

Copyright Offices Survey

COPYRIGHT COMMITTEE

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INTERNATIONAL & LEGISLATIVE SUBCOMMITTEE

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Overview

The International & Legislative Subcommittee of the Copyright Committee conducted a worldwide survey of copyright office structure, functions and procedures, the availability and effect of copyright registration, and other requirements for copyright protection. The survey covered 78 countries in the regions: Europe & Central Asia, East Asia & Pacific, Latin America and the Caribbean, North America, and Middle East, Africa & South Asia.

The majority of countries surveyed have a designated Copyright Office. Many of these are branches or department of the intellectual property agency or commerce department. One exception is the United States, where the Copyright Office is a department of the Library of Congress, separate from the agency that administers patents and trademarks. A number of countries (including Australia, Israel, Singapore, and several European countries, among others) have no government office or agency that performs the functions of a copyright office.

Almost all the countries (with the exception of Kosovo) are members of the Berne Convention. In most of these countries, copyright arises at the time a work is created or recorded. Registration or other formalities are generally not required for copyright protection or enforcement, and many countries have no system for registration of copyrights. In countries where registration is available, it is generally optional and has no substantive effect on the copyright owner's rights but may create evidentiary presumptions in favor of the copyright owner and/or, in the case of the United States, may be a prerequisite to certain remedies.

Copyright registration procedures vary from country to country, with online filing available in many but not all countries. Requirements typically include a registration form, the title of the work and name(s) of the author and copyright owner, a POA if the application is filed through a representative, and deposit of a copy of the work. Fees depend on the type of work and range from \$2 (in Argentina) to several hundred dollars.

Most copyright offices may refuse registration only if the applicant fails to provide required information or comply with other formalities. One notable exception is the United States, where registration may be refused if the work does not contain sufficient creative authorship or meet other statutory requirements for copyright protections.

In countries that do not have a copyright registration system, copyright offices may record copyrights or accept deposits. Other functions of copyright offices in some countries include setting royalty rates, mediating and resolving disputes, proposing or issuing regulations and policies relating to copyright, and educating the public regarding copyright protection and creators' rights.

The International & Legislative Subcommittee of the Copyright Committee deeply appreciates the input of each and every professional contributing to the present review.

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Disclaimer

All information provided by the International Trademark Association in this document is provided to the public as a source of general information on the different systems and procedures to obtain copyright protection/registration with the Copyright Offices, no publication, whether in written or electronic form, can take the place of professional advice given with full knowledge of the specific circumstances of each case and proficiency in the laws of the relevant country. While efforts have been made to ensure the accuracy of the information in this document, it should not be treated as the basis for formulating business decisions without professional advice. We emphasize that intellectual property laws vary from country to country, and between jurisdictions within some countries. The information included in this document will not be relevant or accurate for all countries or states.

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CARIBBEAN COUNTRIES, PART 1

QUESTION	ANTIGUA AND BARBUDA	THE BAHAMAS	BARBADOS	JAMAICA
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	The Antigua and Barbuda Intellectual Property and Commerce Office (ABIPCO) is responsible for matters relating to copyright. The ABIPCO's website is as follows: https://abipco.gov.ag	The Copyright Registrar is responsible for matters relating to copyright and the operations of the Copyright Registry.	The Corporate Affairs and Intellectual Property Office is responsible for matters relating to copyright. The Corporate Affairs and Intellectual Property Office's website is as follows: https://caipo.gov.bb	The Jamaica Intellectual Property Office (JIPO) is responsible for matters relating to copyright and related rights. JIPO's website is as follows: https://www.iipo.gov.jm/
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	The Copyright Office is a directorate of the Antigua and Barbuda Intellectual Property and Commerce Office which is a division of the Ministry of Legal Affairs.	According to section 88(2) of the Copyright Act, the Registrar of Copyrights must be a counsel and attorney of at least five (5) years standing of the Bahamas Bar, appointed by the Governor-General and acting in accordance with the advice of the Judicial and Legal Services Commission.	The Copyright Office is a directorate of the Corporate Affairs and Intellectual Property Office which is a division of the Ministry of Energy and Business Development.	The Copyright Office is a directorate of the Jamaica Intellectual Property Office which is a government agency under the Ministry of Industry, Investment and Commerce. The Copyright Directorate currently consists of only one person, the Director. The Directorate is supported by the Legal and Corporate Relations Branch of JIPO.
3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office: - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers	The office has the function of maintaining a general overview of works protected by copyright. It does not have a registration system for copyright.	According to section 88 of the Copyright Act, all administrative functions under the Act, which includes the formal registration of copyrights, are the responsibility of the Registrar of Copyrights. The Copyright Tribunal, a quasi-judicial body established by Section 86 of the Copyright Act, has the power to review rates for copyright royalties.	The office has the function of maintaining a general overview of works protected by copyright. It does not have a registration system for copyright.	In accordance with sections 9A and 9B of the Copyright Act 1993 (as amended in 2015), JIPO has the power to formally register copyrights. The Copyright Tribunal, a quasi-judicial body established by section 103 of the Copyright Act 1993, has the power to settle rates for copyright royalties. The Tribunal also has dispute resolution powers. JIPO is the secretariat for the Copyright Tribunal.
4. Is the country a party to the Berne Convention?	Yes	Yes	Yes	Yes
5. When does copyright arise? Is there a copyright registry/depository in your country?	Copyright protection arises automatically once an original work of the categories of works protected under the Copyright Act is in a written or recorded form.	Copyright protection arises automatically once an original work of the categories of works protected under the Copyright Act is in a written or recorded form. Registration is not a mandatory requirement to obtain Copyright protection under the Copyright Act of Bahamas. Nevertheless, a copy of the protected	Copyright protection arises automatically once an original work of the categories of works protected under the Copyright Act is in a written or recorded form.	Copyright protection arises automatically once an original work of the categories of works protected under Jamaica's Copyright Act 1993, is in a written or recorded form. Registration is not a mandatory requirement to obtain Copyright protection under the Copyright Act of Jamaica. There is also no requirement for works to be deposited at JIPO in order to obtain protection.

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QUESTION	ANTIGUA AND BARBUDA	THE BAHAMAS	BARBADOS	JAMAICA
		<p>work may be registered at the Copyright Registry at a prescribed fee.</p> <p>According to section 32 of the Copyright Act, the copyright owner of a work published in the Bahamas is mandated to deposit, within three months after the date of such publication —</p> <p>(a) two complete copies of the best edition; or</p> <p>(b) if the work is a sound recording, two complete phonorecords of the best edition, together with any printed or other visually perceptible material published with such phonorecords.</p> <p>The required copies or phonorecords must be deposited in the Copyright Registry for the use or disposition of the Department of Archives and the Registrar shall, when requested by the depositor and upon payment of the prescribed fee, issue a receipt for the deposit, at a cost of B\$2.00.</p> <p>Note, however, that this deposit is not a pre-condition of copyright protection.</p>		<p>Nevertheless, a copy of the protected work can be deposited at JIPO’s Copyright Register for a small fee as part of the registration process. Additionally, it is a requirement under the Jamaican Legal Deposits Act that any person resident in Jamaica who publishes any library matter must deposit copies of the publication with the National Library of Jamaica.</p>
6. What regulations govern the copyright registration procedure?	There is no official copyright register in this jurisdiction. As such, there are no regulations governing copyright registration.	Sections 33 – 37 of the Copyright Act, as well as Regulations 11 – 14 of the Copyright Regulations, govern the copyright registration procedure in the Bahamas.	There is no official copyright register in this jurisdiction. As such, there are no regulations governing copyright registration.	Sections 9A, 9B, 9C, 9D, 9E, 9F, 9G, 9H and 9I of the Copyright Act (as amended in 2015) and Forms A – D, govern the copyright registration procedure in Jamaica.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	N/A	<p>The copyright owner may obtain registration of the copyright claim by depositing the specified work at the Registry along with the relevant application form and prescribed fee. Note that, currently, this procedure is not facilitated online.</p> <p>The material deposited for registration must include —</p> <p>(a) in the case of an unpublished work, one complete copy or phonorecord;</p>	N/A	<p>Any person, or his agent, who intends to formally register his work, must make an application to the Executive Director of JIPO using the prescribed form (Form A), which can be found in the First Schedule of the Copyright Act.</p> <p>The application must include the following details:</p> <ul style="list-style-type: none"> - The name and address of the author, and if the author is dead, the date of the author’s death, if known

QUESTION	ANTIGUA AND BARBUDA	THE BAHAMAS	BARBADOS	JAMAICA
		<p>(b) in the case of a published work, two copies or phonorecords of the best edition;</p> <p>(c) in the case of a work first published outside The Bahamas, one complete copy or phonorecord as so published; and</p> <p>(d) in the case of a contribution to a collective work, one complete copy or phonorecord of the best edition of the collective work.</p> <p>Additionally, the application for copyright registration must include:</p> <p>(a) the name and address of the claimant;</p> <p>(b) in the case of a work other than an anonymous or pseudonymous work, the name and nationality or domicile of the author or authors, and, if one or more of the authors is dead, the dates of their deaths;</p> <p>(c) if the work is anonymous or pseudonymous, the nationality of the authors;</p> <p>(d) in the case of a work made for hire, a statement to this effect;</p> <p>(e) if the copyright claimant is not the author, a brief statement of how the claimant obtained ownership of the copyright;</p> <p>(f) the title of the work, together with any previous or alternative titles under which the work can be identified;</p> <p>(g) the year in which the creation of the work was completed;</p> <p>(h) if the work has been published, the date and country of its first publication;</p> <p>(i) in the case of a compilation or derivative work, an identification of any pre-existing work or works that it is based on or incorporates and a brief general statement of the additional material</p>		<ul style="list-style-type: none"> - The name and address of the owner of the copyright in the work - The nature of the work - The title of the work - In the case of a published work, the date and place of first publication; and - Any additional information as may be prescribed. <p>The application must also include a declaration using Form B (found in the First Schedule of the Copyright Act) stating that the applicant is either –</p> <ul style="list-style-type: none"> - The author of the work - The owner of the copyright in the work - A person to whom a partial assignment has been made; or - A person to whom an interest in the copyright has been granted by a licence <p>The Executive Director of JIPO will then conduct an inquiry to ensure that the work is deemed fit for entry into the Register. Thereafter, he/she will issue to the applicant a certificate of registration, a sample of which can be found in the First Schedule of the Copyright Act (labelled 'Form C').</p> <p>Please note that the applicant must deposit his/her physical application form (and related fees) at JIPO's office. There is currently no online alternative.</p>

QUESTION	ANTIGUA AND BARBUDA	THE BAHAMAS	BARBADOS	JAMAICA
		covered by the copyright claim being registered; and (j) any other relevant information. If, after examination, the Registrar determines that the material constitutes copyrightable subject matter and that the other legal and formal requirements of the Copyright Act have been met, the Registrar will register the claim and issue to the applicant a certificate of registration under the seal of the Registry. The certificate will contain the information given in the application, together with the number and effective date of registration.		
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	N/A	Pursuant to section 95 of the Copyright Act, an applicant must pay a fee of B\$10.00 when filing an application for registration of a copyright claim or for supplementary registration. This fee includes the cost to issue a certificate of registration.	N/A	The application fee for registration to enter particulars in the Register is JM\$1,000.00. In addition to this fee, there are also registration and certification fees which can be found in the Third Schedule of the Copyright Act (as amended in 2015). These fees are as follows: <u>Library Works</u> <i>Poems/lyrics/short stories:</i> 1-10 works – JM\$500.0; 11-50 works – JM\$1,000.0; 50-100 works – JM\$2,000.0; <i>Book/script/magazine/catalogue/newsletter/minutes of meetings:</i> Under 100 pages – JM\$1,000.0; 100-200 pages – JM\$2,000.0; Each succeeding 50 pages – JM\$500.0; <u>Audio-Visual/Dramatic Works</u> <i>Film: 15 minutes or less – JM\$3,000.00 each;</i> <i>Documentaries – JM\$4,000.00</i> <i>Feature film/plays – JM\$7,000.00</i> <u>Musical Works/Sound Recordings</u> <i>1-15 compositions/pieces – JM\$1,000.00</i> <i>20-40 compositions/pieces – JM\$2,500.00;</i> <i>Certified software JM\$1,000.00</i>

QUESTION	ANTIGUA AND BARBUDA	THE BAHAMAS	BARBADOS	JAMAICA
				<i>Certified copies of registration certificate</i> JM\$200.00 per page Kindly note that works are usually entered into the Register six (6) weeks after the submission of the application form.
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A	According to Regulation 12(1) of the Copyright Regulations of the Bahamas, an application for copyright registration may be submitted by any author or other copyright claimant of a work, the owner of any exclusive right in a work, or the duly authorized agent of any such author, other claimant or owner.	N/A	The application form is to be completed by the author/copyright owner and can be submitted to JIPO either by the author/copyright owner or an agent thereof.
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A	Section 35(2) of the Copyright Act provides that in any case in which the Registrar determines that the material deposited does not constitute copyrightable subject matter, or that the claim is invalid for any other reason, the Registrar shall refuse registration and shall notify the applicant in writing of the reasons for such refusal. The Act is silent on the possibility of an appeal to such a refusal. However, it should be noted that section 36(1) provides that where the deposit, application and fee required for registration have been delivered to the Registrar in proper form, and registration has been refused, the applicant in an action for infringement of a copyrighted work may serve notice thereof with a copy of the complaint on the Registrar. Furthermore, the Registrar may become a party to the action with respect to the issue of registrability of the copyright claim by entering an appearance within sixty (60) days after such notice. Note that the Registrar's failure to become a party will not deprive the court of its ability to determine that issue.	N/A	The Copyright Act does not explicitly list any ground for refusal of copyright registration. However, section 9B(4) of the Act (as amended in 2015) provides that upon receipt of an application, the Executive Director of JIPO may conduct such inquiry as he deems fit before entering the particulars of any works in the Register. This suggests that the Executive Director may refuse to enter a specific work based on the findings of his investigations. The Copyright Act does not provide for the possibility to appeal the decision to refuse a work's entry into the Register.

QUESTION	ANTIGUA AND BARBUDA	THE BAHAMAS	BARBADOS	JAMAICA
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	N/A	There is no legal difference between registered and unregistered copyright. Copyright protection arises automatically and, as outlined in section 33(1) of the Copyright Act, registration is <u>not</u> a condition of copyright protection. Furthermore, the registration of a work in the Register is <u>not</u> a prerequisite for instituting legal action for the infringement of copyright or any related rights in the work. The benefit of registered copyright is an official record of the owners claim to copyright, which may be used as prima-facie evidence of the ownership claims in disputes and infringement proceedings.	N/A	It must be emphasized that there is no legal difference between registered and unregistered copyright. Section 9C of the Copyright Act (as amended in 2015) provides that the non-registration of a work <u>does not</u> have the effect of depriving a person of his rights under the Act, in relation to the work. Furthermore, the registration of a work in the Register is <u>not</u> a prerequisite for instituting legal action for the infringement of copyright or any related rights in the work. The benefit of registered copyright is an official record of the owners claim to copyright, which may be used as prima-facie evidence of the ownership claim in disputes and infringement proceedings.
12. Any other points relevant or specific to the local copyright office	N/A	N/A	N/A	In 2002 a non-profit, non-governmental organisation, the Intellectual Property Service Centre (IPC), created a voluntary copyright recordation and deposit facility in conjunction with National Library of Jamaica, where copyright owners could file their ownership claims to copyright and deposit a copy of their work, to establish a public record of their claims. IPC became a nationally recognized voluntary copyright registration facility. The JIPO copyright system is an adaptation of the copyright recordation system carried out by IPC for several years, with one of the main differences being that JIPO only accepts works in digital format. IPC still operates for persons who wish to use it. Additionally, the self-help method called the 'poor man's copyright' is also practiced in Jamaica. Here the author/copyright owner mails a copy of the work to himself/herself (in a sealed self-addressed envelope) by registered mail through the post office. The unopened

QUESTION	ANTIGUA AND BARBUDA	THE BAHAMAS	BARBADOS	JAMAICA
				envelope containing a copy of the work can be submitted to the Court of Law as evidence linking the work with the person claiming authorship. This is an internationally accepted procedure used in countries that are members of the Berne Convention for the Protection of Literary and Artistic Works.
Contributor (name/ firm)	Dianne Daley McClure (Foga Daley)	Dianne Daley McClure (Foga Daley)	Dianne Daley McClure (Foga Daley)	Dianne Daley McClure (Foga Daley)
Verifier (name/ firm)				

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CARIBBEAN COUNTRIES, PART 2

QUESTION	ST. VINCENT AND THE GRENADINES	ST. KITTS AND NEVIS	TRINIDAD AND TOBAGO
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	The Commerce and Intellectual Property Office (CIPO) is responsible for matters relating to copyright. CIPO's website is as follows: http://www.cipo.gov.vc	The Intellectual Property Office of St. Kitts and Nevis is responsible for matters relating to copyright. The relevant website is as follows: https://ipo.gov.kn	The Intellectual Property Office (IPO) is responsible for matters relating to copyright. The IPO's website is as follows: http://ipo.gov.tt
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	The Copyright Office is a directorate of the Commerce and Intellectual Property Office which is a statutory agency of the Government of Saint Vincent and the Grenadines, established under the Commerce and Intellectual Property Office Act, No. 43 of 2003.	The Copyright Office is a directorate of the Intellectual Property Office of St. Kitts and Nevis which is a Department within the Ministry of Justice and Legal Affairs.	The Copyright Office is a directorate of the Intellectual Property Office which is a government agency under the Office of the Attorney General and Ministry of Legal Affairs.
3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office: - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers	The office has the function of maintaining a general overview of works protected by copyright. It does not have a registration system for copyright.	The office has the function of maintaining a general overview of works protected by copyright. It does not have a voluntary registration system for copyright.	The office has the function of maintaining a general overview of works protected by copyright. It does not have a registration system for copyright.
4. Is the country a party to the Berne Convention?	Yes	Yes	Yes
5. When does copyright arise? Is there a copyright registry/depository in your country?	Copyright protection arises automatically once an original work of the categories of works protected under the Copyright Act is in a written or recorded form.	Copyright protection arises automatically once an original work of the categories of works protected under the Copyright Act is in a written or recorded form.	Copyright protection arises automatically by the very fact of the creation of an original work of the categories of works protected under the Copyright Act.
6. What regulations govern the copyright registration procedure?	There is no official copyright register in this jurisdiction. As such, there are no regulations governing copyright registration.	There is no official copyright register in this jurisdiction. As such, there are no regulations governing copyright registration.	There is no official copyright register in this jurisdiction. As such, there are no regulations governing copyright registration.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	N/A	N/A	N/A
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	N/A	N/A	N/A

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QUESTION	ST. VINCENT AND THE GRENADINES	ST. KITTS AND NEVIS	TRINIDAD AND TOBAGO
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A	N/A	N/A
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A	N/A	N/A
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	N/A	N/A	N/A
12. Any other points relevant or specific to the local copyright office	N/A	N/A	N/A
13. Contributor (name/ firm)	Dianne Daley McClure (Foga Daley)	Dianne Daley McClure (Foga Daley)	Dianne Daley McClure (Foga Daley)
14. Verifier (name/ firm)			

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EAST ASIA & PACIFIC, PART 1

QUESTIONS	AUSTRALIA	CAMBODIA	CHINA	INDIA	INDONESIA
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	There is no official Copyright Office in Australia; and there is no state body or private organization that performs the functions of an official Copyright Office. However, various local not-for-profit organisations are dedicated to promoting understanding of the Australian copyright law and its application, including: - The Australian Copyright Council – https://www.copyright.org.au/ The Copyright Agency – https://www.copyright.com.au	Yes. The official name is Department of Copyright and Related Rights, under the Ministry of Culture and Fine Arts. The official website of the Ministry is available at http://www.mcfa.gov.kh	Yes. National Copyright Administration (NCA). Its Website is https://www.ncac.gov.cn/chinacopyright/	Yes. There is a Copyright Office in India which is under the Ministry of Commerce & Industry. The official name is "COPYRIGHT OFFICE" Website address: https://copyright.gov.in/	Yes. The Official name is Directorate of Copyright & Industrial Design. Website is www.dgip.id Ministry Department of Justice & Human Rights.
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	N/A	Department of Copyright and Related Rights of the Ministry of Culture and Fine Arts.	It is the copyright administrative department subject to the State Council of China.	The Copyright Office is situated at: Copyright Office Department For Promotion of Industry and Internal Trade Ministry of Commerce and Industry. The Organizational structure is as follows: Registrar of Copyright } Deputy Registrar of Copyright } Section officer } Examiner/	It is regulated under Directorate General of Intellectual Property, of Ministry Department of Justice & Human Rights. The full structure of Copyright Office can be found on this site : https://dgip.go.id/tentang-djki/struktur-organisasi/direktorat-hak-cipta-dan-desain-industri Directorate Copyright and Industrial Design consists of: SubDirectorate of Application and Publication; SubDirectorate of Industrial Design Examination; SubDirectorate of Certification and Documentation; SubDirectorate of Legal Affairs and Collective Management Organization; Subdivision of Administration ; and

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QUESTIONS	AUSTRALIA	CAMBODIA	CHINA	INDIA	INDONESIA
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	N/A	<p>The main tasks and functions are providing for the rights of author and right related thereon with respect to works and the protection of cultural products, performance, phonogram, and the transmission of broadcasting organization to secure a just and legitimate exploitation on those cultural products, and thereby contribute to the development of culture.</p> <p>Yes. The office has the power to register copyrights and related rights.</p> <p>No. The office has no power to set rates for copyright royalties. Based on the Declaration No. 112, the Collective Management Rights (CMO) can be formed by copyright and related rights holders to administer the licensing of rights, collection of royalties and enforcement measures of its members.</p> <p>The office could play a role as a mediator settling the dispute between the copyright holder and infringer, but the mediation is not a true alternative to litigation, it is rather a practical settlement device. If the mediation is not worked out, the mediator will give the parties an evaluation of likely outcome the dispute if it were tried in court.</p>	<p>NCA has the power to register the copyright (Local Copyright Offices also have power to register the copyright) but has no power to set the rate for copyright royalties.</p> <p>NCA and authorized local copyrights administrations the power to inspect and impose administrative penalty against copyright infringement behaviors which damage to public interest.</p>	<p>As per Section 74 of Copyrights Act: Power to register Copyrights summoning and enforcing the attendance of any person and examining him on oath requiring the discovery and production of any document receiving evidence on affidavits issuing commissions for the examination of witnesses or document requisitioning any public record or copy thereof from any court or office the manner of determining any royalties payable and the security to be taken for the payment of such royalties Maintenance and entry of records in the Copyright Register</p> <p>(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all possible matters.</p> <p>(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified</p>	<p>Group of Functional Positions.</p> <p>Directorate Copyright and Industrial Design Indication has duties to prepare the formulation and implementation of policies, provide technical guidelines and supervision, and make evaluation and reports on preparing the formulation and implementation of policies, technical guidelines and supervision, evaluation and reporting on copyright, related right products, and industrial design application, publication, examination, certification, documentation, and legal affairs.</p> <p>Directorate Copyright and Industrial Design performs the following functions *:</p> <ul style="list-style-type: none"> Preparing the formulation of policies on copyright, related rights products, and industrial designs application, publication, examination, certification, documentation, and legal affairs. Implementing policies on copyright, related rights products, and industrial designs application, publication, examination, certification, documentation, and legal affairs; Providing technical guidelines and supervision on copyright, related rights products, and industrial designs application, publication, examination,

QUESTIONS	AUSTRALIA	CAMBODIA	CHINA	INDIA	INDONESIA
				<p>form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p> <p>Settlement of Disputes: The Dispute Settlement Powers are vested with the Courts. The District Court is the Court of Original Jurisdiction in India for Civil Remedies against Copyright Infringement. Dealing with criminal offences is entrusted with the Judicial Magistrates First Class/Metropolitan Magistrates.</p>	<p>certification, documentation, and legal affairs. Making evaluation and reports on copyright, related rights products, and industrial designs application, publication, examination, certification, documentation, and legal affairs Managing administration and household affairs of Directorate Copyright and Industrial Design Has any dispute resolution powers Yes. It has <u>adjudicative</u> process, in particular in process of the litigation, which judges determines the outcome.</p>
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	<p>In Australia, copyright may subsist in original works (literary, dramatic, musical, and artistic) and subject matter other than works (sound recordings, films, broadcasts, and the typographical arrangement of published editions) with a connection to Australian law. Copyright protection is free and arises automatically from the time copyright material is reduced to writing or to some other material form. There is no copyright registry/depository in Australia; and no formalities.</p>	<p>Copyright arises automatically once the work is created. Yes, there is.</p>	<p>The copyright is automatically generated when the work is created. China has copyright registry but the registration of works is not compulsory, the copyright will arise when the work finished.</p>	<p>Copyright comes into existence on creation of the work and Registration of Copyright is not a pre-requisite for enforcement against violation of Copyrights in India.</p>	<p>Copyright arises as soon as it become available to the public. Yes, there is a copyright registry in Indonesia.</p>
6. What regulations govern the copyright registration procedure?	N/A	<p>The regulation govern copyright registration procedure is the Law on Copyright and Related Rights.</p>	<p>Trial Measures for Voluntary Registration of Works stipulates the conditions, procedures, time period, materials in need and etc. for the registration.</p>	<p>“The Copyright Act” and “The Copyright Rules” govern the Copyright registration procedure in India.</p>	<p>It governed under Copyright Law No. 28 Year 2014.</p>

QUESTIONS	AUSTRALIA	CAMBODIA	CHINA	INDIA	INDONESIA
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	N/A	<p>The procedure of copyright registration is to submit the application and supporting documents to the Department. For now, online registration is not available.</p> <p>The registration requires the following:</p> <p>An author or creator list; The date of the first publication; The date of the work creation; ID card or Passport of the author or creator; The original work; Transfer right letter (if any); and A Business registration certificate (if the applicant is a legal entity).</p>	<p>Open an account on website https://www.ccopyright.com.cn/</p> <p>File the application online, including choose the work type, file the application table, and mail the copy materials to copyright registry or send the copyright registry in person. Notify the applicant to pay the fee.</p> <p>The registry accepts the application and examines the application materials.</p> <p>Within 30 days after registry accepts the materials, the registry shall complete the examination. If the application is approved, the registry will issue registration certificate.</p> <p>Public the information about such copyright registration online.</p>	<p>Procedure</p> <p>Filing of the application.</p> <p>Issuance of Diary No.</p> <p>Copyright examined and objections raised, if any.</p> <p>If no objection, registration approved and Certificate of Registration issued. If objection raised, response needs to be submitted.</p> <p>Oral hearing will then be held. If rejected, application dismissed. If accepted, work will proceed to registration and Certificate of Registration will be issued.</p> <p>Requirements for registration Requisite Form (to be filled up online).</p> <p>3 Copies of the work.</p> <p>Statement from the Author.</p> <p>An authorization of the Agent/ Power of Attorney.</p> <p>Requisite Fees(to be paid online).</p> <p>No-objection Letter of Author.</p> <p>It is possible to file and register a copyright online.</p> <p>In India one can apply for Copyright Registration online.</p>	<p>Procedure of copyright registration:</p> <p>Since the copyright can be registered in one day, there is no stages like examination or publication.</p> <p>Requirements :</p> <p>Name and address of the applicant ID of Applicant. If the Applicant is a Legal Entity then it should provide a Business Certificate and Tax Number Assignment document if the author is not the copyright holder. Title of work creation Description of work creation Information of date & place of first publication 5 (five) copies of original sample of work creation Power of Attorney if the work creation is filed through an agent/representative/ip lawyers. Declaration of Ownership of work creation Paying official fee. Yes, it is possible to file the application online.</p>
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	N/A.	<p>The fee varies depending on the types of copyrights sought for registration. There is a Joint-Declaration no. 657 on fee covering all copyright and related rights' fees.</p> <p>By law, the timeline for registration process takes around 5 working days upon receiving all required documents.</p>	<p>The registration fee is different depending on the type of works, ranged from RMB 100 – 2,000.</p> <p>The detailed fee schedule can be found on the website. https://www.ccopyright.com.cn/index.php?optionid=1061.</p> <p>On average, it takes around 2 months from application to registration of copyright.</p>	<p>Preparing & filing an application for registration of Copyright:</p> <p>Literary, Dramatic, Artistic or Musical Work – 500 Rupee; Literary or Artistic Work for goods – 2000 Rupee; Computer Programme/Software – 2000 Rupee; Sound Recording 2000 Rupee; Cinematograph Film 5000 Rupee</p>	<p>The fee is IDR 400.000 (online), and IDR 500.000 (offline).</p> <p>The application until registration and get registration certificate will take around one day.</p>

QUESTIONS	AUSTRALIA	CAMBODIA	CHINA	INDIA	INDONESIA
				In a smooth sailing case Registration would be granted within 6-9 months of filing the Application for registration of Copyright	
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A	A copyright owner is able to file the application either directly or through their representative.	The copyright owner can file a copyright registration application directly.	The Application can be filed directly by the Applicant and/or through an Attorney.	Yes, the Applicant can file the application by themselves directly, and by representatives/agent/IP lawyers.
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A	There are absolute grounds for refusal of copyright registration by the Law. The following works shall not be protected as copyright: Constitution, Law, Royal Decree, Sub-Decree, and other Regulations. Proclamation, decision, certificate, other instructed circulars issued by state organizations. Court decision or other court warrants. Translation of those materials mentioned in the preceding paragraphs (1), (2) and (3). Idea, formality, method of operation, concept, principle, discovery or mere data, even if expressed, described, explained or embodied in any work.	The grounds for refusal of copyright registration are listed as follows: 1. Works not protected by copyright law, such as news, laws and etc.; 2. Works beyond the copyright protection period; 3. Works whose publication and dissemination are prohibited by law. The refusal decision cannot be appealed.	Although there are no documented grounds for refusal, Copyright Registration could be refused if: The Application for Copyright Registration has any deficiency such as incomplete applications, Non furnishing of requisite details, Incorrect Parties, failure to pay fees, etc. Work is not in a tangible medium of expression and/or lacks human authorship. Work does not fall in the categories of work in which Copyright can exist. Work is not an original work. Work lacks any creativity Work is already in the public domain.	Ground for refusal : Copyright Law No. 28 year 2014 Article 68 sub article (4) that says : The Minister gives a decision to accept or reject the application within a maximum period of 9 (nine) months from the date of receipt of the Application that meets the requirements as referred to in Article 66 and Article 67. Article 65 : Registration of works creation cannot be carried out on paintings in the form of logos or distinguishing marks that are used as a mark in the trade of goods/services or used as a symbol of an organization, agency business or legal entity. No, the refusal is final and not possible to file an appeal.
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	N/A as copyright is not registered in Australia.	As registration is based on a voluntary basis, registered copyright is considered a safeguard in case the infringement occurs as the copyright registration certificate could serve as strong	The benefit of registered copyright is that the registered certificate can serve as prima facie evidence on the copyright and the ownership of such copyright. For some actions, the registration of the copyright may be required, such	In India, Copyright comes into existence on creation of the work. An idea cannot be copyrighted and it is the tangible expression of the idea that can be protected by Copyright. While registration offers no additional benefit in terms of	The registered copyright has the registration certificate. It will be very useful to defend their rights if there is any dispute.

QUESTIONS	AUSTRALIA	CAMBODIA	CHINA	INDIA	INDONESIA
		evidence of proof in court proceeding.	as the online takedowns, the customs records and etc.	enforcement, Registration can be said to offer better commercial value to the work and is a prima facie proof of ownership of Copyright in the work. It would also assist a party in Court, not requiring to prove ownership of Copyright in a work.	
12. Any other points relevant or specific to the local copyright office	-	-	-	In India, there is no 3rd party opposition stage in registration of Copyright in any work. The Copyright Application form can be generated online by entering information in the standardized format of Application for Registration. The Copyright Office issues a duly stamped copy of the work along with the Registration document which is referred to as an "Extract of the Entry in the Register of Copyrights" and hence it isn't called as a Certificate of Registration.	Copyright Law No. 28 year 2014 applies to: All Works and/or Related Rights products and users of Works and/or Related Rights products that are not Indonesian citizen, not a resident of Indonesia, and not an Indonesian legal entity with the provisions: 1. The country has a bilateral agreement with the Republic of Indonesia regarding protection of Copyright and Related Rights; or 2. The country and the Republic of Indonesia are parties or participants in the same multilateral agreement regarding the protection of Copyright and Related Rights.
Contributor (name/ firm)	Belinda Breakspear (McCullough Robertson Lawyers)	Chhim Leakena (SokSiphana & Associates)	He Wei (Beijing Wanhuida (WHD) Law Firm)	Ameet Deshpande (R. K. Dewan & Co.)	Chamelia Sari (PRAWIRANEGARA Intellectual Property)
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EAST ASIA & PACIFIC, PART 2

QUESTIONS	JAPAN	MACAU	MOROCCO	NEW ZEALAND	PHILIPPINES
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>Yes. Copyright other than programs: Agency for Cultural Affairs, Government of Japan https://www.bunka.go.jp/english/index.html Programs: Software Information Center https://www.softic.or.jp/en/index.html</p>	<p>Yes. Government of the Macao Special Administrative Region - Economic and Technological Development Bureau. The Intellectual Property Office (“IPO”) includes the Patent and Copyright Division, that implements the respective procedures for protection of copyrights and related works (https://www.dsedt.gov.mo/en_US/web/public/pg_home) For your reference, please consider some Q&A provided by the IPO related to copyright at https://www.dsedt.gov.mo/en_US/web/public/pg_ip_faq?refresh=true#3</p>	<p>Yes. Moroccan Copyright Office https://bmda.ma</p>	<p>No There is no registration system for copyright in New Zealand, and therefore no office, body or organization exists for that purpose. However, there is a Copyright Tribunal with powers to hear certain disputes and applications.</p>	<p>Yes. The Bureau of Copyright and Other Related Rights (BCRR). Its website is www.ipophil.gov.ph.</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>There are segments of the “Ministry of Education, Culture, Sports, Science, and Technology” on the Education portions of the organization. One of them is the “Agency for Cultural Affairs, Government of Japan”.</p>	<p>The IPO is a department of the Economic and Technological Development Bureau of Macau (“DSED”), the licensing supervisory public body that ensures registration and protection of intellectual property rights in Macau. In addition, Copyright Law regulates the incorporation of bodies for the collective management of copyright and related rights (“BCMC”), for the protection of the authors or owners of copyright and related rights, enabling these to receive proxies, inspecting and examining the use of the copyrighted works, represent authors and acting on their behalf for negotiation with users of the</p>	<p>The Moroccan Copyright Office is under the supervision of the Ministry of Culture, Youth and Sports - Department of Communication. In addition to regional delegations, the Moroccan Copyright Office consists of five departments: department of legal affairs, department of administrative and financial affairs, department of documentation, department of musical, dramatic and literary repertoire, department of collection and inventory operations.</p>	<p>N/A</p>	<p>The BCRR is one (1) out of seven (7) Bureaus composing the Intellectual Property Office of the Philippines (IPOP). The BCRR in itself is composed of divisions, namely: a) the Accreditation and Standards Division; b) the Copyright Services Division and c) the Creative Sector Development Division. The BCRR is headed by a Director who, in turn, is assisted by an Assistant Director.</p>

QUESTIONS	JAPAN	MACAU	MOROCCO	NEW ZEALAND	PHILIPPINES
		copyrighted works, issuance of licenses and collection of usage fees (Sections 195 to 199 of CL).			
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	<p>Agency for Cultural Affairs carry out various measures to improve the accessibility and availability of copyrighted works and engages in education programs on copyright issues. Also, it addresses international challenges in copyright protection by setting ground rules for piracy and copyright issues overseas.</p> <p>The Office</p> <ul style="list-style-type: none"> - Has the power to formally register copyrights. - Has no power to set rates for copyright royalties (or similar) <p>Has no dispute resolution powers</p>	<p>The IPO comprises the Trademark Registration Division (“TRD”) and the Patent and Copyright Division (“PCD”).</p> <p>Regarding copyrights, PCD’s responsibilities include:</p> <ol style="list-style-type: none"> 1) Carrying out the works and procedures related to the registration of BCMC (bodies for collective management of copyright and related rights); 2) Presenting proposals and opinions for optimization or improvement of policies related to the protection of copyright and related rights; 3) Promoting contacts, cooperation and exchange with relevant entities or bodies from Mainland China and other countries or regions in matters of patents and copyright. <p>In relation to registration of copyrights, the Copyright and Related Rights Law (herein after “Copyright Law” or “CL”), that regulates the intellectual creations subject to protection under copyrights, rules that:</p> <ul style="list-style-type: none"> - Copyright does not require registration – the work will automatically be subject to protection from the moment the work is created, regardless of any registration or formality (Section 1, no. 3 of the CL); <p>Only BCMC are not entitled to set rates for copyright royalties (but not IPO).</p>	<p>The Moroccan Copyright Office, a multidisciplinary body with a legal monopoly of representation, deals with all professional categories of authors. It grants authorizations for the use of the copyrighted repertoire, collects the related copyright royalties and ensures that authors are allocated their rights.</p>	<p>The Copyright Tribunal has the power to hear disputes and applications about copyright licensing schemes or licences granted by a licensing body (including terms of the schemes and royalties) and file sharing infringements.</p>	<p>Under the Philippine Intellectual Property Code, the BCRR has the following functions: a) exercise original jurisdiction to resolve disputes relating to terms of a license involving an author’s right to public performance or other communication of his work; b) accept, review and decide on applications for the accreditation of collective management organizations or similar entities; c) conduct research in the field of copyright and related rights; and d) provide other copyright and related rights services and charge reasonable fees therefor.</p> <p>IPOPPL, through the BCRR, has been deputized by the National Library of the Philippines as a receiving office for the registration and deposit of copyrighted works. Setting copyright royalty rates is not among the powers granted by law to the BCRR.</p>

QUESTIONS	JAPAN	MACAU	MOROCCO	NEW ZEALAND	PHILIPPINES
4. Is the country a party to the Berne Convention?	Yes, Japan is a party to the Berne Convention. It was in force on July 15, 1899.	Yes.	Yes, it is.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	Copyright arises at the creation of work. Yes, there is. Agency for Cultural Affairs, Government of Japan https://www.bunka.go.jp/english/index.html for registration of the true name; registration of the date of the first publication, etc; registration of the date of creation; registration of copyright transfer Software Information Center https://www.softic.or.jp/en/index.html for exceptional provision for the registration of program works .	Copyright will be subject to protection from the moment the work is created, regardless of any registration or formality. Upon completion of the work (notwithstanding its disclosure, publication, use or economic exploitation), the author is entitled to seek legal protection. Copyright protection is automatic (Section 10 of CL) in Macau. Whilst no registration formalities are required to obtain protection for works, the same will expire 50 years after the death of the author, according to Section 21 of CL. This applies to posthumous disclosures or publications.	The work is protected from its creation even if it is not fixed on a material medium. Moroccan Copyright Office holds the copyright registry.	Upon creation of the copyright work. No copyright registry or depository	Copyright protection arises from the moment of the creation of the literary or artistic work. Registration and deposit of literary and artistic works may be made with the National Library or IPOPHL which was deputized by the former as a receiving office for registration and deposit of copyrighted works. If the work relates to the field of law, deposit may be made with the Supreme Court Library.
6. What regulations govern the copyright registration procedure?	Copyright Law of Japan	N/A, as no registration formalities are required to obtain protection for copyrights. The regulation for copyrights is disposed on Decree-Law No. 43/99/M OF AUGUST 16, 1999, on the regime of Copyright and related rights (as amended by law n. 5/2012 of April 10, 2012)	Law No. 2-00 on Copyright and Related Rights as modified and complemented by Law No. 34-05 and Law No. 79-12 both on Copyright and Related Rights.	N/A	The National Library requirements for copyright registration and deposit are accessible at its website, http://web.nlp.gov.ph/nlp/?q=node/646 . The IPOPHL issued Memorandum Circular No. 2020-025 entitled "Revised Rules and Regulations on Copyright Registration and Recordation of Transfer, Assignment and License of Copyright" which prescribes the specific requirements for copyright registration filed with the IPOPHL.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application	The procedure of copyright registration includes an official fee, application, specification of the art, owner's certificate such as	N/A, as no registration formalities are required to obtain protection for copyrights.	It is possible to file an application for a copyright registration online. Documents required are an application form, a copy of the ID	N/A	Generally, filing of copyright registration and deposit entails the filing of a complete a Registration Form (RF) in three (3) copies. Additional documents are required

QUESTIONS	JAPAN	MACAU	MOROCCO	NEW ZEALAND	PHILIPPINES
for a copyright registration (and all documents required) online?	residence certificate, company registry, and so on. No, it is not. Online filing is not available now.		card, a photo ID in addition to the work to be protected by copyright.		The registration procedure also involves deposit of the work by submitting two (2) originals or an electronic copy submitted in a storage medium. For certain types of works, like drawings or photographs, deposit is made by submitting two (2) 5R photographs, two (2) copies of the work, or an electronic copy submitted in a storage medium. Finally, the Certificate of Registration shall be released to the applicant within seven (7) working days from the filing of the RF with complete documents. Filing an application for copyright registration may be made online with the IPOPHL via email.
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	JPY18,000 per case for registration of copyright transfer; JPY9,000 for registration of the true name; JPY3,000 for registration of the date of the first publication, creation, etc. It currently takes one to two months from application to registration of copyright.	N/A, as no registration formalities are required to obtain protection for copyrights.	Basically, no official fees are required and protection is granted automatically.	N/A	Depending on whether the applicant is undergoing Single or Bulk Registration, whether the applicant is classified as a Small or Big Entity, and whether the applicant pursues registration in the National Capital Region or other regions in the Philippines, the copyright deposit/recording fee prescribed by IPOPHL can range from Php 200 to Php 750 (around USD 4 to USD 15).
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	A copyright owner is able to file a copyright registration application directly and through representatives/patent attorneys.	N/A, as no registration formalities are required to obtain protection for copyrights.	It is not mandatory to file a copyright registration application by a representative/IP attorney.	N/A	Yes, a copyright owner is able to file a copyright registration application directly.
10. What are the grounds for refusal of copyright registration? Is it possible to	Formality grounds can be a refusal of copyright registration since the authority checks the	In Macao, there is no appeal against the refusal of registration. However, appeals against copyright	Lack of originality is the main ground of refusal. I do not have further information on this point.	N/A	An application for copyright registration may be denied if either of the following grounds exists: a)

QUESTIONS	JAPAN	MACAU	MOROCCO	NEW ZEALAND	PHILIPPINES
<p>appeal the refusal (if so what are the grounds of appeal and procedure)?</p>	<p>formality only. Theoretically, it would be possible to appeal the refusal on the ground that the procedure was not appropriately conducted. However, the Agency usually requests the applicant to show the application in advance and gives advice to the applicant. Therefore, such a case would be almost none.</p>	<p>disputes can be resolved through the Macau Courts, depending on the evidence and arguments of both parties, the actual application of the copyright, etc..</p>			<p>the work does not fit the statutorily defined categories of works under copyright law or b) the work is the subject of a prior registration. If filed with the IPOPHL, the decision of the Director of the BCRR is appealable to the IPOPHL Director General. Such appeal is taken by filing an Appeal Memorandum within thirty (30) days from notice of the decision appealed from and by paying the appeal fee and other applicable fees. Upon proper motion citing meritorious reasons and payment of appeal fee and other applicable fees, the Director General may grant an additional fifteen (15) days to file the appeal. Thereafter, no further extension to file the appeal shall be allowed.</p>
<p>11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?</p>	<p>There is no legal difference between registered and unregistered copyright. Unless disproved otherwise, the registered copyright deems to be as recorded.</p>	<p>N/A, as no registration formalities are required to obtain protection for copyrights. Section 2, (1), CL provides a non-exhaustive list of works that are eligible for protection, provided that they are originals, (inter alia</p> <ul style="list-style-type: none"> a) cinematographic, television, video and other audiovisual works; b) databases and other compilations; c) dramatic and dramatic-music works and the direction thereof; d) lectures, speeches, statements and sermons; e) musical compositions; f) parodies and other literary or musical compositions; 	<p>The main advantage lies in the ease of providing evidence to the courts in the event of infringement of the author's rights.</p>	<p>N/A</p>	<p>In terms of legal protection, there is no difference between registered and unregistered copyright. One benefit of registration is the ability of the copyright owner to obtain a certificate of registration which functions as a public record or evidence of ownership over a copyrighted work. In copyright infringement cases, presentation of such certificate by the plaintiff gives rise to a presumption of validity and ownership of the copyright in his/her favor. Nevertheless, the Supreme Court has ruled that this presumption is rebuttable and cannot be sustained where other evidence casts doubt on the question of ownership.</p>

QUESTIONS	JAPAN	MACAU	MOROCCO	NEW ZEALAND	PHILIPPINES
		g) works of applied art, industrial designs or models etc;			
12. Any other points relevant or specific to the local copyright office	Regarding software program, the Software Information Center (SOFTIC), https://www.softic.or.jp/en/index.html , is in charge, not Agency for Cultural Affairs, Government of Japan.	In addition to our comments above, we further note that copyright enforcement in Macau still faces some challenges, due to i) lack of practice in pursuing copyrights enforcement and royalties collection by the authors entitled thereon and ii) lack of representability from the existing collective management agencies towards the pool of authors. In other words, the most widely recognized collective management agencies are not yet represented in Macau and for that reason do not collect royalties of their authors in the Macau jurisdiction.		-	-
Contributor (name/ firm)	Koji Murai (Shinju Global IP)	Paulo Rowett (DSL Lawyers) Mariana Hazt Lencina / Mr. Domingos Ng / Ms. Emalita (Ema) Rocha (Inventa/Ipsol Intellectual Property Agency)	Issam Benhssine (IB FOR IP)	Emma Mitchell (Griffith Hack)	John Cabilao (Betita Cabilao Casuela Sarmiento)
Verifier (name/ firm)					

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EAST & ASIA PACIFIC, PART 3

QUESTIONS	SINGAPORE	SOUTH KOREA	VIETNAM
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>There is no copyright registry/depository in Singapore, as copyright subsists automatically upon creation of an original work without the need for registration pursuant to the Singapore Copyright Act 2021 (the "Act").</p> <p>For completeness, the Intellectual Property Office of Singapore (IPOS) handles registration of other intellectual property rights, e.g. trade marks and patents. IPOS is a statutory board under the Ministry of Law of Singapore. IPOS' website may be accessed here: Intellectual Property Office of Singapore (IPOS)</p>	<p>Yes.</p> <p>The Korea Copyright Commission ("KCC") is the government agency dedicated to copyright-related affairs. Its roles range from mediating copyright disputes to serving as the nation's copyright registration agency.</p> <p>Website: www.copyright.or.kr</p>	<p>Yes. There is an Official Copyright Office in Vietnam, namely Copyright Office of Vietnam (COV).</p> <p>The official website of COV is http://www.cov.gov.vn/</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>N/A (see response to Question 1).</p>	<p>The KCC's parent agency is the Ministry of Culture Sports and Tourism.</p> <p>The KCC's organizational structure can be found here: Organization > About KCC > Home (copyright.or.kr)</p>	<p>The Copyright Office of Vietnam (COV) is under supervision of the Ministry of Culture, Sports, and Tourism of Vietnam</p> <p>The organizational structure of the COV includes (http://www.cov.gov.vn/tin-tuc/structure):</p> <ul style="list-style-type: none"> (i) General Director, 02 Deputy Directors; (ii) The Bureau/Office Division; (iii) Copyright and related rights management and International Cooperation Division; (iv) Copyright and Related Rights Registration Division; (v) Cultural Industry Management Division; (vi) Expertise Center (Copyright and Related Rights Assessment Center).
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	<p>N/A (see response to Question 1).</p>	<p>The KCC's main functions are as follows:</p> <ul style="list-style-type: none"> - Operation of the dispute resolution system, including mediation and conciliation of copyright disputes - Fair deliberation on fees and royalties of collective management organizations - Promotion of legitimate and fair use of works - International cooperation for copyright protection - Education and training on copyright, training of professional staffs, public awareness programs 	<ul style="list-style-type: none"> - The main function of the COV is advising and assisting the Minister of the Ministry of Culture, Sports, and Tourism of Vietnam in performing the state management of copyright protection, related rights and cultural industry in Vietnam. - Yes. The COV has the power to formally register copyrights. - No. The COV does not have the power to set rate for copyright royalties or similar. Accordingly, rates for copyright royalties shall be agreed upon by the parties or in accordance with the Government's regulations.

QUESTIONS	SINGAPORE	SOUTH KOREA	VIETNAM
		<ul style="list-style-type: none"> - Support for formulation of copyright policies and carrying out tasks entrusted to the KCC in accordance with laws, etc - Support for formulation of policies on technological protection measures and rights management information - Establishment and operation of a copyright information management system to provide information on copyright - Research into copyright information technology - Appraisal on copyright infringements, etc - Copyright registration, copyright authentication, and management of economic rights donated - Computer program source codes and technical data escrow <p>Conducting surveys on status of copyright trade and industry and generating statistics</p>	- No. The COV does not have dispute resolution powers. The dispute resolution powers belong to the Courts of Vietnam.
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	Copyright subsists automatically upon creation of an original work pursuant to the Act without the need for registration, assuming that the other requirements for copyright protection in the Act are met (<i>e.g.</i> that the work is of the type protected by the Act). Accordingly, there is no copyright registry/depository in Singapore.	Copyright originates from the moment the work is created. Copyright registration of a work is neither mandatory nor a prerequisite for copyright protection. Copyrights are registered with the KCC.	Under IP Law of Vietnam (Art.6), Copyright shall arise at moment when a work is created and fixed in a certain material form, irrespective of its content, quality, presentation, means of fixation, language and whether or not it has been published or registered. There is a copyright registry/depository in Vietnam. The said body is the COV.
6. What regulations govern the copyright registration procedure?	N/A (see response to Question 1).	Articles 53 through 55-5 of the Copyright Act govern copyright registration.	IP Law of Vietnam 2005 (amended in 2009, 2019), Decree No. 22/2018/ND-CP dated February 23, 2018 of the Government on guidelines for certain number of articles of the Intellectual Property Law and Law on amendments to the Intellectual Property Law 2009 in terms of the copyright and related rights and other guiding regulations mainly govern the copy right registration procedure in Vietnam.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an	N/A (see response to Question 1).	The required documents are: an application for registration of copyright; a detailed statement of the application for registration; the copyright holder's identification card, and a copy of the copyrighted work.	1. The procedure of copyright registration include: -main stages: + stage 1: Filing the copyright application

QUESTIONS	SINGAPORE	SOUTH KOREA	VIETNAM
<p>application for a copyright registration (and all documents required) online?</p>		<p>The above are submitted to the KCC and applications are examined by copyright examiners to see if all requirements are met, and amendments will be requested if not. The last stage is approval and issuance of a certificate of registration. You can apply online.</p>	<p>+ stage 2: formality examination and granting a copyright registration certificate - terms: 15 working days from the filing date of an acceptable application (in practice, it may prolong). - Documents: i) A declaration for registration of copyright or related rights. ii) Two copies of the work the subject of the application for copyright registration, or two copies of the formulated object the subject of the application for related rights registration; iii) A letter of authorization where the applicant is an authorized person; iv) Documents proving the right to file the application where the applicant acquires such right by way of inheritance, succession or assignment; v) Written consent of the co-authors in the case of a work under joint authorship; vi) Written consent of the co-owners if the copyright or related rights are jointly owned. 2. Is it an application for a copyright registration (and all documents required) online? Currently, the Copyright Office allows online filing. However, since the online filing system has not yet been completed, after submitting an online application, the applicant still needs to send the originals of the requested documents to the Copyright Office by post or on-site filing.</p>
<p>8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?</p>	<p>N/A (see response to Question 1).</p>	<p>The government fee is KRW 30,000 and tax is KRW 3,600. It typically takes four business days from application for a copyright registration to be issued.</p>	<p>1. What are the fees for registering copyrights with the copyright office (if possible)? Registration of copyright: - Literary works, scientific works, textbooks, syllabi and other works which are expressed in writing or other characters (referred to as written works – VND 100,000 - Lecture, speech and other talks –VND 100,000;</p>

QUESTIONS	SINGAPORE	SOUTH KOREA	VIETNAM
			<ul style="list-style-type: none"> - Plans, diagrams, maps, topography-related drawings and scientific works – VND 300,000; - Cinematographic works – VND 500,000; - Computer programs, data collection programs or other programs run on computers – VND 600,000; Registration of related rights: <ul style="list-style-type: none"> - Performances recorded on Audio/video-recordings and Broadcasting programs – up to VND 500,000; - Visual recordings – VND 300,000; - Broadcasting programs – VND 500,000. 2. How long does it typically take from application to registration of copyright? In principle, 15 working days from the filing date of an acceptable application. In practice, it usually takes about 1-3 months from the filing date from application to registration of copyright.
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A (see response to Question 1).	S/he may file directly or through an agent.	Yes. A Vietnamese copyright owner or a foreign copyright owner, it is able to file a copyright registration application directly at the Copyright Office or file through a Vietnamese copyright representative Agent (Art. 34 of Decree No. 22/2018/ND-CP dated February 23, 2018).
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A (see response to Question 1).	If the work is not one that is protectable under the Copyright Act or if the copyright application documents are inadequate in form, etc., the application may be refused. If the application is refused, the applicant may file an objection within one month from the date of refusal to the Korea Copyright Commission, and if the objection is dismissed/rejected, the illegality of the disposition may be disputed through an administrative appeal or an administrative litigation.	Under the IP Law, the Copyright Office shall notify the applicant in writing in a case of refusal to grant a certificate. Under IP Law (Art. 15), subject matters are not covered by copyright protection are (i) News of the day as mere items of press information; (ii) Legal documents, administrative documents and other documents in the judicial domain and official translations of these documents; (iii) Processes, systems, operation methods, concepts, principles and data. In principle, it is possible to appeal the refusal of the COV. However, the grounds of the appeal

QUESTIONS	SINGAPORE	SOUTH KOREA	VIETNAM
			and procedure thereof is now silent (there are not regulations thereof).
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	N/A (see response to Question 1).	Copyright registration of a work is neither mandatory nor a prerequisite for copyright protection. However, registration does provide certain presumptive effects. For example, anyone whose name is registered shall be presumed to be the author of the registered work, and in cases where a work's date of first publication/release or creation is registered, the first publication/release or creation shall be presumed to have taken place on that date. However, if a copyright is registered after one year from the creation date, the date of creation will not be recognized. Also, only the work which is registered before occurrence of copyright infringement is subject to statutory damages under the Korean Copyright Act.	In principle, there is no legal difference between registered and unregistered copyright. This is because a copyright arises from the moment the work is created and fixed in a certain material form, regardless of whether it is registered or not (Art. 6 of IP Law). According to the IP Law Vietnam, Organizations and individuals who are granted certificates of registered copyright or certificates of registered related rights shall not bear the burden of proving such copyright or related rights in a copyright dispute, unless contrary proof is tendered.
12. Any other points relevant or specific to the local copyright office	-	-	-
Contributor (name/ firm)	Toh Jia Yi (Allen & Gledhill LLP)	Angela Kim, Chang-hwan Shin, Hyungji Kim (Kim & Chang)	Nguyen Tran Tuyen (Elite Law Firm)
Verifier (name/ firm)			

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EUROPE & CENTRAL ASIA, PART 1

Questions	ALBANIA	AUSTRIA	BELGIUM	BOSNIA AND HERZEGOVINA	BULGARIA	CZECH REPUBLIC
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	Yes. Directorate of Copyright. (DDA) http://www.dda.gov.al	No.	No. Public enforcement of copyrights is done on several levels, including by Customs (in the framework of EU customs borders proceedings) or by the Federal Agency of Economic Affairs (for inland enforcement).	Yes. Institute for Intellectual Property has competence over both – industrial property and copyright. There's no separate Copyright Office. Official website is: www.ipr.gov.ba	No, there is no copyright registration regime in Bulgaria.	No, there is no state authority, or other state body / private organization for registration of copyright.
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	Copyright Directorate is under the structure of Ministry of Culture Copyright Directorate has two sectors: - Registration Sector - Monitoring Sector	N/A	N/A (see question 1)	N/A	N/A	N/A
3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office: - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers	DDA has the power to formally register copyrights. DDA doesn't have the power to set rates for copyright royalties. DDA doesn't have the power for dispute resolution	N/A	N/A (see question 1)	N/A	N/A	N/A
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	DDA has been established in 2007. Yes. DAA maintains the copyright register.	Upon creation of the work of art/neighbor right no	Copyright automatically arises as from the date of creation of a work which meets the criteria of originality. There are no	From the date of creation. IPO Office also act as a depository for copyright. There's no formal registration.	The copyright arises automatically at the time of the creation of the work.	The copyright in a work arises at the moment when the work is expressed in any

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Questions	ALBANIA	AUSTRIA	BELGIUM	BOSNIA AND HERZEGOVINA	BULGARIA	CZECH REPUBLIC
			<p>formal requirements. Depositions of any kind are not required, nor even optional.</p> <p>It is possible to file a so-called 'e-depot' with the Benelux Office for Intellectual Property, but this is not required for copyright to come into existence. The e-filing is simply a probative tool that allows creators of any work, sign, name or invention to establish the date of creation.</p>		There is no copyright registry/depository in Bulgaria.	<p>objectively perceivable form.</p> <p>There is no copyright registry/depository in the Czech Republic, however, there are means of depositing a copyright work (such as attorney or notary escrow), but this doesn't constitute a mean of determination of copyrights holder.</p>
6. What regulations govern the copyright registration procedure?	Law No. 35 of March 31, 2016 "For copyright and related rights".	N/A	N/A (see question 1 and 5).	No registration required.	N/A	N/A
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	<p>For obtaining a copyright registration the author should:</p> <p>File an Application with DDA</p> <p>File a Declaration</p> <p>File a copy of the work</p> <p>File a Copy of ID card</p> <p>Pay the prescribed fees.</p>	N/A	N/A (see question 1 and 5).	No registration required.	N/A	N/A
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	<p>The fees for registering copyrights with the copyright office are:</p> <p>1. Registration of phonogram together with the assignment deed, including registration certificate:</p> <ul style="list-style-type: none"> - Up to 20 titles - 2000 ALL - 21-50 -3000 ALL - 51-100 - 4000 ALL - More than 100 - 5000 ALL <p>2. Copyright registration for computer programs,</p>	N/A	N/A (see question 1 and 5).	No registration required.	N/A	N/A

Questions	ALBANIA	AUSTRIA	BELGIUM	BOSNIA AND HERZEGOVINA	BULGARIA	CZECH REPUBLIC
	<p>including registration certificate;</p> <ul style="list-style-type: none"> - Up to 20 programs 2000 ALL - 21-50 programs 3000 ALL - 51-100 programs 4000 ALL - More than 100 programs 5000 ALL <p>3. Copyright registration for photographic creations, including registration certificate:</p> <ul style="list-style-type: none"> - Up to 20 photographic works – 2000 ALL - 21-50 photographic works – 3000 ALL - 51-100 photographic works – 4000 ALL - More than 100 photographic works – 5000 ALL <p>4. Copyright registration for original works, including registration certificate:</p> <ul style="list-style-type: none"> - Up to 20 works 2000 ALL - 21-50 works 3000 ALL - 51-100 works 4000 ALL - More than 100 works 5000 ALL <p>It takes 45 days from application to registration of copyright</p>					
9. Is a copyright owner able to file a copyright registration application directly or can this only be	The copyright owner can file a copyright registration application directly.	N/A	N/A (see question 1 and 5).	No registration required.	N/A	N/A

Questions	ALBANIA	AUSTRIA	BELGIUM	BOSNIA AND HERZEGOVINA	BULGARIA	CZECH REPUBLIC
done through representatives/patent attorneys?						
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	Missing and/or inappropriate documents after copyright directorate notification. The refusal can be appealed according to the provisions of the Administrative Procedures Code.	N/A	N/A (see question 1 and 5).	No registration required.	N/A	N/A
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	The unregistered copyright has no legal effects.	N/A	There is none – see question 1 and 5. Belgian (and EU) law only acknowledges ‘copyrights’ as such, regardless of registrations.	Registered copyright doesn’t exist in Bosnia.	Copyright is an unregistered IP right under Bulgarian law.	None, copyright is not a registered right in the Czech Republic.
12. Any other points relevant or specific to the local copyright office	-	-	-	-	-	There is no copyright office, however, some of the copyrights can be reported to the collective manager (OSA for music, DILIA for theater and literature works and OAZA for sound engineers – authors). This is not a registration of a copyright, but a mean of confirming holders of the copyright and collecting licensing fees for him or her even abroad.
Contributor (name/ firm)	Vladimir Nika (PETOSEVIC)	Claudia Csáky (GRAF ISOLA Rechtsanwälte GmbH)	Jeroen Muyldermans (FENCER Law)	Tarik Prolaz (PETOSEVIC)	Stela Sabeva (BOYANOV & Co.)	Ivan Rámeš (HAVEL & PARTNERS)
Verifier (name/ firm)						

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EUROPE & CENTRAL ASIA, PART 2

QUESTIONS	DENMARK	FRANCE	GERMANY	GEORGIA	GREECE	IRELAND
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>No, there is no Copyright Office. There is no other body performing the functions of a Copyright Office. Is it possible to get photos, manuscripts etc. notarized by the notary public, but this is not a form of copyright registration, it serves more a “time-stamp” function.</p>	<p>Yes. There is no official Copyright Office – A Work deserves Copyright from its creation. An Author only has to prove he created the Work when – It is a free proof system as every evidence can be taken into consideration. The French IPO (INPI) is in charge of the “Enveloppe Soleau” system which gives a Proved Date in determining with certainty the date and time of receipt. A public Notary has also the capacity to state the Date of receipt. A registered Letter sent to yourself or the proof that you disclose the Work on the media are welcome as well.</p>	<p>No.</p>	<p>Yes. Functions of Copyright Office in Georgia is carried out by Legal Entity of Public Law “Intellectual Property Centre of Georgia SAKPATENTI”. It is Governmental Organization which carries our state policy in the field of IP and grants rights on various IP objects (Patents, Trademarks, Designs, PBR, GIs). Website: www.sakpatenti.gov.ge/en</p>	<p>Yes. The Copyright office in Greece has the name “Hellenic Copyright Organization” (OPI in Greek) https://opi.gr</p>	<p>Yes. The Intellectual Property Office of Ireland (IPOI) is the national intellectual property agency, responsible for the administration of intellectual property rights in Ireland. IPOI website: www.ipoi.gov.ie</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>SAKPATENTI is legal entity of public law, which is independent Governmental body. Chairman of SAKPATENTI is appointed for 4 years term by Prime-Minister of Georgia and is directly responsible to Prime-Minister Office. Organizational structure of SAKPATENTI is available on following link: https://www.sakpatenti.gov.ge/en/page/201/</p>	<p>The Greek Copyright office is a legal entity under private law, the foundation of which was decided by art. 69 of law 2121/1993 on Copyright and related rights. It is governed by a Board of Directors with 7 members.</p>	<p>The IPOI sits under the auspice of Department of Enterprise, Trade & Employment. This department is responsible for Ireland’s policy and legislation on IP. The Controller of Intellectual Property (“the Controller”) is appointed to govern the IPOI.</p>
<p>3. What powers does the office have (main tasks and functions)? In particular</p>	<p>N/A</p>	<p>No such office with such power.</p>	<p>N/A</p>	<p>Main function of SAKPATENTI acting as a copyright office is to carry out state policy in the field of copyrights and related</p>	<p>The Greek Copyright office does not have the power to register copyrights. Copyrights are not acquired</p>	<p>The Controller has a number of functions pursuant to the Copyright and Related Rights Act</p>

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QUESTIONS	DENMARK	FRANCE	GERMANY	GEORGIA	GREECE	IRELAND
<p>please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 				<p>rights, to raise public awareness in the copyright, to carry out legislative activities and propose legal initiatives to keep legislation harmonized with international standards and developments. SAKPATENTI provides deposition service for the authors which is voluntary and constitutes only date of deposition. Registration of copyright is not mandatory for commencement of rights in Georgia. If CMO and user of copyright cannot agree on the amount of license fee in case of the rights which are mandatory managed by CMOs, SAKPATENTI may determine the fee, which can further appealed to the court.</p>	<p>by registration according to Greek law, they are acquired automatically with the creation of the intellectual creation. Different systems may be used for evidence of the specific date of existence of the IP right. One such system is the “timestamp” that is created and managed by the Copyright Office. -The Copyright Office may act as mediator in copyright matters. It also draws a list of independent arbitrators, taking into consideration the opinion of the parties, for matters of royalties.</p>	<p>2000 (as amended) (“the Irish Copyright Act”). There is no formal copyright registration procedure in Ireland (see point 5 below). The functions of the Controller are concerned with dealing with registration of copyright licensing bodies, references and applications relating to licensing schemes operated by those bodies and the resolution of disputes regarding royalty amounts arising mainly in the area of public performance of sound recordings. The Controller has jurisdiction under the Irish Copyright Act to determine, disputes arising under the Act between licensing bodies and persons requiring licences or organisations claiming to be representative of those persons. There is a right of appeal to the High Court.</p>
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	<p>Copyright arises with the very act of creation of the work of art. There is no copyright registry/depository in Denmark.</p>	<p>The copyright arises from the date of creation of the Work. The main issue is to be able to prove such date : we use services of “Enveloppe Soleau” or A public Notary</p>	<p>Copyright protection begins with the date of creation and lasts until 70 years after death of the author.</p>	<p>Copyright arises upon creation of the work. Work is deemed to be created if it is expressed in a form which enables is perception and reproduction. Registration of copyright is not</p>	<p>Copyright arises with the creation of an intellectual work. There exists no copyright registry/depository in Greece.</p>	<p>In Ireland copyright arises automatically from the date of a creation of a work that qualifies for protection pursuant to the Irish Copyright Act.</p>

QUESTIONS	DENMARK	FRANCE	GERMANY	GEORGIA	GREECE	IRELAND
			There is no copyright registry/depository	mandatory. However, voluntary deposition system of the work is provided by the Law.		
6. What regulations govern the copyright registration procedure?	N/A	French Intellectual Property Code from Art L.111 to Art L.123-12 is about the ownership of a Copyright - There is no registration process as the copyrights is generated fro the creation of the Work.	No registration procedure available.	Law of Georgia on Copyright and Related Rights.	Registration is not available. In practice one uses any available legal means as evidence of the date when the intellectual creation is of existence.	N/A
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	N/A	There is no registration procedure but for the example, "Enveloppe Soleau" managed by the French IPO gives you immediately a Proved Date.	N/A	For deposition of the work in SAKPATENTI following documents are required: 1. Copy of the work 2. Name and genre of the work. 2. Name of the author and copyright holder (if any) 3. Assignment deed between the author and third person if deposition is requested on behalf of the copyright holder who is not an author of the work. 4. PoA if application is filed through representative Application for deposition can be filed either on paper or online through e-filing system of SAKPATENTI.	N/A	N/A

QUESTIONS	DENMARK	FRANCE	GERMANY	GEORGIA	GREECE	IRELAND
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	N/A	“Enveloppe Soleau” is now online and the taxes are 15€ for 10Mo. The “Enveloppe Soleau” gives you a proved Date immediately.	N/A	Official fee for deposition is GEL 10 (app. USD 4) if filed on paper and GEL 8 (app. USD 3) in case of e-filing. Deposition certificate is issued within 1 month from filing date of application for deposition.	N/A	N/A
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A	Everyone.	N/A	Filing of the work for deposition may be done either by authors directly or through designated representatives.	N/A	N/A
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A	N/A	N/A	As there exists only voluntary deposition system (and not registration) of the work, which just proves fact and date of deposition of the work in SAKPATENTI, no grounds for refusal of deposition are provided by Georgian legislation.	N/A	N/A
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	There is no registered copyright as such in Denmark.	We do not have such difference between registered and unregistered copyright.	There is no registered copyright.	Registration of copyright is not foreseen by Georgian legislation. Hence, there is no difference between registered and unregistered copyright. However, if the work is deposited in SAKPATENTI, unless proved otherwise, the person indicated in deposition	N/A	N/A

QUESTIONS	DENMARK	FRANCE	GERMANY	GEORGIA	GREECE	IRELAND
				certificate is deemed to by the author of the work.		
12. Any other points relevant or specific to the local copyright office	-	-	-	-	-	-
Contributor (name/ firm)	Fabio Pezzolato (Zacco)	Stève FELIX (Lambert & Félix Associés)	Dr. Ulla Allgayer (Kramer Barske Schmidtchen Patentanwaelte Part GmbB)	Nikoloz Gogilidze (Mikadze Gegetchkori Taktakishvili LLC)	Alkisti-Irene Malamis (Malamis & Associates)	Gerard Kelly (Mason Hayes and Curran LLP)
Verifier (name/ firm)						

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EUROPE & CENTRAL ASIA, PART 3

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	<p>No.</p> <p>As there is no statutory prerequisite to register Copyrights in Israel, there are no statutory bodies performing the functions of a Copyright office.</p> <p>There are several private organizations that offer Copyright registration services, such as copyrights.org.il and ACUM (The Israeli Society for Authors, Composers and Music Publishers).</p>	<p>In Italy, the registration of copyrights is merely optional, assuring only an initial presumption of authorship. Copyright stems directly from the creation of the work.</p> <p>SIAE (<i>Società Italiana degli Autori e Editori</i> - Italian Society of Authors and Publishers) is the collecting society acting as an intermediary among authors and users of copyright protected works (https://www.siae.it/en). It is the office in charge with several administrative practices related to copyright management and enforcement.</p>	<p>Yes.</p> <p>The office which performs these functions is called the Copyright and Related Rights Office and it operates under the Ministry of Culture, Youth and Sports (Home - ZYRA PËR TË DREJTAT E AUTORIT DHE TE DREJTAT E PËRAFËRTA (autori-ks.com)).</p>	<p>The institution that performs functions of Copyright office in Montenegro is Directorate for Intellectual Property, operating under the Ministry of Economy. http://www.ziscg.me</p>	<p>No.</p> <p>However, date registration mechanisms (via i-DEPOT through the Benelux Office for Intellectual Property (link) or via notary deed) can serve as evidence that certain materials (which are for example protected by copyright) existed on a certain date. Such date-registration mechanisms are not copyright specific, however. There is no state body/private organization that performs the functions of a Copyright Office.</p>	No.
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	N/A	<p>The Italian Society of Authors and Publishers is, from a technical point of view, a Public Body with economic interests based on membership.</p> <p>The word “public” means that SIAE guarantees its members a remuneration for their work, while making the users aware that a remuneration is due to the right holders.</p> <p>At the same time, it ensures some of the general interests protected by our Constitution: for example, the promotion of culture, the freedom of art, the protection of intellectual work.</p>	Yes, the Copyright Office is an official body as per Q1.	Yes, the office is an official body as explained under Q1.	N/A	N/A

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
		<p>For this reason, SIAE is under the control of the <u>Presidency of the Council of Ministers</u>, the <u>Ministry of Cultural Heritage and Tourism</u> and the <u>Ministry of Economy and Finance</u>, as a guarantee of transparency and good management towards members and users alike. SIAE does not benefit from Public Finance and does not receive any direct or indirect funding from the State. This explains the sense of the word “economic”. The Italian Society of Authors and Publishers is non-profit and completely independent in its own business activity. The only purpose of the Society is the protection of the rights of its members.</p> <p>SIAE is managed by the Governing Bodies appointed and elected by its members whose composition is regulated by the Society’s Statute. Such bodies are: the Assembly, the Supervisory Board, the Management Board and the Board of Auditors. The internal organization is coordinated by the Director General who exercises the powers of direction, coordination and organization of the executive and non-executive staff.</p>				

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
		SIAE is represented on the national territory with its 10 regional offices, 28 local offices and 426 agents located all over the national territory.				
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	N/A	<p>According to art. 2 of its Statute - Scope and activities. - SIAE carries out the following activities:</p> <p>a) intermediation activities carried out directly or indirectly; mediation; activities concerning the mandate of authors or their heirs, representation and also assignment for the exercise of rights of representation, performance, recitation, reproduction, and radio broadcasting, including the communication of protected works to the public by any technical means</p> <p>b) ensuring the best protection for the rights referred to in letter a) above and the protection and development of intellectual works;</p> <p>c) managing services for the assessment and collection of taxes, contributions, and rights, also on the basis of agreements with public administrations, regions, local bodies or other public or private bodies;</p> <p>d) carrying out any other task as expressly assigned to SIAE by law;</p>	<p>The powers of the Office are set by law, namely the basic activity of the office is to grant the license to the associations for collective administration of rights; supervision of the activity and activities of the associations for the administration of rights; removing license granted to the association for administration of rights; promoting and undertaking activities to provide appropriate information to the authors, rights holders and the public regarding copyright and related rights;</p> <p>monitoring of the international legislation and making recommendations regarding the field of copyright and related rights.</p> <ul style="list-style-type: none"> - The office does not have any power to formally register copyrights. - General fees are proposed by the governing board of the association and are approved by the Assembly of the association. The 	<p>The office has power to register copyright, namely, keeps record of deposited copyright.</p> <p>The office has the authority to set rates for copyright royalties only if the organization for collective exercise of copyright has not done so within 6 months since proposal for agreement with users. Those rates are considered temporary.</p> <p>The office does not have dispute resolution powers.</p>	<p>N/A. However, Section 25g of the Dutch Copyright Act contains the basis for the establishment of an independent Disputes Committee for disputes relating to the copyright contract law, which has been established in 2016 with the Foundation for Consumer Complaints Boards (link). The Disputes Committee can adjudicate disputes on the equitable remuneration to which an author is entitled vis-à-vis the other party to an exploitation agreement, the disproportionality-clause (the so-called “best seller clause”), the non usus clause (in case of insufficient exploitation) and on unreasonably onerous provisions in contracts. The Dutch Neighbouring Rights Act declares these provisions to apply mutatis mutandis to performers. A prerequisite for an author or performer to file a complaint with the Disputes Committee (instead of going straight to court) is that the exploiting party concerned is affiliated with The Dispute Commission. Furthermore, if a valid complaint was filed and</p>	N/A

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
		<p>e) carrying out any other activity which is instrumental and subsidiary to the above-mentioned activities;</p> <p>f) in compliance with the Law on companies and public bodies, SIAE participates, also in the capacity of founding member, in any types of legal entities, companies, European groups of economic interest, foundations and/or associations, in Italy and abroad, which carry out activities falling within those referred to in letters a) to e) above.</p> <p>According to art 67 of SIAE General Regulation:</p> <p>1. At the request of interest parties, the Society also performs the following tasks:</p> <p>b) the acceptance in deposit of the unpublished works, or defined as such by the declarant, with the sole effect of constituting proof of the existence of the work at the filing date, in favor of the depositor or right holders. The acceptance of the deposit does not entail any evaluation or recognition of the requirements of protection of the work under the Copyright's law.</p> <p>As mentioned before, copyright arises automatically with the creation of the work.</p> <p>An eventual deposit at SIAE has</p>	<p>proposed tariffs are subject to negotiation with users organizations, if agreement is not reached during the negotiations the parties are obliged to propose a mediator. If mediation does not result in reaching an agreement, total fees are subject to approval by the Government of the Republic of Kosovo.</p> <p>The Office does not have executive powers in the context of enforcement of copyright, respectively for any claims regarding violations of copyright and related rights, authors and rights holders should be directed to the competent authorities, courts, competent prosecutions and market inspectorate.</p>		<p>the Disputes Committee was able to adjudicate, the parties are able to still go to court with their dispute within 3 months after the Disputes Committee rendered its decision.</p>	

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
		only a function of evidence for the authorship and the existence of the work at the filing date. However, there are some exceptions, phonograms and simple photographs need to be recorded with some formalities to be able to be distributed. Yes, SIAE has the power to set rates for copyright royalties (or similar). SIAE has no disputes resolution power.				
4. Is the country a party to the Berne Convention?	Yes.	Yes.	No.	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	The copyright arises automatically upon completion of a work as defined in the Israeli Copyright Act of 2007. There are several private organizations that offer Copyright registration services, such as copyrights.org.il and ACUM (The Israeli Society for Authors, Composers and Music Publishers).	Copyright arises automatically with the creation of the work. There is no general requirement of registration, deposit or notice for the existence and enforcement of copyright protection – as such, there is no registry. Unpublished works can be deposited at SIAE for evidential purposes.	The copyright arises from the moment of creation of work. No, there is neither a registration nor a depository process.	The copyright arises from the moment of creation of work. Yes, there is a depository.	On the moment of creation of the work. There is no copyright registry / depository in the Netherlands.	The copyright arises automatically with the creation of the work. There is no formal copyright registry/depository in North Macedonia. The works may be deposited with the Public Notaries as evidence for ownership of the work on certain date and time.
6. What regulations govern the copyright registration procedure?	N/A	A facultative registration is possible with public registries kept by the SIAE, which under art. 67 of SIAE General Regulation has the duty to accept the deposit of the unpublished works. Such registration is useful in case of disputes because it can constitute proof of the authorship and the date of creation of the works.	N/A	Copyright Act and Regulation on deposit and record of copyright works and subjects of related rights.	N/A	N/A

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	N/A	<p>The registration of copyrights is merely optional, assuring only an initial presumption of authorship. A request for deposit of unpublished works must be mailed to SIAE or submitted directly to the OLAF Section at SIAE's Headquarters. The applicant must provide 4 documents:</p> <ul style="list-style-type: none"> - A filled in and signed copy of the Declaration model 350 form, which can be obtain directly from every SIAE office located in the Italian territory; - A copy of the work, signed in original and in full, in every page, with name and surname, by the author and other rights holders, if any. If the work is not reproduced on paper, the full signatures must be placed on an adhesive label stuck directly on the carrier; - The deposit fee; <p>If within 60 days from the date of its receipt by SIAE the mailed request for deposit is not completed following the requirements specified above, SIAE will return the unpublished work to its rightful owner at his/her own expense, and the deposit request will be cancelled.</p>	N/A	<p>As regards the documents, it is required to file the copyright (in whole or its essential elements) and the Power of Attorney. Depending on the nature of a copyright, a detailed description of the same may be filed where appropriate, or the proof of existing copyright. The necessary information is the following:</p> <ul style="list-style-type: none"> - Copyright title or its alternative title which enables identification of the copyright work - Type of copyright work - Information on whether or not the work was created during the course of employment - Author's data including its pseudonym or sign (if any) and information on its nationality - Data on holder of copyright (including information on nationality) - Data on representative. <p>There are no time limits for filing deposit request. However, the copyright is</p>	N/A	N/A

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
				<p>kept for 10 years since being entered into register. The date of filing the request is considered as the date of deposit of copyright and the date of entry into register. The request for renewal is filed before the expiration of 10 years term.</p> <p>Yes, online filing is possible whereas the hard copies are required as well.</p>		
<p>8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?</p>	N/A	<p>The fees to deposit unpublished works at SIAE vary according to the method of payment selected.</p> <p>By cash:</p> <ul style="list-style-type: none"> - 55,00 Euro for SIAE members; - 110,00 Euro for authors who are not SIAE members; - 220,00 Euro if the deposit is requested by a legal person having the right to the economic exploitation of the work, or by a natural person who has acquired the right to the economic exploitation or the work from the author. <p>By bank transfer:</p> <ul style="list-style-type: none"> - 55,00 Euro for SIAE members; - 111,81 Euro (1.81 Euro for the revenue stamp) for authors who are not SIAE members; - 221,81 Euro (1.81 Euro for the revenue stamp) if the deposit is requested by a legal person having the right to the economic exploitation of the works, or by a natural person 	N/A	<p>The costs of depositing copyright amount to 440 EUR (40 EUR official fee and 400 EUR our service fee). Certified translation amounts to 62 EUR per page (where applicable).</p>	N/A	N/A

QUESTIONS	ISRAEL	ITALY	KOSOVO	MONTENEGRO	TNE NETHERLANDS	NORTH MACEDONIA
		who has acquired the right to the economic exploitation of the work from the author.				
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A	A copyright owner can file an unpublished work registration directly.	N/A	The owner may file the application directly.	N/A	N/A
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A	There are only formal requisites that need to be respected (see question n.7).	N/A	The grounds for refusal would be non-compliance with the filing requirements specified above. Decision of the office may be subject to appeal.	N/A	N/A
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	N/A	There is no difference. Registration of an unpublished work is only provided for evidence of paternity of the work.	N/A	The benefits of registered right are that it constitutes presumption of ownership over copyright before the court, namely, having copyright certificate may be useful for enforcement purposes.	N/A	N/A
12. Any other points relevant or specific to the local copyright office	-	-	-	-	-	-
Contributor (name/ firm)	Eran Soroker (Soroker Agmon Nordman)	Elio De Tullio (De Tullio & Partners)	Kujtesa Nezaj-Shehu (SDP KOSOVE)	Jasna Jusić (PETOŠEVIĆ Montenegro Office)	- Manon Rieger-Jansen - Clemens Molle (Bird & Bird (Netherlands) LLP)	Zivka Kostovska (PETOSEVIC)
Verifier (name/ firm)						

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EUROPE & CENTRAL ASIA, PART 4

QUESTIONS	NORWAY	POLAND	PORTUGAL	ROMANIA	SERBIA	SLOVAK REPUBLIC
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	No, there is no official Copyright office in Norway. The Ministry of Culture and Equality is responsible for copyrights. https://www.regjeringen.no/en/dep/kud/id545/	No, an official Copyright Office does not exist in Poland.	Yes/ There is. IGAC - Inspeção-geral das Atividades Culturais (General Inspection of Cultural Activities). Website here.	Yes. The Romanian Copyright Office (ORDA – <i>Oficiul Roman pentru Drepturile de Autor</i>) is the only specialized central public administration body, being the sole regulatory authority, administering the national copyright registers, as well as supervising, authorizing and providing arbitration and technical-scientific assessment in the field of copyright and related rights. ORDA's official website: https://orda.ro . ORDA does not maintain an English version of its website.	There is an official office competent for all intellectual property rights. Its official name is The Intellectual Property Office of the Republic of Serbia. Website: https://www.zis.gov.rs/en/home/	No, there is no state authority, or other state body / private organization for registration of copyright.
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	N/A	N/A	It is a public service in the State direct administration with administrative autonomy. It's under the superintendency of the member of government responsible for the area of culture. IGAC has a Directorate responsible for intellectual property and copyright.	ORDA is subordinated to the Romanian Government, however it is methodologically coordinated by the Minister of Culture, and the financing of the current and capital expenses are ensured entirely and separately from the State Budget, through the budget of the Ministry of Culture, the coordinating minister being the main authorizing officer of credits. ORDA organizational structure provides a General Director and Deputy General Director, managing several Departments and Services (Internal Audit, IT/	The IP Office is a special organization in the state administration system. It is supervised by the Ministry of Economy. The organizational structure scheme is available at the following link: https://www.zis.gov.rs/en/about-us/organizational-structure/	N/A

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QUESTIONS	NORWAY	POLAND	PORTUGAL	ROMANIA	SERBIA	SLOVAK REPUBLIC
				International Relationship and PR, Registers and Collective Management and Expertise, Administrative Assessments and Organization. The organization structure is presented by ORDA on its website: https://orda.ro/despre/organizare/		
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	N/A	N/A	<p>IGAC controls and audits the services and bodies under the supervision of the member of the Government responsible for the area of culture, it supervises the protection of copyright, related rights, and oversees venues and shows of artistic nature. This includes the issuance of licenses to allow shows to be held, and also bullfighting. IGAC cooperates with judicial authorities to protect intellectual property right, including inspecting potential counterfeits and acting as experts before courts of law. In connection with Copyright, IGAC formally registers copyrighted works and related records. It does not have dispute resolution powers. It has the power to oversee the implementation of copyrighted related fees (such as private copying or fixing book prices) and it manages the registry of collective management societies.</p>	<p>ORDA has the following powers:</p> <ul style="list-style-type: none"> i. regulatory activity in the field of copyright and related rights ii. managing the activity of national registers iii. coordinating the collective management organizations iv. assessments and technical-scientific v. international representation vi. information and training activity. <p>ORDA does not</p> <ul style="list-style-type: none"> i. formally register copyrights ii. set rates for copyright royalties (these are established by negotiations between the collective organizations and relevant industries). <p>ORDA can mediate and arbitrate disputes regarding copyright and related rights, however by way of a</p>	<p>Copyright is not registrable in Serbia, but copyright-protected works can be deposited at the IP Office. The main function of the IP Office related to copyright is that it keeps record of the deposited copyright-protected works. The IP Office does not have the power to set rates for copyright royalties (or similar). The IP Office does not have any dispute resolution powers.</p>	N/A

QUESTIONS	NORWAY	POLAND	PORTUGAL	ROMANIA	SERBIA	SLOVAK REPUBLIC
				Memorandum of Understanding dated April 2018, all mediation/arbitration proceedings are conducted through WIPO Arbitration and Mediation Center.		
4. Is the country a party to the Berne Convention?	Yes	Yes	Yes	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	When the work is created. There is no register/depository.	The subject matter of copyright is any manifestation of creative activity of an individual nature, established in any form, regardless of its value, purpose, and form of expression (Article 1 para. 1 of Law on Copyright and Related Rights, Journal of Laws 2021.1062 of 14 June 2021). Copyright lasts from the moment the work is created throughout the life of the creator and does not expire until 70 years after the creator's death. No, in Poland does not exist a copyright registry/depository.	Copyright arises from the date of creation. Copyright registration is merely a deposit. In some specific situations provided by law, protection arises from registration, such as title of unpublished works, title of newspapers or periodic publications, literary or artistic name and most kinds of records, securities and rem rights.	According to the Romanian Law on Copyright (Law no 8/1996), copyright is recognized and protected, independently of bringing it to public knowledge, by the simple fact of its realization, even in an unfinished form. Registration of copyright is therefore not possible/not required in Romania. ORDA manages however the following national copyright registers, nevertheless such registers are created solely for the purpose of supervising and controlling the circulation of products bearing copyright and related rights: <ul style="list-style-type: none"> i. National Register on Private Copies ii. National Register on Computer Programs iii. National Register on Phonograms iv. National Register of Multipliers v. National Register on Videograms vi. National Register of Operas 	In Serbia, work is under copyright protection from the moment of its creation. There is a voluntary institute of depositing copyright protected work in the Intellectual Property Office which serves exclusively as the security of the material proof on the facts that may be important for the possible legal court suite or some other need with regard to the subject matter of depositing.	Copyright in a work arises now when the work is objectively expressed in a form perceptible to the senses. There is no copyright registry/depository in the Slovak Republic, however, there are means of depositing a copyright work (such as attorney or notary escrow), but this doesn't constitute a mean of determination of copyrights holder.

QUESTIONS	NORWAY	POLAND	PORTUGAL	ROMANIA	SERBIA	SLOVAK REPUBLIC
				Registration in the registers i. to iv. above is mandatory, in accordance with Government Ordinance no 25/2006, however it does not create copyrights or related rights.		
6. What regulations govern the copyright registration procedure?	N/A	There is no copyright registration system in Poland.	Law-Decree no. 143/2014 September 26 regulates copyright registration. The copyright code also has relevant provisions in connection with copyright registration, Law-Decree №63/85, March 14.	Registration in the national registers administered by ORDA (which, as mentioned under point 5 above does not create a copyright) is regulated by <ul style="list-style-type: none"> - Law no 8/1996 on copyright and related rights - Government Ordinance no 25/2006 - Government Decision no 401/2006 Government Decision no 1.086/2008.	Regulation on the conditions to be fulfilled for the deposit of the copies of copyright protected works and subject matter of related rights, entry in the Register and deposit of copyright protected works and subject matter of related rights and the contents of the registration of deposited copyright protected works and subject matter of related rights with the competent authority ("Official Gazette RS", No. 45/2010; since July 3, 2010; in force since July 11, 2010).	N/A
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	N/A Breach of copyrights requires court proceedings.	There is no official procedure that allows registering copyright in Poland. It is however possible to use the following way to obtain confirmation of the copyright. Reservation of copyright with a notary public. Reservation of copyright consists of filing a statement with a notary public about the authorship of the work in question, which will be an attachment to this provision. Once the statement is made, the notary will give it a definite	IGAC merely conducts a formalities exam and issues a statement of grant of the deposit soon after. The deposit procedure requires applicants or representatives to submit: <ul style="list-style-type: none"> i) basic information on the author (name, address, fiscal number), ii) type of work, description, title, and specific elements of the work at hand (format, size, number of pages, language, art technic used, etc.), iii) submit the copyrighted work and 	Registration in the national registers (which, as mentioned under points 5 and 6 above does not create a copyright) consists of submitting an executed paper form and payment of a tax as provided by Government Decision no 1.086/2008. It is not possible to file an application for registration in these national registers online. ORDA plans to implement by December 22, 2022 an integrated online platform for <i>inter alia</i> the	The procedure for the deposition of copyright is initiated by submission of the application to the IP Office. The application can be submitted by post or directly in the premises of the IP Office. The application consists of: <ul style="list-style-type: none"> - the request for deposition in two copies with necessary data on the author and on the work; - a signed copy of the copyright-protected work; and of 	N/A

QUESTIONS	NORWAY	POLAND	PORTUGAL	ROMANIA	SERBIA	SLOVAK REPUBLIC
		date, which will confirm the existence of that piece of work on that date. This activity at the notary should be done in person.	iv) submit payment proof. Deposits can be filed online, by mail or in person at IGAC.	National Registers in order to provide a search facility of its public databases.	- the proof on payment of the fee. The competent authority does not check the accuracy of the data stated in the request and does not examine the content of the work, only whether the application contains all the necessary data. Upon the deposition, the confirmation on deposition is issued to the applicant. It is not possible to file an application online.	
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	N/A	N/A	The copyright deposit has an official fee of 60,00€ (online) or 80,00€ (in person or by mail). The process from application up to issuance of the statement of grant takes 2 to 4 weeks.	N/A	The fee for depositing copyright is approx. EUR 70 for legal persons and approx. EUR 35 for natural persons. The procedure lasts for a maximum of 30 days from the day of submitting a complete application.	N/A
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A	N/A	The copyright owner can file the request directly. Representatives are also able to file a request, provided that they show proof of representation (such as power of attorney).	N/A	<i>The copyright owner who has seat or residence in Serbia can file a copyright registration application directly. Otherwise, this can only be done through representatives/patent attorneys.</i>	N/A
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A	N/A	There are only formal grounds of refusal (forms that do not sufficiently identify the applicant or that lack mandatory elements of the copyrighted work, such as the work title). However, in practice and despite the lack of legal grounds, we have seen cases	N/A	The only ground for the refusal of deposition is the incompleteness of the application. If the application is incomplete, the IP Office will invite the applicant to complete it within a certain deadline. If the applicant does not act upon, the IP	N/A

QUESTIONS	NORWAY	POLAND	PORTUGAL	ROMANIA	SERBIA	SLOVAK REPUBLIC
			where examiners comment on more substantive elements of the copyrighted work (“is the work creative?”); we are not aware of cases where the deposit was rejected. No special appeal procedure is provided by law and the general administrative appeal procedures apply.		Office will not deposit the copyright, and will make an official note about it, which is not possible to appeal.	
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	N/A	There is no difference between unregistered copyright and reservation copyright because the establishment of copyright protection does not depend on the fulfillment of any formalities, i.e. the registration of the work, the placement of the relevant annotations, the copyright note or the registration of the industrial design. According to the Polish legal order, an author is entitled to protection regardless of any formalities having been met (Article 1 para. 4 of Law on Copyright and Related Rights, Journal of Laws 2021.1062 of 14 June 2021). The reservation of rights indicated above can be helpful as evidence in a dispute over copyright infringement.	Copyright protection does not require registration. However, copyright registration provides the legal presumption that the applicant that filed the registration is the rightful owner of the work. It reverses the burden of proof to the counterclaimant. It is especially relevant for subsequent infringements. Judges have the tendency to rely on copyright registrations to reduce the standard of proof of authorship.	N/A	There is no legal difference between deposited and non-deposited copyright in terms of protection – in either case the work is protected from the moment of its creation. However, legal personas whose works are deposited have certain tax benefits – 80% of the income generated from the deposited copyright is exempt from corporate income tax. The copyright owners who deposited their works may record their copyright with the Customs to stop infringing copies at the border.	There is no registered copyright in the Slovak Republic.
12. Any other points relevant or specific to the local copyright office	-	-	-	-	The IP Office keeps the publicly available record of the deposited works (the following data is publicly available: deposition number, type of copyright, title of copyright, name of	There is no copyright office. There are only collective management organizations representing authors, i.e. a licensing bodies which grant rights on behalf of multiple rights holders.

QUESTIONS	NORWAY	POLAND	PORTUGAL	ROMANIA	SERBIA	SLOVAK REPUBLIC
					the applicant, name of the author, name of the proxy if submitted via proxy, date of submission, and number of confirmation on deposition).	
Contributor (name/ firm)	Linda Methlie (Zacco Norway AS)	Beata Wojtkowska (Kulikowska & Kulikowski sp.k.)	João Francisco Sá (Inventa)	Ionuț LUPȘA (LUPȘA ȘI ASOCIAȚII)	Mirjana Zivkovic (PETOSEVIC)	Štěpán Štarha (HAVEL&PARTNERS)
Verifier (name/ firm)				Dragosh Marginean (Ratza & Ratza)	Nikola Kliska (Karanović & Partners Law Firm)	

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EUROPE & CENTRAL ASIA, PART 5

QUESTIONS	SWEDEN	SWITZERLAND	UK	UKRAINE
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	No.	No.	The Intellectual Property Office (IPO) provides services in relation to all forms of intellectual property. In relation to copyright, the IPO provides guidance and advice but it does not provide comprehensive services (e.g. the maintenance of a register). The IPO's website is available here .	Ukrainian National Office for Intellectual Property and Innovations ("UANIPIO", successive of State Enterprise "Ukrainian Intellectual Property Institute "Ukrpatent") is designated as an entity performing the functions of a National IP Authority and performs the functions of a Copyright Office in Ukraine. Link to the official website: https://ukrpatent.org/en .
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	N/A	N/A	The IPO is an executive agency of the Department for Business, Energy and Industrial Strategy (BEIS). The BEIS is one of 23 ministerial government departments.	UANIPIO performs the functions of the National Intellectual Property Office and acts in a form of a separate state enterprise, established by the competent authority (currently – the Ministry of Economy of Ukraine).
3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office: - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers	N/A	N/A	In relation to Copyright, the IPO is primarily involved in providing general guidance to copyright holders. There is no formal register of copyrights. The IPO has no power to set rates for copyright royalties. The IPO has no dispute resolution powers. Meanwhile, the Copyright Tribunal, which is a tribunal of the BEIS, has powers to set rates and resolve UK commercial licensing disputes between copyright owners or their agents (collective management organisations) and parties who use copyright material in their business.	UANIPIO has, inter alia, the following functions in the sphere of copyright: <ul style="list-style-type: none"> • receipt and consideration of applications for state registration of copyright in works of science, literature and art, as well as for registration of agreements relating to copyright in works, registration thereof; • issuance of registration certificates for copyright to a work; • publications in the official bulletin on copyright and related rights protection. UANIPIO does not have powers to set rates, which falls within the competence of the Cabinet of Ministers of Ukraine. There is no extrajudicial procedure for appealing decisions in the realm of copyright registration in Ukraine.
4. Is the country a party to the Berne Convention?	Yes	Yes.	Yes.	Yes.

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QUESTIONS	SWEDEN	SWITZERLAND	UK	UKRAINE
5. When does copyright arise? Is there a copyright registry/depository in your country?	Under Swedish law, copyright is in principle established on creation of the work, provided that the general protection requirements are met (the subject matter concerned must be original in the sense that it is the author's own intellectual creation, and the subject matter must be expressed in a manner which makes it identifiable with sufficient precision and objectivity). There are no requirements on registration, deposit or any other formalities. A copyright holder may display his or her work for someone (eg. a <i>notarius publicus</i> to secure evidence), but such measure has no formal effect.	Upon creation of the work. No.	Copyright protection is automatic on the creation of: <ul style="list-style-type: none"> • original literary, dramatic, musical and artistic works (copyright arises in literary, dramatic or musical works provided they are recorded in some way); • original non-literary work such as software and databases; • sound, music, film, and television recordings; • broadcasts; and • the layout of published editions of written dramatic and musical works. There is no register or depository.	Copyright arises due to the fact of the work's creation and is valid therefrom. Copyright's creation and exercise does not require registration of the work, as well as the implementation of any other formalities. Copyright is valid for the term of the author's life and 70 years after his death. There is registry of copyright, which is handled by UANIPIO. The latter also issues the official bulletin on copyright and related rights protection.
6. What regulations govern the copyright registration procedure?	N/A	There is no copyright registration procedure.	N/A	The procedure of copyright registration is governed by the Decree of the Cabinet of Ministers of Ukraine "On State Registration of Copyright and Agreements Relating to Copyright in Work" No. 1756 dated December 27, 2001, with subsequent amendments.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	N/A	N/A	N/A	The registration procedure includes the following steps: <ul style="list-style-type: none"> - filing an application; - examination of documents filed on formal grounds (usually 1-2 months); - issuance of a certificate of state registration of copyright. For conducting copyright registration, one shall file: <ul style="list-style-type: none"> - a filled application with information about an author and a work's creation and description; - a work's copy; - documents evidencing payment of official fees; - PoA for a representative (if applicable); - and other documents depending on the circumstances given.

QUESTIONS	SWEDEN	SWITZERLAND	UK	UKRAINE
				<p>UANIPIO examined an application only on formal grounds and does not opine on the application's merits.</p> <p>Upon establishing that the documents filed are in compliance with the legislative requirements, UANIPIO conducts state registration and issues a respective certificate.</p> <p>Online submission is possible with the use of an electronic digital signature. During the period of martial law imposed in Ukraine, online filing is the only possible way of documents' submission.</p>
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	N/A	N/A	N/A	<p>For conducting copyright registration, one shall pay the following official fees:</p> <ul style="list-style-type: none"> - for preparing of copyright registration for physical persons: UAH 255 (approx, USD 8); - for preparing of copyright registration for legal persons: UAH 510 (approx, USD 16); - for issuing of copyright registration certificate for physical persons: UAH 8,50 (approx, USD 0,25); - for issuing of copyright registration certificate for legal persons: UAH 25,50 (approx, USD 0,80). <p>Copyright registration typically takes 1-2 months.</p>
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	N/A	N/A	N/A	<p>A copyright owner is able to file a copyright registration application both directly and through a representative. In a latter case one should file a respective PoA granting copyright registration authorities to a representative.</p>
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	N/A	N/A	N/A	<p>UANIPIO may refuse copyright registration only if documents filed do not comply with the formal legislative requirements. There is no extrajudicial procedure for appealing decisions in the realm of copyright registration in Ukraine. Judicial procedure</p>

QUESTIONS	SWEDEN	SWITZERLAND	UK	UKRAINE
				does not differ from a general procedure for turning to a court.
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	N/A	N/A	N/A	Copyright arises due to the fact of a work's creation, and an author has a right to register his copyright on voluntary basis. Therefore, there is no legal difference between registered and unregistered copyright in Ukraine. However, an author of a registered copyright may gain the following benefits out of this registration: <ul style="list-style-type: none"> - the fact of a work's creation is becoming public and is certified by a state-issued document; - a work may be introduced into the Customs Registry of Intellectual Property Object; - certificate of state registration gives strong arguments on a work's creation by a certain person in judicial and extrajudicial infringement disputes.
12. Any other points relevant or specific to the local copyright office	-	-	-	-
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Verifier (name/ firm)		Eric R. Noël (Katzarov)	Tom Carl (NBCUniversal)	

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LATIN AMERICA, PART 1

QUESTION	ARGENTINA	BRAZIL	COLOMBIA	COSTA RICA	CHILE
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>Yes. Official name: The Dirección Nacional del Derecho de Autor – DNDA https://www.argentina.gob.ar/justicia/derechodeautor</p>	<p>Yes. Brazilian Copyright Law № 9.610/98 (art. 19) provides Authors with a list of offices in which a work may be registered depending on its nature – the Brazilian National Library (registration of literary work, drawings and music), the Music School of the Federal University of Rio de Janeiro (music), the Fine Arts School of the Federal University of Rio de Janeiro (visual arts work) or the Federal Council of Engineering, Architecture and Agronomy – CONFEA (engineering, architecture and urbanism work). In the event of conflict of jurisdictions between offices, the work shall be registered before the office with closer subject matter jurisdiction. In practice, most of copyrighted work may be registered before the Nation Library so this form will focus on the rules, regulations and procedures of the Nation Library. National Library Copyright Office division (Escritório de Direitos Autorais – EDA) is responsible for the registration procedure. Website (60nly available in Portuguese) for reference Direitos Autorais — Português (Brasil) (www.gov.br).</p>	<p>Yes. Official name: Dirección Nacional de Derechos de Autor (DNDA) http://derechodeautor.gov.co:8080/home</p>	<p>Yes. Official name: Copyright and Related Rights Registry (Registro de Derecho de Autor y Derechos Conexos) http://www.rnpdigital.com/derechos_autor/index.htm</p>	<p>Yes. Departamento de Derechos Intelectuales (Department of Intellectual Rights) https://www.propiedadintelectual.gob.cl/</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>The National Copyright Office (DNDA) depends on the Ministry of Justice and Human Rights. It has got a Director and then, different divisions such as: Unpublished works, Published</p>	<p>EDA is a division of the National Library which is a public entity under the Ministry of Culture.</p>	<p>DNDA is an entity dependent on the Ministry of Domestic Affairs (executive branch of power) in its duties as register of copyright works. However, article 24 of the Procedural Code (Law 1564 of 2012) granted this entity with</p>	<p>Is part of the Ministry of Justice of Costa Rica. The organizational structure of the copyright office is: 1- National Registry (board of Directors); 2- Intellectual</p>	<p>The Departamento de Derechos Intelectuales depends on the “Servicio Nacional de Patrimonio Cultural” (National Service of Cultural Heritage), which depends on the Ministry of Culture, Arts and Heritage.</p>

QUESTION	ARGENTINA	BRAZIL	COLOMBIA	COSTA RICA	CHILE
	works, Contracts, Periodical publications, among others.		faculties to act as a civil court in copyright infringement cases. Therefore, it now has two different branches, one responding to the executive branch and one that displaces a civil judge (judicial power) specifically for copyright infringement matters.	Property Registry; 3- Copyright and Related Rights Registry.	The structure is the following: -Head of the Intellectual Property Department - Legal Department -Financial Department -Applications Department -Certificates Department
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	<p>The National Copyright Office's main objective is to protect the author from the moment he/she creates his/her work. For this reason, it has the following functions: to safeguard unpublished works (those that have not been edited, published or exhibited) and to register published works, periodicals and contracts. The DNDA also advises public bodies, private entities and/or individuals with respect to the interpretation of current regulations on copyright and related rights. It has no the power to set rates for copyright royalties. It has no any dispute resolution powers.</p>	<p>EDA has the power to examine copyright registration requests, including its appeals, and grant registration, and is also responsible for (i) modifications in registration records (e.g., title or owner), (ii) issuing of registration certificates; (iii) prior art searches; and (iv) issuing of registered copyright copies, upon request. EDA has no power to set rates for copyright royalties. Any disputes arising in relation to copyright must be brought to Court.</p>	<p>The DNDA has 3 main functions:</p> <ol style="list-style-type: none"> 1. It is the office that keeps the registry of copyrights. 2. It has an office in charge of mediating in settlement agreements regarding copyright disputes (conciliation hearings). Before commencing any civil action, it is mandatory for the plaintiff to file a conciliation hearing before a recognized conciliation center. The main objective of this alternative dispute resolution option is to encourage the confronting parties to attempt mediation or settle a dispute with the help of the designated conciliator, who intervenes in the meetings to meditate the discussion and ensure critical information is discussed. 3. It acts as a civil judge for (a) Preliminary Injunctions against the infringers, in which the claimant, as an alternative to the conciliation, requests the DNDA (acting with judicial powers) to order infringers cease and desist the infringement; and (b) Civil copyright infringement actions. 	<p>The Copyright and Related Rights Copyright and Related Rights Registry is the administrative authority within the National Registry whose primary objectives are: the registration of literary and artistic works and of other acts and contracts concerning copyright and related rights, as well as the dissemination of information related to copyright and related rights. The Copyright and Related Rights Registry does not have the power to set rates for copyright royalties or dispute resolution powers, but this Office may order precautionary measures in accordance with the provisions of the Procedures of Observance of Intellectual Property Rights Law.</p>	<p>Manage the state system of records related to copyright and related rights, promote the protection of such rights and preserve the fixations of the intellectual productions that make up its collections, thereby contributing to the formation, development and sustainability of a national culture of respect for the intellectual property rights of literary, artistic and scientific works.</p> <ul style="list-style-type: none"> - The Department has the power to formally register copyrights. - The Department has not the power to set rates for copyright royalties. Said rates have been established by the Intellectual Property Law. - The Department has no dispute resolution powers. In case of disputes, they have to be resolved by the Courts.

QUESTION	ARGENTINA	BRAZIL	COLOMBIA	COSTA RICA	CHILE
4. Is the country a party to the Berne Convention?	Yes	Yes.	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	The copyright arises once the work is created. However, the registry/depository of the work at the National Copyright Office is advisable because a presumption in favor of the author arises with the registration of the work	Copyright is protected by the Brazilian Federal Constitution in its article 5, item XXVII and XXVIII and regulated by the Copyright Law nº 9.610/98. Article 7 of the Copyright Law Nº 9.610/98 determines that protection is granted to all works of authorship expressed in any media or support, tangible or intangible. Article 18 of the same Law determines that the protection attaches to work at moment of its expression onto any media or support, regardless of registration. Yes, there is a copyright registry/depository in our country.	Copyrights arise upon creation of the work. There is a registry or depository, but it is only recommended for evidentiary purposes (it activates certain presumptions that favor the titleholder in the event of a litigation) but not requested or necessary to either to claim protection or claim damages.	Rights are conceived upon the authors creation of the artistic or literary work, regardless if it is deposited or not at the Copyright office. Yes, there is a copyright registry/depository in the Copyright and Related Rights Registry. In 1982, the Copyright and Related Rights Law, Nº 6683 was enacted in view of the need to have a legal framework which was adequate for the protection of intellectual creations. Article 95 of that law established the National Copyright and Related Rights Registry, as an organization within the Public Property Registry.	According to the Chilean Trademark Law, copyrights arise from the mere fact of the creation of works of the mind in literary, artistic or scientific fields. In Chile there is a Copyright Registry, which is managed by the Department of Intellectual Rights.
6. What regulations govern the copyright registration procedure?	Law 11723 Copyright Law. Decree 41233/1934 – Regulation of Law 11723. Decree 31964/1939 – Deposit in “custody”. Decree 71180/1940 – Return of unpublished works deposited in “custody”. Decree 7616/1963 – Renewal of the deposit of unpublished works.	Brazilian Copyright Law nº 9.610/98 provides that a work may be registered depending on its nature before the Brazilian National Library (EDA), the Music School of the Federal University of Rio de Janeiro, the Fine Arts School of the Federal University of Rio de Janeiro or the Federal Council of Engineering, Architecture and Agronomy – CONFEA. Each of these institutions have their own internal procedure for registration of copyright work. EDA’s internal regiment and registration procedure may be found at norma_eda_versao_final_19_01_11_at_uai_3.pdf (www.gov.br) . General Registration Guidelines may also be found at Como solicitar o registro de	Rome Convention, Berne Convention, Decision 351 of the Andean Community Law 23 de 1982 (with its modifications introduced by Law 44 of 1990, Law 1450 of 2011 and Law 1915 of 2018).	Copyright and Related Rights Law No. 6683, its amendments and regulation No. 24611-J.	The Chilean Intellectual Property Law Nº17.336 and the Regulation of the Intellectual Property Law.

QUESTION	ARGENTINA	BRAZIL	COLOMBIA	COSTA RICA	CHILE
		sua obra — Português (Brasil) (www.gov.br) .			
<p>7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?</p>	<p>The procedure of copyright registration include the following main stages, terms, documents required:</p> <ol style="list-style-type: none"> 1) payment of official fees; 2) a copy of the work; 3) a complete form. <p>For published works, it is possible to file an application for a copyright registration (and all documents required) online. However, for unpublished works, the final stage is “in person” at the Copyright Office location.</p>	<p>The procedure bellow relates specifically to National Library Copyright Office’s registration process (EDA):</p> <p>(a) payment of official fees (Fundação Biblioteca Nacional (bn.br)). <u>Payment must include Applicant’s Taxpayer Registration ID or, in case of foreign Authors with no such ID, their representative’s Taxpayer Registration ID;</u></p> <p>(b) submission of application form (formulario-de-requerimento-de-registro-ou-averbacao.pdf (www.gov.br)) which should be accompanied by receipt of official fees payment and copy of the work. Applications are only accepted in paper versions. Applications must be submitted (in person or by mail) before EDA’s head office in Rio de Janeiro or in one of its other state branches (Unidades regionais — Português (Brasil) (www.gov.br). Submission may be presented to EDA by an authorized third person (PoA is required).</p> <p>Required Documentation: (i) IDs of all persons related to the work (e.g. Authors and Assignees). (ii) In case Applicant is the Assignee, a copyright assignment must be provided. (iii) PoA if Applicant is represented by third party. (iv) For unpublished work, submission must include one copy of the work; for published work, two copies are required. All pages of the work must be numbered and initialed by Author.</p>	<p>The procedure includes only filling an online questionnaire which requires main data of:</p> <ul style="list-style-type: none"> - the authors (physical persons – name, identification number, address, etc.) - information on the work of art (type of work, whether or not it was work made for hire, inedited or published etc.) - annexing agreements of assignment or labor or service agreements which allow the registrant to be recognized as owner of the exploitation rights (if it is the case). <p>Yes, it possible to file an application for a copyright registration (and all documents required) online. In fact, most people do.</p>	<p>The copyright application must contain: name and address of the applicant or their legal representative if any; name and address of the author, publisher and printer; the title, a detailed description of the work to be copyrighted and place and date of publication; in the case of computer programs, the law requires a copy of the program, description and program manuals; the application must be authenticated by an attorney and contain the documentary stamps required by law.</p> <p>Is not possible to file an application for a copyright registration online.</p>	<p>The procedure is very simple. A sample of the work has to be deposited including the name of the author and of the owner of the rights, in case is different from the author. In case of software, it would be necessary to file also a copy of the User Manual and of the license used to create the software. If all the documents fulfill the formal requirements, the registration could be finished immediately, once the official fees are paid. The Certificate is normally issued within the following week.</p> <p>In Chile it is possible to file an application for a copyright registration (and all documents required) online.</p>

QUESTION	ARGENTINA	BRAZIL	COLOMBIA	COSTA RICA	CHILE
		<p>Applicant has 90 days to reply to office actions. Registration will be issued, and certificate of registration will be delivered by mail. Currently, due to the pandemic backlog, registration process takes approx. 180 days if no office action is issued.</p> <p>Appeal against application refusal is available only on the grounds of work registrability. Appeal must be filed within 30 days from receipt of the refusal notice (by mail). It ends administrative procedure and decision may only be reversed in Court.</p>			
<p>8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?</p>	<p>There are different fees depending on the type of work. For unpublished works, the fee is USD 2.</p> <p>For published works: Artistic works: USD 2 + 0.4% of the commercial value. Books or ebooks: USD 2,5 + 0.2% of the cost price per number of copies. Software USD 5. Other published works pay different fees.</p>	<p>The fees for registration before EDA are available at copy_of_tabeladertribuio.pdf (www.gov.br) and range from R\$20.00 (twenty reais / approximately U\$4.00) to R\$ 80,00 (eighty reais / approximately U\$16.00), per registration, depending on complexity of the work.</p> <p>Registration timeframe is 90 days but due to pandemic backlog, registration is currently taking approximately 180 days.</p>	<p>There are no official fees for registering copyrights with the copyright office. Attorney offices charge for reviewing the information and agreements before filing.</p> <p>It typically takes approximately 30-35 business days from application to registration of copyright, so long as everything runs smoothly and the DNDA does not object or needs clarification on anything.</p>	<p>An official fee to the National Registry is approx. \$4 for each inscription. The process takes approx. 2 months.</p>	<p>The registration in the Intellectual Property Registry will be made after payment of the following fees, calculated in percentages on a “monthly tax unit” (approximately USD 65)</p> <ol style="list-style-type: none"> 1.Engineering, architecture and computer programs projects, 35%; 2.Cinematographic works, 40%, and 3.Any other registration of those contemplated in this law, 10%. <p>.- If all the documents fulfill the formal requirements, the registration could be finished immediately, once the official fees are paid. The Certificate is normally issued within the following week.</p>
<p>9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?</p>	<p>A copyright owner can file a copyright registration application directly.</p>	<p>Representation is not mandatory, and Author may file applications directly except in the case of foreign Applicants with no <u>Taxpayer Registration ID</u> in which case a national legal representative is required.</p>	<p>A copyright owner can file a copyright registration application directly.</p>	<p>The application can be filed by the author or their legal representative.</p>	<p>A copyright owner does not need a representative or an attorney to file a copyright registration application. The owner could file an application directly.</p>

QUESTION	ARGENTINA	BRAZIL	COLOMBIA	COSTA RICA	CHILE
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	Since in Argentina the registration of a work is a kind of deposit (no substantive examination is done), there are no refusals of copyrights registrations.	EDA will not analyze artistic merits of the work but only formal aspects of application and registrability of work vis-a-vis requirements established by articles 7 and 8 of the Brazilian Copyright Law nº 9.610/98. An Appeal may be filed (within 30 days from receipt of refusal notice) only on the grounds of wok registrability. Refusal for non-compliance with formal requirements may not be appealed before EDA. Appeal must be submitted in paper accompanied by Applicant’s photo identity document and official fees payment receipt. Appeal decision is final at EDA level.	Grounds for refusal depend on the type of work of art but, in general terms may include: - That the assignment / labor or services agreements do not credit the applicant as actual owner of the copyrights, under the assumption that only physical persons are authors. - The description of the work of art is incorrect or contradictory - In software cases, the user manual is not clear enough There is no way to appeal a refusal. Once it has been denied the only alternative is to refile addressing the defect.	Refusals are not common under Costa Rican law. Nevertheless, the evaluation for registration it is based on a prior examination to verify that the documents submitted to be registered are exact and in agreement with the principle of legality. It is possible to file the pertinent appeals against any decision that refuses a copyright registration. Such appeals are resolved, in first instance by the Copyright Office and in second instance by the Court of Administrative Registration.	The grounds for refusal of copyright registration is not fulfilling the formal requirements. The procedure is just a “deposit” procedure. No examination on the substance will be performed. There are no grounds of appeal.
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	Although it is not mandatory to register a work at the Copyright Office, the benefits of registered copyright is that once the author deposits the work, a presumption in favor of the author arises.	Registration is not mandatory, and it serves essentially as rebuttable proof of authorship and creation. It is highly recommended especially when enforcing copyright rights as Brazilian’s Courts tend to be quite formalistic.	The difference between registered and unregistered copyright is that the owner of registered copyright has certain presumptions in its favor. Decision 351 of the Andean Community states as follows: Art. 52. “The protection afforded to literary and artistic works, performances and other productions covered by copyright and neighboring rights in accordance with this Decision shall not be subject to any kind of formality. Consequently, failure to register shall not prevent the enjoyment or exercise of the rights recognized in this Decision”. Art. 53. “Registration shall be merely declaratory and shall not	The copyright protects the ownership rights of the author, the registration is not mandatory but provides a public record of ownership, it can even create a presumption of ownership, which is valuable when enforcing the copyrights in litigation.	There is no legal difference between registered and unregistered copyright because the law protects copyrights by the mere fact of the creation. The main benefit of a registered copyright is that the owner has a prove of ownership of the work, and certain date and hour for the creation of the work.

QUESTION	ARGENTINA	BRAZIL	COLOMBIA	COSTA RICA	CHILE
			itself confer rights. Nevertheless, entry in the Register shall constitute a presumption that the facts and acts recorded in it are true, in the absence of proof to the contrary. Any entry shall be without prejudice to the rights of third parties”.		
12. Any other points relevant or specific to the local copyright office	-	No online application available and fees are modest. For additional reference, please find below the links to registration procedure of the other Copyright Offices mentioned in the chart: (i) Music School of the Federal University of Rio de Janeiro; (ii) Fine Arts School of the Federal University of Rio de Janeiro; and (iii) Federal Council of Engineering, Architecture and Agronomy (CONFEA). (i) Escola de Música da UFRJ - Como registrar (ii) Direitos Autorais EBA - UFRJ https://servicos.caubr.gov.br	-	-	-
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Verifier (name/ firm)		Fernanda Magalhaes (Kasznar Leonardos)			

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LATIN AMERICA, PART 2

QUESTION	DOMINICAN REPUBLIC	ECUADOR	GUATEMALA	PARAGUAY
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	Yes. Official name: Oficina Nacional de Derecho de Autor (ONDA) https://onda.gob.do/	Yes. Official name: Ecuador the official Copyright office is the National Directorate of Copyright and Neighboring Rights, which is part of the National Service of Intellectual Rights - Servicio Nacional de Derechos Intelectuales in Spanish and its abbreviation SENADI. The National Director of Copyright and Neighboring Rights is Karin Del Rocío Jaramillo Ochoa. The official website is: https://www.derechosintelectuales.gob.ec/	Yes. Official name: Registro de la Propiedad Intelectual (Intellectual Property Registry - IPR-), which has competence both in “copyright and neighboring rights” and “industrial property rights” matters. The hyperlink to the copyright section is the following: https://portal.rpi.gob.gt/derechos-de-autor/ The IPR’s website is https://portal.rpi.gob.gt/	Yes. Official name: General Directorate of Copyright and related Rights. https://www.dinapi.gov.py/portal/v3/derecho-de-autor/
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	It is an official body attached to the Ministry of Industry and Commerce. Structure of National Copyright Office: Dirección General=} Oficina Regional Norte: - Auditoria Gubernamental; Seguridad Militar	In Ecuador, the National Directorate of Copyright and Neighboring Rights is the official body, and it is headed by a single person, the National Director of Copyright and Neighboring Rights. As mentioned, the Copyright and Neighboring Rights office is part of the National Service of Intellectual Rights. The structure of the Copyright and Neighboring Rights office is: National Directorate of Intellectual Property => National Directorate of Copyright and Neighboring Rights => - Copyright registration unit - Collecting Societies unit - Enforcement and Infringement protection unit	The Copyright Office, in the state structure, is comprised within the Ministry of Economy, of the Executive branch. The organizational structure of the Copyright Office: Copyright Department =} Works Registry Section =} Collective Management Section	The General Directorate of Copyright and related rights is an official body within the National Directorate of Intellectual Property. The Copyright Office is composed by three directorates: (1) the Registration Directorate; (2) the Promotion of Collective Industries and Folklore Directorate and; (3) the Collective Management Companies Directorate.
3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:	Main tasks and functions: - to organize and manage copyright registration; - to authorize, inspect and surveille the collective management societies and,	The main tasks and functions: - register copyrights and grant Copyright registration certificates - substantiate enforcement procedures on Copyright and Neighboring Rights;	a. Guatemala’s copyright system is a “declarative system” under which, the exercise and enjoyment of copyrights and neighboring rights recognized under the law are not subject to registration	The Copyright Office is responsible at the administrative level for the entire field. Among its capabilities it is the authority in charge of the formal registration of copyrights. It has the power to set the rates

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QUESTION	DOMINICAN REPUBLIC	ECUADOR	GUATEMALA	PARAGUAY
<ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	<p>where appropriate, apply the corresponding sanctions;</p> <ul style="list-style-type: none"> - intervene by way of conciliation, even ex officio, and arbitration, when so requested by the parties, in conflicts that arise due to copyright infringement. - to surveille and inspect the activities involving copyright or related rights, being the users obliged to provide all the necessary facilities for control purposes and all the required information and documentation. - to denounce copyright infringements before the D.A. Office. - to proceed with the destruction of infringing goods, in compliance with the provisions established by the law etc. <p>It has no power to set rates for copyright royalties. However, the collective management societies shall submit their rates for copyright royalties to the National Office of Author Rights for their homologation.</p>	<ul style="list-style-type: none"> - set fines in Copyright infringements; - resolve all disputes regarding Copyright and Neighboring Rights; - authorizing and controlling the operation of the Collecting Societies and authorizing the rates for the collection of royalties, established by them. <p>The Copyright director authorize the rates for the collection of royalties set by the collecting societies.</p>	<p>formalities. The “registration of the works and productions” protected by the Copyright law is declaratory and not constitutive of rights; therefore, the failure or omission of registration does not prejudices on the protection of the works. Notwithstanding the above, the registration (“deposit of works”) presumes facts and acts recorded therein, unless proven in the contrary. Any registration (deposit) leaves third-party rights intact.</p> <p>b. The Copyright Office does not have powers to set rates for copyright royalties. The Copyright Office does not have dispute resolution powers; however, upon request of the parties involved in a copyright dispute, it may act as a conciliator. The Law provides it may also intervene as an ex officio conciliator when it finds it convenient. However, the bylaw to the Copyright law remains silent as to how such option may be implemented.</p>	<p>for copyright royalties and also serves as an administrative instance where conflicts can be brought and can even act as an arbitrator and/or conciliator.</p>
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	<p>The copyright arises with the creation of the work.</p> <p>Yes, there is a copyright registry/depository in our country.</p>	<p>In Ecuador the registration of Copyright and Neighboring Rights are declarative; this means that it is not required a registration procedure to obtain the rights, since they are acquired at the time of the creation of the work.</p> <p>Yes, the National Service of Intellectual Rights is the official Copyright and Neighboring Rights depository.</p>	<p>Copyright arises as soon as an author has created the work and has materialized it. Works will be protected if these are “original”.</p> <p>As explained for question № 3, the law does not call for obligatory registration or deposit of the works. However, the law provides for the option of “deposit”, in which case, the Copyright office will issue a certificate of deposit and for evidence purposes, such deposit is a base for right holdership evidence.</p>	<p>A copyright arises at its creation. The copyright registration has only a declarative nature and can be used as a certainty proof of its content.</p>
6. What regulations govern the copyright registration procedure?	<p>Law 65-00 on Author Right.</p> <p>Ruling No. 362-01 on application of the Author Right Law 65-00.</p>	<p>In Ecuador, the regulations in Copyright and Neighboring Rights matters are:</p> <ul style="list-style-type: none"> - Berne Convention 	<p>Copyright registration procedure is regulated in the Copyright and Neighboring Rights Law, Decree 33-98 and</p>	<p>The Copyright Law Nr. 1328/1998 and its Regulatory Decree Nr. 5159/1999 governs the copyright registration procedure.</p>

QUESTION	DOMINICAN REPUBLIC	ECUADOR	GUATEMALA	PARAGUAY
		<ul style="list-style-type: none"> - Common Regime on Copyright and Neighboring Rights - Known as Decision 351 of the Andean Community. Organic Code of the Social Economy of Knowledge, Creativity and Innovation - Known as COESCCI for its Spanish abbreviation. 	<p>the correspondent Bylaw, Government Accord 233-2003.</p>	
<p>7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?</p>	<p>Procedure depends on the type of work to be registered. However, in general the following documents are required::</p> <ul style="list-style-type: none"> - an ID document in pdf or jpeg format; - description of the work;. - one Sample of the work (this requirement may vary depending on the type of work); - if the applicant is not the holder of the work, a notarized POA shall be filed, as well as a copy of the applicant's ID and of the author's ID. <p>Procedure:</p> <ul style="list-style-type: none"> - to log-in as user in the online platform; - to upload the registration form of the specific type of work; - to fill the form; - to upload the required documentation; - to make the corresponding payment. <p>Is it possible to file an application for a copyright registration (and all documents required) online.</p>	<p>General requirements are (depends on the type of work that is intended to be registered):</p> <ul style="list-style-type: none"> - Name/s of the author/s (A copy of his/theirs ID document/s must be attached); - The author of the work (in case of an assignment of Copyrights); - Details of the work to be registered (A copy is required); - Applicant's data (If represented by an attorney, the power of attorney must be registered before the National Service of Intellectual Rights). <p>The application must be filled online, however, it is also required the on-site filing of the application at the National Service of Intellectual Rights office.</p>	<p>Main stages of registration proceeding are:</p> <ol style="list-style-type: none"> 1. Filing 2. Issue of copyright certificate <p>The Law does not regulate a specific term to provide the issuance of the copyright deposit certificate, however, the timeframe of response of the Copyright Office is typically in one month, provided all information has been duly submitted. To perform the registration of a work, the author or its legal agent (representative) must submit:</p> <p>A Sworn statement, in duplicate, stating the following:</p> <ul style="list-style-type: none"> - The full names and surnames of the copyright holder(s) (the publisher or producer; his age, civil status, occupation, nationality and domicile); - The title, description and detailed composition of the work, as well as the important bibliographic data, number of pages, format, composition, place and date of the publication, name of the publisher, and place and date of the first publication or fixation, when applicable; - If the work is a compilation or a derivative work; the identification of the original work; - Any other important information that allows the work to be precisely identified, as well as the existence, 	<p>Main stages of registration proceeding are:</p> <ol style="list-style-type: none"> 1. Filing of the application 2. Formal examination 3. Publication of the application <ul style="list-style-type: none"> 3.1 Opposition term (30 working days) 4. Substantive examination 5. Granting of the registration. 6. The forms varies according to the nature of the work to be protected. However, a sample of the work must be filed always with the application. Again the nature of the sample varies according to the work's nature. <p>No, the entire proceeding is managed physically. No online registration yet.</p>

QUESTION	DOMINICAN REPUBLIC	ECUADOR	GUATEMALA	PARAGUAY
			<p>title ownership or duration of the copyright.</p> <ul style="list-style-type: none"> - A copy of the work. 1. Payment receipt of the official fees 2. If the filing is by an entity, a copy of the legal appointment document or power of attorney must be submitted. 3. If the work has been previously published, a copy of the last edition of the work must be submitted. 4. If the work consists in fine arts, colorful photos from all angles must be filed. 5. For databases and computer programs, a copy of the license of the program, user manual, technical manual and digital support must be filed. <p>There is no electronic filing yet available. A pilot project has been in place since the 2Q, 2022. The Copyright Office is expected to enable electronic filing in 2023.</p>	
<p>8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?</p>	<p>It depends on the type of work. Some of the fees are as follow:</p> <ul style="list-style-type: none"> - RD\$1,000.00 (US\$20.00) for designs, paintings, thesis, choreography. - RD\$500.00 (US\$10.00) for musical compositions, musical piece, engravings, poems. - RD\$3,000.00 (US\$56.00) for short films, characters, maps, sketches. - RD\$2,000.00 (US\$37.00) for books, sculptures, photos, humor scripts, videoclips, and documentaries. - RD\$5,000.00 (95.00) for engineering plans and projects. - RD\$7,000.00 (US\$130.00) for film scripts, feature film. - RD\$1,500.00 (US\$30.00) for concerts, play scripts, monologues. 	<p>It depends on the type of work. The official fee for artistic, musical or literary works is US\$12.00 and for software US\$20.00. The registration procedure normally takes between no more than one week.</p>	<p>The fees for registering copyrights with the Copyright Office depends on the work (f.ex</p> <ul style="list-style-type: none"> - Literary works: 200 quetzales (Q.200.00) - Computer programs: 500 quetzales (Q.500.00) - Musical compositions, with or without lyrics: 200 quetzales (Q.200.00). <p>Typically, assuming all information provided to the Copyright Office is complete, from application to registration the timeframe is one month.</p>	<p>The official fees for applying for registration are USD 15. In case the copyright owner acts through a representative, an official fee of USD 15 for the registration of the POA must be added. Normally the registration proceedings takes between 2 to 4 months.</p>

QUESTION	DOMINICAN REPUBLIC	ECUADOR	GUATEMALA	PARAGUAY
	<ul style="list-style-type: none"> - RD\$15,000.00 (US\$280.00) for software, architectural plans and projects. - <p>The registration procedure takes approximately 10 working days.</p>			
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	They can do it directly.	The Copyright and Neighboring Rights owner can file the application directly.	The law enables both the copyright owner and/or a legal agent (representative) to file a copyright registration application.	The copyright owner can file the registration application by itself or through an attorney.
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	<p>If the applicant is trying to protect ideas, procedures, operating methods, or mathematical methods.</p> <p>The law exclusively protects the way in which the author's ideas are described, explained, illustrated, or incorporated in literary, artistic, or scientific works, but not the ideas, procedures, operating methods, or mathematical methods themselves.</p> <p>Yes, it is possible to appeal the refusal, the decision can be subject to a reconsideration action before the Director of the National Office of Author Right and the decision of the Director can be appealed before the Superior Administrative Court. The grounds would be to demonstrate that the work does not constitute an idea, procedure, operating method or a mathematical method.</p>	<p>Generally, applications for copyright registration are not rejected, since they are declaratory in nature and no originality or prior examination is carried out. At the bottom of the certificates there is a warning about this, noting that the certificate does not generate any right, however, it constitutes a presumption of ownership in favor of the registrant. However, if a registration application is denied, it is possible to appeal.</p> <p>The main arguments for a refusal are:</p> <ul style="list-style-type: none"> - Errors in the Copyright application. <p>It is possible to appeal the refusal resolution within 10 working days after the notification.</p> <p>The grounds for an appeal depend on the refusal argument/s, but mainly can be:</p> <ul style="list-style-type: none"> - Error in the evaluation of the application of the work. <p>The appeal must be filed before the National Directorate of Copyright and Neighboring Rights, who, after verifying the formal aspects, will send the appeal to the Collegiate Body of Intellectual Rights for its acknowledgement and resolution.</p>	<p>The ground for refusal of copyright registration may only arise if the information provided is incomplete, for which the applicant may amend the information, however, if the refusal persists, it may be subject to an administrative appeal (recurso de revocatoria).</p> <ol style="list-style-type: none"> 1. The administrative appeal may be filed on the grounds that the decision of the Copyright Office is arbitrary or not motivated. <p>The procedure of the administrative appeal (hereinafter "appeal") is the following:</p> <ol style="list-style-type: none"> 2. Filing at the Copyright Office: Legal term is 5 days following service of refusal to deposit notice. 3. Admission: The Copyright Office will forward the case to the superior authority, followed with a detailed report. The law provides 5 days to the Copyright Office to complete this phase. 4. Hearings: The law calls for a 5 day common hearing of, in due order, to the following parties: (a) The applicant, to confirm his arguments; (b) The Copyright Office; and (c) The Attorney General's Office. 	<p>The grounds for refusal are:</p> <ul style="list-style-type: none"> - When the applicant is someone other than the author or the one mentioned in the accompanied documents. - When someone on a pseudonym not registered previously or not simultaneously registered files the application. - When the applicant does not file the documents evidencing the rights have been transferred. - The applicant does not provide any document to support the author's representation. - Existence of a previously registered work <p>Appeals are possible. There are two administrative instances: The Director of Registrations and the General Director of the Copyright Office. Following that at the judicial level, two other instances: The Court of Administrative Revisions and the Supreme Court of Justice.</p>

QUESTION	DOMINICAN REPUBLIC	ECUADOR	GUATEMALA	PARAGUAY
			<p>5. Special Proceedings to obtain evidence: The Ministry of Economy may call, if needed under the Ministerial criteria and before the final decision, for submission or consultation of other evidence that is deemed necessary to issue the final decision. (10 days to complete the phase).</p> <p>6. Decision: The Ministry of Economy will evaluate the facts, evidence and legality of the case to issue a decision (within 15 days). In practice, in an average of 1 year to a 1.5 year term. If the decision is not favorable, one may file an administrative suit before the Administrative Contentious Court. (no later than 3 months following service of notice of the Ministerial decision).</p>	
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	The registration is not mandatory. Therefore, there is no difference between registered and unregistered copyright. The registration is recommended to give publicity and greater legal certainty to the holders. The omission of the registration does not harm the enjoyment or exercise of rights.	<p>There is no difference between a registered and unregistered Copyright, since the right is acquired with the act of creation of the work; nevertheless, the registration certificate implies ease in time and resources, to prove, before the authority, the existence of a copyright in case of an infringement.</p> <p>In addition, certain entities often require a copyright registration certificate as a requirement for certain procedures. The benefits of registering Copyright and Neighboring Rights are:</p> <ul style="list-style-type: none"> - the ability for the authority to perform ex-officio enforcement actions against Copyright violations; - the owner can exercise his Copyrights more effectively. 	<p>Except for publicity matters, there is no legal difference between registered and unregistered copyright. The registration provides benefits to assume as truthful the facts and acts registered regarding the copyright. Although it is not a mandatory requirement to enforce any copyright, certainly the registration provides a more solid background to any claim.</p>	No legal difference. The basic advantage of a registered copyright is in case of litigation because it facilitates as a means of evidence the existence of the copyright.
12. Any other points relevant or specific to the local copyright office	-	The Copyright and Neighboring Rights office is the office in charge of the registration and deposit of software, since it is protected as a copyright.	The Copyright Office has limited personnel and has not been an active player within the copyrights' stakeholders. It has had a	Our Copyright Office is in the process of digitalization.

QUESTION	DOMINICAN REPUBLIC	ECUADOR	GUATEMALA	PARAGUAY
			limited reach in copyright promotion and educational programs.	
Contributor (name/ firm)	Vanessa Cabrera Almonte (TRONCOSO LEROUX)	Cecilia Falconi Perez (Falconi Puig Abogados)	Marco Antonio Palacios (Palacios & Asociados)	Dr. Wilfrido Fernández (Zacarías & Fernándezv)
Verifier (name/ firm)		Maria Rosa Fabara (BUSTAMANTE FABARA)		

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LATIN AMERICA, PART 3

QUESTION	PERU	URUGUAY	VENEZUELA
1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?	Yes. Official name: Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual www.indecopi.gob.pe	No. There is not an official Copyright Office, although it is possible to register a copyright in Uruguay (see response to question 5).	Yes. Dirección Nacional de Derecho de Autor (DNDA) https://sapi.gob.ve
2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?	The Copyright Office belongs to the Institute of Competition and Intellectual Property (INDECOPÍ), a state entity that protects free competition, consumer protection, intellectual property, among others. The Copyright Office is the first administrative instance of resolution. The Tribunal of Intellectual Property matters of Indecopi is the second and final administrative instance of resolution.	N/A	Yes, it is an official body, created by Copyright Act, Official Gazette N.- 4.638, dated October 01, 1993./ Dirección Nacional de Derecho de Autor. The Dirección Nacional de Derecho de Autor is part of Servicio Autónomo de la Propiedad Intelectual which is the entity that coordinates the Trademark and Patent office and Copyright Office (Dirección Nacional de Derecho de Autor) In addition, Servicio Autónomo de la Propiedad Intelectual is attached to the Ministerio Popular de Comercio Nacional.
3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office: - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers	The Copyright Office has the power to formally register copyright, to set rates for copyright royalties (<i>remuneration</i>) and resolve dispute resolution about copyright matters.	N/A	This Office has the power to: - Organize and administrate the National Registry of Copyright and Related Rights. - Decide on the requirements that must be complied for the registration and deposit of the works - Practice the duties of authorization, inspection and surveillance of copyright collecting societies. - Intervene through conciliation or arbitration in the disputes that may arise in relation to Copyright. - Apply penalties, either ex officio or upon individual request. - To develop broadcasting programs, training, and education in Copyrights and Related Rights.
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	Copyright arises with its sole creation. Yes, there is a copyright registry/depository in our country.	Copyright arises automatically with the creation of the work. No need of registration It is possible to register a copyright in Uruguay before the National Library (https://www.bibna.gub.uy/), which is not indeed an official Copyright Office.	Copyright arises from the moment of the creation of the work. The registration grants to the author pre-trial evidence of the existence of the work. Yes, there is a copyright registry in Venezuela (Dirección Nacional de Derecho de Autor)

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QUESTION	PERU	URUGUAY	VENEZUELA
6. What regulations govern the copyright registration procedure?	Decree Legislative 822 Andean Decision 351.	Law Nº 9.739.	"Ley Sobre el Derecho de Autor" (Copyright Act). "Reglamento de la Ley sobre el Derecho de Autor" (Copyright Act Regulations)
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	To register a copyright, it is required to present: The work in any medium; full name and date of birth of the author and copyright assignment. The term to register it is 30 working days. It is possible to file an application for a copyright registration online.	Stages: filing, publication, resolution (maximum 40 days) Documents required: registration form together with all the documents required by law, which depend on the kind of work to be registered. It is not possible to file an application for a copyright registration online.	The procedure includes three stages: 1. filing of the documents and requirements; 2. examination, and 3. granting. Requirements: - Application form - Copy of the author's Identity Card - One (01) copy of the work, if unpublished, and two (02) copies, if published. Special requirements, according to the gender or nature of the work: - If the work is declared derived, an express authorization from the author of the original work must be filed (works that belong to public domain are exempted). - In case of musical works, with or without lyrics, can be submitted: a copy of the scores, lyrics transcribed in a letter-size manila folder with its respective hook and identification, or a duly identified CD digital format, which may include the lyrics of the songs in a PDF file, identified with its title and/or music, previously recorded in MP3 format and identified with its title. - Audiovisual, radio, or dramatic physical works that contain the fixation of moving images must be consigned on CD or DVD format. - In case of works of visual art, the necessary photographs for their identification are required. - In case of works of architecture or engineering, plans that allow to identify their essential elements are needed. - In case of computer software, it is required one (1) CD containing a manual of the sequence of instructions, the first two and the last two pages of the source code, and one (1) procedure manual of the same. - In case of phonographic productions, a reproduction of the phonogram is needed.

QUESTION	PERU	URUGUAY	VENEZUELA
			- Use of an image: in case of photographs, it is required the granting of an authorization from the person whose image is to be used, or whose rights the applicant represents. Online applications are available for literary and musical works only.
8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?	The fees for registering copyrights with the copyright office fluctuate between US\$50 to US\$100 depending on the type of work. The term to register it is 30 working days.	Official fees: USD 65 (approximately) It takes between 30-40 days.	Official fees: approx. \$22. Registration process could take approx. 15 days.
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	A copyright owner can file a copyright registration application directly.	It can be done directly by the owner or through a representative.	It can be done directly or through a representative.
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	The Copyright Office may deny the registration of copyright if it does not meet the requirements (name of the author, date of birth, copy of the work in any medium, and the assignment of the author; or for not having enough originality. The denial can be appealed before the Tribunal of Intellectual Property matters of Indecopi in second and last administrative instance.	The law does not specifically establish the grounds for refusal of an application. It is not possible to appeal a refusal.	The "Dirección Nacional de Derecho de Autor" does not prejudice the originality of the work. Therefore, registration cannot be refused, due to lack of originality. However, application can be refused if any mandatory requirement is not complied. If any third party feels affected by a copyright registration, it may be sued in court.
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	There is no difference between registered and unregistered copyright. The main benefit of registered a copyright is that you obtain a proof the date of creation.	There is no difference, since enjoyment and exercise of all rights recognized by Law 9.739 do not depend of any formality or registration and are so independent of the existence of any protection/registration in the country of origin of the copyright. It is enough for said purposes if the name of the copyright owner appears on it, in the usual way.	Lack of registration does not limit the exercise of the rights recognized by the Copyright Law. The benefit of having a Registration certificate issued by the Dirección Nacional de Derecho de Autor is the presumption of ownership in favor of the copyright. Therefore, the registered author will be considered owner of the work until someone proves otherwise in a court of law.
12. Any other points relevant or specific to the local copyright office	The Copyright Office is very professional, and their resolutions are very solid.	-	-
Contributor (name/ firm)	Marta Fernandez (Munizlaw)	Martin Pittaluga P. (Pittaluga)	Luis Henriquez (Bolet&Terrero)
Verifier (name/ firm)			José Gutiérrez (De Sola Pate & Brown)

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MIDDLE EAST, AFRICA & SOUTH, PART 1

QUESTIONS	ANGOLA	CAMEROON	EGYPT	JORDAN	KENYA
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>Yes, there is. SENADIAC - Serviço Nacional dos Direitos de Autor e Conexos (National Service for Copyright and Related Rights).</p>	<p>The protection, exploitation, and management of the rights of authors of works and the defense of their moral interest is entrusted to five collective rights management bodies which are:</p> <ul style="list-style-type: none"> - Société civile des droits de la littérature et des Arts dramatiques (SOCILADRA), http://sociladra.org/ - Société civile des arts audiovisuels et photographiques (SCAAP) - Société camerounaise de droit d'auteur, des arts plastiques et graphiques (SOCADAP) - Société nationale de l'art musical (SONACAM) <p>Société civile Camerounaise des Droits Voisins (SCDV)</p>	<p>Yes.</p>	<p>Yes. Department of National Library https://www.nl.gov.io/</p>	<p>Yes. Kenya Copyright Board (KECOBO) Website: https://copyright.go.ke/ In the official website, there is a page that leads to the National Rights Registry (NRR) portal which is the central repository collating details pertaining to ownership of various copyright works. This portal is used by copyright holders allowing them to register and view/download copyright certificates. https://nrr.copyright.go.ke/</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>It is a public institute integrated in the State's indirect administration with administrative, financial and patrimonial autonomy. SENADIAC has a General Director and it is integrated in the Ministry of Culture, Tourism and Environment.</p>	<p>The five bodies listed above are under the Ministry of Arts and Culture. The SOCILADRA has a General Assembly, and Administrative Council and a Directorate General.</p>	<p>Yes, Copyright Office is a governmental body related to the Ministry of Culture.</p>	<p>It is an official body, and it belongs to the Ministry of Culture. The organisational structure consists of:</p> <ul style="list-style-type: none"> - The General Manager - Four Directorates as follows: - Directorate of Administrative and Financial Affairs - Directorate of Documents and Documentation - Directorate of Office Services and Deposit - Directorate of Information Technology <p>Three Units as follows:</p> <ul style="list-style-type: none"> - Internal Control Unit 	<p>The Kenya Copyright Board (KECOBO) is a State Corporation under the Office of the Attorney General and the Department of Justice. It was established by section 3 of the Copyright Act 2001. The Board of Directors of the Kenya Copyright Board is comprised of 9 members drawn from both the public and private sectors as provided by Section 6 of the Copyright Act. The chairman is appointed by the President. The three independent Directors are drawn from the private sector being nominees of associations</p>

QUESTIONS	ANGOLA	CAMEROON	EGYPT	JORDAN	KENYA
				<ul style="list-style-type: none"> - Public Relations and Media Unit - Training, Development and Quality Unit Two Offices as follows: <ul style="list-style-type: none"> - General Manager's Office - Copyright Protection Office 	representing the Music, Book publishing, and the audio-visual sectors. The four public sector members are alternates to the Attorney General, the Permanent Secretary - Ministry of ICT, the Permanent Secretary - Ministry of Sports, Culture and Arts, and the Permanent Secretary - Ministry of Finance/Treasury. The Executive Director is a member and Secretary to the Board of Directors.
3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office: <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	SENADIAC, as the administrative management body of the national system of copyright and related rights, exercises the functions of control and supervision, in addition to drawing up proposals for policy measures for the development of this matter. The control actions that SENADIAC carries out are materialized through the registration of works and the issuing of authorizations, both for the practice of an act and for the exercise of an activity by an economic agent, which involve intellectual works intended for commerce. Furthermore, SENADIAC manages the registration, controls and oversees the operation of collective management entities. It does not have dispute resolution powers.	The SOCILADRA has the following powers: Protection of works, <ul style="list-style-type: none"> - Recovery of the royalty fees, - Distribution of the royalty, - Defending the interests of members, - Cultural and social promotion, - Awareness of members and users. A commission of Arbitration for dispute resolution.	Register copyrights.	The Department carries out the tasks and work of copyright filing in accordance with the provisions of the Copyright Law and the applicable regulations. It does not have the power to set rates, nor it can resolve disputes.	<ul style="list-style-type: none"> - Yes - No - Yes The office is mandated with the administration and enforcement of copyright and related rights. The Board is responsible for organizing legislation on copyright and related rights; conducting training programmes on copyright and related rights; enlightening and informing the public on matters related to copyright; licensing and supervising the activities of collective management societies; maintaining an effective databank on authors and their works, directing, coordinating and overseeing the implementation of laws and international treaties and conventions to which Kenya is a party and which relate to copyright and other rights and ensuring the observance thereof.
4. Is the country a party to the Berne Convention?	No.	Yes.	Yes.	Yes.	Yes
5. When does copyright arise?	Copyright arises from the date of creation. The copyright registration is merely a deposit.	Copyright arises by the mere fact of its creation.	The copyright arises upon registration and publication. There is a registry office.	The Department was established in 1975. It serves as a copyright registry/depository.	Rights protected by copyright accrue to the author automatically on affixation of a work subject to

QUESTIONS	ANGOLA	CAMEROON	EGYPT	JORDAN	KENYA
Is there a copyright registry/depository in your country?	In some specific situations provided by law, protection arises from registration, such as title of unpublished works, title of newspapers or periodic publications, literary or artistic name and most kinds of records and securities and rem rights.	Yes, the SOCILADRA maintains a registry.			copyright in a material form, and non-registration of any copyright work or absence of either formalities does not bar any claim from the author. Yes, there is a copyright registry in Kenya. Section 22A to the Copyright Act mandates the Kenya Copyright Board (KECOBO) to keep a register of all copyrightable work. As a result, KECOBO launched the NRR which permits creators to register their work through an online portal.
6. What regulations govern the copyright registration procedure?	Presidential Decree no. 125/2017 from June 12.	Annex VII of the Bangui Agreement; Loi no 2000/011 du 19 décembre 2000 relative au droit d'auteur et aux droits voisins ; and Décret n° 2001/956/PM du 1er Novembre 2001 fixant les modalités d'application de la loi n° 2000/11 du 19 décembre 2000 relative au droit d'auteur et aux droits voisins.	Law No. 82 for 2002.	-	The Copyright Regulations, 2020.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	SENADIAC merely conducts a formalities exam and issues a statement of grant of the deposit. The deposit procedure requires applicants or representatives to submit i) certified copy of the identification document and basic information on the author (name, address, fiscal number, nationality, date of birth, pseudonym, professional occupation), ii) power of attorney, in case of legal representative, iii) type of work, description, title, and specific elements of the work at hand (format, size, number of pages,	Completed application form; Completed declaration form; Copy of the author's work; Proof of payment of fees; Author's CV; Author's copy of ID; 02 photo 4x4 of author. It is not possible to file online.	Procedures: - We submit the application - Application undergoes 1-2 month examination period - We settle the official fees upon request - Registration certificate is issued after approximately 1-2 months Required documents: - POA signed, notarized and legalized up to the Egyptian consulate - Legalized certificate of incorporation	Filing the copyrighted work online or in paper form at the Department's premises. The filing application will receive a date and a number.	1. Log in/create an account on the Kenya National Rights Registration portal 2. Select make a new application and fill in the required information. 3. Select the applicable copyright category and subcategory then upload a copy of the work you intend to register. Enter the title of the work. Please also note that depending on the category of the copyright, you will be required to enter additional details. For

QUESTIONS	ANGOLA	CAMEROON	EGYPT	JORDAN	KENYA
	<p>etc.), iv) submit the copyrighted work and iv) submit payment proof.</p> <p>Although the law allows deposit via online, in person or by post, in practice SENADIAC receives the deposit only in person.</p>		<ul style="list-style-type: none"> - Legalized extraction of the taxation document of the owner - Description of the copyright <p>The design of the copyright.</p>		<p>example for literary works, an abstract, ISBN (if published) and date of publication. For sound recordings, the genre, date of release, language, album (if applicable) and label (if applicable).</p> <ol style="list-style-type: none"> 4. Enter the Copyright Ownership details. This is where people other than the original artist can be recognised, such as the producer, publisher, performer, the person commissioning the work and other collaborators. Indicate the percentage of ownership each person holds if there are more than one. 5. Where there is more than one owner registered, supporting documents such as a contract, split sheet and engagement letters are required. 6. Verify and submit the details. 7. The applicant will receive a text message confirming submission of the application. <p>If the application is successful, a certificate is issued on the applicant's portal.</p>
<p>8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?</p>	<p>The fees range from 9000 AOA (Kwanzas) to 65000 AOA (Kwanzas) depending on the work to be registered.</p> <p>The process from application up to issuance of the statement of grant takes 6 to 10 months.</p>	<p>EUR 15 for literary or artistic works EUR 400 – EUR 1,600 for Computer software</p> <p>Registration is done within 5 business days.</p>	<p>Approximately US\$15.00 as official fees.</p> <p>The timeline is 2-5 months.</p>	<p>There are no fees currently. The process has an immediate effect.</p>	<p>The official fee is Kes. 1050 (approximately US\$10). This typically takes less than 7 days.</p>
<p>9. Is a copyright owner able to file a copyright registration</p>	<p>The copyright owner is able to file the request directly.</p>	<p>The Copyright owner can file directly.</p>	<p>Both are possible.</p>	<p>Yes, owners can file directly.</p>	<p>Both are possible.</p>

QUESTIONS	ANGOLA	CAMEROON	EGYPT	JORDAN	KENYA
application directly or can this only be done through representatives/patent attorneys?		The Copyright owner can also use a representative to file			
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	There are only formal grounds of refusal (request does not identify applicant or mandatory elements of the copyrighted work such as title; works excluded from protection). No special appeal procedure is provided by law and the general administrative appeal procedures apply.	Unprotectable subject matter e.g., official texts of a legislative, administrative or judicial nature or to their official translations; news of the day; and simple facts and data.	No.	N/A	<ol style="list-style-type: none"> Where the supporting documents have not been submitted – Required to resubmit the application with all the supporting registration. Where the copyright has been previously registered and is in the database. <p>It is possible to appeal a refusal. A person aggrieved by the decision of the Board may, within sixty days from the date of the decision, appeal to the Copyright Tribunal. The Board shall provide written comments on any matter over which an appeal has been submitted to the Copyright Tribunal upon request from the Copyright Tribunal. The Copyright Tribunal shall issue a decision on the appeal within thirty days from the date of an appeal.</p>
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	Both are equally protected. However, copyright registration provides the legal presumption that the applicant that filed the registration is the rightful owner of the work. It reverses the burden of proof to the counterclaimant. It is especially relevant for subsequent infringements. Judges have the tendency to rely on the registration to reduce the standard of proof of authorship.	The author of a registered work enjoys the following benefits <ul style="list-style-type: none"> - Protection of works, - Recovery of the royalty fees, - Distribution of the royalty, Defending the author’s interests 	The registration gives the owner the right to protect his copyright and pursue all legal actions to protect the copyright from infringements.	There is no difference. Submitting work to the Department adds an extra layer of protection to that work.	None. Copyright protection is vested in the work once it is in a concrete form without need for registration. The registration is voluntary. Nonregistration does not deny authors any rights under the Copyright Act in Kenya.

QUESTIONS	ANGOLA	CAMEROON	EGYPT	JORDAN	KENYA
12. Any other points relevant or specific to the local copyright office	-	-	-	-	-
Contributor (name/ firm)	Júlia Alves Coutinho (Inventa)	Oswald Alembong (Von Seidels)	Dina Eldib (Eldib & Co)	Firas Qumsieh (NJQ & Associates)	Patricia Muthoni (CFL Advocates)
Verifier (name/ firm)					

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MIDDLE EAST, AFRICA & SOUTH, PART 2

QUESTIONS	MALAWI	MOZAMBIQUE	NIGERIA	OMAN	SOUTH AFRICA
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>Yes. There is an official Copyright Office in Malawi. It is known as the Copyright Society Of Malawi (COSOMA) established under Section 4 of the Copyright Act of Malawi Cap: 49:03, laws of Malawi (the "Act"). The website for COSOMA is https://www.cosoma.mw</p>	<p>Yes. INICC - Instituto Nacional das Indústrias Culturais e Criativas (National Institute for Cultural and Creative Industries).</p>	<p>Yes. Nigerian Copyright Commission; https://copyright.gov.ng/</p>	<p>Yes. Ministry of Commerce, Industry and Investment promotion / Directorate General of Commerce –Intellectual Property Department.</p>	<p>Yes. The Companies and Intellectual Property Commission ("CIPC") is the official body in South Africa that has a specific Copyright division. Website: https://www.cipc.co.za/</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>The Copyright Society of Malawi is a statutory corporation. It is under the Ministry of Justice. The Organizational Structure: - At the top is the Board of the Society. - Second in rank is the Copyright Administrator. Followed by the Staff.</p>	<p>It is a public institute integrated in the State's indirect administration with administrative and financial autonomy. INICC has a General Director and it is integrated in the Ministry of Culture and Tourism.</p>	<p>It is an agency under the Federal Ministry of Justice; it is headed by a general director and has departments each headed by a director who reports to the director general.</p>	<p>The Copy Right department is part of the Directorate General of Commerce – Intellectual Property Department. There is a head of the department along with other members of the department.</p>	<p>CIPC is a member of the Department of Trade, Industry and Competition, acting as its agency/regulator. CIPC is a juristic person established to function as an organ of state within the public administration, and as an institution outside the public service. CIPC is divided into five subdivisions being Business Regulation and Reputation, Business Intelligence and Systems, Corporate Services, Finance and Procurement, and Innovation and Creativity. Intellectual property is managed under the Innovation and Creativity division. The Commissioner heads CIPC and copyright matters are examined by the Copyright Registrar.</p>
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	<p>Functions of COSOMA provided for in Section 5 of the Act: - Promoting and protecting the interests of authors, performers, translators, producers of sound recordings, broadcasters, publishers and in particular, to collect and distribute any royalties or other remuneration accruing to</p>	<p>The Institute, through the Division of Registration, Licensing and Copyright, ensures the registration of works, manages the licensing and authorization process for activities of the creative industries, regulates specific activities related to audiovisual and cinema, guarantees and coordinates the protection and promotion of copyright and</p>	<p>The most significant power of the Nigerian copyright commission is its power to arrest and prosecute infringers; copyright is not registrable in Nigeria, but a non-mandatory e-registration is administratively instituted; does not set rules for copyright royalties; it has a dispute resolution section though not statutory.</p>	<p>Main tasks are to review the application and proceed with the filing procedures up to registration. The Copy Right department has no rights or powers to set any royalties fees. No dispute resolution powers.</p>	<p>The main functions of CIPC include registering companies, co-operatives and intellectual property rights (trademarks, patents, designs and copyright), and the maintenance thereof. CIPC discloses information on its register, promotes awareness of Company and IP law and promotes compliance with relevant legislation. In terms of copyright, CIPC has the power to formally register cinematographic films only. The other</p>

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QUESTIONS	MALAWI	MOZAMBIQUE	NIGERIA	OMAN	SOUTH AFRICA
	<p>them in respect of their rights provided for in the Act;</p> <ul style="list-style-type: none"> - Maintaining registers of works, productions and associations of authors, performers, translators, producers of sound recordings, broadcasters and publishers; - Publicizing the rights of owners and giving evidence of these ownership of these rights where there is a dispute or an infringement; - Printing, publishing, issuing or circulating any information, report, periodical, book, pamphlet, leaflet or any other material relating to copyright, expressions of folklore, rights of broadcasters, performers and producers of sound recordings; - Cooperating with any associations in Malawi; - Establishing and maintaining close and continuous working relationships with national, regional and international organizations or institutions whose objectives are similar to those of the society, and to the Society, and to negotiate bilateral agreements with collecting societies abroad, in particular as regards the use that may be subject to an extended collective licence under Section 58; - Negotiating and entering into collective agreements as mandated by authors, 	<p>related rights, proposes standard rules to be adopted in contracts literary and record publishing contracts and implements the legislative rules on the matter.</p> <p>INICC proposes the copyrighted related fees, which are approved by the Council of Ministers.</p> <p>It does not have dispute resolution powers. Disputes are settled in court and the INICC acts as mediator.</p>			<p>forms of eligible works are automatically protected by Copyright upon creation (once certain requirements are met) but cannot be registered.</p> <p>CIPC does not have the power to set royalty rates, this is determined by the parties.</p> <p>CIPC does not have dispute resolution powers in relation to IP. It is responsible for performing administrative functions in this regard. Copyright disputes are determined via the court system (the High Court of South Africa - there are no specialized copyright courts). Disputes may be determined via ADR methods, but both parties must agree on this method and CIPC does not have the power to enforce this avenue.</p>

QUESTIONS	MALAWI	MOZAMBIQUE	NIGERIA	OMAN	SOUTH AFRICA
	<p>performers, translators, producers of sound recordings, broadcasters and publishers, or any associations thereof, in particular agreements that according to section 58 entail an extended collective licence;</p> <ul style="list-style-type: none"> - Ensuring that there is constant improvement and continued effectiveness of legislation on copyright and related rights and implementation thereof; - Devising programmes on promotion, introduction and training programmes on copyright and related rights, to which end it may co-ordinate its work with national or international organizations concerned with the same subject matter; and <p>Advising the Minister on all matters under the Act.</p>				
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	<p>Copyright exists from the moment the work is created.</p> <p>Yes, there is a copyright registry/depository at the Copyright Office.</p>	<p>Copyright arises from the date of creation. The copyright registration is merely a deposit. In some specific situations provided by law, protection arises from registration, such as title of unpublished works, title of newspapers or periodic publications, literary or artistic name and most kinds of records and securities and rights.</p>	<p>Upon the creation of the work, there is no statutory copyright registry/depository</p>	<p>Copyright is registrable in Oman and there is a system in place</p>	<p>Copyright arises automatically upon the creation of an eligible work, that is original and reduced to material form. Eligible works are limited to Literary works, Musical works, Artistic works, Sound recordings, Cinematographic films, Sound and television broadcasts, Programme-carrying signals, Published editions and Computer programs (which protects software). In terms of originality, there is no definition in the Copyright Act but "originality" does not refer to novelty or uniqueness. A degree of skill, effort and labour must have gone</p>

QUESTIONS	MALAWI	MOZAMBIQUE	NIGERIA	OMAN	SOUTH AFRICA
					into the creation of the work. It must not be a slavish copy. CIPC maintains a copyright registry, where cinematographic film applications and registrations are listed. There is no other registry or database for copyright.
6. What regulations govern the copyright registration procedure?	The Minister has not yet gazetted regulations governing copyright registration. However, section 119 (2) (a) of the Act contemplates that such regulations will be made.	Decree no. 23/2019, of 28 March, which creates the INICC. On 29 June 2022 the new law on Copyright and Related Rights was published, Law no. 9/2022, which will come into force on 26 September 2022. It is up to the Council of Ministers to regulate this Law within 180 days from the date of its publication.	No statutory regulations.	Copy Right Law was issued by the Royal Decree No.65/2008 and became effective on May 18, 2008.	The Registration of Copyright in Cinematograph Films Act 62 of 1977 and Regulations governs the copyright registration procedure. This is supplemented by the Copyright Act 98 of 1978 and Regulations, which regulates copyright subsistence and infringement in general.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	<p>According to COSOMA, the copyright registration procedure (not governed by regulations) is as follows:</p> <ul style="list-style-type: none"> - The Applicant must submit a copy of the work to be registered. - The Applicant is required to fill out a Deed of Assignment transferring mandate to COSOMA to maintain the work on the Applicant's behalf. - The Applicant is also required to fill out a Membership Form containing the Applicant's details. - The Applicant must also fill out a Work Declaration Form declaring their rights in the work. - If there is a publishing agreement, this must also be provided. - The Applicant must also fill out a Beneficiary Form 	<p>INICC checks whether a similar registration exists in its database. If there is not, it carries out the registration and issues a certificate of registration which operates as a presumption of title.</p> <p>The deposit procedure requires applicants or representatives to submit i) certified copy of the identification document and basic information on the author (name, address, fiscal number, nationality, date of birth, pseudonym, professional occupation), ii) declaration of honour recognised by a notary, iii) power of attorney, in case of legal representative, iv) type of work, description, title, and specific elements of the work at hand (format, size, number of pages, etc.), v) submit the copyrighted work and vi) submit payment proof.</p>	<p>There is a procedure for non-mandatory e-registration of copyright. It is called notification of copyright. Copyright is not dependent on this registration.</p>	<p>The requested documents are: Three copies of the work that shall be protected and an application has to be filled. Online applications are applicable in Oman.</p>	<p>Filing of registration documentary proof, publication particulars and a power of attorney.</p> <p>Thereafter the copyright application is examined and advertised. Following advertisement, a registration certificate may be requested using the special form. Once it is examined, the Registrar can then accept it absolutely, reject it or subject it to certain conditions/amendments. After acceptance it will be published in the Government Gazette, where the application is open to opposition for one month. If no opposition is lodged or once any opposition is overcome, the object proceeds to registration after the expiration one month and the registration certificate will subsequently be issued.</p> <p>Documentary proof of the applicant's entitlement (if the author is not the owner) must be submitted, along with a power of attorney.</p> <p>The Registrar may call for a specimen or copy of the film.</p>

QUESTIONS	MALAWI	MOZAMBIQUE	NIGERIA	OMAN	SOUTH AFRICA
	<p>detailing who will inherit the copyright upon the applicant's demise.</p> <p>The forms are available in physical form at the Copyright Office.</p> <p>The Copyright Office has not yet fully digitized and as such filing is currently done manually.</p>	<p>Deposits can be filed online or in person at INICC.</p>			<p>The registration process can be completed online through CIPCs online portal.</p>
<p>8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?</p>	<p>The fees are MWK5,000.00 comprised of:</p> <ul style="list-style-type: none"> - Processing fee of the copyright is MWK3,000.00; and - Membership ID is MWK2,000.00 <p>The timeframe from application to registration of copyright is within one (1) month.</p>	<p>Fees vary according to the work to be registered. Official fee of 500 MZN (Meticais) for books and records; official fee of 1,500 MZN (Meticais) for others.</p> <p>The process from application up to issuance of the statement of grant takes 1 to 3 weeks.</p>	N/A	<p>The official fees is \$75.00 US It takes between 3-4 months for the application to mature into registration.</p>	<p>There is an official application fee of ZAR 510, with an advertisement fee of ZAR 80 and a fee of ZAR 32 to apply for the certificate. This comes to a total of ZAR 622 (USD 37).</p> <p>Applications typically proceed to registration within 6 to 12 months.</p>
<p>9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?</p>	<p>The filing of the application is done through a Patent Attorney.</p>	<p>The copyright owner is able to file the request directly.</p>	<p>Yes, it can be done directly.</p>	<p>Yes it is possible for a copyright owner to file directly.</p>	<p>The copyright owner, assignee or licensee may file a copyright registration. It need not be done by the representative/attorney.</p>
<p>10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?</p>	<p>Grounds for refusal of copyright registration:</p> <ul style="list-style-type: none"> - If it is proved that the Applicant is not the original owner of the work. - If the copyright is already registered by an association/individual. - If the work is not original. - If the work is in the public domain. - Failure to pay fees. <p>It is possible to appeal the refusal. COSOMA being a statutory body, its decisions are amenable to judicial review to the Court.</p>	<p>There are only formal grounds of refusal (request does not identify applicant or mandatory elements of the copyrighted work such as title).</p> <p>If the registration is refused due to non-compliance with the requirements, the applicant must complete the missing requirements.</p> <p>No special appeal procedure is provided by law and the general administrative appeal procedures apply (Decree no. 30/2001).</p>	<p>Unless on the ground that the registrant is not the rightful owner of the copyright, the commission does not have any ground to refuse registration.</p>	<p>The copyright department could refuse an application due to availability of a previous similar application. There are no appeal procedures.</p>	<p>An application may be refused:</p> <ul style="list-style-type: none"> - if one of the prescribed requirements have not been met, - if the film does not enjoy copyright protection in terms of the Copyright Act or - if the applicant is not the true copyright owner. <p>The wording of the Act is of such a nature that refusing an application on substantive grounds is possible. However, considering the speed at which applications proceed to acceptance (typically within a month of filing), it appears improbable the applications are substantively examined.</p> <p>The applicant may appeal the refusal. The wording of the Act is of such a</p>

QUESTIONS	MALAWI	MOZAMBIQUE	NIGERIA	OMAN	SOUTH AFRICA
					<p>nature that the grounds for appeal are not limited to compliance with formalities therefore a refusal may be appealed on substantive grounds. The applicant must make representations to the Registrar of Copyright to overcome the refusal, within two months of the date of the Registrar's decision (or such further time as the Registrar may allow, on application for extension). The application will require the Registrar to state in writing the grounds for the decision and the data used to arrive at his decision. To have the appeal heard by the Supreme Court of Appeal, the consent by both parties is required and proof of such consent must be lodged with the Registrar prior to such an appeal. Further, the applicant must give the Registrar at least 14 days notice before the application is to be made at court. The Registrar may at his discretion waive such a notice, or accept a shorter notice.</p>
<p>11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?</p>	<p>Legal differences between registered and unregistered copyright:</p> <ul style="list-style-type: none"> - An unregistered copyright is one that has not been registered with the Copyright Office. Copyright is essentially automatic, an author of work shall by the mere fact of its creation enjoy exclusive property rights in the work. The unregistered copyright still enjoys recognition and protection by the Copyright Office in case of infringement. - A registered copyright on the other hand is one that has 	<p>Both are equally protected. However, copyright registration provides the legal presumption that the applicant that filed the registration is the rightful owner of the work. It reverses the burden of proof to the counterclaimant. It is especially relevant for subsequent infringements. Judges have the tendency to rely on the registration to reduce the standard of proof of authorship.</p>	<p>Non-registered copyright is entitled to equal protection as registered copyright</p>	<p>Registered work will carry a heavier weight in case of a dispute and a legal action has arisen.</p>	<p>There is no legal difference between registered and unregistered copyright works. Registration has no bearing on the subsistence of copyright. Registration provides prima facie evidence of the information/content on the register, the validity of the registration and the title of the owner/licensee. The registration's evidentiary value is beneficial in infringement proceedings, as the owner will not need to prove copyright subsistence or the fact of his ownership (which can be cumbersome). All facts to prove copyright subsistence can be addressed by submitting the registration certificate.</p>

QUESTIONS	MALAWI	MOZAMBIQUE	NIGERIA	OMAN	SOUTH AFRICA
	<p>been filed and registered with the Copyright Office and is protected by the said office in case of infringement and recognized by the Copyright Office and public in case of any legal proceedings that may arise.</p> <p>The benefits of registering copyright:</p> <ul style="list-style-type: none"> - The work stays in the public record and is protected. <p>Provides legal evidence of ownership.</p>				
12. Any other points relevant or specific to the local copyright office	-	-	The notification scheme (e-registration) is useful for the purpose of providing evidence of ownership as it raises a presumption of ownership in favour of the registrant, though rebuttable.	-	Copyright may only be registered in relation to cinematograph films in South Africa and is not possible (or required) for any other type of copyright work.
Contributor (name/ firm)	Arthur Alick Msowoya (Wilson and Morgan)	Júlia Alves Coutinho (Inventa)	Akeem O. Aponmade (A. O. Aponmade & Co.)	Khaled Battash (MY IP GLOBAL)	Kyle Dalton (Moore Attorneys) Christine Strutt (Von Seidels)
Verifier (name/ firm)					

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MIDDLE EAST, AFRICA & SOUTH, PART 3

QUESTIONS	QATAR	SAUDI ARABIA	TUNISIA	TURKEY	UAE
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>Yes. Copyright Protection Office Intellectual Property Rights Protection Department Ministry of Commerce and Industry P.O. Box 1968 Doha Qatar www.moci.gov.qa</p>	<p>The responsible office is Saudi Authority for Intellectual Property ("SAIP"). The website is https://www.saip.gov.sa/en</p>	<p>Yes, OTDAV http://www.otdav.tn/index.php/fr/</p>	<p>No. As there is no statutory prerequisite to register Copyrights in Israel, there are no statutory bodies performing the functions of a Copyright office. There are several private organizations that offer Copyright registration services, such as copyrights.org.il and ACUM (The Israeli Society for Authors, Composers and Music Publishers).</p>	<p>Yes. The copyright department The UAE Ministry of Economy https://services.economy.ae/m/Pages/CategoryServices.aspx?CategoryId=10&lang=en-US https://www.moec.gov.ae/en/material-copyright-registration</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>The Intellectual Property Rights Protection Department is one of the Administrative Departments that falls under the Assistant Deputy of Commerce Affairs at the Ministry of Commerce & Industry. The Intellectual Property Rights Protection Department includes different offices, including: - Copyright Protection Office - Patent Office Trademarks, Industrial Designs & Geographical Indication Office .</p>	<p>The copyright office sits within the IP Operations department of SAIP. SAIP is governed by the Board of Directors chaired by Minister of Commerce and Investment and formed by relevant government representatives in addition to three members from non-governmental organizations.</p>	<p>The OTDAV is an independent official body.</p>	<p>N/A</p>	<p>The main office sits in Abu Dhabi. However, the copyright office services are accessible online from anywhere in the UAE or elsewhere. Also, the Ministry of Economy premises in other emirates can assist or receive inquiries about the services. The Ministry organizational structure is available in Arabic and its inserted below. The Copyright office is placed with the Trademark office, and both reports directly to the Undersecretary of Ministry of Economy, who reports to the Minister.</p>
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office: - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar)</p>	<p>The main task of the Intellectual Property Rights Protection Department is to formally register copyrights in Qatar and raise awareness to the authors or owners of copyrighted works or neighboring rights to the means to exercise their economic and moral rights. Further, and in accordance with the provisions of the Qatari</p>	<p>SAIP is the authority for all matters relating to IP policy and administration in Saudi Arabia. SAIP is also responsible for proposing new rules and regulations relating to IP rights. SAIP has the power to formally register copyrights. - SAIP receives IP violation complaints and assesses whether they need to be</p>	<ul style="list-style-type: none"> - Has the power to formally register copyrights - Has the power to formally renew copyrights - The Civil Court prosecutes all copyright acts of contravention and is entitled to confiscate revenues and counterfeit copies. 	<p>N/A</p>	<ul style="list-style-type: none"> - Copyright recordal - Copyright enforcement - Anti-piracy - No power to set rates for royalties except when there is a compulsory license. No precedent of this being granted or actioned by the copyright office/Ministry of Economy.

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QUESTIONS	QATAR	SAUDI ARABIA	TUNISIA	TURKEY	UAE
- has any dispute resolution powers	Copyright Law, the Copyright Office has the power to do the following: 1.Settle any disputes arising between authors, performers and third parties, with the consent of the parties concerned (Article 44). 2.Controlling and certifying offences committed in violation of the provisions of the applicable Copyright Law, through entering and inspecting premises where the works are published and/or distributed and/or reproduced and/or produced in addition to examining documents and records as well as consecrating any materials, copies or any means used in any violating acts (Article 55).	transferred to court for adjudication.			
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	Copyright protection arises from the date of creation of the work, irrespective of the value, purpose or mode of expression of the work. Yes, copyrighted works can be deposited before the Copyright Protection Office at the Ministry of Commerce and Industry.	Upon creation. As of 20 December 2019, it is possible to register copyright in Saudi Arabia for certain types of copyrights. The practice is still evolving and require more clarity.	Upon creation No.	N/A	From creation date and as per the UAE Copyrights law and regulations. Yes there is a depository or recordal process at the copyright office. It is the same process of registration of copyrights.
6. What regulations govern the copyright registration procedure?	The copyright deposit or registration procedures are currently governed by: 1. Law No. 7 of 2002 on the Protection of Copyright & Neighboring Rights (the "Copyright Law"). 2. The Qatari Minister of Economy & Trade Resolution No. 134 of 2017 for Establishing Departments in the Administrative Units of the	Saudi Arabia Administrative Decision No. 3/7/2019/1440 On the Approval of the Regulation of Optional Registration of Copyright Works, as amended by Saudi Arabia Administrative Decision No. 04/18/2021/1443	Copyright Law No. 36 of 1994 governs the protection of copyright in Tunisia.	N/A	The UAE Copyright law (Decree of Federal Law number 38 of 2021, and its implementing regulations. There are also some ministerial orders and decisions to regulate the copyright office functions.

QUESTIONS	QATAR	SAUDI ARABIA	TUNISIA	TURKEY	UAE
	<p>Ministry of Economy & Commerce and for Specifying their Functions.</p> <p>3. The Qatari Minister of Economy & Trade Resolution No. 433 of 2017 amending some provisions of the Resolution No. 410 of 2014 related to the office fees of the services related to the Intellectual Property Rights Protection.</p> <p>However, the Implementing Regulations of the Qatari Copyright Law No. 7 of 2002 have not been issued yet.</p>				
<p>7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?</p>	<p>The applications to deposit of copyrighted works could be submitted either manually to the Copyright Protection Office or at the online portal of the Intellectual Property Protection Department/Ministry of Commerce & Industry.</p> <p>The application must be submitted along with the following information or documents:</p> <ol style="list-style-type: none"> 1. The name of author or authors in the case of joint works or the name of the owners of neighboring rights; 2. The subject matter of the work or subject matter of the neighboring rights; 3. A copy of the work or the subject matter of the neighboring rights (hard copy or CD); 4. A statement of the works' specifications or the subject matter of the neighboring rights; 	<p>The registration of certain artworks that can be registerable, copyright protection can occur solely online via the online application form. Applicants are requested to submit the following documents in accordance with the regulations:</p> <ul style="list-style-type: none"> - Copy of the national identity, passport (for the foreigners), commercial register (for juristic entities), or supporting documents for other entities. - Copy of the Work according to the nature of the Work. - Declaration of the validity of data mentioned in the application, and the ownership of the right to be registered. The Registration Applicant shall be held liable for any infringement of rights of third parties or any violation resulting from his application. 	<p>The copyright law provides protection, among other things, for written works, photographs and cinematographic films, theatre and musical pieces, television and radio works for publication, paintings, sculpture and architecture, maps, and speeches. The Copyright law Decree No. 36 of February 24, 1994, considers software as a literary work, and as such a 25 years protection is provided as from the granting date. Protection under copyright law ends fifty years after the death of the author. However, if the copyrighted substance is owned by a legal entity rather than a natural person, the fifty years protection shall begin on the date the material was first published. The author may assign the rights granted to him subject to prescribed terms and conditions. The National Council for Culture maintains the right to permit publication of the work of</p>	N/A	<p>Filing and registration of copyright is available only online in the UAE. The process is straightforward. Applicant, or his/her attorney, can file for copyright recordal of artworks, and/or any copyrightable works as per the regulations, before the Copyright office. The required documents are standard and include:</p> <ol style="list-style-type: none"> 1- Full details about the authors, applicant, addresses and full contact details. 2- POA notarized and legalized upto UAE Embassy (in case of filing by attorney). 3- Full description and details about the nature of work in a clear written document. 4- When the recordal is for software, there should be a full description about the work, source code...etc. 5- Assignment deed properly notarized and legalized from the authors, if any, to the applicant.

QUESTIONS	QATAR	SAUDI ARABIA	TUNISIA	TURKEY	UAE
	<p>5. A written declaration by the authors of the ownership of a work or a neighboring right and rights conferred on them.</p> <p>6. A Power of Attorney in the name of the agent, duly legalized up to the Qatari Consulate.</p> <p>7. A copy of the applicant's ID (if individual) or certificate of incorporation (if company). The Copyright Protection Office will examine the application and issue its decision on whether to accept the same or not. If the application is accepted, the Copyright Protection Office will request the applicant to pay the official fees, and thereafter, will issue a certificate specifying the date of the deposit, the subject matter and nature of the protected rights as well as the name of the owner or holder of the work.</p>	<p>- Any other annexes requested by the Authority. Applicants will also be required to submit the following details:</p> <ol style="list-style-type: none"> 1. Name, nationality, capacity and address of the Registration Applicant, and a copy of the power of attorney (if available). 2. Name of the Author as well as the pseudonym or pen name thereof (if any), and his nationality and address, and date of death (is case the author died). 3. Name and address of the entity submitting the Work (if available), and a document proving the relationship between it and the author. 4. Title, type, description and language of the Work. 5. Name and address of the Publisher, as well as the date and place of the first publication, and the international number (if available). 6. Name, nationality and address of the assignee, as well as the type, duration and geographical scope of the assigned rights, and the document proving that rights are assigned from the author or the right holder. <p>Other requirements can be requested and demanded.</p>	<p>art in specific forms as prescribed under the law. Infringements are presided over by the Copyright Tribunal. The Copyright Office undertakes the task of Registration. Yet registration is not obligatory but registration will be considered as a reliable reference to copyright information Requirements; If the applicant is a firm:</p> <ul style="list-style-type: none"> - A signed and stamped Power of Attorney by the applicant (the Copyright office could ask for a legalized copy when needed). - Copy the manager's passport - Certified copy of the commercial register of the company (Original copy) - Copy of the work (CD) - Copy of the Company's articles of creation - Application Form <p>If the applicant is an individual:</p> <ul style="list-style-type: none"> - Signed and stamped Power of Attorney by the applicant (the Copyright office could ask for a legalized copy when needed). - Copy the applicant's passport. - Copy of the work (CD). - Application Form. 		
8. What are the fees for registering copyrights with	The official fees are as follows: - QR 50.00 – for students	The official fee for copyright registration is nominal and ranges	3. Total inclusive charges from filing the copyright	N/A	It is not expensive but depends on how many artworks within the

QUESTIONS	QATAR	SAUDI ARABIA	TUNISIA	TURKEY	UAE
the copyright office (if possible)? How long does it typically take from application to registration of copyright?	<ul style="list-style-type: none"> - QR 100.00 – for individuals - QR 400.00 – for companies and establishments - QR 500.00 – for Educational & Research Institutions <p>1. The time frame for obtaining the certificates vary but copyright owner should anticipate 1 to 3 months in average.</p>	<p>from Saudi Riyal 50 to Saudi Riyal 400, depending on the right at issue.</p> <p>The regulations set a maximum period of 60 days a decision concerning the registration application. Within this period the Authority may request additional information/documents from the Applicant and the Applicant will have 90 days from notification to provide this. If it is not provided within 90 days, the application will lapse.</p> <p>2. The registration may require time to be completed.</p>	<p>application up to issuance and forwarding of certificate with breakdown of official and your professional fees.</p> <p>For the Architectural Works and designs – US\$ 50; For Computer software– US\$ 50; For Literary, musical and artistic works – US\$ 10.</p> <p>4. Whether hard/original or electronic certificate will be issued.</p> <ul style="list-style-type: none"> ➤ Hard Copy <p>5. Procedures and time frame to obtain the copyright certificate</p> <ul style="list-style-type: none"> ➤ Registration: 1 month. 		<p>recordal process. It is normally 300 AED per recordal, i.e. less than 80 USD, of copyright work. If all documents are available, copyright recordal can be completed within 1 week. However, for computer software and when recordal includes several documents to prove ownership, the process may take longer. In any event, it should not exceed 3 weeks from what we observed in practice.</p>
9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?	The Qatari nationals or residents may file the application for the deposit of the copyrighted works directly before the Copyright Protection Office, while foreign applicants must submit such applications through certified IP Agents in Qatar.	Yes, a copyright owner can file directly on the SAIP website.	Through a representative.	N/A	Yes. It is available for entities and individuals that are able to establish an account at the Ministry of economy portal. This is typically allowed for entities and individuals residing in UAE. Therefore, copyright recordal can be filed directly and/or through external agents/attorneys.
10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?	The Copyright Protection Office has the right to reject the application either for failure to submit the required information / documents or for any other reasons to be indicated by the Office in the examination process.	<p>Possible grounds of refusal include:</p> <ul style="list-style-type: none"> - Lack of documents/data to support application. - Failure to respond to any objection within stipulated time period. - If the work is contrary to Islamic Sharia Rules or the Legislation of the Kingdom or the public morals. - The work is excluded from protection. - The appropriate fees have not been settled. - If the work is in draft form and is not a final version. 	The examination is made on the absolute ground, no examination report will be delivered.	N/A	<p>Lack of submission for required documents, non-payment of fees and/or ineligibility to record the work as copyright.</p> <p>Yes. Decision can be appealed further to Federal Court in Abu Dhabi.</p>

QUESTIONS	QATAR	SAUDI ARABIA	TUNISIA	TURKEY	UAE
		<p>The Authorities may request further documents/data to support the registration of the work within 90 days of notification of the Applicant. However, no formal appeals process is mentioned in the regulations. Article 12 (2) provides that:</p> <p>In case the Authority proves that the application does not meet the conditions, then it shall issue a decision rejecting the application and shall justify such rejection, and the Applicant shall be notified in this regard.</p>			
<p>11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?</p>	<p>Whilst failure to deposit the work or neighboring rights shall have no effect on its protection under the Qatari Copyright Law, however, the Qatari Copyright Law and the announcements or resolutions issued by the Minister of Commerce & Industry make it clear that the copyright certificate shall be considered as evidence of the authenticity of the data included therein.</p> <p>Further, the Ministry of Commerce & Industry highly recommended individuals and companies to deposit their work or neighboring rights before the Copyright Protection Office as the certificate is considered an official evidence that proves their rights in the work and such an evidence will entitle its owner to take the proper actions against infringing third parties in addition that it will entitle the owner to prove its prior rights in case of future disputes with other</p>	<p>Registration is referred to as optional and therefore, there is no legal difference between registered and unregistered. However, a registration provides certainty of the right, duration and scope which can make it easier to enforce against third parties.</p>	<p>The registered copyright is proof of any original work, it proves that the owner has the exclusive right over the work, unregistered copyright prohibits the artist to sell, and performing the copyrighted work.</p>	N/A	<p>Registered or recorded copyrights are easier to protect and enforce. The certificate to the copyright owner can ease the enforcement formalities and expedite the action by administrative authorities. Also, the courts will be more cooperative to enforce and protect the work.</p> <p>Benefits are mentioned above. Also, the certificates are considered official recognition of ownership and third parties should challenge this registration in case of ownership dispute. However, the unregistered copyrights remain enforceable and protected as per the UAE laws and court practice.</p>

QUESTIONS	QATAR	SAUDI ARABIA	TUNISIA	TURKEY	UAE
	parties that are using similar works (in piracy and infringement cases).				
12. Any other points relevant or specific to the local copyright office	<p>No work of any kind shall be published, displayed or circulated in Qatar, unless accompanied with the following documents:</p> <p>(1) A written declaration by the authors of the work specifying the manner in which they choose to publish the work.</p> <p>(2) Certificate of origin indicating the name of the author or the person to whom the right of exploitation has been assigned;</p> <p>Further, certain types of works shall obtain an approval by the competent department in the Ministry of Information in accordance with the provisions of the Publications Law.</p>	-	-	-	Copyright office is very cooperative and accessible. They communicate in emails, calls and also allow for meetings when needed. They are pro copyright owners to secure protection and smooth their task. Generally speaking, the copyright office practice in UAE is unique in its setup and operation and do not act as "recordal office" by receiving and processing documents. They do minimal examination to ensure standing and proper ownership of applicant to the claimed artworks, yet without delaying the process or cause any inconvenience to the applicants.
Contributor (name/ firm)	Amala Atieh (BSA Ahmad Bin Hezeem & Associates LLP)	Felicity Hammond (BSA Ahmad Bin Hezeem & Associates LLP)	Inês Sequeira (Inventa)	Eran Soroker (Soroker Agmon Nordman)	Sara Maroun and Munir Suboh (MBC Group, BCA)
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UNITED STATES & CANADA & MEXICO

QUESTIONS	CANADA	MEXICO	US
<p>1. Is there an official Copyright Office in your country? If yes, what is its official name? Provide a website, if available. If not, which state body/private organization performs its functions?</p>	<p>Yes, there is an official Copyright Office in Canada. Intellectual Property including copyright is overseen by the Canadian Intellectual Property Office (CIPO), and the associated website can be accessed at https://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/home</p> <p>In addition, the Copyright Board Canada (the "Board") is an independent specialized administrative tribunal that regulates Copyright Collectives and establishes royalties for the use of works protected by copyright when the administration of such copyright has been entrusted to a collective-administration society. As an independent tribunal, the Board reports on its administrative activities to Parliament through the Minister of Innovation, Science and Industry.</p>	<p>Yes, the Instituto Nacional del Derecho de Autor (INDAUTOR, for its Spanish acronym). http://www.indautor.gob.mx</p>	<p>Yes, United States Copyright Office. https://www.copyright.gov/ https://publicrecords.copyright.gov/ (Searching) Electronic Copyright Office (eCO) (Filing Portal) https://www.copyright.gov/circs/ (Official Circulars)</p>
<p>2. If the Copyright office is an official body, where does it sit in the state structure? (i.e. what department / division is it connected with) What is the organizational structure of the copyright office?</p>	<p>CIPO is a special operating agency of Innovation, Science and Economic Development Canada (ISED) which is a department of the Government of Canada. ISED is responsible for a number of the federal government's functions in regulating industry and commerce, promoting science and innovation, and supporting economic development.</p> <p>The Board is established under the section 66(1) Copyright Act (R.S.C., 1985, c. C-42). The Board consists of a maximum of five board members appointed by the Governor in Council for terms not exceeding five years, which can be renewed only once.</p>	<p>Yes, it is an official body, part of the Executive Power, dependent of the Ministry of Culture. INDAUTOR has a Director General, with several divisions in the administrative framework, such as:</p> <ul style="list-style-type: none"> • Registry Division • Legal Division • Contentious Affairs Division • Arbitration Division • <i>Reservas de Derechos</i> Division <p>Plus the corresponding subdivisions and departments.</p>	<p>The U.S. Copyright Office is part of the Library of Congress, created by the congressional branch of the Federal government. The Library of Congress is the main research arm of the U.S. Congress and is the largest library in the world. The Copyright Office is recognized by the U.S. Congress as a separate department of the Library.</p> <p>The Copyright Office has a staff of approximately 440 people, headed by the Register of Copyrights. The Register of Copyrights is the principal advisor to Congress on national and international copyright matters, testifying upon request and providing ongoing leadership and impartial expertise on copyright law and policy.</p>
<p>3. What powers does the office have (main tasks and functions)? In particular please confirm whether the office:</p> <ul style="list-style-type: none"> - has the power to formally register copyrights - has the power to set rates for copyright royalties (or similar) - has any dispute resolution powers 	<p>CIPO is generally responsible for administering Canada's IP system.</p> <p>CIPO has the power to formally register copyrights and issues a registration certificate once registered. While CIPO does not have the power to set rates for copyright royalties, the Copyright Board's mandate includes approving tariffs and setting royalty rates for content whose rights are managed by collective societies.</p>	<p>INDAUTOR has the following tasks and functions:</p> <ul style="list-style-type: none"> Power to formally register copyrights; Power to ultimately set rates/tariffs for copyright royalties, provided that there's a controversy with the tariffs; Conduct inspections in connection with administrative infringements, conduct inspection visits, and information requests; 	<p>Congress delegates authority to the Copyright Office to develop regulations concerning many areas of copyright law, register copyrights, rulemaking for the registration of copyrights, and set fees for filings at the Copyright Office. The Copyright Office does not have the power to set rates for copyright royalties or may laws.</p> <p>The Copyright Office recently established the Copyright Claims Board (CCB). The CCB is a three-</p>

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QUESTIONS	CANADA	MEXICO	US
	While CIPO has no have dispute resolution powers, the Copyright Board does offer arbitration in the event a collective society and users cannot agree on royalties.	Request other competent authorities to practice inspection visits; Order and execute the injunctive relief measures intended to prevent or end infringement of copyrights or neighboring rights; Impose administrative sanctions.	member tribunal within the Copyright Office which can resolve certain copyright disputes that involve up to \$30,000 (called “small claims”). All other disputes involving must be brought in federal court.
4. Is the country a party to the Berne Convention?	Yes.	Yes.	Yes.
5. When does copyright arise? Is there a copyright registry/depository in your country?	Copyright exists automatically in every original literary, dramatic, musical, and artistic work, published or unpublished, once the work is in a fixed form. The author must be a citizen or resident of Canada or any other treaty country (i.e., Berne Convention, World Intellectual Property Organization Copyright Treaty [WCT], Universal Copyright Convention [UCC] country or World Trade Organisation [WTO] member) on the date of making the work. A work must be original, meaning it was not copied from another work and the author exercised skill and judgment in creating it. The skill and judgment must not be so trivial that it could be characterised as a mechanical exercise (e.g. changing the font to produce another work). Yes, an online database of registered copyrights is made available for copyrights registered in Canada by CIPO.	Copyright arises upon fixation of the work of art in a physical material. Registration is not required for protection but is a common practice for enforcement purposes. Yes, INDAUTOR is responsible for arranging the registry/depository in Mexico.	A copyright arises at the time of creation when a work is fixed in a tangible medium. Yes, the U.S. Copyright Office administers the register of copyrights. As a part of registration, a copy of the copyrighted material must be deposited with the Copyright Office, which includes digital photographs, sound recordings, written works, blog posts, videos, etc.
6. What regulations govern the copyright registration procedure?	<i>Copyright Regulations</i> (SOR/97-457) (see: https://laws-lois.justice.gc.ca/eng/regulations/SOR-97-457/index.html), which complement 54 through 59 of the <i>Copyright Act</i> (R.S.C., 1985, c. C-42)	The Federal Copyright Act (Ley Federal del Derecho de Autor, in Spanish) and its Regulations (Reglamento de la Ley Federal del Derecho de Autor).	Title 35 of the Code of Federal Regulations lays the procedures governing copyright registration. Additionally, Title 17 of the United States Code (17 USC) governs copyright law in the United States.
7. What does the procedure of copyright registration include (main stages, terms, documents required)? Is it possible to file an application for a copyright registration (and all documents required) online?	In order to register your copyright you must file an application accompanied by the appropriate fee to CIPO. The following information is required in an application to register the copyright in a work: 1) Title of the work 2) Category of the work 3) Publication information (if published) 4) Owner information	Copyright prosecution in Mexico is pretty straightforward, once an application is filed before INDAUTOR, such authority will analyze the same from a formal and substantive standpoints and if no irregularities are disclosed, INDAUTOR will issue a registration certificate in around 15-30 working days counted as from the filing date. Insofar the required documents, the same are as follows:	Registration requires filling out an application form (online or paper). The information needed to fill out this form is: the type of work; title(s) of the work(s); date(s) of completion and publication (if published); names and contact information for all authors; names and contact information for all claimants; any limitations of the copyright claim in the work(s); any individual or entity that has rights in or permission to use the work(s); the name and contact information for

QUESTIONS	CANADA	MEXICO	US
	<p>5) Author information 6) Declaration You can file your application for copyright registration with CIPO electronically, by mail or by fax. Applications submitted electronically pay a fee of \$50 (CAD), whereas any application submitted via mail or fax will pay a fee of \$65 (CAD). CIPO does not require, and in fact will not accept, a copy of the copyrighted work to be sent with the application. CIPO does not review or assess works in any way. Once CIPO gets a complete application and the appropriate fee, the copyright is registered.</p>	<ul style="list-style-type: none"> - Application form containing applicant's information and particulars of the copyright to be registered; - Power of Attorney; - Articles of incorporation (if the applicant is a company); - Official Fees; - ID of the applicant and its legal representative; - Spanish translation of any filed documents not in Spanish; and - Two copies of the copyrighted material. <p>Finally, we confirm that it is possible to file online applications.</p>	<p>the correspondent; name and address where certificate of registration need be mailed; and a deposit copy of the work(s). All applications are online. It is possible to file a registration on paper but at an additional fee and for a much longer pendency period.</p>
<p>8. What are the fees for registering copyrights with the copyright office (if possible)? How long does it typically take from application to registration of copyright?</p>	<p>An Online application for registration of a copyright is \$50 An application for registration of a copyright through any other means (i.e. fax or mail) is \$65 Once CIPO gets a complete application and the appropriate fee, the copyright is registered. For online applicants, you will get a registration certificate, including a registration number, within five business days. For paper applicants, you will get a registration certificate, including a registration number, within seven business days.</p>	<p>Official fees for filing a copyright application are of USD 15. On the other hand, if no irregularities or grounds for refusal are issued, applicant can secure registration in around 15-20 business days counted as from filing date.</p>	<p>Fees depend on the type of work attempting to be registered. A basic application costs \$35-45, but can cost up to \$250. An additional special handling fee may be paid to obtain a registration quickly if needed for limited circumstances. It typically takes 3-6 months to register a work once an application is submitted, but special handling is available for faster registration. Electronic submissions are processed much faster than paper filings.</p>
<p>9. Is a copyright owner able to file a copyright registration application directly or can this only be done through representatives/patent attorneys?</p>	<p>A copyright owner is able to file copyright registration directly with CIPO.</p>	<p>Yes, the copyright owner can file the application directly or through representative/attorneys, who must file their Power of Attorney.</p>	<p>Anyone can file a copyright application, whether a layperson or an attorney.</p>
<p>10. What are the grounds for refusal of copyright registration? Is it possible to appeal the refusal (if so what are the grounds of appeal and procedure)?</p>	<p>There are no enumerated grounds for refusal of copyright registration by CIPO.</p>	<p>In accordance with Regulations of the Federal Copyright Act, INDAUTOR works on a good faith basis, meaning that no registration will be refused unless failure of applicant to comply with formal requirements during prosecution or that the application attempts to cover any material not susceptible of being registered as copyright (ideas, colors as a sole, etc.) An appeal is possible in case any resolution issued by INDAUTOR is not properly sustained in accordance with Federal Copyright Act and its Regulations.</p>	<p>Yes, a work is not copyrightable when (1) the authorship is insufficiently creative, (2) the work does not contain authorship subject to copyright, or (3) the statutory requirements for copyrightable works are not met. Yes, it is possible to appeal a refusal. Two appeals are available and must be submitted in writing, with arguments made to why the work(s) should be registered, along with fees for the appeals of \$350 USD for the first appeal and \$700 USD for the second appeal. Each Request for Reconsideration must be</p>

QUESTIONS	CANADA	MEXICO	US
			sent within three months from the date of the most recent refusal. The decision made after the Second request is final, meaning it cannot be further appealed through the Copyright Office. To further attempt to register the work(s) an applicant may file an appeal in Federal Court.
11. What is the legal difference between registered and unregistered copyright? What are the benefits of registered copyright?	<p>It is possible, but not mandatory, to register copyrights.</p> <p>Generally, original work is automatically protected by copyright upon creation. However, once a work is registered, its creator receives a certificate of registration, which acts as proof of ownership in legal disputes. Unregistered copyrighted materials are vulnerable to section 39(1) of the <i>Copyright Act</i>, which states that any infringing party need not pay damages to the copyright owner, if the infringing party can prove they were unaware the work was copyrighted.</p> <p>Benefits of registration are: (a) the registration certificate is considered prima facie evidence of copyright subsistence in the work and copyright ownership; and (b) if the work is registered, an infringer cannot rely on a defence of “innocent infringement” which, if successful, limits an owner’s remedy to an injunction.</p>	<p>Federal Copyright Act does not provide a legal difference between registered and unregistered copyright. As informed in item 5 above, Mexican Law grants protection to any copyrighted material from the moment of its fixation.</p> <p>The main benefit of securing registration is that the same is usually the ideal evidence to prove the existence of a copyright and its creation date during enforcement procedures.</p>	<p>A registration is a pre-condition to have standing for enforcement. Foreign works are generally exempt from this requirement, but in order to obtain registration benefits (e.g., statutory damages and attorneys’ fees, registration must be obtained). A registration also gives a presumption of a valid copyright if registration occurs within 5 years from publication of the work, or prior to infringement. Additionally, registration within 3 months of publication or prior to an infringement allows for statutory damages eligibility, rather than actual damages, and the possibility for the recovery of attorney fees/costs.</p>
12. Any other points relevant or specific to the local copyright office	CIPO is not responsible for policing or checking on registered works and how people use them. It also cannot guarantee that the legitimacy of ownership or the originality of a work will never be questioned.	-	-
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