

Bogotá, D.C., February 18, 2011

Messrs.
Executive Committee
ALAI

Dear Sirs:

Through this report we wish to summarise the most relevant facts that took place in the area of Copyright and Related Rights, during the period comprised between September 2010 and February 2011 in Colombia.

Recently, the National Plan of Development, in study at the National Congress, introduces a reform in the copyright national law. In the reform, the law recognizes that the employer will be the owner of the work made for labor relationship, but with some limitations. Before this change, the article 20 of the copyright law only recognized the ownership from the work made for hire, and not from the work made for labor relation.

The text of the amendment is as follows:

In the Works made for a physical or juridical person, as result of a contract of provision of services, or of a contract of work, the author is the original holder of the moral and patrimonial rights; but it is presumed, except agreement to the contrary, that the patrimonial rights over the work has been transferred to the employer or to the person for whom the work was prepared, as it is the case, only in the measure needed by his normal activities at the time of creation of the work. It is required for the application of this presumption, the existence of a written contract. The owner of the copyright may initiate directly or by representation the preservative legal actions against moral rights infringement; only after inform the author of the work to avoid double actions.

Another reform introduces in the new law in study, change the legal formalities for the transfer of the copyright ownership. The formality in actual law imposes notarial intervention; the reform reduces the formality to the simple written contract.

In other matters, the National Copyright Office recently initiate the on line automatic copyright registration of literary works. This is an important development in the administration of the copyright, giving to the citizen the possibility of access to the National Office directly by the Web page.

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