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**AUTHORSHIP**

**&**

**OWNERSHIP**

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- 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

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**I. The current status  
of Dutch copyright  
law**

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**Benelux trademark rights**

deemed to belong to the company,

even in cases where the sign was developed by an employee

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**Benelux design rights**

vested in the **employer** or the **commissioning party**,

Even when combined with a **copyright** in the design

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**II. The future status of Dutch copyright law**

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**Dutch Parliament:  
Proposal  
on copyright  
contracts,  
19. June 2012**

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

**BUT**

**NOT for articles 7 and 8**

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**III. The current  
influence of  
European  
copyright law**

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



**“Right holders”,  
including legal persons**

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**Employed authors  
or commissioned  
works ?**

**No general European solution**

**Software directive  
Unless otherwise agreed  
Economic rights  
exclusively exercised by  
Employer**

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**LUKSAN 9.2.2012**

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**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**

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## 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.**

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## IV. The future influence of European copyright law

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## 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



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## 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

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## The European Copyright Code from the Wittem Project

### *Included*

- Subject matter (Chapter 1),
- Authorship and ownership (Chapter 2)**
- Moral rights (Chapter 3)
- Economic rights (Chapter 4)
- Limitations (Chapter 5)

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**A**uthorship 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.

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