

FINAL QUESTIONNAIRE ON LIMITATIONS AND EXCEPTIONS

prepared by the World Intellectual Property Organization (WIPO) Secretariat

INTRODUCTION

The WIPO Standing Committee on Copyright and Related Rights (SCCR) has agreed to address the issue of exceptions and limitations to copyright and related rights for the purposes of education, libraries and persons with disabilities, by exploring existing and proposed national laws on the subject, with a view to strengthening international understanding on exceptions and limitations.

During the 17th session of the SCCR held in November 2008, the WIPO Secretariat was requested to prepare a draft questionnaire regarding exceptions and limitations, with particular emphasis on the issues regarding education, libraries and persons with disabilities, for the consideration of Member States of the SCCR in the 18th session.

At the 18th session of the SCCR held in May 2009, it was agreed that delegations would send comments on the draft questionnaire (document SCCR/18/3) to the Secretariat. Based on those comments, the Secretariat would present a revised questionnaire.

In the conclusions of the 19th session of the SCCR held in December 2009, delegations were invited to send comments on the revised version of the questionnaire, or second draft questionnaire (document SCCR/19/2), to the Secretariat by January 8, 2010. On the basis of the comments and the discussions of the Committee, the Secretariat would finalize the questionnaire without any substantial changes in the content of the questions, and while retaining its seven chapters, and submit it to the Member States and the European Union by February 10, 2010 for replies.

Instructions

The Secretariat presents this final questionnaire on limitations and exceptions and Member States are now invited to respond accordingly, via on-line or in paper form:

– On-line (preferred option): Replies may be provided by completion of the electronic form available on the WIPO website at <http://www.wipo.int/copyright/en/>. In order to access and complete the electronic form online, a general password has been created for all respondents: “LE2010”.

– Paper form: This copy is available in printable form from the aforementioned website and may be completed and sent to the International Bureau, c/o Copyright Law Division, WIPO, by post: 34, chemin des Colombettes, 1211 Geneva 20, Switzerland; by facsimile: +41 22 338 907010; or by e-mail: copyright.mail@wipo.int.

Member States are invited to submit their replies by May 10, 2010. After that date, the questionnaire will no longer be available on the WIPO website.

The Secretariat shall prepare a consolidated paper for the Twentieth Session of the SCCR based on the information gathered from the replies to this questionnaire.

This final questionnaire comprises 103 questions distributed in seven parts:

- Part I on general questions on limitations and exceptions;
- Part II on limitations and exceptions for educational activities;
- Part III on limitations and exceptions for libraries and archives;
- Part IV on limitations and exceptions for persons with disabilities;
- Part V on questions relating to religious, social and cultural exceptions;
- Part VI on other questions regarding digital technology; and
- Part VII on general questions to cover areas left out in Parts I to VI.

This questionnaire is only intended as a tool for data collection to facilitate an analysis of the status of copyright limitations and exceptions in WIPO Member States. It is acceptable for respondents not to answer all questions, particularly when the available data does not allow giving an unequivocal answer to the questions.

When questions include the phrase “please describe,” respondents are encouraged to provide a citation for the statutory provision and/or governing court decision (if applicable) and any other additional description that supports their answer.

The answers to this questionnaire have been provided on behalf of:

Country:

Denmark

By Name and contact information (including telephone and e-mail):

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Part I: General

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

- Specific
 Open
 Mixed
 Others, please describe:

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

- Yes
 No
 Partially, please describe:

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

- Yes
 No

If yes, please describe:

The Danish provisions on limitations and exceptions to the exclusive copyright protection are to be found in the second chapter of the Danish Act on Copyright (Consolidated Act No. 202 of February 27th, 2010, available at <http://www.kum.dk/en/english/Legislation/Copyright/> .

The following sections concern free use of copyrighted works; section 11 a (temporary reproduction), section 12 (reproduction for private use), section 15 (reproduction by hospitals, prisons etc.), sections 16-16 a (use of works in archives, libraries and museums), section 17 (1)-(2) (use of works for visually- and hearing-handicapped persons), section 18 (3) (song booklets for meetings), section 19(distribution of copies), section 20 (exhibition of copies), section 21 (public performance of works), section 22 (quotations), sections 23-24 a (use of works of fine art), sections 25-25 a (reporting of current events), sections 26-28 (public proceedings, public access, etc.), section 29 (alteration of buildings and articles for everyday use), sections 31-34 (special provisions on radio and television) and sections 36-37 (special provisions on computer programs).

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

- Yes
 No

If yes, please describe:

The following sections concern statutory licenses: section 17 (3) (distribution of sound recordings of published literary works for visually- and hearing-handicapped persons) and section 18 (1) (production of anthologies for educational use). A statutory license regarding related rights is to be found in section 68 (use of sound recordings in broadcasts on radio and television, etc.)

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

- Yes
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

- Yes
 No

Please describe:

Section 12 allows for analogue reproduction for private purposes of published works in certain cases and digital reproduction for personal use in certain cases.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

- Yes
 No

If yes, please describe:

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

- Yes
 No

If yes, please describe:

As a main rule the provisions of the second chapter of the Act on Copyright can be deviated from by mutual agreement provided that the relevant provision does not state otherwise. Accordingly, section 36 (1) (ii)-(iii) and section 37 can not be deviated from by agreement.

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

- Yes
 No

If yes, please describe:

Such a requirement is made in section 11 (3).

10. Does your national statute protect technological measures?

- Yes
 No

11. Does your national statute protect rights management information?

- Yes
 No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- Yes
 No

If yes, please describe:

The Copyright License Tribunal, cf. section 47 (1) can order a rightholder who has used effective technological measures to make means available for a user to benefit from works pursuant of section 15 and 16, section 17(1)-(3), section 18(1) and (2), section 21(1)(ii), section 23(1) and sections 26-28, 31 and 68. The user is allowed to circumvent the effective technological measures provided that the rightholder has not complied with the order within 4 weeks from the decision of the Tribunal.

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: _____

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes
 No

If yes, please describe:
See question 12 above.

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: _____

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes
 No

Please describe:
See sections 36 and 37 of the Act on Copyright.

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

- Yes
 No

Please describe:
Section 11 a permits free temporary reproduction in certain cases of all works including digital works, except computer programs and databases. Section 11 a regards the more random forms of reproduction like for example the automatic reproduction of copyrighted material in the computers cache during browsing on the internet.

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

- Yes
 No

Please describe:

The Danish Act No. 227 of April 22nd, 2002 (Lov om tjenester i informationssamfundet, herunder visse aspekter af elektronisk handel) implements Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). Sections 14-16 in the Danish act correspond to article 12-14 of the directive. For further information regarding the specific content of the provisions on the liability of intermediary service providers please see the directive.

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes
 No

If yes, please describe:

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: _____

Part II: Limitations and Exceptions related to Educational Activities

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)¹, do you consider that the analysis is correct?

- Yes

¹ For Latin American and the Caribbean countries, document SCCR/19/4. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303

For African countries, document SCCR/19/5. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241

For Arab countries, document SCCR/19/6. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302

For Asian and the Pacific countries, document SCCR/19/7. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393

- No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

Overall accurate but some inconsistencies: P.103: Description of anthology on page 103 is inaccurate: the text seems to imply that this is covered by the extensive collective license system, when the relevant section (18) is in fact a compulsory license

22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes
 No

Please list them:

Section 13: permits the making of copies for use in education, provided that the conditions for collective license in section 50 is fulfilled.

Section 18: permits the production of anthologies for use in educational purposes

Section 21 (1) (ii): Public performance of works which are not dramatic works or cinematographic works is permitted without consent of the rightholder in case of educational activities.

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities
 Distance education
 Both

On performances²

² Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a “right of public performance” in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes
 No

If yes, please describe:

Section 21 (1) (ii): Public performance of works which are not dramatic works or cinematographic works is permitted without consent of the rightholder in case of educational activities.

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes
 No

If yes, please describe:

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes
 No

If yes, please describe:

Dramatic works and cinematographic works are not covered by the limitation regarding public performance for educational purposes. See the answer to question 24.

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others.

Please describe:

The concept "education" includes any form of organized public or private promotion of knowledge which can be put on the same footing as education within the public sector.

[Footnote continued from previous page]

broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others.

Please describe:

See the answer to question 27 above.

On reproduction

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

- Yes
- No

If yes, please describe:

See section 13 and 18 of the Act on Copyright. The rightholder is entitled to remuneration.

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

- Reprography
- Digital copying
- Others.

Please describe:

Reproduction in general and in relation to production of anthologies for educational use is covered by these provisions.

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

- Yes
- No

If yes, please describe:

See the answer to question 30 above.

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes

No

If yes, please describe:

See section 13 and 18 of the Act on Copyright.

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

Yes

No

If yes, please describe:

Works of art and descriptive works may only be used in connection with the text of the anthology. See section 18 (1). Also the rules do not cover computer programs in a digital format, see section 13 (3)

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

Teachers

Students

Educational institutions

Others.

Please describe:

See the answer to question 27 above.

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others.

Please describe:

See the answer to question 27 above.

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

Yes

No

If yes, please describe:

See section 75 d of the Act on Copyright and the answer to question 12 above.

On translations

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe:

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe:

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe:

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
 Not-for-profit
 Public
 Private
 Others. Please describe:

On making available in digital networks

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

- Yes
 No

If yes, please describe:

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

If yes, please describe:

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes
 No

If yes, please describe:

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers
 Students
 Educational institutions
 Others. Please describe:

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational

purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe:

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe:

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

- Yes
- No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: The Danish provisions are considered to be sufficient in their current form. _____

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

If yes, please describe: _____

Part III: Limitations and Exceptions related to Libraries and Archives

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)³, do you consider that the analysis is correct?

³ Document SCCR/17/2, page 72. Available at:

[Footnote continued on next page]

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

- Yes
 No

Please describe:

Please see section 16 of the Act on Copyright.

54. What types of works may be reproduced for these purposes?

Please describe:

All works except digital computer programs (not including computer games).

55. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes
 No

Please describe:

The works have to be used in the activities of public archives, public libraries and other libraries that are financed in whole or in part by the public authorities, as well as State-run museums and museums that have been approved in accordance with the Museums Act (Consolidated Act No. 1505 of 14th December, 2006 with later amendments).

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe:

Please see section 16 (2)-(4).

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes
 No

[Footnote continued from previous page]

http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

Please describe:

An extended collective license can however be invoked regarding copying for this purpose.
Please see section 16 b.

58. What types of works may be reproduced for these purposes?

Please describe:

Please see section 16 b.

59. Does your national statute include specific provisions regarding orphan works?

Yes

No

If yes, please describe:

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

Yes

No

If yes, please describe: _____

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: _____

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes

No

If yes, please describe: _____

63. Does your national statute establish qualitative or quantitative limits for these purposes?

Yes

No

Please describe: _____

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: _____

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes
 No

Please describe:

Section 16 b applies regarding digital reproduction and distribution for interlibrary lending. See the answer to question 57 above.

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- Yes
 No

Please describe:

Museums can reproduce and distribute works pursuant section 16 of the Act on Copyright.

Part IV: Limitations and Exceptions for Persons with Disabilities

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)⁴, do you consider that the analysis is correct?

- Yes
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

⁴ Document SCCR/15/7, page 138. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696

68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities⁵ or visually impaired persons, including the reading impaired?

- Yes
 No

Please describe:

Please see section 17 (1)-(3) of the Act on Copyright.

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes
 No

Please describe:

70. What other conditions must be met in order for such uses to be authorized?

Please describe:

The use and distribution must not be for commercial purposes and must not be by government or municipal institutions or other social or non-profit institutions. For the use and distribution by such institutions an extended collective license can be invoked.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

- Yes
 No

Please describe:

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes
 No

Please describe:

Please see section 17 (1)-(3) of the Act on Copyright.

⁵ A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

73. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe:

However, pursuant paragraph 2 sound recordings of literary works or use that consists solely of sound recordings of musical works are excepted from the scope of paragraph 1 (free use) but are included in paragraph 3 which permits compulsory licenses regarding use and distribution for use by visually impaired persons and backward readers.

74. What other conditions must be met in order for such uses to be authorized?

Please describe:

The use must not be for commercial purposes. See also the answer to question 70.

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

- Yes
 No

Please describe:

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes
 No

Please describe:

Section 17 (1) (free use) concerns the blind, visually impaired, the deaf and sufferers from speech impediments, as well as persons who on account of handicap are unable to read printed text. Section 17 (3) (compulsory license) concerns visually impaired persons and backward readers.

77. Does your national statute specify the formats that fall under this exception?

- Yes
 No

Please describe:

Please see the answer to question 73.

78. What other conditions must be met in order for such uses to be authorized?

Please describe:

Please see the answer to question 74.

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

- Yes
 No

Please describe:

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

- Yes
 No

If yes, please describe: _____

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: _____

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
 No

Please describe: _____

Part V: Religious, social and cultural exceptions

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes
 No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities
- Cultural Activities
- Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes
- No

If yes, please describe:

In order to be considered a divine service, as mentioned in section 21 (1) (ii) of the Act on Copyright, religious actions compliant with the rituals of the religious community must take place in an organized manner equivalent to that of the Danish State Church (Folkekirken).

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
- No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
- No

If yes, please describe:

The exception does not include dramatic or cinematographic works.

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes
- No

If yes, please describe: _____

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes

No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

Yes
 No

If yes, please describe: _____

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

Yes
 No

If yes, please describe: _____

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

Yes
 No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

Yes
 No

If yes, please describe: _____

Part VI: Other questions on digital technology

94. Does your national statute provide any limitations or exceptions for reverse engineering?

Yes
 No

If yes, please describe:
Please see section 37 (1) of the Act on Copyright.

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

- Yes
 No

If yes, please describe:

Persons who contributes to copyright infringing actions by prompt, advice or deed is liable for the infringement pursuant the Danish penal code (Consolidated Act No. 1034 of 29th October, 2009) section 23 since copyright infringement is subject to penal sanctions, cf. sections 76-80 of the Act on Copyright.

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes
 No

please describe:___ The Danish Act No. 227 of April 22nd, 2002 (Lov om tjenester i informationssamfundet, herunder visse aspekter af elektronisk handel) implements Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). Sections 14-16 in the Danish act correspond to article 12-14 of the directive. For further information regarding the specific content of the provisions on the liability of intermediary service providers please see the directive.

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)
 Caching infringing material
 Storing infringing material at the direction of a user
 Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post
 Others. Please specify:_____

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify:_The conditions reflect the content of the EC directive on electronic commerce (2000/31/EC af 8. june 2000)

Part VII: General questions to cover areas left out in Part I to VI

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation
- news reporting
- ephemeral copies
- incidental uses
- government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe:

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes
- No

If yes, please describe:

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes
- No

Please describe: _____

102. If so, with which country or group of countries?

Please describe: _____

103. Please add any further comments and information you deem interesting for this questionnaire.

[End of questionnaire]