

## **WIPO SUMMARY OF THE RESPONSES TO THE QUESTIONNAIRE FOR SURVEY ON COPYRIGHT REGISTRATION AND DEPOSIT SYSTEMS**

### **A. COPYRIGHT REGISTRATION AND RECORDATION**

#### **1. What is the name and legal status of the copyright registering/recording body in your country?**

According to the responses received, 48 Member States have a copyright voluntary registration system. The vast majority of countries entrust this competence to institutions which belong to the executive branch of the central government. In a few cases, the registry is part of the legislative or judicial powers. Where such bodies belong to the executive branch of government, they are most often under the Ministry of Justice or the Ministry of Culture.

Some countries such as Spain and China have in place a decentralized system, where, in addition to a central registry, local authorities have their own competence.

A number of countries, such as Armenia, Mali, Namibia and Slovenia, have indicated that the functions of registering copyright subject matter are carried out by Collective Management Organizations (CMOs) or private entities.

A slightly different situation has been found in Italy, where the national CMO for authors' rights is in charge of the registration of computer software and audiovisual works exclusively, whereas the General Public Registry, under the supervision of the Ministry of Culture is competent for the remaining copyright subject matter. Similarly in Japan, the Software Information Center (SOFTIC) has been specifically created to register computer programs.

#### **2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.**

Full contact details and other general information for each copyright registering body, can be found at [Annex A.1](#).

#### **3. Does the copyright registering body have a webpage and e-mail address? If so, please list them.**

Webpage and e-mail addresses of responding copyright registering/recording bodies can be found at [Annex A.1](#).

**4. Is the copyright registry interconnected to any other copyright data system?**

According to the responses, the majority of copyright registering bodies are not interconnected to other copyright data systems provided either by public or private entities.

However, there are a number of exceptions. In Algeria and Mali, the database of the registration bodies is connected to the CIS-Net of CISAC. The copyright registration system in Bulgaria is interconnected to the National System on Exchange of Information in the Field of Intellectual and Industrial Property Rights allowing the system to share information among different agencies. In Romania, the national registry is interconnected to a common database developed within the PHARE Project entitled "Further strengthening of the Romanian institutional capacity for the protection of the intellectual and industrial property rights". The common database system is designed as a web application which can be accessed by institutions with responsibilities in the field of intellectual property enforcement, namely: the Public Ministry, the Ministry of Justice, the Romanian Copyright Office, the State Office for Inventions and Trademarks, the General Police Inspectorate, the General Border Police Inspectorate, the Customs National Authority. In Spain, all registries that are part of the General Registry of Intellectual Property are interconnected through a common software application that supports the management of the different registers. Finally, Korea has announced that a plan to integrate all copyright information databases is under development.

**5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.**

The relevant national legislation and regulation, provided in the corresponding responses is available at [Annex A.2](#).

**6. What kind of copyright works can be registered/ recorded? Is the registration/ recordation process different for each type of copyrighted work? Please describe the differences, if any.**

In general, it can be stated that all kind of copyrightable works can be registered. Most legislation refer to the general notion of literary and artistic works, which, along the lines of the Berne Convention are defined by means of an open non exhaustive list of productions in the literary, artistic and scientific domain.

Some countries have expressly included computer programs in the list of works than can be registered. This includes Albania, Algeria, Argentina, Bahrain, Belize, China, Colombia, Costa Rica, Ghana, Guatemala, Hungary, Kyrgyz Republic, Republic of Korea, Italy, México, Republic of Moldova, Namibia, Nepal, Peru, Romania, Tunisia and the United States of America.

A number of exceptions must be pointed out:

In Austria and Germany, only protected literary, scientific and artistic works that have been published as anonymous or pseudonymous works can be recorded. The only purpose of this voluntary registration is to apply the duration of copyright protection to anonymous and pseudonymous works.

In the Republic of Belarus, only computer programmes can be registered, while Russia allows registration only for computer programs and databases.

In Slovenia, the Copyright Agency of Slovenia registers copyright works, with the exception of non-theatrical musical works with or without lyrics.

In South Africa, it is only cinematograph films that are registered.

Finally, the registration procedures are usually similar for each category of works. Nevertheless, due to their distinctive characteristic for the registration of computer programs, a separated process has been established in some countries such as Japan and Korea.

**7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/ recorded? If yes, is there a different registration/recordation process than for works protected by copyright?**

On this matter, the responses show how countries have implemented a vast variety of different solutions.

In a large number of countries, the object of related rights can be registered and the registration process is substantially similar to the one set up for copyrighted subject matter. This includes Argentina, Bahrain, Belize, Brazil, Chile, China, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Guinea, Japan, México, Mongolia, Montenegro, Peru, Romania, Spain and Tunisia.

A similar situation can be found in those countries, such as Bhutan, Jamaica and the United States of America, whose national legislation does not distinguish between copyright and related rights. Therefore performances, broadcasts and sound recordings are registered as copyright works if they meet the general conditions for protection of the same. The registration requirements are the same as for other copyrighted works.

In Austria, Republic of Belarus, Croatia, Denmark, Finland, Greece, Italy, Luxemburg, Madagascar, Mali and Mauritius, there is no relevant provision in their national legislations on the registration of the subject matter of related rights.

A different situation has been reported by Bulgaria, where just like copyright the subject matter of related rights is not subject to registration. What is registered is every transaction for producing matrices and optical carriers containing objects of copyright and related rights, reproducing objects of copyright and related rights onto blank media, and acquiring rights to reproduction and/or distribution of records of audio or audiovisual works, as well as import and export of matrices and other carriers containing records of audio- or audiovisual works. The Ministry of Culture at the Copyright and Related Rights Directorate keeps a register for registration of such transaction<sup>1</sup>.

Finally in Algeria, the recordings and the interpretations can be registered only for purpose of rights distribution.

**8. Is there a possibility to record the transfer or licensing of copyright/related rights?**

The replies show that most national registration bodies do not provide a recording system for the transfer or licensing of copyright or related rights.

Among the countries that do provide such facility we can identify a first group, composed by Albania, Chile, Kenya, Kingdom of Saudi Arabia, Jamaica, Kyrgyz Republic, Moldova, South Africa and Thailand, where the recordation of the transfer or license of rights is mandatory.

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<sup>1</sup> English Webpage and e-mail address of the Ministry of Culture responsible for registration of such transaction can be found as part of the detailed corresponding response of Member States in Annex A.1

In a second group, composed by Algeria, Argentina, Bahrain, Brazil, China, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Guinea, Italy, Japan, Mali, México, Mongolia, Nepal, Oman, Pakistan, Peru, Spain Ukraine and the United States, the recordation is done on a voluntary basis.

In addition, there are number of peculiar systems such as the ones in place in Korea and Russia. For instance in Korea, only transfer by assignment of exclusive rights can be registered while non exclusive licenses of rights cannot; and in Russia, only contracts on the alienation of exclusive rights in registered computer programs and databases, and the transfer of such rights to third parties without a contract, are subject to recordation.

**9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?**

In a high number of Member States, there are no possibilities to record in the Registration Office a security interest in copyright or related right. This includes Albania, Argentina, Armenia, Austria, Belize, Bhutan, Brazil, Republic of Belarus, Bulgaria, Colombia, Croatia, Czech Republic, Ecuador, Germany, Greece, Guatemala, Hungary, Israel, Jamaica, Japan, Latvia, Lesotho, Lithuania, Luxemburg, Madagascar, Malta, Mauritius, México, Montenegro, Monaco, Myanmar, Nepal, Netherlands, New Zealand, Oman, Pakistan, Romania, Serbia, Singapore, Slovenia, Sri Lanka, Trinidad & Tobago, Tunisia and the United Kingdom.

On the other hand, a smaller group including Algeria, Chile, Costa Rica, Kenya, Kingdom of Saudi Arabia, Ghana, Guinea, Italy, Moldova, Mongolia, Peru, Spain and United States of America, responded positively; therefore a security interest in a copyright or related right can be officially recorded.

Furthermore, other countries responded positively but indicating some peculiarities.

The response of China indicates that the recordation of a security interest in the copyright or related right is the registration of a pledge contract on copyright. The legal requirements include: requesting the pledgor and the pledgee to conduct the registration simultaneously; the pledgee is the legal copyright owner; the master contract and guarantee contract are legally effective and the materials submitted are complete. The copyright pledge contract registration is the effective condition.

In Denmark, a security interest in a copyright or related right can be recorded in the official, general register of personal possessions. The legal requirements and effects of such a recording can be found in the Registration of Property Act

In the Republic of Korea, there is the possibility to register a security right (pledge) establishment, as well as its transfer, alteration and termination. The parties for security right establishment are required to apply for registration jointly. Once the security right is registered, if the person changes her rights, she can be challenged by any third party on the basis of her registration.

In the Republic of Kyrgyz, a security interest in a copyright or related right may be registered. According to the Civil Code and the Law of the Kyrgyz Republic "on mortgage" the rights on intellectual property subject matter, including copyright and related rights may be subject of a security interest. According to the above mentioned laws the agreement must be concluded in writing. The agreement may be registered. However, in cases where the obligations are above 25000 Soms (about 400 €), the agreement shall be subject of mandatory state registration.

**10. What is the legal effect of registration?**

In general, the legal effect of registration of copyright or related rights is to establish a prima-facie, a preliminary evidence to prove that the facts and acts recorded are true, unless proven otherwise. In the majority of countries, voluntary registration provides for a rebuttable presumption of authorship or, where applicable, ownership of related rights. Only as a matter of example, we can cite the legislations of Argentina, Brazil, Japan and Montenegro, where the registration establishes a strong presumption (*juris tantum*) regarding authorship, ownership and the date of creation.

In other countries, such as Bhutan, Republic of Belarus, China and Nepal, registration only provides regular evidence, admissible in legal proceedings.

In Austria and Germany, the registration of published creations as anonymous or pseudonymous works has the effect that the term of protection runs from the death of the author instead from the first publication.

The United States of America reported a more complex situation: registration made before or within the first five years after publication provides prima facie evidence of the truth of the facts stated in the copyright certificate and prima facie evidence of the validity of the claim. The complexities derive from the fact that until January 1, 1978, registration and its renewal were mandatory. For a more detailed overview, please refer to the [full response](#).

For a more detailed overview of the various effects of registration in different countries we remit to the [full responses](#).

**11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?**

- (a) Recognition of creation?
- (b) Transfer of rights?
- (c) Initiation of judicial proceedings?
- (d) Other changes in title/ownership (such as leasing)?

If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.

As stated above, a mandatory registration/recordation system of copyright has not been established in the majority of the countries concerned. In countries where mandatory registration exists, it only applies to nationals. In several countries, the system provides, rather than legal sanctions for lack of registration, additional benefits for registration.

**(a) Recognition of creation?**

None of the countries surveyed has established a mandatory registration system for the purpose of recognition of creation, with the possible exception of Mauritius. It can be noted that in Bulgaria, Kingdom of Saudi Arabia, Peru Romania, and Argentina, registration of a published national work is compulsory for the publisher. However, the lack of registration does not affect the recognition of rights but rather attracts administrative sanctions, as detailed in the corresponding responses ([Annex A.3](#)).

**(b) Transfer of rights?**

The replies have shown that the recording of transfer of rights is done in most countries on a voluntary basis. However, some countries establish a mandatory recordation of transfer of rights usually limited to nationals' recognition. In Albania, Argentina, Colombia, Kingdom of Saudi Arabia, Mali, México Mongolia, and South Africa, any contract transferring copyright or related rights shall be recorded as a condition for publicity and enforceability *vis a vis* third parties.

Also as described in the corresponding response, in the United States of America, where a document that refers to transfer of rights in a registered work is recorded, recordation constitutes constructive notice of the facts stated in the document. A recorded document also receives priority over conflicting transfers or exclusive licenses that have not been recorded.

**(c) Initiation of judicial proceedings?**

In general terms legislation in the countries concerned does not establish registration as a prerequisite or obligation for the initiation of court proceedings.

In Mali, Mongolia, and Mauritius, the registration is necessary for the initiation of judicial proceedings. In Nepal, registration is voluntary for initiation of proceedings related to foreign works, but it is mandatory for national works in order to institute legal action, as indicated in the [corresponding response](#).

Similarly, in the United States of America, registration is voluntary for initiation of proceedings related to foreign works, but it is mandatory for national works in order to institute legal action. In such cases the court has no jurisdiction until a registration has been filed and, in certain cases, completed, as detailed in the [corresponding response](#).

**(d) Other changes in title/ownership (such as leasing)?**

With respect to the change of ownership, the general rule of voluntary recordation applies. However, Mali, Mongolia and Oman law provides that the acts, agreements and contracts through which rights are transferred shall be recorded in the Copyright Registry to have effect *vis a vis* third parties. This requirement does not apply to mere licenses for the use of copyrighted subject matter.

**If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.**

As stated above, a mandatory registration/recordation system of copyright has not been established in the majority of the countries concerned. In several countries, the system provides, rather than legal sanctions, additional benefits to the registrant (right owner).

In Argentina, the lack of registration of published national works brings as a consequence, a fine and the suspension of the patrimonial right of reproduction.

In the United States of America, the registration system provides, rather than legal sanctions, additional benefits. A registration in the United States of America prior to infringement or within three months of publication enables a court to award the litigant extraordinary remedies (i.e. statutory damages and attorneys' fees) when the copyright owner prevails in an infringement action. The court is without jurisdiction to award such damages in the absence of timely registration although it may award actual damages, profits and other remedies.

**12. Do courts in your country recognize copyright registrations effected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?**

It can be noted that, in general, courts recognize copyright registrations carried out by public authorities in other countries. In most cases, this recognition is subject to the accomplishment of various formalities.

In a group of countries, a registration from another country is subject to the general requirements for the acceptance of any foreign document submitted as documentary evidence. This includes Albania, Argentina, Chile, China, Colombia, Costa Rica, Ecuador, Guinea, Montenegro, Mauritius, Namibia, Pakistan and Spain. There are different kinds of validation procedures in place. Usually the document must be submitted as a legalized copy and officially translated into the national language.

Also in countries that do not provide for registration system, such as Austria, a registration made by foreign authorities can be accepted as evidence.

In a substantially high number of countries, recognition of foreign registrations of copyright by courts is automatic as national treatment principles are applied pursuant to the Berne Convention. This includes Bahrain, Belize, Bhutan, Brazil, Ghana, Greece, Guatemala, Italy, Jamaica, Japan, Kenya, Luxemburg, Republic of Korea, Madagascar, Mali, México, Republic of Moldova, Mongolia, New Zealand, Peru, Romania, Thailand and Tunisia. No additional procedures or requirements are necessary as validation of such foreign registration is not required.

Croatia, Lithuania, Monaco, Trinidad & Tobago reported there is no case law available at the moment to substantiate how courts deal with registration of copyright by foreign authorities.

In Oman and South Africa, courts do not recognize copyright registrations effected by public authorities in other countries.

There is no provision in the United States of America copyright statute to recognize copyright registrations effected by public authorities in other countries. However, under section 104(b)(2) of the Copyright Act, works are subject to protection if “the work is first published in a foreign nation that, on the date of first publication, is a treaty party”. Thus, no local procedure is required to establish copyright protection in the United States for a work published in a treaty party country. Further, an owner of a work other than a United States work need not register his or her claim in the United States or elsewhere in order to bring suit in U.S. courts.

In addition to the above described systems, it must be reported that a vast variety of different solutions are in place in different Member States. For a more detailed overview, please refer to the [full responses](#).

**13. What are the requirements for registration?**

**(a) What are the mandatory elements of the request for registration/ recordation?**

According to the responses received, the mandatory elements of request for registration/recordation established in the different countries that carry out registration/ recordation are basically the same for different category of works/rights, as explained in the corresponding response ([Annex A.5](#)). The basic information generally required as the core element for the copyright registration comprises the following:

- personal information of the author
- the category of works
- the title
- the date and place of publishing works
- and the fee payable

For the categories of transfer of rights the mandatory elements are:

- the contracts
- the deposit of copies
- the corresponding fee

**(b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?**

From the responses received it can be noted that, different depository procedures have been set up by the various registration/recordation bodies in different countries. For example, whilst some bodies require a physical copy or submission by the post, others permit submission electronically. Detailed submission requirement has been explained in the [corresponding response](#).

**(c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?**

As detailed in the [corresponding responses](#), the deposit of a fixed copy of the work together with a registration form is mandatory in most of the countries concerned. However, in Austria, Germany, and Hungary the applicant is not required to submit a copy of the work for deposit.



In Algeria, Argentina, Bahrain, China, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Guinea, Kenya, Republic of Korea, the Republic of Kyrgyz, Madagascar, Mauritius, México, Republic of Moldova, Montenegro, Romania, Russia, Serbia, Slovenia, Spain, Thailand, Tunisia, Ukraine and the United States of America deposit can be submitted in either a hard copy or digital form.

In Albania, cases of phonogram deposit, computer programs, and databases can be submitted in a digital form.

In the Republic of Belarus, only computer programs are registered and the deposit of the copy of the work can be submitted in digital form.

In Belize, Brazil, Italy, Jamaica, Kingdom of Saudi Arabia, Mali, Namibia, Mongolia, Nepal, Oman, Pakistan, Peru and South Africa the deposit submitted must be a hard copy of the work.

In Japan, regarding registration of computer programs, an applicant must submit fixed copies of the works. The applicant cannot submit them in a digital form.

In general, the main purpose of the deposit is to provide evidence of the existence of the work or other subject matter over which authorship or ownership is claimed. However, sometimes the deposit contributes to form a collection of cultural creations valuable for the purpose of preservation of cultural heritage and for statistics on national creative production on different sectors.

**(e) Is there a registration/recordation fee? If so, how much is the registration/recordation fee?**

In Algeria, Colombia, Kingdom of Saudi Arabia and Thailand registration services are provided free of charge. In the rest of countries the recordation fees vary widely from one country to another, as shown in the [corresponding response](#).

In Austria registration services are provided free of charge, however, the applicant has to pay for publication of the registration in the official gazette.

**(f) What is the average time taken to complete the registration/recordation process?**

The average time needed for registration of copyright in the different countries varies largely from country to country as detailed in the [respective responses](#). These differences may be largely due to the different nature of registration in the jurisdictions concerned.

Member States indicated different time periods, within which the institution is expected to complete the registration procedure. Those periods can vary from few minutes (Chile) up to two years (Pakistan).

For instance, in Algeria, Chile, Guinea, the Kingdom of Saudi Arabia, Madagascar, Mauritius, Oman, Peru, Slovenia and Tunisia the registration process is completed within one day or less.

In Bahrain, Costa Rica and Republic of Korea, the registration process is completed in four days.

Other countries, such as Albania, Austria, the Republic of Belarus, Ghana, Hungary, Jamaica, the Republic of Kyrgyz, Republic of Moldova, Mongolia, Montenegro, Nepal, Romania, Serbia and Ukraine indicated that an average time of two to four weeks is needed to complete the registration/recordation process.

**14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recordation process for domestic as opposed to foreign works or objects of related rights?**

From the responses received, in almost all the countries concerned, the registration process for domestic and for foreign works or objects of related rights by foreigners is the same. In Algeria, Argentina, Austria, Bahrain, Belize, Bhutan, Brazil, Chile, China, Costa Rica, Ecuador, Ghana, Guatemala, Hungary, Italy, Jamaica, Japan, Republic of Korea, the Kyrgyz Republic, Lithuania, Mongolia, Namibia, Pakistan, Peru, Russia, Serbia, Republic of Slovenia, South Africa, Spain, Thailand, Tunisia and the United States foreigners are granted national treatment.

Different regulations have been reported.

For instance, in Albania, the works of foreign authors must be made available to the public in Albania 30 days before they apply for registration/ recordation.

In Colombia, foreigners enjoy national treatment, except for the on-line registration that can be done only by colombian nationals.

In Guinea, Madagascar and Mali, foreigners with legal residence are permitted to register their creations only under certain conditions.

In the Kingdom of Saudi Arabia, Mauritius, México, Nepal and Romanian only nationals and foreigners with legal residence are allowed to register their works.

In the Republic of Moldova and in Oman, in principle foreigners have the right to register/record their creations. However, those who do not have legal residence must submit their registration by mediation of a representative authorized by a notary or by an agent.

**15. Are the files stored in digital form?**

In Algeria, Albania, Argentina, Bahrain, Republic of Belarus, Belize, Brazil, Ghana, Guinea, Italy, Jamaica, Republic of Moldova, Mongolia, Nepal, Oman and South Africa the files are stored only in hard copy.

In Austria, Bhutan, China, Colombia, Costa Rica, Ecuador, Guatemala, Hungary, Kingdom of Saudi Arabia, the Kyrgyz Republic, Madagascar, Mali, México, Namibia, Romania, Serbia, Spain and the United States of America the files submitted are stored in digital format.

In Japan, registered information other than fixed copy of work is stored in digital form.

A number of countries, including Chile, Kenya, Mauritius, Peru and Tunisia are in the process of establishing a digitized data format for its database registration.

In the Republic of Korea, Republic of Slovenia, Thailand and Ukraine files are stored both in digital format and in hard copy form depending on the format in which they are submitted. However, in Korea since 2008 a new only digital archiving system has been developed. In addition, the national archiving project for computer programs to digitalize and categorize all kinds of electronic files including CDs, and microfilms submitted, is expected to be completed by the end of 2010.

In Pakistan, the files are not stored in digital format, only the metadata is stored in digital format in a database.

In Russia, the legislation does not make provision for keeping files related to the registrations of computer programs, databases and respective contracts.

**16. What criteria are followed for classification of the registrations/recordation (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?**

According to the responses, the classification of the registrations/ recordation is generally undertaken in chronological order into categories of works or subject matter of related rights. Detailed classification criteria of various registration/recordation bodies can be found in [corresponding answers](#) in the questionnaires.

**Is it possible to correct or update relevant information?**

The registration systems in place in a significant number of countries provide the possibility to correct or update relevant information after the registration. This includes Albania, Algeria, Argentina, Republic of Belarus, Bhutan, Brazil, Chile, China, Colombia, Ecuador, Germany, Ghana, Guatemala, Italy, Kenya, Kyrgyz Republic, Madagascar, Mali, Mauritius, Republic of Moldova, Mongolia, Oman, Serbia, South Africa, Spain, Thailand Tunisia and the United States of America.

In other countries, such as Austria, Montenegro Slovenia, it is not possible to correct or update relevant information, after the registration has been completed.

Costa Rica, Hungary and Japan reported some peculiarities that can be seen in the [full responses](#).

**17. Does the system have a search facility?**

In the majority of countries, there are search facilities in place. This includes Algeria, Argentina, Bahrain, the Republic of Belarus, Brazil, Chile, China, Colombia, Costa Rica, Ecuador, Ghana, Guatemala, Guinea, Hungary, Japan, Italy, the Kingdom of Saudi Arabia, the Kyrgyz Republic, Madagascar, Mali, Mauritius, México, Namibia, Mongolia, Nepal, Pakistan, Peru, Republic of Korea, Romania, Serbia, Slovenia, South Africa, Spain, Thailand, Ukraine and the United States of America.

On the other hand, the registration systems of Albania, Argentina, Belize, Bhutan, Bulgaria, Colombia, Germany, Jamaica, Kenya, Moldova, Montenegro, Oman, Russia and Tunisia do not provide search facility.

**18. Is it accessible by the public? Is the search facility available online?**

A large number of countries, have no facility available online for the public. This includes Albania, Algeria, Argentina, Bahrain, Belize, Republic of Belarus, Bhutan, Bulgaria, Chile, China, Costa Rica, Ecuador, Ghana, Guinea, Jamaica, Kenya, the Kingdom of Saudi Arabia, the Kyrgyz Republic, Mali, Madagascar, Mauritius, México, Mongolia, Namibia, Oman, Pakistan, Peru, Republic of Moldova, Russia, Serbia, Slovenia, South Africa, Spain, Tunisia, Ukraine.

In Brazil, Colombia, Guatemala Hungary Italy, Japan, Nepal, Romania, Republic of Korea, Thailand and United States of America the general public can access the registration database by the Internet.

**19. Is access granted to the work registered or its copies?**

In most of the countries, access to the registered work, its copy or general information thereon is granted, under certain conditions. Those conditions vary from one country to another and usually imply some bureaucratic or administrative burden on the side of the petitioner, including in some cases the payment of a fee.

On the other hand, a number of Member States, including Algeria, Bahrain, the Republic of Belarus, Bhutan, Guinea, the Kingdom of Saudi Arabia, Kyrgyz Republic, Madagascar, Lesotho, Romania, Spain and Tunisia, do not grant this faculty.

In addition, it is important to highlight that some systems limit the persons entitled to the access. For instance in Argentina, Brazil, Chile, China, Costa Rica, Italy, Russia and Serbia access to registered works is limited to right holders, and/or to the competent authorities. In other systems, such in Colombia, Namibia and Thailand the grant of access to registered works depends expressly on the decision of authors and right holders at the time of registration.

**20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?**

Basic information regarding registered works is accessible in most countries, including Albania, Argentina, Brazil, China, Colombia, Costa Rica, Ecuador, Guinea, Italy, Madagascar, Mali, Mexico, Nepal, Pakistan, Peru, and Slovenia. However, there are very few examples of registration systems that provide the possibility to access to other documents submitted.

For instance in Thailand the applicant at the time of filing applications must indicate whether the public can be granted access to the filed documents. In the United States of America persons who are not copyright owners are granted access to works under prescribed circumstances and upon payment of applicable service fees. The general public may request other documents, for example, correspondence submitted in connection with registration, or application forms. In exceptional cases, upon a showing of good cause, the Register may also grant special permission to obtain access to process files.

Some registration bodies for example in Algeria, Bahrain, Bhutan, Germany, Ghana, Mongolia, Mauritius, Republic of Moldova, Namibia, Oman, Republic of Korea, Romania, Serbia and Tunisia, do not grant any sort of access to the general public to either documents submitted or to any information regarding the work registered/recorded.

Finally, a number of peculiar systems are in place in other Member States, whose details can be viewed in their [full responses](#).

**21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.**

From the responses received, it can be noted that a number of Member States, such as Albania, Algeria, Finland, Guinea, Ghana, Hungary, Jamaica, Japan, Liechtenstein, Luxemburg, Mauritius, the Kingdom of Saudi Arabia, the Republic of Korea, Singapore have some normative provisions dealing with “orphan works,” i.e. works whose right owner either is unknown or cannot be located.

In addition there are few countries, such as Ecuador, Republic of Moldova, Namibia and the United States of America that are taking into consideration the idea of legislating on the issue.

The majority of responding countries, have no legislation dealing specifically with “orphan works”. This include Argentina, Austria, Bahrain, Belize, Bhutan, Brazil, Bulgaria, China, Colombia, Costa Rica, Croatia, Germany, Greece, Guatemala, Italia, Kyrgyz Republic, Lesotho, Lithuania, Madagascar, Mali, México, Mongolia, Nepal, New Zealand, Oman, Pakistan, Romania, Russia, Serbia, Slovenia, South Africa, Spain, Thailand, Trinidad & Tobago and Tunisia.

In some other countries there are general provisions in the legislation on Copyright and Related Rights that may be relevant to the topic. For instance, the Czech Republic has no legislation dealing specifically with orphan works yet. However, for some kind of uses the so-called extended collective management has been established, e.g. for broadcasting of certain types work or for public lending. In those cases the relevant collective management organization represents not only the registered rightholder but all others who are neither registered nor represented on the basis of an agreement. The Denmark Copyright Act does not contain provisions specifically dealing with orphan works. However,, extended collective license aimed at securing cultural heritage may impact on orphan works. In the Copyright Law of Perú there is a regime of limitations or exceptions to the right of exploitation that may apply to the case of orphan works. The United Kingdom has no specific legislation dealing with the use of “orphan works,” however the Copyright Designs and Patents Act 1988 (“CDPA”) makes general provisions on “orphan works,” as detailed in the response. Finally Ukrainian legislation includes a general provision on how collective management organizations deal with “orphan works”.

**22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”?**

According to the response, there are no industry practices in Albania, Algeria, Argentina, Austria, Bahrain, Belize, Bhutan, Brazil, Republic of Belarus, Bulgaria, China, Colombia, Costa Rica, Ecuador, Denmark, Germany, Ghana, Guatemala, Italy, Jamaica, Kyrgyz Republic, Lesotho, Liechtenstein, Luxemburg, Madagascar, Mauritius, México, Republic of Moldova, Monaco, Mongolia, Namibia, Nepal, New Zealand, Oman, Pakistan, Peru, Romania, Russia, Serbia, Singapore, Slovenia, Thailand, Trinidad & Tobago and Tunisia, aimed at identifying and/or locating the copyright owner of “orphan works”.

There are few countries that reported the existence of industry practices. Normally those practices consist of a search through databases, managed by public institutions (e.g. National Book Centre of Greece; Kenya Copyright Board, Korea Copyright Commission; Copyright Registry of Spain) or collective management organizations. In addition in a number of countries, including Czech Republic, Finland, Hungary, Lithuania Mali and Ukraine, collective management organizations play an active role in the collection of relevant information and location of rightholders.

Finally the United Kingdom reported a direct involvement in the Accessible Registries of Rights Information and Orphan Works towards European (ARROW), a project of EU national libraries, publishers and authors’ collective management organizations which aims to support the EU i2010 Digital Library Project by facilitating the identification of the rights status of works with particular focus on orphan and out of print works and by creating a European registry of orphan works and a network of rights clearance centers.

**23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?**

In Albania, Argentina, Austria, Bahrain, Belize, Bhutan, Brazil, Chile, China, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Finland, Ghana, Greece, Guatemala, Italy, Madagascar, Mali, México, Monaco, Mongolia, Peru and Spain and Tunisia, the registering/recording body do not play any role in the legislation or practice dealing with “orphan works.”

In other countries such as Algeria, Germany, Guinea, Hungary, Japan, Mauritius, United States of America, national registering bodies play a relevant role related to the issue of orphan works, either in the search for rightsholders or in granting licenses.

**24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?**

In Albania, Argentina, Armenia, Austria, Bahrain, Belize, Bhutan, Brazil, Chile, China, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Finland, Germany, Ghana, Greece, Guatemala, Hungary, Italy, Japan, Luxemburg, Madagascar, Mali, México, Monaco, Peru, Spain, Tunisia and the United States of America, there are no systems to identify and list recorded/registered works or objects of related rights in the public domain.

In few countries such as Algeria, Croatia, Guinea, Mauritius, there are systems providing for listing works in the public domain. In Guinea and Mauritius, the databases are not accessible to the public.

**25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recording information from the public system?**

**26. Please provide statistics on following registrations/recording:**

**(a) Number per statistical period (last five years)**

COUNTRY/YEAR	2005	2006	2007	2008	2009	TOTAL
Algeria						90077
Argentina	81201	82226	91529	95348	90451	440755
Austria						6
Bahrain	76	37			38	151
Belarus						164
Brazil	26341	28950	25996	29070	33840	144197
Chile	11190	11546	11890	11659	12584	58869
China	2241	3040	4525	5059	7409	22274
Colombia	19611	22151	25972	31115	37614	136463
Costa Rica	196	209	213	224	413	1255
Ecuador	2800	2174	2220	2162	21132	30488
Germany						73
Ghana	805	681	637	577	586	3286
Guatemala						861
Guinea						3177
Hungary						1117
Indonesia		3110	3591	3754	6504	16959

Italy						85691
Jamaica			72	75	72	219
Japan						8995
Korea	20863	22781	25911	23559	22742	115856
Kyrgyz	176	119	108	202	219	824
Madagascar						13101
Mali						330
Mauritius						1390
Moldova	176	283	355	330	407	1551
Mongolia	240	301	359	352	405	1657
Nepal						677
Oman						616
Pakistan						6357
Peru	1105	1314	985	1206	1333	5943
Romania	3738	4061	5498	3805	4241	21343
Russia	3609	4811	5734	6527	7666	28347
Serbia	519	681	642	741	316	2899
Slovenia	133	116	123	135	125	632
South Africa	70	147	114	52	73	456
Spain	27877	28738	30627	33222	34351	154815
Thailand		35733	26310	22888	24304	109235
Tunisia	416	381	373	597	568	2335
Ukraine						19711
U.S						2252866

**(b) Number per nationality (last five years)**

There is not enough data in the majority of responses.

**(c) Number of inquiries/requests for information filed per statistical period (last five years).**

COUNTRY/YEAR	2005	2006	2007	2008	2009	TOTAL
Argentina	10835	82226	11754	10687	11376	126878
Bahrain	164	205			183	552
Belarus			14	45	71	130
Brazil	33808	81077	51852	70035	72986	309758
Chile					1866	1866
Colombia	914	1248	2184	2086	2284	8716
Ecuador						1500
Hungary						1404
Italy						30000
Japan						1647
Korea	774	880	637	754	871	3916
Mauritius						40
Mongolia						65
Nepal						150
Romania			77	291	337	705
Russia	3834	5046	5925	6765	8330	29900
Slovenia						20
Spain	261	246	184	203	180	1074
Thailand		360	260	180		800
US						1690999

**(d) Number of recordation/registrations whose subject matter has entered the public domain.  
Global figure/Figure per statistical period (last five years)**

There is not enough data in the majority of responses.

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