

 Respondent 101798
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Single response: Questionnaire on Limitations and Exceptions
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1. The answers to this questionnaire have been provided on behalf of:

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2. 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?

1. Specific

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

2. No

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

1. Yes

private copying, some uses in education, research and libraries, archives and museums as well as quotations and news reporting are free uses.

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

1. Yes

a) some uses in education (use of works in exams), b) some uses for the disabled (audiobooks for disabled users), c) compilations (analogue only) for use in education and religious service, d) use of photographic works in critical or scientific treatises and as illustration for teaching e) reproduction of photographic works and works of art in newspapers etc in connection with current events, and f) performance of sound fixations of the performances of performing artists.

6. 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)?

1. Yes

7. 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?

1. Yes

§ 12. Provided this is not done for purposes of gain, single copies of a work that has been issued may be made for private use. Such copies may not be used for other purposes. The authors shall receive fair compensation through annual grants via the State Budget. The King may issue further regulations governing the distribution of the compensation. The provision in the first paragraph shall not confer a right to: a) copy an architectural work through the construction of a building, b) make machine-readable copies of computer programs, c) make machine-readable copies of databases in machine-readable form, or d) make copies of works of art by means of photocopying, taking a cast or impression or by other similar means of reproduction if the copy may be perceived as an original. The provision in the first paragraph shall not confer a right to engage outside assistance to a reproduction regarding a) musical works, b) cinematographic works, c) sculpture, pictorial weavings and articles of artistic handicraft and applied art, or d) the artistic reproduction of other works of art. Disabled persons can without hinder under this provision let the production of musical or cinematographic works be carried out with the aid of outside assistants that do not participate for the purpose of gain, when this is necessary due to the disablement. Copies cannot be made pursuant to this paragraph on the basis of a representation of the work in conflict with section 2, or on the basis of a copy that has been the subject matter of or is the result of a circumvention of protected technological protection measures, unless such production is necessary pursuant to section 53 a third paragraph second sentence. §

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

1. Yes

The authors receive fair compensation through annual grants via the State Budget.

9. 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?

2. No

10. 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)?

1. Yes

The private copy cannot be made on the basis of representation of the work that is in conflict with the copyright act (i.e. an illegal copy)

11. Does your national statute protect technological measures?

1. Yes

12. Does your national statute protect rights management information?

1. Yes

13. 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?

1. Yes

Rightholders shall ensure that beneficiaries who have legal access to a protected work can use the work, without hinder of a technical protection system. If the rightholders fails to provide such access, it is possible to petition a Board established by the Ministry. The Board may order the rightholder to permit access to the work. section 53 b of the Copyright Act reads as follows: Use of works when effective technical protective systems are employed § 53b. Rightholders shall ensure that beneficiaries who have legal access to a protected work, without hinder by an effective technological protection measure, can use the work, hereunder produce new copies, pursuant to sections 13a, 15, 16, 17, 17a, 21, 26-28 and 31. If the rightholder after a petition from a beneficiary of a section listed above fails to provide access as described in the first paragraph, he can, on the beneficiary's petition, be ordered to provide such information that is necessary to enable the work to be used in accordance with the objective. The petition shall be addressed to the Board established by the Ministry pursuant to regulations the King may issue. The Board can in addition to orders as mentioned, rule that the beneficiary without hinder under section 53a can circumvent the applied technological protection measures if the rightholder fails to adhere to the time limit imposed by the Board to comply with the order.

Copies of works that are encompassed under the Act No. 32 of 9 June 1989 relating to the legal deposit of generally available documents, shall nonetheless always be equipped with the information necessary to ensure that circumvention of technological protection measures to enable the legal copying is possible. The provisions in this section do not apply where a protected work on agreed terms by transmission is made available to the public in such a way that the individual can choose the time and place of access to the work. The provisions in this section do not apply to computer programs. The King may decide that some institutions in the sector of archives, libraries and museums automatically shall receive the information necessary to ensure that circumvention of technological protection measures to enable the legal copying is possible.

14. 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?

The Board has never been established, as there have been no cases.

15. 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?

1. Yes

Under certain conditions, limitations will prevail over a technical protection system See section 53b of the Copyright Act as cited above under question 12.

16. 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?

There have been no cases

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

1. Yes

Computer programs § 39g. Copyright in a computer program which is created by an employee in the execution of duties for which he is employed or in accordance with the instructions of his employer shall, subject to the limitation ensuing from section 3, devolve on the employer, unless otherwise agreed. § 39h. Any person having a right to use a computer program may make copies of, alter and adapt the program insofar as is necessary for the use of the program in accordance with its intended purpose, including the correction of errors in the program. Any person having a right to use a computer program may make a backup copy insofar as it is necessary for the use of the program. Any person having a right to use a copy of a computer program may, in connection with such loading, displaying, running, transmission or storage of the program as the user is entitled to perform, observe, study or test the functioning of the program in order to determine the ideas and principles which underlie the various elements of the program. Any person having a right to use a database, may perform such acts as are necessary to access and make normal use of the contents of the database No departures from the provisions of the second, third or fourth paragraphs may be made by agreement. § 39i. It is permissible to make a copy of the code of a computer program and translate the form of the code when this is indispensable in order to obtain the information necessary to achieve the interoperability of an independently created computer program with other programs, if a) these acts are performed by a person having a right to use a copy of a computer program, or on his behalf by a person authorized to do so, b) the information necessary to achieve interoperability has not previously been readily available to the persons referred to in litra a), and c) these acts are confined to the parts of the original program which are necessary to achieve interoperability. The information obtained through the application of the provisions of the first paragraph shall not a) be used for purposes other than to make possible the interoperability of the independently created computer program, b) be given to others, except when this is necessary in order to make possible the interoperability of the independently created computer program, or c) be used for the development, production or marketing of a computer program substantially similar to the original in its expression, or for any other act which infringes copyright in the program. No departures from the provisions of this section may be made by agreement.

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

1. Yes

Section 11a) Certain Temporary Copies: When an occasional or incidental reproduction of temporary copies forms part of an integral and essential part of a technological process that has the sole purpose of enabling a) a lawful use of a work, or b) a transmission in a network by an intermediary on behalf of third parties, such reproduction of copies is exempted from the exclusive right provided for in section 2, unless it has independent economic significance. The provision in the first paragraph shall not apply to computer programs and databases

19. 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?

1. Yes

Section 11 a (as cited under question 17) as well as the electronic commerce act sections 16-18: an ISP will not be liable if certain measures are taken.

20. 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?

2. No

21. 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?

Does not apply

22. 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?

2. No

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. page 141 annex: The regulation cited has been replaced, last amended in 2008.

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

1. Yes

The use of works in educational activities § 13. Teachers and pupils may make fixations of their own performances of works for educational use. Such fixations shall not be used for other purposes. The King may decide that schools and other educational institutions may make fixations of broadcasts for time-deferred use free of charge. Compulsory licence for the use of works for educational use § 13a. Copies of a published work may be made for use in a public examination. The originator of the work shall be entitled to remuneration. Extended collective licence for the use of works in educational activities § 13b. Copies of a published work can be made for use in own educational activities if the conditions for an extended collective licence pursuant to section 36 first paragraph are fulfilled. Fixations of broadcasts can be made on the same conditions. This does however not apply if the broadcast consists of a cinematographic work which must be perceived as also intended for uses other than presentation via television, unless only minor parts of the work are used in the broadcast. Fixation centres which are approved by the Ministry may, for use in educational activities, make fixations as specified in the first paragraph, if the centre fulfils the conditions for an extended collective licence pursuant to section 36, first paragraph. Copies made pursuant to the first and second paragraphs may only be used in educational activities covered by the agreement under section 36. The King will issue regulations concerning the storage and use of fixations pursuant to the first and second paragraphs. Performance in an educational context, etc. § 21. A published work may be performed publicly at religious services and in an educational context. If the author has transferred copies of a work of art or a photographic work, or such works have been issued, the work can be performed publicly in an educational context. A published work may also be performed publicly: a) at events where the performance of literary, scientific or

artistic works is not the primary feature, provided that the audience is admitted free of charge, and the event is not even indirectly organized for purposes of gain, b) at youth meetings that have not been arranged for purposes of gain. This section shall not apply to cinematographic works or the stage performance of stage works or to the public performance of databases in an educational context of a commercial nature. Nor shall the section confer a right to perform a work in a broadcast. Neither does it within education for commercial purposes provide the right to other transmission by wire or wireless means to the public. The right to perform a work in an educational context shall not apply to performances within the framework of organized concerts.

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

3. Both

Section 13a: the extended collective license for education also permits digital use. The extent of digital use is a matter of negotiations under the extended collective licensing system.

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

1. Yes

Section 21 : However: this does not permit actual organised concerts outside the scope of "education" as such: see last sentence of section. Performance in an educational context, etc. § 21. A published work may be performed publicly at religious services and in an educational context. If the author has transferred copies of a work of art or a photographic work, or such works have been issued, the work can be performed publicly in an educational context. A published work may also be performed publicly: a) at events where the performance of literary, scientific or artistic works is not the primary feature, provided that the audience is admitted free of charge, and the event is not even indirectly organized for purposes of gain, b) at youth meetings that have not been arranged for purposes of gain. This section shall not apply to cinematographic works or the stage performance of stage works or to the public performance of databases in an educational context of a commercial nature. Nor shall the section confer a right to perform a work in a broadcast. Neither does it within education for commercial purposes provide the right to other transmission by wire or wireless means to the public. The right to perform a work in an educational context shall not apply to performances within the framework of organized concerts.

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

2. No

27. 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?

2. No

28. 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)

1. Teachers
2. Students

29. 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)

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

1. Yes

Section 13, 13 a and 13b The use of works in educational activities § 13. Teachers and pupils may make

fixations of their own performances of works for educational use. Such fixations shall not be used for other purposes. The King may decide that schools and other educational institutions may make fixations of broadcasts for time-deferred use free of charge. Compulsory licence for the use of works for educational use § 13a. Copies of a published work may be made for use in a public examination. The originator of the work shall be entitled to remuneration. Extended collective licence for the use of works in educational activities § 13b. Copies of a published work can be made for use in own educational activities if the conditions for an extended collective licence pursuant to section 36 first paragraph are fulfilled. Fixations of broadcasts can be made on the same conditions. This does however not apply if the broadcast consists of a cinematographic work which must be perceived as also intended for uses other than presentation via television, unless only minor parts of the work are used in the broadcast. Fixation centres which are approved by the Ministry may, for use in educational activities, make fixations as specified in the first paragraph, if the centre fulfils the conditions for an extended collective licence pursuant to section 36, first paragraph. Copies made pursuant to the first and second paragraphs may only be used in educational activities covered by the agreement under section 36. The King will issue regulations concerning the storage and use of fixations pursuant to the first and second paragraphs.

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

1. Reprography
2. Digital copying

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

2. No

Under section 13b the parties come to an agreement over what kinds of use should be included under the extended collective license. For anthologies: section 18 Collective works for use in education, etc. § 18. 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.

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

1. Yes

Section 13a for use in exams is a compulsory license, section 13b is an extended collective license, section 18 is a compulsory license

34. 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?

2. No

35. 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)

1. Teachers
2. Students
3. Educational institutions
4. Others

Section 18: Also publishers Collective works for use in education, etc. § 18. 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.

36. 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)

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

2. No

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

2. No

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

2. No

40. 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?

2. No

41. 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)

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42. 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)

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

2. No

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

2. No

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

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46. 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?

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47. 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)

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48. 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)

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

2. No

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

2. No

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

52. 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.)?

2. No

53. 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?

1. Yes

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

1. Yes

Making copies in archives, libraries and museums, etc. § 16. The King may issue rules regarding the right of archives, libraries and museums and educational and research institutions to make copies of works for conservation and safety purposes and other special purposes. The provision does not apply to commercial use. The King may issue regulations on that archives, libraries, mu-seums and educational institutions, using terminals on their own premises, can make works in the collections available to individual persons when this is done for the purpose of research or private study.

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

All types of works, except computer programs (consent of rightholder necessary) National library may digitize its collection for preservation purposes. Other libraries and archives can only digitize under certain conditions.

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

1. Yes

For preservation a library can make a copy - in the same format as the original copy -in a another format (i.e. digitize): where a copy fulfilling the preservation purpose is not available for direct purchase in ordinary retail, or from the publisher, importer or producer -by transferring the work to micro-formats -by transferring the work from outdated storage systems to new systems of storage if this is necessary to be able to read/use the work

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

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

1. Yes

Institution may photocopy single articles in anthologies, newspapers or journals, or short extracts from other works for the personal use of patrons.

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

single articles in anthologies, newspapers or journals, or short extracts from other works

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

2. No

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

1. Yes

The Copyright Act is under revision, and specific provisions regarding inter alia orphan works will be considered

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

63. 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.)?

2. No

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

2. No

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

66. 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?

1. Yes

After a specific request from a user in library A, a work can be transferred by digital means from library B to library A: where the user may access the work on a library A terminal. Library A may not save a permanent copy of the work.

67. 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?

1. Yes

The same rules applies to archives as for libraries, for museums the rules apply mutatis mutandis. Educational institutions as such are not covered by the preservation limitation, but libraries, archives and museums under educational institutions are included.

68. 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?

1. Yes

Copyright Act has been amended since this analysis

69. 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?

1. Yes

Making copies for use by the disabled § 17. From a published literary or scientific work or musical work copies intended for the use of the blind and persons whose sight is impaired and others who due to the disability cannot attain the work in a usual manner may be made in a form other than a sound fixation. Published literary or scientific works may be reproduced on film, with or without sound, intended for the use of persons whose hearing or speech is impaired. The provision does not apply to commercial use. The provisions of the first paragraph shall not confer a right to reproduce copies which others have made with a particular view to the uses specified therein. Compulsory licence for the production and use of fixations for the disabled § 17a. The King may decide that certain specified organizations and libraries shall, on stipulated terms, for the purpose of free use by the disabled, have the right to make copies of published literary or scientific works by making a fixation on a device that can reproduce them. In connection with the text of such works, issued works of art and issued photographic works may be reproduced on the fixation. The author is entitled to remuneration to be paid by the State. The provision does not apply to commercial use. Extended collective licence for the production and use of fixations for the disabled § 17b. The King may issue regulations regarding the right to make a fixation of a published film or picture, with or without sound, and of a transmitted broadcasting programme not essentially consisting of musical works. Such regulations shall only apply to such use as is specified in section 17a, and only be applicable when the person making the fixation fulfils the conditions for an extended collective licence pursuant to section 36, first paragraph.

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

1. Yes

Free use exception excludes audio copies (audiobooks), but this is permitted under the compulsory licence regarding the making of audiobooks

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

72. 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?

2. No

No specific provisions but for personal use it would be allowed.

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

1. Yes

Making copies for use by the disabled § 17. From a published literary or scientific work or musical work copies intended for the use of the blind and persons whose sight is impaired and others who due to the disability cannot attain the work in a usual manner may be made in a form other than a sound fixation. Published literary or scientific works may be reproduced on film, with or without sound, intended for the use of persons whose hearing or speech is impaired. The provision does not apply to commercial use. The provisions of the first paragraph shall not confer a right to reproduce copies which others have made with a particular view to the uses specified therein. Compulsory license for the production and use of fixations for the disabled § 17a. The King may decide that certain specified organizations and libraries shall, on stipulated terms, for the purpose of free use by the disabled, have the right to make copies of published literary or scientific works by making a fixation on a device that can reproduce them. In connection with the text of such works, issued works of art and issued photographic works may be reproduced on the fixation. The author is entitled to remuneration to be paid by the State. The provision does not apply to commercial use. Extended collective licence for the production and use of fixations for the disabled § 17b. The King may issue regulations regarding the right to make a fixation of a published film or picture, with or without sound, and of a transmitted broadcasting programme not essentially consisting of musical works. Such regulations shall only apply to such use as is specified in section 17a, and only be applicable when the person making the fixation fulfils the conditions for an extended collective licence pursuant to section 36, first paragraph.

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

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For the hearing impaired: a work can be reproduced on film, with or without sound.

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

1. Yes

non-commercial reproduction only (the disabled user - the beneficiary of the limitation - can dispose of the work as she wishes)

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

2. No

No specific provision but would be legal to import for personal use

77. 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?

1. Yes

The limitations apply to all persons who due to a disability cannot attain the work in the usual manner

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

2. No

non-commercial reproduction only (the disabled user - the beneficiary of the limitation - can dispose of the work as she wishes)

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

80. 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?

2. No

No specific provision but would be legal to import for personal use

81. 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?

1. Yes

The Copyright Act is under revision, and the specific limitations regarding persons with print disabilities will be considered reviewed.

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

83. 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.)?

2. No

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

1. Yes

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

1. Religious activities

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

2. No

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

1. Yes

88. 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?

1. Yes

Collective works for use in education, etc. § 18. 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.

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

2. No

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

2. No

91. 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?

2. No

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

2. No

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

2. No

94. 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?

2. No

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

1. Yes

96. 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)?

1. Yes

Chapter 7. Penal sanctions, compensation and confiscation § 54. Any person who wilfully or negligently contravenes this Act shall be liable to fines or to imprisonment for a term not exceeding three months if he a) infringes provisions laid down for the protection of copyright in or in accordance with Chapters 1 and 2, the provisions of section 39 j or 41 a, or prohibitions imposed pursuant to section 35 or 48, or provisions made by the author pursuant to section 39 k, second paragraph, b) infringes provisions laid down in or in accordance with Chapter 5 and Chapter 6a, sections 45 c, 46, 47 or 48, last paragraph, c) imports copies of literary, scientific or artistic works or of such works and fixations as are specified in sections 42, 43, 43 a, 45 and 45 a with the intention of making them available to the public, when the copies have been produced abroad under such circumstances that a similar production in this realm would have been unlawful, or d) offers or otherwise makes available to the public such works or fixations as are specified in sections 42, 43, 43 a, 45 or 45 a, when the copies have been produced contrary to these provisions or imported contrary to litra c of this section, f) imports copies of such fixations as are specified in section 45 with the intention of making them available to the general public for gain, when the producer has not consented to such import and copies of the same fixation are offered for sale in the realm with the consent of the producer. The Ministry may by regulations make exceptions to this provision for the import of copies from specific countries. In cases of infringement of the provisions in section 12, fourth paragraph, the first paragraph in this section only applies if the act is wilful. Accessory to an infringement as described in the first and second paragraphs shall be punished in the same way. If any infringement mentioned in the first to third paragraphs is wilful, and has been committed under particularly aggravating circumstances, the penalty shall be fines or imprisonment for a term not exceeding three years. In assessing whether particularly aggravating circumstances subsist, importance shall primarily be attached to the damage caused to the copyright owner and others, the profit gained by the offender and the general extent of the infringement. Any attempt at a wilful infringement as specified in the first to fourth paragraphs may be punishable in the same way as the completed crime. Any person who wilfully or negligently fails or neglects to provide information as described in § 38c eighth paragraph first part or to insert in a work for the printing of which he is responsible the information specified in section 52 shall be liable to fines. Infringement of the fourth paragraph, cf. fifth paragraph, shall be subject to public prosecution. Infringement of the other provisions of this section shall not be subject to public prosecution unless it is so requested by the aggrieved party or by an organization, cf. eighth paragraph, or required in the public interest. If this Act has been infringed through use of a work in a manner specified in sections 13b, 14, 16a, 17b, 30, 32 and 34, prosecution may, insofar as the aggrieved party does not object thereto, be demanded also by the organization entitled to enter into agreements pursuant to section 36. § 55. Any damage caused by an infringement mentioned in section 54, or by an infringement of section 49, first paragraph, is subject to a claim for compensation according to the rules of compensation generally applicable. If the right of an author or a performing artist, or the right of a subject of a picture according to section 45 c) has been infringed wilfully or

by gross negligence, the court may also award him a sum of money as redress for damage of a non-economic nature. Even if the offender has acted in good faith, the aggrieved party may, irrespective of the extent of the damage, demand payment of the net profit accruing from the unlawful act. The provisions in this section cannot be applied to whomsoever produces or accessorises in producing copies that infringe the provisions in section 12 fourth paragraph, unless the act is wilful.

97. 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?

1. Yes

This is regulated in section 16 to 18 in the Electronic Commerce Act, and not in the Copyright Act

98. 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?

1. Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)
2. Caching infringing material
3. Storing infringing material at the direction of a user

99. 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?

in addition to section 11a in the Copyright Act, there are provisions in the Electronic Commerce Act. Section 11 a: Certain temporary copies § 11a. When an occasional or incidental reproduction of temporary copies forms part of an integral and essential part of a technological process that has the sole purpose of enabling a) a lawful use of a work, or b) a transmission in a network by an intermediary on behalf of third parties, such reproduction of copies is exempted from the exclusive right provided for in section 2, unless it has independent economic significance. The provision in the first paragraph shall not apply to computer programs and databases.

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

1. right of quotation
2. news reporting
3. ephemeral copies
4. incidental uses
5. government uses

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

2. No

102. 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?

2. No

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

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