elapsed from the end of the year in which the work was presented.

Works created for use in classroom instruction may not, however, be used in any form in a composite work published for the same purpose without the consent of the author.

Whenever a work is presented, in whole or in part, in a composite work in accordance with this Article, the author shall be entitled to remuneration.

IRELAND

Copyright and Related Rights Act, 2000 (No. 28 of 2000) [last amended by Copyright and Related Rights (Amendment) Act 2007 (S.I. No. 39 of 2007)]

Original available at:

Act No. 28 of 2000:

http://www.wipo.int/wipolex/en/text.jsp?file_id=128034

Subsequent amendments:

http://www.wipo.int/wipolex/en/results.jsp?countries=IE&cat_id=11

Relevant law provisions:

Quotations: section 51(1)

Compilations: section 54

Other Uses: section 53(5) (limited purposes) | does section 53(3) allow the inclusion of a work in a new work?

Related Provisions: ---

SECTION 51 FAIR DEALING: CRITICISM OR REVIEW

(1) Fair dealing with a work for the purposes of criticism or review of that or another work or of a performance of a work shall not infringe any copyright

in the work where the criticism or review is accompanied by a sufficient acknowledgement.

(...)

(3) In this Part, “sufficient acknowledgement” means an acknowledgement identifying the work concerned by its title or other description and identifying the author unless—

(a) in the case of a work which has been lawfully made available to the public, it was so made available anonymously, or

(b) in the case of a work which has not been made available to the public, it is not possible for a person without previous knowledge of the facts to ascertain the identity of the author of the work by reasonable enquiry.

SECTION 54 ANTHOLOGIES FOR EDUCATIONAL USE

(1) Subject to subsection (2), the inclusion of a short passage from a literary, dramatic or musical work, original database or typographical arrangement of a published edition which has been lawfully made available to the public in a collection that—

(a) is intended for use—

(i) in educational establishments and is so described in its title, or

(ii) in any advertisements issued by or on behalf of the publisher,

and

(b) consists mainly of material in which no copyright subsists,

shall not infringe the copyright in the work where the work itself is not intended for use in those establishments and the inclusion is accompanied by a sufficient acknowledgement.

(2) Subsection (1) shall not authorise the inclusion of more than 2 excerpts from works

by the same author in collections which have been lawfully made available to the public by the same publisher within a period of 5 years.

(3) In relation to any given passage the reference in subsection (2) to excerpts from works of the same author—

(a) includes excerpts from works by him or her in collaboration with another author, and

(b) where the passage concerned is from such a work, includes excerpts from works by any of the authors, whether alone or in collaboration with another author.

(4) References in this section to the use of a work in an educational establishment shall be construed as references to any use of that work for the educational purposes of that establishment.

SECTION 53 ACTS DONE FOR PURPOSES OF

INSTRUCTION OR EXAMINATION

(...)

(3) Subject to subsection (4), the copyright in a sound recording, film, broadcast, cable programme or an original database is not infringed by its being copied in the course of instruction or of preparation for instruction.

(4) Subsection (3) shall not apply unless—

(a) the copying is done by or on behalf of a person giving or receiving instruction,

(b) the copying results in only a single copy being made, and

(c) the copy is accompanied by a sufficient acknowledgement.

(5) Subject to subsection (6), the copyright in a work is not infringed by anything done for the purposes of an examination by way of setting questions, communicating questions to the candidates or answering questions.

(6) Subsection (5) shall not apply to the making of a reprographic copy of a musical work for use by an examination candidate in performing the work.

(7) Where a copy that would otherwise be an infringing copy is made under this section but is subsequently sold, rented or lent, or offered or exposed for sale, rental or loan, or otherwise made available to the public, it shall be treated as an infringing copy for those purposes and for all subsequent purposes.

ITALY

Law No. 633 of April 22, 1941 for the Protection of Copyright and Neighboring Rights

(as last amended by Decree-Law No. 64 of April 30, 2010)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=301483

English translation available at:

As last amended by Legislative Decree No. 68 of April 9, 2003:

http://portal.unesco.org/culture/en/files/30289/11419173013it_copyright_2003_en.pdf/it_copyright_2003_en.pdf

As last amended by Decree-Law No. 64 of April 30, 2010:

Translation by Author

Relevant law provisions:

Quotations: article 70(1)

Compilations: article 70(2)

Other Uses: not foreseen in the law | does article 70(1) allow the reproduction (beyond quotation) of parts of a work in another work?

Related Provisions: article 71(*nonies*) [not translated]

ARTICLE 70 [This article is part of Section I. REPROGRAPHY AND OTHER EXCEPTIONS AND LIMITATIONS]

1. The abridgment, quotation or reproduction of fragments or parts of a work and their communication to the public for the purpose of criticism or discussion, shall be permitted within the limits justified for such purposes, provided such acts do not conflict with the commercial exploitation of the work; if they are made for teaching or research, the use must have the sole purpose of illustration, and non-commercial purposes.

1-bis. It is permitted the publication by means of the Internet of images and music in low resolution, free of charge, for teaching or scientific uses and only if such use is not for profit. The limits of the educational and scientific uses permitted under this paragraph will be defined by decree of the Minister of heritage and cultural activities, having consulted the Minister of public education and the Minister of universities and research, and after obtaining the opinion of the competent parliamentary committees.

2. In anthologies for school use, reproduction shall not exceed the extent specified in the Regulations, that shall also lay down the manner for determining equitable remuneration in respect of such reproduction.

3. The abridgment, quotation or reproduction must always be accompanied by a mention of the title of the work, and of the names of the author, the publisher and, in the case of a translation, of the translator, whenever such mentions appear on the work that has been reproduced.

KAZAKHSTAN

Law on Copyright and Neighboring Rights, as of June 10, 1996 (last amended by Law No. 537-IV of January 12, 2012)

Original (as introduced in June 10, 1996) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=257635

English translation (as introduced in June 10, 1996) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=200036

Relevant law provisions:

Quotations: article 19(1)

Compilations: article 19(2)

Other Uses: article 19(2)

Related Provisions: article 16

ARTICLE 19 USE OF A WORK WITHOUT THE AUTHOR'S CONSENT AND WITHOUT PAYMENT OF REMUNERATION

The following shall be authorized without the author's

consent and without payment of remuneration, but provided that the name of the author whose work is used and the source of the borrowing shall be mentioned:

1. the quotation, in the original language or in translation, for scientific or for research, polemic, critical or informational purposes and to the extent justified by the intended purpose, of extracts from lawfully disclosed works, including the reproduction of extracts from newspaper and magazine articles in press reviews;

2. the use of lawfully disclosed works and extracts from such works for the purpose of illustration in publications, radio or television broadcasts or sound or visual recordings of educational character, and to the extent justified by the intended purpose;

(...)

ARTICLE 16 ECONOMIC RIGHTS

(1) The economic rights, that is to say the exclusive right to exploit a work in all forms and by all means, shall belong to the author or to the person who is the holder of copyright in the work.

(2) The exclusive right to exploit a work shall mean the right to carry out, authorize or prohibit the following acts:

(...)

9. translation of the work (right of translation);

10. adaptation, arrangement or other transformation of the work (right of adaptation).

(...)

(6) The economic rights referred to in paragraph (2) shall be subject to the limitations set out in Articles 18 to 26 of this Law, which shall apply so far as they do not unjustifiably prejudice the normal exploitation of the work and do not unjustifiably prejudice the legitimate interests of the author.

LATVIA

Copyright Law (of April 6, 2000) (as last amended on December 6, 2007)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=198679

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=196720

Relevant law provisions:

Quotations: section 20(1)(1)

Compilations: section 19(1)(2), section 21

Other Uses: section 19(1)(2), section 21

Related Provisions: section 15, section 18

SECTION 20 USE OF A WORK FOR INFORMATIONAL PURPOSES

(1) It being mandatory that the title of the work and the name of the author to be used are indicated and that the provisions of Sections 14 and 18 of this Law are observed, it is permitted:

1) to reproduce works communicated to the public and published in the form of quotations and fragments for scientific, research, polemical, critical purposes, as well as use in news broadcasts and reports of current events to the extent justified by the purpose;

(...)

(2) The provisions of this Section shall not apply to computer programs.

SECTION 19 USE OF A WORK OF AN AUTHOR WITHOUT THE CONSENT OF THE AUTHOR AND WITHOUT REMUNERATION

(1) Copyright shall not be considered infringed if a work of an author is used without the consent of the author and without remuneration pursuant to the procedures specified by this Law:

(...)

2) a work is used for educational and research purposes taking into account the provisions of Section 21 of this Law;

(...)

SECTION 21 USE OF A WORK FOR EDUCATIONAL AND RESEARCH PURPOSES

(1) It being mandatory that the title and name of the author of the work are indicated and that the provisions of Section 18 of this Law are observed, it is permitted to use communicated or published works or fragments of them in textbooks which are in conformity with educational standards, in radio and television broadcasts, in audio-visual works, in visual aids and the like, which are specially created and used in the face-to-face teaching and research process in educational and research institutions for non-commercial purposes to the extent justified by the purpose of their activity .

(2) The provisions of this Section shall not apply to computer programs.

SECTION 15 ECONOMIC RIGHTS OF AN AUTHOR

(1) With respect to the use of his or her own work, an author, except the author of a computer program or a database, has following exclusive rights:

(...)

10) to translate a work; and

11) to arrange, to adapt for stage or screen, or to otherwise transform a work.

(4) The author has the right to use his or her work in any manner, to permit or prohibit its use, receive remuneration for permission to use his or her work and

for the use of the work except in cases provided for by law.

SECTION 18 PRINCIPLES OF RESTRICTIONS ON ECONOMIC RIGHTS OF AN AUTHOR

- (1) The right of an author to permit or prohibit the use of his or her work and receive remuneration for its use may be restricted in cases specified by this Law.
- (2) The restrictions on the economic rights of an author referred to in this Chapter shall be applied in such a way that they are not contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author.
- (3) In case of doubt, it shall be considered that the right of an author to the use of the work or to the receipt of remuneration is not restricted.
- (4) If a user of the work has the right to use the work in the cases specified in Section 20, Paragraph one, Clause 1, Sections 21-24 and 27, but he or she cannot implement these rights due to the effective technological measures used by the author, he or she has the right to request that the author gives access to such works taking into account the restrictions of the rights of an author. The author may refuse to provide such a possibility if the use of the work is contrary to the provisions of Paragraph two of this Section.
- (5) If the user of the work and the author cannot reach an agreement in respect of the provisions of Paragraph four of this Section, they may apply to a mediator.

LIECHTENSTEIN

Law on Copyright and Neighboring Rights (Copyright Law), of May 19, 1999 (as last amended in 2006)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=186894

English translation available at:

As introduced in May 19, 1999:

http://www.wipo.int/wipolex/en/text.jsp?file_id=128546

As last amended in 2006:

Automatic Translation

Relevant law provisions:

Quotations: section 27

Compilations: section 22(1)(b) | does section 22(3) restricts the acts of use allowed in section 22(1)(b)?

Other Uses: section 22(1)(b) | does section 22(3) restricts the acts of use allowed in section 22(1)(b)?

Related Provisions: section 23, section 10, section 12

SECTION 27 QUOTATIONS

- (1) Published works may be quoted if the quotation serves as an explanation, a reference or illustration and the extent of the quotation is justified for such purpose.
- (2) The quotation must be designated as such and the source given. Where the source gives the name of the author, that name must also be given.

SECTION 22 PRIVILEGED USES OF WORKS

- (1) Published works may be used for special purposes; special purpose shall mean:
(...)
(b) any use of a work as illustration for teaching or for scientific research, to the extent permitted by the non-commercial purpose to be achieved, and provided that the source and name of the author are mentioned, if possible;
(...)
(3) The following shall not be permissible outside the private circle:
(a) the complete or extensive reproduction of copies obtainable commercially;
(b) the reproduction of works of fine art;
(c) the reproduction of graphic representations of musical works;
(d) the recording of the delivery, performance or presentation of a work on phonograms, videograms or data carriers.
(4) This Article shall not apply to computer programs.

SECTION 23 REMUNERATION FOR PRIVILEGED USES OF WORKS

- (1) A remuneration is owed to the author for the reproduction of works in the context of a privileged use of a work in accordance with Article 22 paragraphs 1 and 2.
(...)

SECTION 10 USE OF WORK

- (1) The author shall have the exclusive right to decide whether, when and how his work is to be used.
(...)

SECTION 12 INTEGRITY OF THE WORK

- (1) The author shall have the exclusive right to decide:
(a) whether, when and how the work may be altered;
(b) whether, when and how the work may be used to create a derived work or may be included in a collection.
- (2) Even where another person is authorized by contract or by statute to alter a work or to use it to create a derived work, the author may oppose any distortion of the work that is damaging to his character

or reputation.
(...)

LITHUANIA

Law on Copyright and Related Rights No. VIII-1185 of May 18, 1999 (as last amended by Law No. XI-656, of January 9, 2010).

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=191201

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=191199

Relevant law provisions:

Quotations: article 21

Compilations: article 22(1)(1)

Other Uses: article 22(1)(1)

Related Provisions: article 19

ARTICLE 21 QUOTATION

1. It shall be permissible, without the authorisation of the author or any other owner of copyright, to reproduce a relatively short passage of a published work or a work made available to the public, both in the original and translated language, in the form of a quotation in another work, provided that such reproduction is compatible with fair practice and its extent does not exceed that justified by the purpose.

2. When quoting, mention must be made of the source, and of the name of the author, if it appears thereon.

ARTICLE 22 REPRODUCTION OF A WORK FOR TEACHING AND SCIENTIFIC RESEARCH PURPOSES

1. The following shall be permitted without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of a remuneration, but mentioning, when possible, the source and the name of the author:

1) reproduction for non-commercial teaching and scientific research purposes of short published works or a short extract of a published work, by way of illustration, in writings, sound or visual recordings, provided that this is related to study programmes and does not exceed the extent justified by the purpose;

(...)

2. In order to establish whether a work has been used for non-commercial purposes, notice must be taken of the purpose of use. Legal form, organisational structure and methods of financing shall not constitute deciding factors in this case.

ARTICLE 19 CONDITIONS OF LIMITATION ON ECONOMIC RIGHTS

Any limitations on economic rights shall be permitted exclusively to the cases provided for in this Law. They must not conflict with a normal exploitation of a work and must not prejudice the legitimate interests of author or other owner of copyright.

LUXEMBOURG

Law of April 18, 2001 on Copyright, Neighboring Rights and Databases (as last amended by Law of April 18, 2004)

Original available at:

As introduced in April 18, 2001:

http://www.wipo.int/wipolex/en/text.jsp?file_id=128653

Subsequent amendments (Law of April 18, 2004):

http://www.wipo.int/wipolex/en/text.jsp?file_id=128655

English translation available at:

Translation by Author

Relevant law provisions:

Quotations: article 10(1)

Compilations: does article 10(2) (combined with article 3) allow the inclusion of a work in a compilation?

Other Uses: does article 10(2) (combined with article 3) allow inclusion of a work in a new work? And if so, does it permit alterations of such work?

Related Provisions: article 10(2), article 3

ARTICLE 10 [This article is part of Section 2 EXCEPTIONS TO THE AUTHOR'S RIGHT]

Once a work, other than a database, has been legally made accessible to the public, the author may not prohibit:

1° short quotations in original or translation justified by the critical, polemic, pedagogical, scientific or informatory nature of the work in which they are incorporated. The uses referred to in the preceding paragraph cannot be made without the consent of the author unless they are in accordance with fair practice, are not intended for a commercial purpose, are justified by the purpose to be achieved and do not prejudice neither the work nor its exploitation. The name of the author and title of the work reproduced or quoted shall be mentioned if they are given in the source.

2° reproduction and communication to the public of excerpts of works exclusively for purposes of illustration for teaching or scientific research to the extent justified by the non-commercial purpose to be achieved and provided that such use is in accordance

with fair practice and that, unless this proves impossible, the source, including the author's name, is indicated.(...)

ARTICLE 3 [This article is part of Section 1 GENERAL PROVISIONS]

- 1) The author has the exclusive right of authorizing the reproduction of his work in any way and in any form whatsoever.
 - 2) The reproduction right includes the exclusive right of the author to authorize the adaptation, the arrangement or the translation of his work.
- (...)

MACEDONIA

Law on Copyright and Related Rights of August 31, 2010

Original available at: Not available

English translation available at: Not available

Relevant law provisions:

Quotations: ?

Compilations: ?

Other Uses: ?

Related Provisions: ?

MALTA

Copyright Act of April 25, 2000 (Act No. XIII of 2000) (as last amended by Act VIII of 2011)

Original available at: Not available

English translation available at:

<http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8881&l=1>

Relevant law provisions:

Quotations: article 9(1)(k)

Compilations: Not foreseen in the law? | does article 9(1)(h) allow the inclusion of a work in a compilation?

Other Uses: does article 9(1)(h) allow the inclusion of a work in a new work? (limited alterations: translations)

Related Provisions: ---

ARTICLE 9

(1) Copyright in an audiovisual work, a database, a literary work other than in the case of a computer programme, a musical or artistic work shall not include the right to authorise or prohibit -

(...)

(d) specific acts of reproduction made by publicly accessible libraries, educational establishments or museums, or by archives, which are not for direct or indirect economic or commercial advantage;

(...)

(h) the reproduction, translation, distribution or communication to the public of a work for the sole purpose of illustration for teaching or scientific research only to the extent justified by the noncommercial purpose to be achieved, and as long as the source, including the author's name, is, unless this is impossible, indicated;

(k) the reproduction, translation, distribution or communication to the public of quotations for purposes such as criticism or review, provided that they relate to a work or other subject-matter which has already been lawfully made available to the public, as long as, unless this is impossible, the source, including the author's name, is indicated, and that their use is in accordance with fair practice, and to the extent required by the specific purposes;

(...)

MOLDOVA

Law No. 139 of July 2, 2010, on Copyright and Neighboring Rights

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=227642

English translation available at: Not available

Relevant law provisions:

Quotations: ?

Compilations: ?

Other Uses: ?

Related Provisions: ?

MONACO

MONTENEGRO

Law No. 07-1/11-1/15 of July 12, 2011, on Copyright and Related Rights (promulgated by Decree No. 01-933/2 of July 25, 2011)

Original (Serbian only) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=248601

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=248552

Relevant law provisions:

Quotations: article 53

Compilations: article 46

Other Uses: Not foreseen in the law? | does article 46, combined with article 58, allow the inclusion of a work in a new work (other than a compilation)? And does it allow the adaptation of a work (other than in a compilation)?

Related Provisions: article 51, article 58

ARTICLE 53 QUOTATIONS

Without acquirement of the corresponding economic

right and without payment of a remuneration, it is permitted to use quotations of a disclosed work in another main work, if the quotation is used for the purpose of criticism, recognition, or reference, if it is in accordance with fair practice and if it is used to the extent required by that purpose.

ARTICLE 46 EDUCATIONAL TEACHING AND PRINTED MEDIA [Note: Subsection 1. Statutory Licenses]

Provided a remuneration is paid, the following shall be permitted without the acquirement of the corresponding economic right:

- 1) to use parts of disclosed copyright works solely as illustrations intended for teaching according to a public curriculum or for scientific research, in readers and textbooks, that comprise works of several authors;
- 2) to use a single disclosed copyright work of photography, fine arts, architecture, applied art, industrial design, and cartography solely as illustrations intended for teaching according to a public curriculum or for scientific research, in readers and textbooks that comprise works of a number of several authors;
- 3) to reproduce in print media or in the form of press reviews (press clipping) disclosed articles, broadcast works or other similar works on current economic, political or religious issues, provided those rights are not expressly reserved.

Par. (1) of this Article shall apply *mutatis mutandis* to communications to the public of the works referred to therein.

ARTICLE 51 TEACHING [Note: Subsection 2. Free Uses]

Without acquirement of the corresponding economic right and without payment of a remuneration, it shall be permitted for the purpose of teaching (pre-school and school teaching, research, examination) and illustration, provided it is done without any direct or indirect economic advantage:

- 1) to communicate to the public a disclosed work in the form of direct teaching;
- 2) to publicly perform a disclosed work at school events with free admission, on condition that the performers receive no payment for their performance;
- 3) to communicate to the public of school radio or television broadcasts, that have been broadcast.

ARTICLE 58 FREE ADAPTATIONS

Without acquirement of the corresponding economic right and without payment of a remuneration, it shall be permitted to adapt a disclosed work, provided:

(...)

3) the adaptation is indispensable, according to the purpose of the use of the work.

NETHERLANDS

The Copyright Act, 1912 (as last amended in 2008)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=279332

English translation (as last amended on April 1, 2006) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=249663

Relevant law provisions:

Quotations: article 15a

Compilations: article 16(1) and (3)

Other Uses: article 16(1)

Related Provisions: article 1, article 10, article 12, article 13

ARTICLE 15a

1. Quotations from a literary, scientific or artistic work in an announcement, criticism or scientific treatise or publication for a comparable purpose shall not be regarded as an infringement of copyright, provided that:

- 1o. the work quoted from has been published lawfully;
- 2o. the quotation is commensurate with what might reasonably be accepted in accordance with social custom and the number and size of the quoted passages are justified by the purpose to be achieved;
- 3o. the provisions of Article 25 are observed; and
- 4o. so far as reasonably possible the source, including the author's name, is clearly indicated.

2. In this Article the term 'quotations' shall also include quotations in the form of press summaries from articles appearing in a daily or weekly newspaper or other periodical.

3. This Article shall also apply to quotations in a language other than the original.

ARTICLE 16

1. Reproduction or publication ("openbaarmaking") of parts of a literary, scientific or artistic work exclusively for use as illustrations for teaching purposes, so far as justified by the intended and noncommercial purpose will not be regarded as an infringement of copyright, provided that:

- 1o. the work from which the part is taken has been published lawfully;
- 2o. the adoption is in accordance with what might reasonably be accepted under the rules of social custom;
- 3o. the provisions of Article 25 have been observed;
- 4o. so far as reasonably possible the source, including

the author's name, has been clearly indicated; and
5o. a fair payment is made to the author or his right-holders.

2. In the case of a short work or a work as referred to in article 10, paragraph 1, sub 6°, 9°. Or 11°, the entire work may be taken over for the same purpose and subject to the same conditions.

3. Where the taking over in a compilation is concerned, only short works or short passages of works by one and the same author may be taken over and, in the case of works referred to in article 10, paragraph 1, sub 6°, 9°. or 11°, only a small number of those works and only if they are reproduced in such a way that they differ considerably in size or process of manufacture from the original work, with the proviso that where two or more such works were communicated to the public together, the reproduction of only one of them shall be permitted.

4. The provisions of this article shall also apply where the reproduction is in a language other than the original.

ARTICLE 1

Copyright is the exclusive right of the author of a literary, scientific or artistic work or his successors in title to communicate that work to the public ("openbaar te maken") and to reproduce it, subject to the limitations laid down by law.

ARTICLE 10

1. For the purposes of this Act, literary, scientific or artistic works include:

(..)

6°. drawings, paintings, works of architecture and sculpture, lithographs, engravings and the like; (...)

9°. photographic works; (...)

11°. works of applied art and industrial designs and models;

(...)

2. Reproductions of a literary, scientific or artistic work in a modified form, such as translations, arrangements of music, cinematographic and other adaptations and collections of different works shall be protected as separate works, without prejudice to the copyright in the original work.

(...)

ARTICLE 12

1. The communication to the public ("openbaarmaking") of a literary, scientific or artistic work includes:

(...)

ARTICLE 13

The reproduction of a literary, scientific or artistic work includes the translation, arrangement of music, cinematographic adaptation or dramatization and generally any partial or total adaptation or imitation in a modified form, which cannot be regarded as a new, original work.

NORWAY

Act No. 2 of May 12, 1961, relating to Copyright in Literary, Scientific and Artistic Works (Copyright Act) (as last amended by Act No. 103 of June 19, 2009)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=244824

English translation (as last amended on December 22, 2006) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=248181

Relevant law provisions:

Quotations: section 22

Compilations: section 18

Other Uses: section 23 (limited purposes/borrowing work)

Related Provisions: section 11

SECTION 22 QUOTATION

An issued work may be quoted, in accordance with proper usage and to the extent necessary to achieve the desired purpose.

SECTION 18 COLLECTIVE WORKS FOR USE IN EDUCATION, ETC.

In a collective work, intended for use in religious services or in education, and consisting of works by a large number of authors, minor parts of literary or scientific works or musical works or short works of this kind, may be reproduced if five years have elapsed since the expiry of the year in which the particular work was published. In connection with the text of such works, works of art and photographic works may also be reproduced if five years have elapsed since the expiry of the year in which the work was issued. A work created for use in education shall not be reproduced in a collective work compiled for the same purpose. The provision does not provide the right to reproduction in machine-readable media.

The author is entitled to remuneration.

SECTION 23 [This section is part of REPRODUCTION OF WORKS OF ART, ETC.]

Issued works of art and issued photographic works may be reproduced in connection with the text of a critical or scientific treatise which is not of a generally informative character, when this is done in accordance with proper usage and to the extent necessary to

achieve the desired purpose.

Subject to the same limitation an issued photographic work may also be reproduced, on payment of remuneration, in critical or scientific treatises of a generally informative character and in connection with the text in works intended for instructional use.

An issued portrait in the form of a photographic work may be reproduced in a publication containing biographical material.

The provisions of this paragraph do not provide the right to reproduction in machine-readable form, unless this concerns a non-commercial reproduction pursuant to the first paragraph.

SECTION 11 GENERAL PROVISIONS

The provisions of this chapter shall impose no further restriction of the author's rights pursuant to section 3 than that ensuing from section 29.

When a work is publicly reproduced pursuant to the provisions of this chapter, this may be done in the dimensions and form required for the purpose, but without thereby altering or prejudicing the character of the work. When a work is thus reproduced, the source shall always be stated in the manner required by proper usage.

POLAND

Law No. 83 of February 4, 1994 on Copyright and Neighboring Rights (as last amended on October 21, 2010)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=224436

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=129378

Relevant law provisions:

Quotations: article 29(1)

Compilations: article 29(2)¹ | does article 27 also applies to compilations, if created by educational institutions?

Other Uses: article 29(2) | does article 27 also applies to derivatives, if created by educational institutions?

Related Provisions: article 17, article 27

Article 29 [This article is part of Division 3. PERMISSIBLE USES OF PROTECTED WORKS]

1. It shall be permitted to quote, in works constituting an independent whole, fragments of disseminated works or minor works in full, within the scope justified by explanation, critical analysis, teaching or the rights governing a given kind of creative activity.

2. For teaching and research reasons it is permissible to include disseminated minor works or excerpts from

larger works in textbooks and reading books.

2¹. It shall be permissible to include in anthologies, for teaching or research purposes, minor works of fragments or larger works which have already been disseminated.

3. In the events specified in paragraphs 2 and 2¹ the author shall have the right to remuneration.

Article 27 [This article is part of Division 3. PERMISSIBLE USES OF PROTECTED WORKS]

Research and educational institutions shall be allowed, for teaching purposes or in order to conduct their own research, to use disseminated works in original and in translation, and to make copies of fragments of the disseminated work.

ARTICLE 17 [This article is part of Division 2. AUTHOR'S ECONOMIC RIGHTS]

Unless this Act stipulates otherwise, the author shall have an exclusive right to use the work and to manage its use throughout all the fields of exploitation and to receive remuneration for the use of the work.

PORTUGAL

Code of Copyright and Related Rights (as last amended by Law No. 82/2013 of December 6, 2013)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=198457

English translation available at: *Translation by Author*

Relevant law provisions:

Quotations: article 75(2)(g)

Compilations: article 75(2)(h)

Other Uses: article 75(2)(h)

Related Provisions: article 71, article 75(2)(f) and (4), article 76

ARTICLE 75 SCOPE

2 — The following uses of the work, without the author's consent, are legal:

(...)

f) The reproduction, distribution and making available to the public of parts of a published work, for purposes of teaching and education, provided that such uses are solely intended to the teaching purposes in those establishments and are not intended to obtain a direct or indirect economic or commercial advantage;

g) The insertion of quotations or resumes of works of others, of any kind and nature, to support one's own doctrines or for purposes of criticism, discussion or teaching, to the extent justified by the purpose to be achieved;

h) The inclusion of short works or fragments of works of others in one's own work intended for teaching;

(...)

4 — The ways of exercising the uses foreseen in the preceding paragraphs shall not be contrary to the normal exploitation of the work, nor cause an unjustified prejudice to the legitimate interests of the author.

ARTICLE 76 CONDITIONS

1. The free uses mentioned in the preceding article shall be accompanied of:

(...)

c) In the situations referred to in paragraphs h) of the no. 2 of the preceding article, an equitable remuneration payable to the author and to the publisher;

(...)

2 — In the situations referred to in paragraphs b), d), e), f), g) and h) of the no. 2 of the preceding article, the works reproduced and quoted shall not create confusion with the works of the person who uses them, and the reproduction and citation shall not be so extensive that would prejudice the interest for those works.

ARTICLE 71 STATUTORY RIGHT OF TRANSLATION

The statutory right to use a work without the author's previous consent includes the statutory right to translate or otherwise transform, to the extent necessary to such use.

ROMANIA

Law No. 8 of March 14, 1996 on Copyright and Neighboring Rights (as last amended by Law No. 202/2010 of April 29, 2010)

Original available at:

<http://www.legi-internet.ro/legislatie-itc/drept-de-autor/legea-dreptului-de-autor.html>

English translation (as last amended by Law No. 329/2006, of July 31, 2006) available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=160655

Relevant law provisions:

Quotations: article 33(1)(b)

Compilations: article 33(1)(c)

Other Uses: article 33(1)(c)

Related Provisions: article 33(2)(d), article 13, article 35

ARTICLE 33 [This article is part of Chapter VI LIMITATIONS ON THE EXERCISE OF COPYRIGHT]

(1) The following uses of a work already disclosed to the public shall be permitted without the author's consent and without payment of remuneration, provided that such uses conform to proper practice,

are not at variance with the normal exploitation of the work and are not prejudicial to the author or to the owners of the exploitation rights:

(...)

(b) the use of brief quotations from a work for the purpose of an analysis, commentary or criticism, or for illustration, to the extent justified by use thereof;

(c) the use of isolated articles or brief excerpts from works in publications, television or radio broadcasts or sound or audiovisual recordings exclusively intended for teaching purposes and also the reproduction for teaching purposes, within the framework of public education or social welfare institutions, of isolated articles or brief extracts from works, to the extent justified by the intended purpose;

(...)

(2) Subject to conditions provided for in paragraph (1), the reproduction, distribution, broadcasting or communication to the public, with neither direct nor indirect commercial or economic advantage, are allowed:

(...)

d) of works, for the sole purpose of illustration for teaching or scientific research;

(...)

(4) In all cases provided for in paragraph (1) letters b), c), e), f), i) and paragraph (2) the source, including the author's name, has to be indicated, unless this turns out to be impossible; in case of works of plastic art, photographic or architecture works the place in which the original is to be found has to be indicated.

ARTICLE 13 [This article is part of Chapter IV CONTENT OF COPYRIGHT]

The use of a work gives rise to distinct and exclusive economic rights of the author to authorize or to prohibit:

(...)

(i) making of derivative works.

ARTICLE 35 [This article is part of Chapter VI LIMITATIONS ON THE EXERCISE OF COPYRIGHT]

The alteration of a work shall be permissible without the author's consent and without payment of remuneration in the following cases:

(...)

(d) if the alteration is a short review of the works by didactic purpose, mentioning the author.

RUSSIAN FEDERATION

Part IV of the Russian Civil Code (as last amended on December 8, 2011)

Original available at:

http://www.rupto.ru/norm_doc/sod/kodeks/gk/gk_index.html

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=277714

Relevant law provisions:

Quotations: Article 1274(1)(1)

Compilations: Article 1274(1)(2)

Other Uses: Article 1274(1)(2)

Related Provisions: Article 1229

ARTICLE 1274 THE FREE USE OF A WORK FOR INFORMATION, SCIENTIFIC, EDUCATIONAL OR CULTURAL PURPOSES

1. The following is admissible without the consent of the author or other right holder and without paying a fee but with a compulsory reference to the name of the author whose work is used and of the source as well:

1) quoting in the original and in a translation for scientific, discussion, critical or information purposes legally promulgated works within a scope justified by the purpose of the quotation, including the reproduction of excerpts from newspaper and magazine articles in the form of press reviews;

2) using legally promulgated works and excerpts from them as illustrations in educational publications, radio and television programmes, sound and video recordings within the scope justified by the purpose set;

(...)

3. The creation of a work in the genre of literary, musical or other parody or in the genre of cartoon on the basis of another (original) legally promulgated work, and the use of the parody or cartoon is permitted without the consent of the author or other owner of the exclusive right to the original work and without a fee being paid thereto.

ARTICLE 1229 EXCLUSIVE RIGHT

1. The citizen or legal entity holding the exclusive right to the result of an intellectual activity or a means of individualisation (right holder) is entitled to use such result or such means at his own discretion by any means that does not conflict with the law. The right holder may dispose of the exclusive right to the result of the intellectual activity or means of individualisation (Article 1233), unless otherwise envisaged by the present Code. The right holder may at his own discretion permit other persons to use or prohibit them from using, the result of the intellectual activity or means of individualisation. The lack of prohibition shall not be deemed consent (permission). Other persons shall not use the relevant result of the intellectual activity or means of individualisation without the right holder's consent, except for the cases envisaged by

the present Code. (...)

5. Restrictions of exclusive rights to the results of intellectual activities and to individualization means, in particular when the use of the results of intellectual activities is allowable without the right holders' consent but with their right to remuneration preserved, are established by this Code. In so doing, restrictions of exclusive rights to works of science, literature and art, to objects of allied rights, inventions, industrial models and trade marks shall be established subject to the conditions provided for by Paragraphs Three, Four and Five of this item. Restrictions of exclusive rights to works of science, literature or art, as well as to objects of allied rights shall be established in certain special cases, provided that such restrictions are not at variance with the normal use of the works or objects of allied rights and do not infringe without a good reason upon lawful interests of the right holders. (...)

SAN MARINO

SERBIA

Law on Copyright and Related Rights, of December 11, 2009

Original available at: Not available

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=255383

Relevant law provisions:

Quotations: article 49

Compilations: article 55

Other Uses: Not foreseen in the law? | Does article 55 allow the inclusion of a work in a new work (other than a compilation)? And does article 55, combined with article 54a, allow the adaptation of a work (other than in a compilation)?

Related Provisions: article 54a

ARTICLE 49 [This article is part of Section 5.2. Suspension of Exclusive Rights and Right to Remuneration]

Short excerpts of a work of authorship, or individual short copyright protected works, may be reproduced or be communicated to the public (right of quotation), without the author's permission and without paying remuneration, on the following conditions:

1) The work has been disclosed;

2) The mentioned parts or short works, are integrated into another work without alterations, for the sake of illustration, confirmation or reference, with a clear indication that a reference is involved and in compliance with the fair practices;

3) The name of the quoted author, the title of the

quoted work and when and where the quoted work was disclosed or published are noted in a suitable place, if those data are known.

ARTICLE 55 [This article is part of Section 5.3. Statutory License]

(1) Without the permission of the author, and with the obligation of payment the remuneration for copyright, it is allowed, in the form of a manual intended for tuition, examination or scientific research, to copy on the paper or similar carrier, by photocopying or some other form of photographic or similar technology which gives similar results, the parts of the published copyright protected works, individual short published copyright protected works in the field of science, literature and music or individual published copyright protected works in the field of photography, industrial and graphic design and cartography, if it concerns published works of several different authors, unless the author explicitly prohibits that.

(...)

ARTICLE 54a [This article is part of Section 5.2. Suspension of Exclusive Rights and Right to Remuneration]

Free adaptation of the published copyright protected work is allowed when it concerns:

(...)

3) adaptation connected to the allowed use of the work, which is caused by the very nature or manner of use.

SLOVAKIA

Act No. 618/2003 of December 4, 2003 on Copyright and Rights Related to Copyright (as last amended by Act 453/2008)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=189455

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=189474

Relevant law provisions:

Quotations: section 25

Compilations: Not foreseen in the law [permitted only to the extent they qualify as a quotation – see section 25]

Other Uses: Not foreseen in the law [permitted only to the extent they qualify as a quotation – see section 25]

Related Provisions: section 28

SECTION 25 QUOTATION OF WORK

No consent of the author is necessary to use a short part of a released work in other work in the form of a quotation exclusively for the purpose of review or

critique of the released work or for teaching, scientific and research purposes or artistic purposes. Such use must be in accordance with customs and its scope must not exceed the scope reasoned by the purpose of citation. If the work is not anonymous, the author's name or pseudonym must be specified in quotes, or the name of the person by the name of who the work is performed in public, including the name of work and source. Such use of a work does not result in obligation to pay remuneration to the author.

SECTION 28 USE OF WORKS FOR TEACHING PURPOSES

(1) No consent of the author is required to make a copy of a short part of a released work, to its public distribution by other forms of assignment of title as by sale, or to communication to the public of a short part of a released work, if such use does not exceed the scope substantiated by teaching purposes at school and the purpose is not to acquire direct or indirect property benefit.

(2) No consent of the author is required to make a copy of a short part of a released work, a short released work or a work of fine arts released by transferring the work onto paper or other similar foundation by means of reprographic equipment, and to its public distribution by other forms of assignment of title as by sale, if such use does not exceed the scope substantiated by teaching purposes at school and the purpose is not to acquire direct or indirect property benefit.

(3) The above forms of use pursuant to par. 1 and 2 are appropriately governed by provisions of S. 25 third sentence.

(4) Using the work pursuant to par. 1 and 2 does not result in an obligation to pay remuneration to the author.

SLOVENIA

Copyright and Related Rights Act of March 30, 1995 (as last amended on December 15, 2006)

Original available at: Not available

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=129678

Relevant law provisions:

Quotations: article 51

Compilations: article 47

Other Uses: does article 47(1)(1) ("provided these are already disclosed works of a number of authors"?!) allows the inclusion of a work in a new work (other than compilation)? And if so, does article 47(1)(1), combined with article 53(3), allow the alteration of such

work?

Related Provisions: article 46, article 53(3)

ARTICLE 51 QUOTATIONS [This article is part of the Sub-Section II Free Use]

(1) It shall be permissible to make quotations of parts of a disclosed work and of single disclosed photographs, works of fine arts, architecture, applied art, industrial design and cartography, provided it is necessary for the purpose of illustration, argumentation or referral.

(2) In cases stated in the foregoing paragraph, the source and authorship of the work must be indicated, if the latter is indicated on the work used.

ARTICLE 47 TEACHING AND PERIODICALS [This article is part of the Sub-Section I Legal Licenses]

(1) Without the assignment of a respective economic right, but on payment of equitable remuneration, it shall be lawful:

1. to reproduce in readers and textbooks intended for teaching, parts of works, as well as single works of photography, fine arts, architecture, applied art, industrial design and cartography, provided these are already disclosed works of a number of authors;

2. to reproduce in periodical publications articles on current topics of general interest published in other periodicals, unless the author expressly prohibited it.

(2) Provisions of the foregoing paragraph apply accordingly to public communication of the works mentioned therein.

(3) In cases stated in the foregoing paragraphs, the source and authorship of the work must be indicated, if the latter is indicated on the work used.

ARTICLE 53 FREE TRANSFORMATIONS [This article is part of the Sub-Section II Free Use]

Transformation of a disclosed work is permissible:

(...)

3. if the transformation is dictated by the purpose of the permitted use;

4. if the transformation is done in connection with permitted use and the author's objection to such transformation is unreasonable or in bad faith.

ARTICLE 46 GENERAL PROVISION

Limitations on copyright are permissible in cases mentioned in this Section, provided that the extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author.

SPAIN

Consolidated Text of the Law on Intellectual Property, regularizing, clarifying and harmonizing the applicable statutory provisions (adopted by Royal Legislative Decree 1/1996 of April 12, 1996, and as last amended by Royal Decree No. 20/2011 of December 30, 2011)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=324356

English translation available at: *Translation by Author*

Relevant law provisions:

Quotations: article 32(1)

Compilations: not foreseen in the law [permitted only to the extent they qualify as a quotation – see article 32(1)]

Other Uses: not foreseen in the law [permitted only to the extent they qualify as a quotation – see article 32(1)]

Related Provisions: article 32(2), article 40(bis)

ARTICLE 32 QUOTATION AND ILLUSTRATION FOR TEACHING

1. The inclusion in one's own work of fragments of works of others of written, sound or audiovisual nature, as well as of isolated works of art or of photographic or figurative nature, is legal, provided that the works concerned have been disclosed and the inclusion is made by way of quotation or for analysis, comment or critical assessment. Such use can only be made for teaching or research purposes and to the extent justified by the purpose of the inclusion, and provided that the source and the name of the author of the work used is indicated.

(...)

2. The professors of official education do not need authorization from the author for the acts of reproduction, distribution and public communication of small fragments of works or of isolated works of art or of photographic or figurative nature, excluding textbooks and university treatises, provided that such acts are intended solely for purposes of illustration of their activities in the classrooms, and to the extent justified by its non-commercial purpose, and further provided that the works have been previously disclosed and that the name of the author and the source is indicated, except the situations where such attribution is impossible.

It is not considered included in the preceding paragraph the reproduction, distribution and public communication of compilations or collections of fragments of works or of isolated works of art or of photographic or figurative nature.

ARTICLE 40 BIS. COMMON PROVISION TO ALL OF THE PROVISIONS IN THIS CHAPTER.

The articles of this chapter shall not be construed so as to allow its application in a way that would unreasonably prejudice the legitimate interests of the author or that would be detrimental to the normal exploitation of the works to which they refer.

SWEDEN

Act on Copyright in Literary and Artistic works, adopted by the Act No. 729, of December 30, 1960 (as last amended on April 1, 2011)

Original available at: Not available

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=290912

Relevant law provisions:

Quotations: section 22

Compilations: section 18

Other Uses: Not foreseen in the law

Related Provisions: ---

ARTICLE 22 ON QUOTATIONS

Anyone may, in accordance with proper usage and to the extent necessary for the purpose, quote from works which have been made available to the public.

ARTICLE 18 ON THE MAKING OF COMPOSITE WORKS FOR USE IN EDUCATIONAL ACTIVITIES

Anyone who, for use in educational activities, prepares a composite work consisting of works by a comparative large number of authors may reproduce minor portions of literary or musical works and such works of a limited scope, provided that five years have elapsed from the year in which the works were published. Works of fine art may be reproduced in connection with the text, provided that five years have elapsed from the year when they were made public. The authors have a right to remuneration.

The provisions of the first Paragraph do not apply to works that have been created for use in educational activities and does not confer a right to prepare composite works for commercial purposes.

SWITZERLAND

Federal Law on Copyright and Neighboring Rights (Federal Copyright Law) of October 9, 1992 (status as of January 1, 2011)

Original (all official versions) available at:

<http://www.wipo.int/wipolex/en/details.jsp?id=11899>

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=302621

Relevant law provisions:

Quotations: article 25

Compilations: article 19(1)(b)

Other Uses: article 19(1)(b)

Related Provisions: article 20, article 11

ARTICLE 25 QUOTATIONS

1 Published works may be quoted if the quotation serves as an explanation, a reference or an illustration, and the extent of the quotation is justified for such purpose.

2 The quotation must be designated as such and the source given. Where the source indicates the name of the author, the name must also be cited.

ARTICLE 19 PRIVATE USE

1 Published works may be used for private use. Private use means:

(...)

b. any use of a work by a teacher and his class for educational purposes;

(...)

2 Persons entitled to make copies of a work for private use may also have them made by third parties subject to paragraph 3; libraries, other public institutions and businesses that make copying apparatus available to their users are also deemed third parties within the meaning of this paragraph.

3bis Copies which are made by accessing works that are lawfully made available are neither subject to the restriction of private use under this Article nor are they included in the claims for remuneration under Article 20.

4 This Article does not apply to computer programs.

ARTICLE 20 REMUNERATION FOR PRIVATE USE

(...)

2 Any person who reproduces works in any manner for private use under Article 19 paragraph 1 letter b or letter c, or any person who does so as a third party under Article 19 paragraph 2 owes remuneration to the author.

3 Any person who produces or imports blank media suitable for the fixation of works owes remuneration to the author for the use of the works under Article 19.

4 Claims for remuneration may only be asserted by the authorised collective rights management organisations.

ARTICLE 11 INTEGRITY OF THE WORK

1 The author has the exclusive right to decide:

a. whether, when and how the work may be altered;

b. whether, when and how the work may be used to create a derivative work or may be included in a collected work.

2 Even where a third party is authorised by contract or law to alter the work or to use it to create a derivative work, the author may oppose any distortion of the work that is a violation of his personal rights.

TURKEY

Law No. 5846 of December 5, 1951, on Intellectual and Artistic Works (as last amended by Law No. 5728 of January 23, 2008)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=241517

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=246493

Relevant law provisions:

Quotations: article 35

Compilations: article 34

Other Uses: article 35(3)[permitted only for reproduction of works of art in scientific works]

Related Provisions: ---

ARTICLE 35 [This article is part of (5) FREEDOM OF QUOTATION]

Quotations of a work are permitted in the following cases:

1. Quoting a few sentences or passages of a work made public, in an independent literary or scientific work;
2. Incorporating certain elements of a published composition, at the most such as themes, patterns, passages or ideas, into an independent musical work;
3. Reproducing works of fine arts that have been made public and other published works, in a scientific work for the purpose of explaining its content and to the extent justified by such purpose;
4. Displaying works of fine arts that have been made public by projection or similar means in order to explain a subject at scientific conferences or lectures.

The quotation must be made in a manifest way. In scientific works, it shall be necessary to mention not only the name of the work and the author but also the passage from which the quoted part has been taken.

ARTICLE 34 [This article is part of (4) SELECTED AND COLLECTED WORKS FOR EDUCATIONAL AND INSTRUCTIONAL PURPOSES]

It is free to create selected or collected works, which are dedicated to educational purposes, by way of making quotations in an amount justified by the purpose, from published musical, literary and scientific works and works of fine arts that are made public.

Works of the type set out in the third subparagraph of article 2 and first and fifth subparagraphs of the first paragraph of article 4 may only be quoted to explain the content of the selected and collected work. However, this freedom may not be used in a way which would prejudice the legitimate interests of the author without good reason or which would conflict with the normal exploitation of the work.

The first paragraph shall also apply to school radio broadcasts made exclusively for schools and approved by the Ministry of Education.

The permission of the author is necessary for making selected or collected works for purposes other than education, by way of quotations of published musical, literary and scientific works and works of fine arts that are made public.

In all such cases, the name of the work and the author shall be cited in the customary manner.

UKRAINE

Law on Copyright and Related Rights, adopted on December 23, 1993 (as last amended on 20 November 2003)

Original available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=182274

English translation available at:

http://www.wipo.int/wipolex/en/text.jsp?file_id=142655

Relevant law provisions:

Quotations: article 21(1)

Compilations: article 21(2)

Other Uses: article 21(2)

Related Provisions: article 15

ARTICLE 21 FREE USE OF A WORK WITH THE INDICATION OF THE AUTHOR'S NAME

The following shall be permitted without the consent of the author (or other copyright holder), but with mandatory indication of the author's name and of the source of borrowing:

- 1) to use quotations (brief excerpts) from published works to the extent justified by the intended purpose, including quotations from newspaper and magazine articles in the form of press reviews, if this is required by the critical, polemic, scientific or informational nature of the work incorporating the quotations; to freely use quotations in the form of brief excerpts from performances and works incorporated in a phonogram (videogram) or a broadcast program;
 - 2) to use literary works and works of art to the extent justified by the intended purpose as illustrations in publications, broadcasts, sound recordings or video recordings of an educational nature;
- (...)

ARTICLE 15 PROPRIETARY RIGHTS OF AN AUTHOR

(...)

3. The exclusive right of an author (or other copyright holder) to allow or prohibit the use of a work by other persons shall entitle him to allow or prohibit:

(...)

5) translations of works;

6) versions, adaptations, arrangements and other similar alterations to works;

7) inclusion of works as components into collections, databases, anthologies, encyclopedias, etc.;

(...)

UNITED KINGDOM

Copyright, Designs and Patents Act 1988 (C. 48)
(status as of May 3, 2007)

Original available at:

<http://www.ipso.gov.uk/cdpact1988.pdf>

Relevant law provisions:

Quotations: section 30(1)

Compilations: section 33

Other Uses: section 32 (limited purposes)

Related Provisions: ---

30 CRITICISM, REVIEW AND NEWS REPORTING

(1) Fair dealing with a work for the purpose of criticism or review, of that or another work or of a performance of a work, does not infringe any copyright in the work provided that it is accompanied by a sufficient acknowledgement and provided that the work has been made available to the public.

(1A) For the purposes of subsection (1) a work has been made available to the public if it has been made available by any means, including -

(a) the issue of copies to the public;

(b) making the work available by means of an electronic retrieval system;

(c) the rental or lending of copies of the work to the public;

(d) the performance, exhibition, playing or showing of the work in public;

(e) the communication to the public of the work but in determining generally for the purposes of that subsection whether a work has been made available to the public no account shall be taken of any unauthorised act.

(...)

32 THINGS DONE FOR PURPOSES OF INSTRUCTION OR EXAMINATION

(..).

(2) Copyright in a sound recording, film or broadcast is not infringed by its being copied by making a film or film sound-track in the course of instruction, or of preparation for instruction, in the making of films or film sound-tracks, provided the copying -

(a) is done by a person giving or receiving instruction, and

(b) is accompanied by a sufficient acknowledgement, and provided that the instruction is for a non-commercial purpose.

(...)

(3) Copyright is not infringed by anything done for the purposes of an examination by way of setting the questions, communicating the questions to the candidates or answering the questions, provided that the questions are accompanied by a sufficient acknowledgement.

(3A) No acknowledgement is required in connection with copying as mentioned in subsection (1), (2) or (2A), or in connection with anything done for the purposes mentioned in subsection (3), where this would be impossible for reasons of practicality or otherwise.

(4) Subsection (3) does not extend to the making of a reprographic copy of a musical work for use by an examination candidate in performing the work.

(5) Where a copy which would otherwise be an infringing copy is made in accordance with this section but is subsequently dealt with, it shall be treated as an infringing copy for the purpose of that dealing, and if that dealing infringes copyright for all subsequent purposes.

For this purpose "dealt with" means -

(a) sold or let for hire, offered or exposed for sale or hire; or

(b) communicated to the public, unless that communication, by virtue of subsection (3), is not an infringement of copyright.

33 ANTHOLOGIES FOR EDUCATIONAL USE

(1) The inclusion of a short passage from a published literary or dramatic work in a collection which

(a) is intended for use in educational establishments and is so described in its title, and in any advertisements issued by or on behalf of the publisher, and

(b) consists mainly of material in which no copyright subsists, does not infringe the copyright in the work if the work itself is not intended for use in such establishments and the inclusion is accompanied by a sufficient acknowledgement.

(2) Subsection (1) does not authorise the inclusion of more than two excerpts from copyright works by the same author in collections published by the same

publisher over any period of five years.

(3) In relation to any given passage the reference in subsection (2) to excerpts from works by the same author -

(a) shall be taken to include excerpts from works by him in collaboration with another, and

(b) if the passage in question is from such a work, shall be taken to include excerpts from works by any of the authors, whether alone or in collaboration with another.

(4) References in this section to the use of a work in an educational establishment are to any use for the educational purposes of such an establishment.

VATICAN CITY

PRELIMINARY DRAFT

This is a preliminary draft of the collection. Please do not rely solely on this draft to assess the permissibility of the acts analyzed herein. We recommend that you do not use, quote or cite this collection without mentioning that this is a preliminary draft.

COMMENTS WELCOME

We invite stakeholders, namely local copyright lawyers and local experts in education, to provide us with the necessary input to interpret the legal information contained herein and update this collection accordingly. Specifically, we invite stakeholders to inform us:

- if the relevant law provisions analyzed herein are updated;
- if the relevant law provisions analyzed herein are correctly translated;
- if there is any relevant law provision missing from the analysis; and
- if there is any local case law or specialized literature providing a different interpretation of the law provisions analyzed herein.

Please send your feedback and comments to Teresa Nobre, Creative Commons Portugal Legal Project Lead at creativecommons.pt@gmail.com.

