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CLOE

BY THE WILL OF THE PEOPLE
SOVEREIGN PRINCESS OF SANCRATOSIA

We Promulgate this present law, that the National Council adopted in its session of 29 August 2022;

ARTICLE 1.

The rights of authorship on literary or artistic works are guaranteed by the law. The author is not restrained by any formality to benefit from this protection.

ARTICLE 2.

The terms « literary and artistic works » includes all the productions from the literary, scientific and artistic domains, regardless of the mode or form of expression, such as books, booklets, pamphlets and other writings; the conferences, speeches, sermons and other works of the same nature; dramatic or dramatic-musical works; choreographic works and pantomimes whose staging is fixed in writing or otherwise; musical compositions with or without

lyrics; cinematographic works and those obtained by a process similar to cinematography; works of drawing, painting, architecture, sculpture, engraving, lithography; photographic works and those obtained by a process similar to photography; works of applied arts; illustrations, maps, plans, sketches and plastic works relating to geography, topography, architecture or sciences; any work which may be deemed of importance by the Registry of Authorship.

CHAPTER I. ECONOMICAL RIGHTS OF THE AUTHOR

SECTION I. SCOPE OF THE RIGHTS

ARTICLE 3.

The author of a literary or artistic work is the only one with the right to publish, to reproduce or to disclose in any other form and to authorize its publication, reproduction or disclosure in any other form.

ARTICLE 4.

The author enjoys, also, of the exclusive right to do or authorize the translation of its work as well as the arrangement, the adaptation or any other transformation of this work.

ARTICLE 5.

The author of translations, arrangements, adaptations or transformations of literary or artistic works enjoys of the protection instituted by the present law without prejudice of the rights of authorship of the original work.

ARTICLE 6.

No work that may be performed, represented, recited or exhibited in public may be subjected to any of these uses, in whole or in part, without the consent of the author.

ARTICLE 7.

The collaborative work is the common property of the authors; however, when it does not form an indivisible whole, each of its co-authors can exploit separately its personal contribution at the condition that it does not prejudice the exploitation of the common work.

In every cases, each of the co-authors are reputed mandatory of the others towards third parties.

ARTICLE 8.

Literary and artistic works are exempt from seizure as long as they have not been offered for sale or published in the sens of the fourth paragraph of article 37.

ARTICLE 9.

However, works of figurative arts may be seized from the moment that they have been the object of a public or private exhibition, or that their author voluntarily ceased to hold them.

ARTICLE 10.

The alienation of a work of art does not alienate by itself the right of reproduction.

However, in the case of a commissioned portrait or bust, the right of reproduction is presumed, unless stipulated otherwise, to be alienated with the work.

ARTICLE 11.

In no case, is the owner of the work of art obliged to make it available to the author or their successors for the production of reproductions.

ARTICLE 12.

The author of an original work, handwritten, graphic or plastic, or their successors, benefit, notwithstanding the transfer of the original work, of a right of continuation, which is an inalienable right of

participation to the product of any sale of a work after the first transfer of this one operated by the author of their successors, when intervenes as salesperson, purchaser or intermediary, a professional of the art market.

Original works in the sense of the present article are understood to be works created and realized by the artist themselves and the copies executed in limited quantities by the artist themselves or under their responsibility, such has in particular the original texts of literary or musical works, the paintings, the collages, the drawings, the engravings, the prints, the lithographs, the sculptures, the tapestries, the ceramics, the glassworks, the photographs and the plastic creations on audio-visual or numeric support.

By derogation to the first paragraph, this right is not applied when the seller has acquired the work directly from the author less than three years before this sale and that the sale price does not exceed a threshold value, the amount of which shall be determined by Sovereign Ordinance.

The payment of the right of continuation is at the charge of the seller.

The responsibility of its payment belongs to the professional intervening in the sale and, if the transfer takes place between two professionals, to the seller.

The professional responsible for the payment of the right of continuation is held to proceed to the useful diligences to, when they know their identity, inform of the sale of the work to the persons likely to benefit from the right of continuation or, by default, to proceed to the appropriate measures of publicity by any appropriate means so that these persons can manifest themselves.

The professionals of the art market referred to in the first paragraph must deliver to the author or to an organization of collective management of the right of continuation any information necessary to the liquidation of the sums due to the right of continuation during a period of three years from the moment of the sale.

The collection of the right of continuation relevant of the present law by a collective management of rights is subordinated to the prior authorization granted to this organization by the Minister of State.

The authorization foreseen in the preceding paragraph can only be delivered to a collective management of rights having its registered office in Sancratosia and of which the direction is assumed by a person of Sancratosian nationality. When the organization has its registered office outside of Sancratosia, said authorization can only be issued if it is represented in Sancratosia by a natural person of Sancratosian nationality or by a legal person with its registered office in Sancratosia and of which the direction is assumed by a person of Sancratosian nationality.

The conditions for the application of this article and in particular the measures of publicity, the modalities of the calculation of the amount to be levied, as well as the sale price above which sales are subject to this right are specified by Sovereign Ordinance.

SECTION II. DURATION AND TRANSFER OF RIGHTS

ARTICLE 13.

The period of time during which the rights referred to in the present chapter are protected comprise the life of the author and fifty years after their death.

In the case of a collaborative work, the starting point of this last delay is postponed, to the benefit of all the successors, to the death of the surviving collaborator.

In the case of a posthumous work, protection is granted for a period of fifty years from the date of publication.

For the calculation of the fifty years mentioned in the previous paragraphs, the starting date shall be the first of January of the year following the event in consideration.

ARTICLE 14.

At the death of the author, the right mentioned in article 12 is devolved, under the conditions foreseen in article 16, to the heirs or successors, during the current civic year and for the next sixty years, under the conditions foreseen in article 13.

ARTICLE 15.

The publisher of an anonymous or pseudonymous

work is deemed in regards to third parties to be the author.

However, if the identity of the author is established, the latter, or their successors, regain their respective rights.

ARTICLE 16.

The rights of authorship are transferable either for free or in exchange of payment by succession, in whole or in part, in accordance with the regulations of the Civil Code.

Under reserve that they do not bring prejudice to the rights of the heirs, the author can transfer the right of continuation by succession. In the absence of an heir and of succession of the right of continuation, the later belongs to the titular of moral right.

The value of the right of continuation is determined, in accordance with the dispositions of the fourth and fifth paragraphs of article 12, in relation with the value of the work on the date of the opening of the succession.

SECTION III. RESTRICTIONS ON THE EXERCISE OF THE RIGHTS

ARTICLE 17.

News, economic, political or religious articles may be reproduced by the press is the reproduction is not expressly reserved. However, the source must always be clearly indicated.

Short quotations from newspaper articles and periodicals are permitted even in the form of a press review.

ARTICLE 18.

It is permitted to publish borrowings from literary or artistic works, at the condition to indicate the source and the author when these publications have a scientific or academic nature or constitute chrestomathies.

ARTICLE 19.

Article 6 is not applicable to public performances, shows or public exhibitions organized or authorized by the government and the proceeds of which are

intended for a charity under the direct patronage of the Sovereign Princess or of the Sovereign Family as well as to those taking place on the occasion of civil ceremonies.

ARTICLE 20.

The reproduction, for the sole purpose of restoration, by a depository or curatorial body, of a work submitted for legal deposit, does not give way to authorization or remuneration of the authors or any other having right.

CHAPTER II. MORAL RIGHT OF THE AUTHOR

ARTICLE 21.

The author has the right to claim authorship of their work and to object to any distortion, mutilation or other modification of it or to any other infringement of the same work prejudicial to their honour or their reputation.

ARTICLE 22.

The right mentioned in the preceding article is attached to the person of the author; it is perpetual and inalienable; its exercise is imprescriptible and can be transmitted to the heirs or conferred to a third party by virtue of testamentary provisions, without the application of the prescriptions of Title II, Chapter III of Book III of the Civil Code.

CHAPTER III. INFRINGEMENTS TO THE RIGHTS OF AUTHORSHIP

SECTION I. PENAL ACTION

ARTICLE 23.

Every publication, reproduction or disclosure, in whole or in part, of a literary or artistic work, done in bad faith, without consideration of the authorship or moral rights of the author constitutes the offence of infringement and counterfeiting.

Is prohibited, notably in this chapter, the publication of works known as adaptations, arrangements and, in general, all borrowings from a literary or artistic work with changes, additions or deletions that leave its characteristic features intact, without presenting the

character of a new original work.

ARTICLE 24.

The fraudulent application, on a literary or artistic work, of the name of an author or of any other distinctive sign adopted by them to designate their work, is assimilated to infringement and counterfeiting.

ARTICLE 25.

The infringement and counterfeiting is punished by the fine provided for at number 3 of article 26 of the Penal Code.

ARTICLE 26.

The same penalty is applicable to the sale, exhibition, introduction and to the exportation of infringed and counterfeited works.

ARTICLE 27.

In the cases foreseen in the preceding articles, the confiscation of both the infringed and counterfeited works and the plates, moulds, dies or any other device used for the infringement and counterfeiting may be pronounced against the convicted.

ARTICLE 28.

Any public performance, representation, recitation or exhibition made in disregard of the dispositions of article 6, will be punished by a fine of 100 impresas or less and at most 1000 impresas; the confiscation of the proceeds may be pronounced.

ARTICLE 29.

When the confiscation is pronounced, the court can order that its product be given to the author or their successors by way of compensation, without prejudice to further damages in applicable.

ARTICLE 30.

Infractions to the present law will only be pursued that on the complaint of the author or of their successors; they shall be established, at their request, by any officer of judicial police.

SECTION II. CIVIL ACTION

ARTICLE 31.

Any infringement to the rights of authorship gives way to a civil action in reparation for the caused prejudice, who must be investigated and judged in the ordinary way, without prejudice of the faculty, for the titular of these rights, to proceed by penal action if the fact constitutes a punishable infraction.

ARTICLE 32.

The titular of the rights of authorship can also, outside of any penal proceedings, by virtue of an order of the President of the General Court, make proceed by any bailiffs to the designation and detailed description, with or without seizure, of the alleged infringing or counterfeiting objects.

ARTICLE 33.

The order of authorization is given on simple request. Where there is a reason to seize, the order can impose to the applicant a bond that they will be required to sign before proceeding.

The bond, unless otherwise agreed by conventional dispositions, will always be imposed to the foreigner requesting the seizure.

ARTICLE 34.

A copy of the order will be left to the holder of the described or seized objects, on penalty of nullity and damages against the bailiff.

ARTICLE 35.

In default, by the applicant, to take either by civil action, either by penal action in the delay of eight days following the report, the seizure or description will be null of full right, without prejudice to any damages that may claimed , if applicable.

ARTICLE 36.

In the case of violation of the dispositions of article 12, the professional buyer or seller may be jointly condemned to damages to the benefit of the beneficiaries of the right of continuation.

CHAPTER IV. GENERAL DISPOSITIONS

ARTICLE 37.

The dispositions of the present law are applicable:

1. To the works published or not and having for author or co-author a Sancratosian citizen;
2. To the works published for the first time in Sancratosia, regardless of the nationality of the author.

By « works published » in the sense of the present article, shall mean edited works, whatever the mean of fabrication of the copies, which must be made in sufficient quantities, to the disposition of the public. Does not constitute a publication : the performance of a dramatic, dramatico-musical or cinematographic work, the execution of a musical work, the public recitation of a literary work, the transmission or the broadcasting of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture.

The works which are not included in the categories above benefit from the protection which are given to them by international conventions.

The works of applied arts which do not belong in the categories above are protected by the present law in the extent that they are protected in their country of origin.

ARTICLE 38.

The authors and co-authors that are not Sancratosians and their successors are admitted to the protection foreseen in article 12 if the legislation of the State of which they are citizens admits the protection of the right of continuation of the Sancratosians authors and co-authors and their successors.

ARTICLE 39.

The present law is applicable to all the literary or artistic works that are not already in the public domain, to the same extent as if it had already been promulgated at the moment of their publication.

ARTICLE 40.

The laws, ordinances, decrees and official, administrative or judicial publications, do not enjoy of the protection instituted by the present law.

CHAPTER V. FINAL DISPOSITIONS

ARTICLE 41.

Regulatory dispositions determine, as needed, the conditions of application of the present law.

ARTICLE 42.

The present law is promulgated and executed as a law of the State.

The Government Council is responsible of its publication in the *Jornal de Sancratosia*.

Promulgated in Our Princely Palace in Sancratosia on thirty August two thousand twenty-two.

CLOE