I. The current status of Dutch copyright

II. The future status of Dutch copyright

III. The current influence of European copyright law

IV. The future influence of European copyright law

AUTHORSHIP & OWNERSHIP
Benelux trademark rights deemed to belong to the company, even in cases where the sign was developed by an employee.

Benelux design rights vested in the employer or the commissioning party,

Even when combined with a copyright in the design

II. The future status of Dutch copyright law

Non-waivable right for the author to an equitable remuneration in return for exclusive licence or assignment.

BUT

NOT for articles 7 and 8

III. The current influence of European copyright law

1. Seven Copyright Directives
2. Proposal on orphan works
3. Proposal on collective management and multi-territorial licensing

“Right holders”, including legal persons

Employed authors or commissioned works?

No general European solution

Software directive
Unless otherwise agreed
Economic rights exclusively exercised by Employer

LUKSAN 9.2.2012
Principal film director is an author
Member States MAY NOT deprive him
of the acquisition of exploitation
rights including fair compensation
schemes under private copying
exceptions.
Member States MAY lay down a
rebuttable presumption of transfer,
in favour of the producer
Except for the right to fair
compensation

CONCLUSION
Dutch system under the articles 7 and 8
Copyright Act, can be kept.
Except in those cases in the film sector
where only a rebuttable presumption of
transfer of rights may be allowed
Except in cases of private home copying
and probably also reprographic rights,
where authors have to keep their fair
compensation claims in all
circumstances.

IV. The future
influence of
European
copyright law

COMMISSION
Communication of 24 May 2011
A Single Market for Intellectual Property
rights
“Blueprint” for an Intellectual
Property Strategy 2011-2014
“Revamping” Intellectual Property Rights in the European Union

European Copyright
Code?
Commission??
-Communication of 24 May 2011
on « A single Market for IPR », COM (2011) 287
-Green Paper of 13 July 2011 on the online
distribution of audiovisual works,
COM (2011) 427
-Commission Staff Working Document
of 11 January 2012, SEC(2011) 1641

The European Copyright Code
from theWittem Project
Included
Subject matter (Chapter 1),
Authorship and ownership (Chapter 2)
Moral rights (Chapter 3)
Economic rights (Chapter 4)
Limitations (Chapter 5)
Authorship always vests in the natural person who created the work.
Assignments require a written form.
Assignments and exclusive licences will be subject to a purpose transfer rule.
Unless otherwise agreed, economic rights in a work created by an employee are deemed to be assigned to the employer.
In the case of commissioned works the author retains the right, but, unless otherwise agreed, the commissioner can use it to the extent necessary to achieve the purposes for which the commission was evidently made.