

WIPO QUESTIONNAIRE

A. Copyright registration and recordation

1. It is not possible to register copyright in Denmark. According to the Danish Act on Copyright, a person creating a literary or artistic work shall have copyright to his or her creation. The copyright comes to existence when the work is created.

Therefore a registration/recording body does not exist concerning copyright.

2. A registration/recording body does not exist. The only state authority is the Danish Ministry of Culture, which administrates the copyright legislation.

The Danish Ministry of Culture
Nybrogade 2
1203 København K,
Tlf.: 33 92 33 70
E-mail: kum@kum.dk
Website: www.kum.dk

3. Please se answer to question 2
4. Please se answer to question 2
5. The relevant legislation is the Danish Act on Copyright, which can be found at: <http://kum.dk/sw832.asp>
6. Please se answer to question 1.
7. Please se answer to question 1.
8. Please se answer to question 1.
9. 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.
10. Please se answer to question 1.
11. Please se answer to question 1.
12. Denmark is a signee to the Berne convention, and as such acknowledgedes copyrights obtained in other countries.
13. Please se answer to question 1.
14. Please se answer to question 1.
15. Please se answer to question 1.
16. Please se answer to question 1.

17. Please see answer to question 1.
18. Please see answer to question 1.
19. Please see answer to question 1.
20. Please see answer to question 1.
21. The Copyright Act does not contain provisions specifically dealing with orphan works. However the possibility for an extended collective license (provision 50, 2) is aimed at securing the cultural heritage, herein orphan works.
22. The ministry of culture is not aware of any industry practices.
23. Please see answer to question 1.
24. Please see answer to question 1.
25. Please see answer to question 1.
26. Please see answer to question 1.

B. Legal Deposit

27. Yes
28. Act on Legal Deposit of Published Material (No. 1439 of December 22, 2004)
29. Mandatory – penalty in the form of a fine.
30. Legal deposit serves the purpose of preserving and making accessible the printed part of our cultural heritage (books, newspapers, sheet music, maps, posters) and to preserve the audiovisual and digital cultural heritage in terms of cds, dvds, spoken books, radio/television, internet and films. It also serves the purpose of supporting the compilation of the Danish National Bibliography and Filmography.
31. The copyright protection regulates material subject to legal deposit.
32. Legally deposited material is included in the collections of the recipient institutions. The institutions are entitled to produce copies of the material with a view to collecting, preserving and making accessible the cultural heritage, subject to the regulations stipulated in copyright law p.p.
33. Works published in physical form, material published in electronic communication networks, radio and television programmes, films produced with a view to public showing.

34. a. It applies upon publication. A work is considered published when, with the consent of the author, copies of the work have been placed on sale or otherwise distributed to the public. It is also considered published when, with the consent of the author, notice is given to the public that copies of the work are being produced and will be distributed to order. For films it applies upon production.
b. No, if the content does not in any way relate to Denmark, i.e. content not relating to DK, copyrighter not Danish, relating to Danish conditions, being performed in Danish or by Danish performers.
35. The Minister for Culture may lay down rules on exemptions from the legal deposit obligation, including that certain kinds of material or material produced in a limited number of copies do not have to be deposited.
36. a. Danish material published in electronic communication networks is subject to legal deposit. The legal deposit obligation is fulfilled by the legal deposit institution having access to request or produce copies of the material. Material published in electronic communication networks are considered to be Danish when it is published from Internet domains etc. which are specifically assigned to Denmark, or it is published from other Internet domains etc. and is directed at an audience in Denmark. As regards material published from Internet domains etc. which are specifically assigned to Denmark, the legal deposit obligation falls to the registrar of the domain name under which the material is published. As regards material published by other Internet domains etc. the publisher of the material is subject to the legal deposit obligation. The person under the legal deposit obligation must upon demand inform the legal deposit institution about access codes and provide other information etc. necessary for gaining access to the material, produce copies of the material and make the material available to the general public. The person under a legal deposit obligation is entitled to demand that passwords etc. not be made available to any third party. The person administrating Internet domains etc, that are specifically assigned to Denmark, must upon demand deliver a copy in electronic form of the list of these domains to the legal deposit institution as well as information about the registrars. Expenses in connection with requesting or producing copies of the material are paid by the legal deposit institution.
b. No
37. a. Two copies
b. The Minister for Culture may lay down rules on exemptions from the legal deposit obligation, including that certain kinds of material or material produced in a limited number of copies do not have to be deposited.
38. The legal deposit obligation lies with the person who produces finished copies for publication. If the producer cannot be unambiguously identified, the publisher or distributor is subject to the legal deposit obligation. As regards

publications that have been produced abroad, the publisher is subject to the legal deposit obligation or, in case of his not being a Danish resident, the importer representing the publisher in Denmark. If the publisher is domiciled abroad and there is no importer in Denmark, the publisher is subject to the legal deposit obligation.

39. Yearly revisions take place regarding the materials, which should have been deposited. The subject responsible for delivering the legal deposit is contacted approximately 18 months after the material's publication.
40. It is not the general rule, but can apply in certain cases. The documented price for the production expenses of the two extra copies.
41. The Royal Library, the State and University Library and The Danish Film Institute
42. In so far as access to the legally deposited material is not restricted pursuant to other legislation, the institutions are entitled to make it available to the general public within the framework of the copyright act. Material deposited in electronic form is only accessible for research purposes, as the material may contain sensitive personal data. Films, which have been subject to legal deposit and which are supported by the Danish Film Institute can be shown at the FilmInstitute upon demand.
43. a. All printed (and physical digital) legal deposit collections are accessible via the online library systems of the Royal Library and the State and University Library Aarhus. The materials can also be found in the Danish National Union Catalogue as well as in several international databases and the Danish Filmography.
b. Online digital legal deposit is at present only available for research (see also question 42).
44. No
45. See enclosed table for statistics from the University and State Library and The Royal Library. The Danish Film Institute has from 2005-2009 (both years included) received 1.480 audiovisuelle materials with regards to legal deposit and under the terms of subsidy which the Film Institute applies.