

QUESTIONNAIRE – Replies of Liechtenstein

A. COPYRIGHT REGISTRATION AND RECORDATION

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

The Liechtenstein copyright law does not provide for the possibility of registration of copyrights. Art. 8 para. 4 of the copyright law entitles the government to introduce a voluntary system of registration. Such a system has not been introduced up to now. The original works of authorship including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture are protected by copyright from creation onwards. There is no need for registration of the copyright. The authority dealing with copyright issues is the Office of Trade and Transportation, part of the Liechtenstein National Administration.

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.

There is no copyright registering body. The authority dealing with copyright issue is the following:

*Office of Trade and Transportation
Intellectual Property Section
Postal address: P.O. Box 684, 9490 Vaduz
Visitors address: Haus der Wirtschaft, Poststrasse 1, 9494 Schaan*

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

General webpage

<http://www.llv.li/amtstellen/llv-aht-home.htm>

Intellectual Property Section/Copyright

http://www.llv.li/amtstellen/llv-aht-geistiges_eigentum/llv-aht-urheberrecht_und_verwandte_schutzrechte.htm

Pursuant to the answer to question 1 and the lack of a registration system for copyrights questions 4 to 26 are not applicable. See also remark to questions 12, 21 and 22.

4. Is the copyright registry interconnected to any other copyright data system?
5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

6. What kind of copyright works can be registered/recorded? Is the registration/recording process different for each type of copyrighted work? Please describe the differences, if any.
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/recording process than for works protected by copyright?
8. Is there a possibility to record the transfer or licensing of copyright/related rights?
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?
10. What is the legal effect of registration?
11. Is copyright registration/recording 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/recording system, please describe any legal consequences for non-compliance.

12. Do courts in your country recognize copyright registrations affected 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?

There is neither a registration necessary for a copyright granted under a foreign jurisdiction in order to be valid in Liechtenstein nor is there a specific procedure to validate foreign copyright. The competent court will decide on the validity of the copyright within the main procedures (i.e. within the procedures on an alleged violation of a copyright).

13. What are the requirements for registration?
 - (a) What are the mandatory elements of the request for registration/recording?
 - (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?
 - (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?
 - (d) Is there a registration/recording fee? If so, how much is the registration/recording fee?
 - (e) What is the average time taken to complete the registration/recording 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/recording process for domestic as opposed to foreign works or objects of related rights?

15. Are the files stored in digital form?
16. What criteria are followed for classification of the registrations/recordations (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?
17. Does the system have a search facility?
18. Is it accessible by the public? Is the search facility available online?
19. Is access granted to the work registered or its copies?
20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?
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.

The law establishes a presumption on who is to exercise the copyright. According to this legislation is considered a holder of a copyright who is mentioned as such on a work. If the holder of a work is unknown the editor of a work is entitled to exercise the rights of the holder of copyright, if the editor is not known the copyright can be exercised by the publisher (Art. 8 para 1 – 3 law on copyrights).

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”?

No.

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”?
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?
25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?
26. Please provide statistics on following registrations/recordations:
 - (a) Number per statistical period (last five years)
 - (b) Number per nationality (last five years)

- (c) Number of inquiries/requests for information filed per statistical period (last five years).
- (d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

According to article 5 of the law on the National Library all domestic holders of copyright must offer 2 copies of their work to the National Library free of charge.

28. Please list relevant national legislation regulating the legal deposit.

See Question 27.

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

The legal deposit as outlined in Question 27 is mandatory. In case of non compliance the non compliant holder can be punished with a fine up to CHF 5'000.— (art. 5 para. 4 of the law on the National Library).

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

The main function of the obligation of the legal deposit is preservation of cultural heritage and collection of all copyright materials produced by domestic holders. Another major issue is public accessibility of the works.

31. Is there any connection or interaction among legal deposit and copyright protection?

No.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

No.

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

Books

Videos

Music

CD-ROMs

Pictures

Maps

Newspaper and Magazines

Multimedia

34. Does legal deposit apply upon production/printing of content or after its distribution?
Does legal deposit apply to material printed in your country but distributed abroad?

The legal deposit applies upon publishing of the content, i.e. on distribution. The legal deposit applies to all domestic producers of copyright material irrespective of its place of production or distribution abroad.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

No.

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

Art. 5 para. 2 of the law on the National Library provides for free delivery of electronic media to the National Library, even if they are delivered against fee as a general rule.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or *de luxe* editions?

The law provides for 2 copies to be deposited. There are no specific conditions for limited or de luxe editions.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

The holder of the copyright is responsible for delivering the legal deposit.

39. What are the time requirements for legal deposit?

The deposit has to be delivered within 14 days after publication.

40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

No.

41. What is/are the entity/entities responsible for acting as legal depository?

The National Library is in charge of the function as legal depository.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

One copy of the deposited copyright material is accessible for the general public within the framework of the National Library, which operates also as general public library. One copy of the copyright material is preserved in specially protected room and not accessible to the public.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

All media acquired by the National Library are catalogued and can be searched for on the website of the Library (<http://neptun.lbfl.li/F?RN=386700344>).

44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

The ISBN is entered into the catalogue. There is however no direct link between the legal deposit and the ISBN or another such code.

45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

	<i>Books</i>	<i>Magazines*</i>	<i>Audiobooks**</i>	<i>Audiovisual works</i>
<i>2009</i>	<i>160</i>	<i>13</i>	<i>8</i>	<i>6</i>
<i>2008</i>	<i>167</i>	<i>20</i>	<i>6</i>	<i>13</i>
<i>2007</i>	<i>180</i>	<i>20</i>	<i>16</i>	<i>12</i>
<i>2006</i>	<i>244</i>	<i>19</i>	<i>8</i>	<i>11</i>
<i>2005</i>	<i>238</i>	<i>11</i>	<i>8</i>	<i>11</i>

* *This number is not sound as the copies of magazines deposited are counted.*

** *There was no legal deposit of musical works within the period reported.*