Acta Univ. Sapientiae, Legal Studies, **6**, 1 (2017) 79–92

Some Remarks on the History of the Legal Protection of Intellectual Property in Europe with Special View to the Regulation in Hungary

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Abstract. Hungarian regulation of the field of law of intellectual works, basic codices go back to the 19th century. Given the peculiarities of historical development, modern codification efforts evolved with a delay in the Age of Reforms; with respect to copyright, the Bills related to Bertalan Szemere are worth mentioning. After the suppression of the 1848–49 War of Independence and the 1867 Compromise, basically, Austrian laws were applied. Around the middle of the 19th c., however, literary, scientific, and political life in our country flourished, strongly helped by reproduction, by which Hungarian thoughts could be delivered to more and more people desiring changes. Simultaneously with progress, complaints were received on abuses of author's rights. Increasing needs of life and enhancing circulation of intellectual goods as well as politics aimed at liberating the press brought along a more independent development of authors' rights. In Hungary, in the beginning, as a result of state–law relation, the development of authors' rights was similar to the process in Austria, and then, upon termination of this connection, it went through an independent progress. The consequences of the Second World War, the evolution of the centrally controlled socialist economic/social system emphasized this requirement all the more. Even at that time, this branch of law preserved its main traditional features, owing, not least, to several decades' long memberships in international agreements. The field of law of intellectual works shows permanent progress – without injury to essential principles. Just as in the phase of its evolution, in the appearance of tendencies of modern development, changes in economic circumstances and technical conditions represent the key driving force. General features of historical development are reflected by the progress made in this field of law in Hungary too.

Keywords: copyright law, intellectual property, Hungarian legal history

I. Copyright Law in the National Codifications of the Modern Age

Although as early as in Roman law there were contracts that were entered into between the author and booksellers on multiplication of literary works and under which publisher's rights were protected by the trader's business habits, these transactions were not provided with legal protection because legal sources do not mention the right of multiplying authors' works, and there was no action at law by which a possible claim could have been enforced.[1] The privileges provided by rulers or other superior authorities for merely certain individuals appeared as the first legal sources, which 'were granted to the author or the publisher and in earlier times exclusively and usually to the publisher only'.[2] As we can see, action could be taken against reprints, impressions through privileges granted solely in individual cases: the point of these privileges was that the publisher – for example, subject to the prince's right of supervision – obtained right to printing and publishing of books under 'monopoly'. For lack of rule of law, it was determined in charters what works the privilege applied to, what the content of the legal relation between the publisher and the author was, and what its limitations in time were. Two great types of patents can be distinguished. One of them ensured printing of books in general for the person obtaining charter and simultaneously barred everybody else from this activity, whereas the other type made it possible to print particular books while excluding everybody else. In this respect, Hungary was not lagging behind considerably since, for example, in 1584, the College of Nagyszombat obtained the exclusive right of publishing *Corpus Iuris Hungarici*, being aware of the clause set out in the charter that impression and unauthorized sale by other persons shall be punished by ten golden marks.[3] In the Middle Ages, guild rules provided some collective protection with respect to product markings on the grounds of charters; from the 15th c., more and more privileges were issued, primarily in England, Switzerland, and city-states of North Italy. This regulation aimed at the legal protection of the user, i.e. printer-publisher, rather than that of the author, although privileges granted to the author can be also found in records.

Privileges were replaced by regulation at the level of law effective for the entire country rather slowly in Western Europe too.[4] First, such a statute was adopted in England in 1709; the real wave of enacting laws started from the end of the 18th century only. Laws were usually determined by aspects of prevailing state and

1 Visky 1977. 5, Lendvai 2008. 57–79.
2 Knorr 1890. V.
3 Senkei-Kis 2007. 322–331.
4 On Romanian copyright law, see, among others, Bodoaşcă 2006, Dănilă 2005, Eminescu 1994, Macovei 2005, and Roş 2001.

economy policy and definitely showed the traces of the system of privileges. After several Austrian decrees and Hungarian attempts at making laws in the late 18th c., the Hungarian national assembly passed a law on this subject in 1884 only.

The 1709 statute of Ann Stuart (1702–1714) and the judicial practice that evolved from it can be considered a scheme that broke through the feudal model and arrived at the concept of copyright law in the modern sense.[5] It can be established that codification with regard to intellectual properties reached consistent solutions that suited the capitalist economic system in countries where social/political transformation was also radical; so happened in France and the United States of America, which can be considered the model of consistent bourgeois revolution.

During the 19th c. in Europe, codification of copyright and patent law in the modern sense evolved, consistently enforcing civil law approach and development of exclusive rights to intellectual property. The capitalist legal system consistently acknowledged the authors' rights, protection of works; this protection, however, as a result of the principle of formal equality before the law, continued to leave authors economically exposed to users in stronger economic position. In copyright law, guarantee rules protecting the weaker contracting party, i.e. the author, had developed only by the 60s and 70s in the 20th c.

The ancestor of every copyright law is the *Copyright Act of 1709* of the Protestant Ann Stuart (*Statute of Ann*), which ended the monopoly of the *Stationers Company* and provided for exercise of censorship. It set forth that on the copies of a work published for the first time subject to entering it into proper register exclusive right would be created in favour of the author or the person to whom he transferred this right. After fourteen years had elapsed, the transferred right reverted to the author, who could transfer it to another person for fourteen years again. After a total of twenty-eight years had passed, the *copyright* terminated. When Bertalan Szemere started to prepare his bill, as we shall see, a regulation adopted in England in 1842 extended this protection merely to the expiry of seven years following the author's death and to forty-two years (i.e. three times fourteen years) from the date the book was published.

The twice fourteen-year term of protection included in the pan-federal copyright law passed in 1790 in the United States of America following Ann Stuart's lead was raised in 1831 to twice twenty-eight years from the first edition, making renewal for the second period subject to compliance with determined scope of persons and new registration.[6] In the United States, as early as in the beginning of the 19th c., under pain of forfeiture of right, it was required that each reproduced copy should contain a 'copyright' mark showing the year of the first edition; this made it possible to calculate the duration of the term of

5 Lontai 1994. 9ff.

6 Senkei-Kis 2007. 326, Petkó 2002. 23–27.

protection everybody was expected to meet and substituted publication in the official *Gazette* read by only a few people. It was not long ago that this generally known requirement terminated, more specifically after the accession of the US to the Berne Union in 1989.

In France, revolutionary decrees on theatre performances adopted in 1791 and on ownership rights of authors, composers, painters, and draughtsmen in 1793 provided for the exclusive and transferable 'most sacred author's ownership' for five and ten years respectively following the author's death, and it was the users and not the authors of relevant works who benefited from it. In 1810, the term of protection was extended to twenty years from the author's death.

On German territories, in the shadow of Roman law, authors' and publishers' rights were interpreted theoretically. In 1734, Böhmer asserted that by purchasing the manuscript its ownership would devolve to the publisher 'cum omni iure' – including the right of publishing. In 1785, Kant stated that the author was entitled to an inalienable and most personal right (*ius personalissimum*) on his work, and he could be addressed even in the form of publishing only with his permit.[7] In 1793, Fichte distinguished between the thoughts communicated in the work, casting these thoughts into an expounded work and the book embodying the work: the thoughts constitute public domain, the work is the author's inalienable property, and the publisher is entitled to rights on reproduced copies. The ownership concept was reinforced at the beginning of the 19th c. by Schopenhauer and Hegel. In his lectures published in 1820, Schopenhauer expounded that actual property is that which can be taken away from a person only unlawfully, and the property that he can protect ultimately can be what he had worked on. Hegel made it clear that the person who obtains a copy of a work will be its unrestricted owner; however, the author of the writing will remain the owner of the right to reproduce the intellectual property.

Against the backdrop of such theoretical arguments and on the basis of increasingly prevailing natural law, the makers of the Prussian *Allgemeines Landrecht* of 1794 deemed it unnecessary to establish copyright; instead, they set out publisher's right in section 996 of the Code, stipulating that as a general rule a bookseller shall obtain publishing rights only on the grounds of written contract entered into with the author. Given this concept, the issue of protection did not even emerge. In Prussia, copyright law was created only on 11 June 1837: it was at that time when with the assistance of Savigny they made law on the protection of rights on scientific works and works of art against reprints and remaking. This law provided for protection of author's property for thirty years from the author's death.

In the same year, the *Deutscher Bund* quite modestly resolved that member states should acknowledge the author's right, at least for ten years, that a work

7 Senkei-Kis 2007. 323, Petkó 2002. 24.

published by a publisher indicated in it should not be reprinted without their permit. What we have here is mostly a rule of protecting publishers. In 1830, Russian legislation stipulated that the term of protection was twenty-five years. It is worth adding that when Szemere's proposal was completed in 1844, Bavaria, for example, had not had a copyright law yet; it was made in 1865 only. However, at that time, no copyright law was in force in Switzerland either, where the Contract Law Act regulated publisher's transactions in 1881 only; a pan-federal copyright law was first made in 1883. Even in Austria, the copyright patent entered into force only on 19 October 1846; since 1775, an imperial decree against reprints had been in force merely for the eternal provinces. So, the Austrian *Allgemeines Bürgerliches Gesetzbuch* of 1811 regulated copyright only *filius ante patrem*.

The third step was constituted by international agreements and treaties once it had been realized that necessity of protection crosses borders. The signatories of such bilateral or multilateral international agreements developed their internal regulations so that they should comply with the content of the agreement as much as possible. Hungary entered into such an agreement first with the Austrians in 1887, which provided for mutual protection of authors' rights in literary and artistic works. Furthermore, in the 19th century, similar state agreements were entered into with Italy (1890), Great Britain (1893), and Germany (1899). From among multilateral international agreements, the Berne Union Convention should be highlighted, which was entered into in 1886; however, Hungary became its member only in 1922 – for that matter, this fact also contributed to making Act LIV of 1921, that is, the second copyright law.

Looking at these three forms, it should be seen that they move from the individual to the general. Privileges were issued by rulers, yet to single persons only, to print books – usually one –, simultaneously barring everybody else from this activity.[8] Subsequently, this could provide opportunity to enforce claims only against those who belonged to the jurisdiction of cities (city-states). Later on, laws focused on authors and, as part of that, provided every author with protection of rights and threatened with penalty everybody else who committed abuse on the territory of the country. International agreements determined the frameworks of copyright protection in the most general terms under which foreign works were also protected; however, actual substantive and procedural rules were contained always in national legislations. With respect to the subject of copyright protection, i.e. protected works, it can be stated that – albeit in the beginning they prohibited reprints of writers works – as technology developed protection of performances and works of art followed it at an increasing speed.

8 Senkei-Kis 2007. 324, Petkó 2002. 25f.

II. The First International Copyright Treaties

As international copyright laws applied to the territory of the issuing country only, they did not provide protection for foreign authors. Fundamental principles of mutuality between countries were set out first by the Berne Convention in 1886. Contrary to that, Emil Szalai writes that mutuality is not contained even at the level of reference in the text of the Convention.[9] The document clarified basic principles of copyright and summed up the principles of settlement of disputed international issues; however, it left the specification of details to the laws of the countries of the Union. This basic document inspired several international requirements, agreements made later. Three types of these international agreements can be distinguished: universal, regional, and bilateral agreements.

The highest level acknowledgement of copyright is set forth in Section 27 (2) of the United Nations General Assembly Declaration on Human Rights of 1948, which determines copyright as 'a fundamental right'. This tacit statement, however, is sufficient for this entitlement to be respected practically by all the states of the world. Universal agreements are more practical than that and determine basic institutions of copyright usually as a framework rule. Agreements are mostly aimed at ensuring that the author should get at least basic-level protection in each country, from which specific ratifying countries can deviate maximum within the frameworks determined by the agreement. One of these basic rules is, for example, term of protection, which was determined at fifty years from the death of the right owner.

The first copyright meeting was held in 1858 in Brussels; the international regulation of copyright was discussed here for the first time. Chaired by Victor Hugo, the *Association Littéraire Internationale* was founded in 1878 already, which provided framework for consultations of writers, artists, and publishers in every second year until the First World War. From among them, the Rome meeting in 1882 is an outstanding event, where on the proposal of Paul Schmidt (secretary general of *Börsenverein der deutschen Buchhändler*) an international meeting was convened in Berne to set up a copyright law union, and the Federal Council of Switzerland was requested to provide administration of the process.[10] The meeting was held in September 1883; in the following year, the subject was discussed already at a diplomatic conference where Hungary represented itself officially – for the first and last time. After the 1885 conference, the year 1886 saw the founding of the Union: nine countries – England, Belgium, France, Germany, Spain, Switzerland, Sweden, Tunisia, and Haiti – signed the first Union document together with the supplementary article and final protocol of Berne, all of which entered into force on 5 December 1887. The Convention provided for

9 Szalai 1922. 8f.
10 Kohler 1907.

further meetings too, of which it is necessary to mention the 1896 meeting in Paris ('additional document of Paris' and its supplementary statement) and the 1906 Berlin meeting, where codification of the right of the Union was formulated as a goal. As a result of that, 'the modified Berne Convention for the Protection of Literary and Artistic Works' was created – this is the *corpus iuris* of the Union, together with the 20 March 1914 supplement. Hungary (together with fourteen countries) acceded to both of them without reservations. Member states of the Union in 1922 were as follows: Austria, Belgium, Bulgaria, Czechoslovakia, Denmark (including the Faroe Islands), France (Algeria and colonies), Greece, Haiti, Japan, Poland, Liberia, Luxembourg, Hungary, Morocco (except for the Spanish zone), Monaco, Great Britain (including its colonies and several protectorates), the Netherlands (including Dutch India, Dutch Antilles/Curacao and Suriname), Germany (including its protectorates), Norway, Italy, Spain (with its colonies), Portugal (with its colonies), Switzerland, Sweden, and Tunisia.[11]

Although the text of the Convention adopted in Berlin is authoritative, contrary to the principle of *lex posterior derogat legi priori*, member states may proceed against each other, against countries outside the Union and newly accessing countries against the rest of the countries on the grounds of earlier provisions. It should be added that acceding countries are obliged to accept the Berlin modifications, while specifying parts of earlier documents intended to be applied. Deviation from the Berlin Convention is allowed with respect to term of protection, protection of works of applied arts, etc.; consequently, the Union did not have a uniform legal source.

The Convention is divided into three parts: the organization of the Union, substantive law of the Union (relation of the members of the Union to each other and cogent copyright rules within the frameworks of the Union), and the administration of the Union. Its coercive force and system of sanctions, mutuality are not even mentioned in it. Based on that, we can declare that the Convention is *lex imperfecta*, its application is based on solidarity, that is, each member state presumes that in the event that it complies with the provisions of the Convention the rest of the countries will also do so.

Hungary was obliged by Section 222 of Act XXXIII of 1922 (on ratifying the Trianon Peace Treaty) to accede to the Berne Union within twelve months, which had been *defacto* in progress since 1913. The relevant bill was made, but the outbreak of the First World War prevented the law from being enacted; what is more, the chaotic inland and international conditions after the world war made it definitely impossible to submit the bill to legislature. Eventually, the bill was submitted to the legislature in 1921, approved by the National Assembly on 23 December 1921, and sanctioned on 25 February 1922 (after Hungary had acceded to the Union). Hungary announced accession to the government of the Swiss

11 Szalai 1922. 14ff.

Confederation on 14 February 1922. In our country, the law providing for the above was published in the 4 February 1922 issue of the National Statute Book under the title Act XIII of 1922 'on Accession of Hungary to the International Berne Union Founded for Protection of Literary and Artistic Works'.

The Berne Convention of 9 September 1886 for the Protection of Literary and Artistic Works set forth some fundamental principles (minimum standards of protection) that efficiently help universal protection of authors' works.[12] These fundamental principles are as follows: a) principle of national treatment under which a country extends the same protection to foreigners that it accords to its own authors, b) principle of automatic protection without any required formalities, and c) principle of independent protection (a foreign artist will be provided with protection complying with domestic rules of law even if his work is not under protection in the country of origin). It sets forth the concept of work, definition of the copyright owner, the author's minimum moral and economic rights. The Convention was originally signed by ten countries – today, more than one hundred and fifty countries have adopted it. It has been revised on seven occasions: in Paris (1896), Berlin (1908), Berne (1914), Rome (1928), Brussels (1948), Stockholm (1967), and Paris (1971). Hungary acceded to the Berne Convention in 1922. Hungarian legislature included the text of the Convention revised on 24 July 1971 in Paris into Hungarian legal order by Decree-Law No 4 of 1975.

The Universal Copyright Convention signed on 6 September 1952 was made under the auspices of the UN; its necessity was justified by political reasons. Its essence is the protection of copyright without any required formalities for foreigners. Promulgation of its text revised on 24 July 1971 in Paris was provided in our country by Decree-Law No 3 of 1975.

The 1961 Rome Convention is for the protection of performers, producers of phonograms, and broadcasting organizations. In Hungary, it was implemented by Act XLIV of 1998. The Geneva Convention made on 29 October 1971 – for the Protection of Producers of Phonograms against Unauthorized Duplication of Their Phonograms – was promulgated in Hungary by Law-Decree No 18 of 1975. The *Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)*, constituting Annex 'I. C' of the Marrakech Treaty, which set up the World Trade Organization, promulgated by Act IX of 1998, provided for enforcement of rights based on reciprocity of form and the greatest allowance and for settlement of disputes between states.

They are differentiated from universal treaties by the number and geographical location of the ratifying countries. The most important ones for Hungarian legislature are the Treaty of Rome founding the European Economic Community and the directives affecting copyright adopted by the European Union recently. Directive 91/250/EEC on the legal protection of computer programs by copyright

12 Szalai op. cit. 34f.

determines the concept of software, the right owners, their economic rights, and special limitations of rights. Directive 92/100/EEC on rental right and lending right and on certain rights related to copyright in the field of intellectual property creates a 'rental and lending right' as part of copyright protection and sets out minimum standards of protection for the related rights of performers, phonogram, and film producers and broadcasting organizations. Directive 93/98/EEC harmonizing the term of protection of copyright and certain related rights ensures that there is a single duration for copyright and related rights across the entire European Union, increases the duration of protection, and provides for protection of works from the death of the author. Directive 96/9/EC concerns the legal protection of databases and their special limitations.

As part of the European Union integration process, one of the tasks of Hungarian legislation is to develop proper legal environment for the Union law, paying special regard to Union directives. Based on that, it can be declared that these directives are present as a quasi-norm in Hungarian law, although they do not have direct effect; therefore, they bind the lawmaker but do not bind law enforcers.

In Article 65 of the Europe Agreement promulgated by Act I of 1994, Hungary assumes obligation to provide protection of an extent similar to the protection that prevails in the Community, within five years from signing the Agreement, which Hungary has completed, among others, by making the new copyright law. Regarding the European Union, it needs to be added that drafts, proposals, and other preparatory documents, which constitute parts of the Union law-making process but have no binding force, represent important guidance for Hungarian legislation. They include, for example, the White Paper, whose annex deals with copyright protection or the Green Paper published by the European Commission in June 1995 entitled 'Copyright and Related Rights in the Information Society'. The most recent directive is the EU directive on copyright adopted by the European Parliament on 14 February 2001.

Although universal and regional agreements profoundly regulate copyright, the framework regulation is to be filled and specific procedural issues are to be regulated mostly by the legislature of specific states. So, bilateral agreements do not play a significant part, they have political or diplomatic significance; see, for example, the international agreement 26/1993 ('Agreement between the Government of the Republic of Hungary and the Government of the United States of America on Intellectual Property'). In harmony with its title, Article II of the Agreement extensively deals with protection of copyright and related rights; however, the greatest emphasis is given to protection of phonograms and computer programs, which obliges Hungary to implement legal harmonization.

Operation, harmonization, and organization frameworks of international conventions on copyright have been provided primarily by the World Intellectual

Property Organization (WIPO) of the UN since 1970 in co-operation with the UNESCO. Its task is, in addition to administration, to advance creative intellectual activity and further transfer of technologies to underdeveloped countries. The World Trade Organization, as the entity to manage the TRIPS Agreements, co-operates with WIPO in certain implementation issues.

III. Attempts at Creating and Reforming Legal Protection of Intellectual Property in Hungarian Jurisprudence

Given the peculiarities of historical development, modern codification efforts evolved with a delay in the Age of Reforms in the eighteen-thirties; with respect to copyright, the Bills related to Ferenc Toldy[13] and Bertalan Szemere are worth mentioning.[14] After the suppression of the War of Independence (1849) and the Compromise (1867), basically, Austrian laws were applied.

In the Central-Eastern European countries after the Second World War, intellectual property rights bore certain traces of central economic administration, foreign exchange management, income regulation, and censorship. To different extent and for different reasons from country to country, this branch of law nevertheless preserved its main traditional features owing, not least, to several decades' long membership in international agreements. The legal field of intellectual property shows continuous progress without injuring essential principles. Just as in the phase of its evolution, in the appearance of modern development tendencies, economic circumstances and technological conditions constitute the key driving forces. General features of historical development are reflected by the progress made in this legal field in Hungary too.

Centuries long traditions of Hungarian copyright law, experience of domestic legal development cannot be ignored in working out the new regulation. Enforcement of international legal unification and European legal harmonization requirements do not exclude respecting domestic copyright law traditions at all – they make it definitely necessary to organically integrate regulation harmonized with international conventions and European Community directives into Hungarian legal system and legal development; therefore, we must not put aside the assets of our copyright law in order to fulfil our legal harmonization obligations. What Hungarian copyright law needs is reforms: renewal that maintains continuity of domestic regulation by exceeding former regulation while preserving the values achieved so far.

13 Toldy 1838. 705–717, Toldy 1840. 157–237.
14 Balogh 1991. 149–172, Boytha 1994. 42–58.

The history of Hungarian copyright law is characterized both by successful and unsuccessful attempts at codification, although aborted bills failed due to changes in historical circumstances rather than the standard of proposals.

The Bill submitted by Bertalan Szemere to the National Assembly in 1844 was not enacted for lack of royal sanctioning. Following the age of imperial patents and decrees, after the Compromise (1867), the Society of Hungarian Writers and Artists put forth again an unsuccessful motion for regulation; however, the Commercial Code, Act XXXVII of 1875 devoted a separate chapter to the regulation of publishing transactions.

The first Hungarian copyright law, Act XVI of 1884, was made following László Arany's initiative,[15] upon István Apáthy's motion. The Act implemented modern codification adjusted to bourgeois conditions, setting out from theoretical bases of intellectual property not superseded ever since.[16]

Later re-codification of Hungarian copyright law was required by the need to create internal legal conditions of the accession to the Berne Union Convention. Act LIV of 1921 harmonized our copyright law with the current text of the Convention and adjusted our regulation to the results of technological development.[17]

The development of copyright law of the bourgeois epoch was dominated by the concept of intellectual property, qualifying copyright as proprietary (economic) right similar to property, which was in line with the requirements and needs of market economy and trade. Gradual acknowledgement of authors' moral rights also began; however, protection of these rights did not become the central element of copyright law approach either in theory or in practice. Paradoxically, as a special impact produced by the current ideology, this happened only during the period of planned economy and one-party system.

Our Copyright Act III of 1969 – which is the third one following Act XVI of 1884 and Act LIV of 1921 – was and has remained a noteworthy codification achievement in spite of the fact that it bore the traits of the age when it was made. Due to the economic policy trend prevailing in that period, there was no need to break away from fundamental principles and traditions of copyright; regulation eventually did not distance copyright from its social and economic function. (Fortunately, it was only theory rather than regulation that was imbued with the dogmatic approach arising also from ideological deliberations that worked against the enforcement of the authors' proprietary (economic) interests by overemphasizing the elements of copyright related to personality (moral rights).) Perhaps it was owing to this that Act III of 1969, albeit with several amendments, could keep up for a long while with international legal development and new

15 Arany 1876. 225–257.

16 Kelemen 1869. 305–317, Kenedi 1908, Kováts 1879.

17 Szladits 1906.

achievements of technological progress just as with fundamentally changing political and economic circumstances.

Hungarian copyright law in the late 1970s and early 1980s was in the vanguard of world-wide and European legal development: as one of the first legal systems, our copyright law acknowledged the protection of copyright to computer programs, provided for royalty to be paid on empty cassettes, and settled copyright issues related to so-called cable television operations. Regulation of right to follow (subsequent right) and paying public domain was a huge progress too.[18]

After coming to a sudden standstill, temporarily, in the second half of the 1980s, new significant changes were brought by the period between 1993 and 1998. In terms of actions taken against violation of law, amendment to the Criminal Code of 1993 was of great significance, which qualified the infringement of copyright and related rights a crime (see Section 329/A of the Criminal Code (Btk.) set forth by Section 72 of Act XVII of 1993). Act VII of 1994 on the Amendments to Certain Laws of Industrial Property and Copyright, in accordance with international and legal harmonization requirements, provided for overall re-regulation of the protection of related rights of copyright – i.e. rights that performers, producers of phonograms, and radio and television organizations were entitled to. Furthermore, the Act extended the duration of the protection of author's economic rights from fifty to seventy years from the author's death and the duration of protection of related rights from twenty to fifty years. In addition to that, the Act withdrew the rental and lending of computer programs, copies of motion picture works, and phonogram works from the scope of free use; and it required, in addition to the author's consent, the approval of the producer of phonograms and performers for rental and lending of marketed copies of phonograms. It was also an important progress that the 1994 Amendment to the Copyright Act terminated the statutory licence granted to radio and television for broadcasting works already made public in unchanged form and broadcasting public performances and thereby modernized rules on broadcasting contracts. Act LXXII of 1994 implemented a partial modification of the Act.

Following Constitutional Court resolution 14/1994 (II. 10) AB, instead of a decree in a statute, it regulated the legal institutions of 'right to follow' (*droit de suite*) and 'paying public domain' (*domaine public payant*) – important in terms of fine arts and applied arts. Act I of 1996 on Radio and Television Broadcasting also modified the Copyright Act; furthermore, it contains provisions important in terms of copyright. Govt. Decree Number 146/1996 (IX. 19) as amended on collective copyright and related rights management provided for overall and modern regulation of collective management of copyright and related rights that cannot be exercised individually and determined the transitory provisions related to termination and legal succession of the Copyright Protection Office as central budgetary agency, aimed at maintaining continuity of law enforcement.

18 See also Petrik 1990.

Decree Number 5/1997 (II. 12) MKM on rules of register of societies that perform collective copyright and related rights management was made to implement the Govt. Decree. Decree Number A 19/1996 (XII. 26) MKM raised the maximum duration of publisher contracts to eight years. The amendments implemented by Act XI of 1997 on Protecting Trademarks and Geographical Product Markings and entered into force on 1 July 1997 affected legal consequences that may be applied due to infringement of copyright and measures that may be applied in lawsuits brought due to such violations of law. And, on the grounds of the authorization granted in the new Trademark Act, Govt. Decree Number 128/1997 (VII. 24) on measures that may be applied in customs administration proceedings against infringement of intellectual property rights was adopted. Accelerated legal development in recent years could become complete through overall re-regulation of copyright and related rights.

Act LXXVI of 1999 satisfies these demands while it builds on recently achieved results. The Act is based on several years of preparatory work. The Minister of Justice set up an expert team in 1994 to work out the concept of the new regulation; furthermore, the Minister of Justice invited the World Intellectual Property Organization (WIPO) of the UN to assist in preparing the new copyright act; also, on several occasions, it was possible to have consultations with the experts of the European Commission. Taking the proposals of the expert team into account, by June 1997, the concept of the overall revision of our copyright law had been completed, which was approved by the Government by Govt. Resolution Number 1100/1997 (IX. 30). In accordance with Section 4 of this Government Resolution, the Minister of Justice set up a codification committee to develop the new copyright regulation from the representatives of ministries and bodies with national powers concerned, courts, joint law administration organizations as well as interest representation organizations of right owners, users, and other copyright experts. The draft Bill has been discussed by the Committee both in details and on the whole on several occasions; the content of the proposal reflects the consensus reached in the Committee in every respect.

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