

QUESTIONNAIRE

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

According the German Copyright Act ("Urheberrechtsgesetz"), neither a registration of a work nor any other formality is required as a prerequisite for copyright protection. Provided, that the work meets the standards of protection as defined under Article 2 Urheberrechtsgesetz, the author enjoys protection from the very moment of the creation of the work. Accordingly, there is no authority in Germany, which could issue a copyright certificate.

A registry only exists for protected literary, scientific and artistic works that have been published as anonymous or pseudonymous works, the only purpose of which is to ensure the regular duration of copyright protection. Only in so far the German Patent and Trade Mark Office ("Deutsches Patent- und Markenamt") is a copyright registering/recording body.

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

*Deutsches Patent- und Markenamt
Zweibrückenstr. 12
80331 München
Telefon: +49 89 2195-0
Telefax: +49 89 2195-2221*

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

*E-Mail: post@dpma.de
Homepage: <http://www.dpma.de/>*

4. Is the copyright registry interconnected to any other copyright data system?
No.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

Article 138, Article 66 para. 2 sentence 2 Urheberrechtsgesetz; Verordnung über das Register anonymer und pseudonymer Werke.

6. What kind of copyright works can be registered/recorded?

Only anonymous works or works made under a pseudonym that have been published can be registered (see also the comments on question 1).

Is the registration/recording process different for each type of copyrighted work?
Please describe the differences, if any.

No.

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded?

No.

If yes, is there a different registration/recording process than for works protected by copyright?

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

No.

9. Is there a possibility to record a security interest in the copyright or related right?
If so, what are the legal requirements and effects of such recording?

No.

10. What is the legal effect of registration?

The copyright protection of an anonymous work or a work made under a pseudonym expires 70 years after publication (Article 66 para. 1 Urheberrechtsgesetz). If such a work is registered in the register for anonymous or pseudonymous works the copyright expires 70 years after the death of the creator (Article 66 para.2 Urheberrechtsgesetz).

11. Is copyright registration/recording mandatory or voluntary in the following circumstances?

No.

- (a) Recognition of creation?
- (b) Transfer of rights?
- (c) Initiation of judicial proceedings?
- (d) Other changes in title/ownership (such as leasing)?

Nor.

If your country has a mandatory registration/recording system, please describe any legal consequences for non-compliance.

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

No.

13. What are the requirements for registration?

- (a) What are the mandatory elements of the request for registration/recording?

Name, Date of Birth, date of death (if applicable), pseudonym used (if applicable), title of the work or description if without title, date and way of first publication, the name of the publishing house if published that way.

(b) Does the request need to be submitted in a specific form?

The submission of the registration has to be in writing.

Can the request be submitted by the post?

Yes.

Can the request be submitted electronically?

Yes, by fax.

(c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request?

No.

If so, can it be submitted in digital form?

(d) Is there a registration/recording fee? If so, how much is the registration/recording fee?

Yes. 12 € for the first work, 5 € each for the second to the tenth work, 2 € for any further works.

(e) What is the average time taken to complete the registration/recording process?

No information available.

14. Are foreigners allowed to register/record their creations? *Yes* Are people without legal residence in your country allowed to register/record their creations? *Yes*. Is there a different registration/recording process for domestic as opposed to foreign works or objects of related rights? *No*.

15. Are the files stored in digital form? *No*.

16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? *The criteria of §§ 2, 3 WerkeRegV (Verordnung über das Register anonymer und pseudonymer Werke).*

Is it possible to correct or update relevant information? *Yes*.

17. Does the system have a search facility? *No*.

18. Is it accessible by the public? *Yes*. Is the search facility available online? *No*.

19. Is access granted to the work registered or its copies? *Yes*.

20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded? *No*.

21. Does your country have legislation dealing specifically with “orphan works”, i.e. works in respect of which the right owner can not be identified and/or located (e.g., a

compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation. *No.*

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of “orphan works”? *No information available.*
23. Does the registering/recording body play a relevant role in the legislation or practice dealing with “orphan works”? *The German Patent and Trade Mark Office will be heard.*
24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public? *No.*
25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system? [*Not applicable*]
26. Please provide statistics on following registrations/recordations:
 - (a) Number per statistical period (last five years): *73 works registered*
 - (b) Number per nationality (last five years): *No information available*
 - (c) Number of inquiries/requests for information filed per statistical period (last five years): *No information available*
 - (d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years): *No information available*

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place? *No.*

The following questions are not applicable.