



InterPARES 2 Project

International Research on Permanent Authentic Records in Electronic Systems

Policy Cross-domain

International Moral Rights: Working Document – Moral Rights by Country

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AUSTRALIA

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Copyright Amendment (Moral Rights) Act 2000</p>	<p>Attribution The right of attribution requires the creator be attributed whenever: The right of attribution requires the creator be attributed whenever:</p> <ul style="list-style-type: none"> • a literary, dramatic or musical work is reproduced, published, performed transmitted or adapted; • an artistic work is reproduced, published, exhibited or transmitted; or • a film copied, exhibited or transmitted. <p>Integrity The right of integrity is infringed if the work or film is subjected to derogatory treatment, which is prejudicial to the author's honor or reputation. Derogatory treatment is the:</p> <ul style="list-style-type: none"> • material distortion, mutilation or alteration of a literary, dramatic or musical work; • material distortion, destruction, mutilation or alteration of an artistic work or building, or the exhibiting of the work in a derogatory manner or place; • material distortion, mutilation or alteration of a film; or • the doing of anything in relation to a work or film that is prejudicial to the creator or film maker's honor or reputation. <p>(Department of Communications, Information, Technology and the Arts. http://www.dcita.gov.au/Article/0..0_1-2_1-3_170-4_15599,00.html)</p>	<p>Employees will hold moral rights in their works or films, even if the copyright in the material they produce belongs to their employer.</p>	<p>The duration of the <i>right of attribution</i> continues for as long as copyright-that is, the life of the author plus 50 years for works, and 50 years from the first publication for a film. For films the <i>right of integrity</i> ceases upon the death of the film maker. For works other than films the <i>right of integrity</i> continues as long as copyright. (Department of Communications, Information, Technology and the Arts. http://www.dcita.gov.au/Article/0..0_1-2_1-3_170-4_15599,00.html)</p>

CANADA

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Copyright Act (R.S. 1985, c. C-42)</p>	<p>Presumption of Authorship (Attribution) § 12. (1) In the absence of proof to the contrary the person who is designated in the usual manner as author on the copies of a published work, or on the original of a work of art, shall be presumed to be the author thereof (§ 10, paragraph (1)) provided the designation gives his true name or a pseudonym by which he is known, or, in the case of works of art, a known signature.</p> <p>(2) The same shall apply to the person who, in the manner indicated in paragraph (1), is designated as author when the work is publicly delivered, publicly performed or exhibited, or broadcast by radio, unless under paragraph (1) another person is presumed to be the author.</p> <p>Right of Anonymity</p> <p>14.1 (1) The author of a work has, subject to section 28.2, the right to the integrity of the work and, in connection with an act mentioned in section 3, the right, where reasonable in the circumstances, to be associated with the work as its author by name or under a pseudonym and the right to remain anonymous.</p>	<p>Where a waiver of any moral right is made in favor of an owner or a licensee of copyright, it may be invoked by any person authorized by the owner or licensee to use the work, unless there is an indication to the contrary in the waiver. R.S., 1985, c. 10 (4th Supp.), s. 4.</p> <p><i>Assignment and Waiver</i></p> <p>No assignment of moral rights</p> <p>(2) Moral rights may not be assigned but may be waived in whole or in part.</p> <p>No waiver by assignment</p> <p>(3) An assignment of copyright in a work does not by that act alone constitute a waiver of any moral rights.</p> <p>Effect of waiver</p> <p>(4) Where a waiver of any moral right is made in favor of an owner or a licensee of copyright, it may be invoked by any person authorized by the owner or licensee to use the work, unless there is an indication to the contrary in the waiver. R.S., 1985, c. 10 (4th Supp.), s. 4.</p>	<p>14.2 (1) Moral rights in respect of a work subsist for the same term as the copyright in the work.</p> <p>Succession</p> <p>(2) The moral rights in respect of a work pass, on the death of its author, to</p> <p>(a) the person to whom those rights are specifically bequeathed;</p> <p>(b) where there is no specific bequest of those moral rights and the author dies testate in respect of the copyright in the work, the person to whom that copyright is bequeathed; or</p> <p>(c) where there is no person described in paragraph (a) or (b), the person entitled to any other property in respect of which the author dies intestate.</p> <p>Subsequent succession</p> <p>(3) Subsection (2) applies, with such modifications as the circumstances require, on the death of any person who holds moral rights. R.S., 1985, c. 10 (4th Supp.), s. 4; 1997, c. 24, s. 13.</p>

	<p>Right of integrity</p> <p>28.2 (1) The author's right to the integrity of a work is infringed only if the work is, to the prejudice of the honor or reputation of the author,</p> <p>(a) distorted, mutilated or otherwise modified; or (b) used in association with a product, service, cause or institution.</p> <p>Where prejudice deemed</p> <p>(2) In the case of a painting, sculpture or engraving, the prejudice referred to in subsection (1) shall be deemed to have occurred as a result of any distortion, mutilation or other modification of the work.</p> <p>When work not distorted, etc.</p> <p>(3) For the purposes of this section, (a) a change in the location of a work, the physical means by which a work is exposed or the physical structure containing a work, or (b) steps taken in good faith to restore or preserve the work shall not, by that act alone, constitute a distortion, mutilation or other modification of the work. R.S., 1985, c. 10 (4th Supp.), s. 6. (Department of Justice, Canada http://laws.justice.gc.ca/en/C-42/)</p>		
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EUROPEAN UNION – AUSTRIA

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Copyright Law as Amended January 1998</p>	<p>Designation of Author (Attribution)</p> <p>§ 20. (1) The author shall determine whether the work should bear a designation of the author and the character of such designation.</p> <p>(2) An adaptation shall not bear a designation of the author in such a manner as would make the adaptation appear to be his original work.</p> <p>(3) Reproductions of works of art shall not so designate the author as to appear to be his original work.</p> <p>Protection of the Work (Integrity)</p> <p>§ 21. (1) Where a work is used in a manner by which it is made available to the public, or where it is multiplied for the purpose of distribution, even the person entitled to make such use or multiplication shall not make any abridgements, additions or other alterations in the work itself, its title, or the designation of the author, unless the author consents thereto or this Act permits the alteration. In particular, the person entitled to the use of the work shall be permitted to make such alterations as the author may not prohibit, considering custom and usage as applied in honest dealing, [and] especially alterations which are necessitated by the method or the purpose of the authorized use or multiplication of the work.</p> <p>(2) The provisions of paragraph (1) shall</p>	<p>Transfer of Copyright</p> <p>§ 23. (1) The copyright shall be subject to inheritance; it may also pass to legatees [<i>Sondernachfolger</i>] in execution of a disposition <i>mortis causa</i>.</p> <p>(2) Where there is no successor to the estate of a co-author and the state does not take it over by escheat, the copyright of such co-author shall devolve upon the other co-authors. The same shall apply where a co-author waives his copyright to the extent that such waiver is effective.</p> <p>(3) Otherwise, copyright shall be inalienable.</p> <p>(4) Where the copyright passes to several persons, the provisions concerning co-authors (§ 11) shall be analogously applicable to them.</p>	<p>Protection of Authorship</p> <p>19. (1) Where the authorship in a work is contested or the work is attributed to a person other than its creator, the latter shall be entitled to claim the authorship for himself. After his death the right to safeguard the authorship of the creator of the work shall, in such cases, vest in the persons upon whom the copyright devolves.</p> <p>(2) Any waiver of this right shall be void.</p>

	<p>apply to original works of art even when such original works are not used in a manner which makes the work available to the public.</p> <p>(3) An authorization to make alterations which are not specifically designated shall not prevent the author from opposing distortions, mutilations or other alterations of the work that seriously violate his moral interests in the work.</p>		
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EUROPEAN UNION – BELGIUM

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Law on Copyright and Neighboring Rights (of June 30, 1994, as amended by the Law of April 3, 1995)</p>	<p>Attribution</p> <p>Art. 1 (2): The author of a literary or artistic work shall enjoy an inalienable moral right in his work.</p> <p>Overall renunciation of the future exercise of this right shall be null and void.</p> <p>This right shall comprise the right to disclose the work.</p> <p>Non-disclosed works may not be seized.</p> <p>An author shall have the right to claim or to refuse authorship of his work.</p> <p>Right of Integrity</p> <p>He shall enjoy the right to respect for his work that shall permit him to oppose any alteration to that work.</p> <p>Notwithstanding any renunciation, he shall maintain the right to oppose any distortion, mutilation or other alteration to his work or any other prejudicial act to the same work that may damage his honor or reputation.</p>		

EUROPEAN UNION – DENMARK

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
Act on Copyright 1995	<p>Attribution</p> <p><i>Copyright Holder Presumption, etc.</i></p> <p>Sec. 7.-(1) When not otherwise stated the person whose name or generally known pseudonym or signature is indicated in the usual manner on copies of the work, or when the work is made available to the public shall be deemed to be the author.</p> <p>(2) If a work is published without the author being indicated in accordance with the foregoing subsection, the editor, if named, and otherwise the publisher, shall act on behalf of the author until the latter is named in a new edition of the work.</p> <p>Integrity</p> <p><i>Right of Attribution/Right of Integrity of Protection</i></p> <p>Sec. 3.-(1) When a work is reproduced, or when it is made available to the public, the name of the author shall be stated to the extent and in the manner required by proper usage.</p> <p>(2) The work must not be altered nor made available to the public in a manner or in a context which is prejudicial to the author's literary or artistic reputation, or to his individuality.</p> <p>(3) The right of the author under this Section cannot be waived except in respect of a use of the work which is limited in nature and extent.</p>	<p>Sec. 2 (1): Within the limitations specified in this Act, copyright implies the exclusive right to control the work by making copies thereof and by making it available to the public, whether in the original or in an amended form, in translation, adaptation into another literary or artistic form or into another technique.</p>	<p>Sec. 63.-(1) The copyright in a work shall last for 70 years after the year of the author's death or with regard to the works mentioned in Section 6 after the year of death of the last surviving author.</p>

EUROPEAN UNION – FINLAND

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
Copyright Act (Law No. 404 of July 8, 1961)	<p>Attribution</p> <p>Art. 3: When copies of a work are made or when the work is made available to the public in its entirety or in part, the name of the author shall be stated in the manner required by proper usage.</p> <p>Integrity</p> <p>A work may not be altered in a manner that is prejudicial to the author's literary or artistic reputation or to his individuality, nor may it be made available to the public in such a form or context as to prejudice the author in the manner stated.</p>	<p>The author may waive his rights under this Article with binding effect only in relation to use that is limited in character and extent.</p> <p><i>Art. 11.</i> The provisions of this Chapter shall not limit the author's rights under Article 3 more extensively than as provided in Article 25e.</p> <p>When a work is used publicly on the basis of the provisions of this Chapter, the source shall be stated to the extent and in the manner required by proper usage. The work shall not be altered more than is necessary for the permitted use without the author's consent.</p>	

EUROPEAN UNION – FRANCE

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Law on the Intellectual Property Code (Legislative Part) (No. 92-597 of July 1, 1992, as last amended by Laws Nos. 94-361 of May 10, 1994, and 95-4 of January 3, 1995).</p>	<p>Attribution</p> <p>Art. L. 121-1: An author shall enjoy the right to respect for his name, his authorship and his work. This right shall attach to his person. It shall be perpetual, inalienable and imprescriptible. It may be transmitted mortis causa to the heirs of the author. Exercise may be conferred on another person under the provisions of a will.</p> <p>Right to divulge</p> <p>Art. L. 121-2. The author alone shall have the right to divulge his work. He shall determine the method of disclosure and shall fix the conditions thereof, subject to Article L. 132-24.</p>	<p><i>Nature of Copyright</i></p> <p>Art. L. 111-1. The author of a work of the mind shall enjoy in that work, by the mere fact of its creation, an exclusive incorporeal property right which shall be enforceable against all persons.</p> <p>This right shall include attributes of an intellectual and moral nature as well as attributes of an economic nature, as determined by Books I and III of this Code.</p> <p>The existence or conclusion of a contract for hire or of service by the author of a work of the mind shall in no way derogate from the enjoyment of the right afforded by the first paragraph above.</p>	<p>Art. L. 111-3. The incorporeal property right set out in Article L. 111-1 shall be independent of any property right in the physical object.</p> <p>Acquisition of such object shall not vest in the acquirer of the object any of the rights afforded by this Code, except in those cases referred to in the provisions of the second and third paragraphs of Article L. 123-4. These rights shall subsist in the person of the author or of his successors in title who, nevertheless, may not require the proprietor of the physical object to make such object available to them for the exercise of those rights. However, in the event of manifest abuse by the proprietor preventing exercise of the right of disclosure, the first instance court (<i>tribunal de grande instance</i>) may take any appropriate measure, in accordance with the provisions of Article L. 121-3.</p>

EUROPEAN UNION – GERMANY

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Law on Copyright and Neighboring Rights (Copyright Law) (of September 9, 1965, as last amended by the Law of July 24, 1996).</p>	<p><i>Right of Publication</i> <i>Art. 12.</i>-(1) The author shall have the right to decide whether and how his work is to be published.</p> <p>(2) The author shall have the exclusive right to publicly communicate or describe the content of his work for as long as neither the work nor its essence nor a description of the work has been published with his consent.</p> <p><i>Recognition of Authorship (Attribution)</i> <i>Art. 13.</i> The author shall have the right of recognition of his authorship of the work. He may decide whether the work is to bear an author's designation and what designation is to be used.</p> <p><i>Distortion of the Work (Integrity)</i> <i>Art. 14.</i> The author shall have the right to prohibit any distortion or any other mutilation of his work which would jeopardize his legitimate intellectual or personal interests in the work.</p>	<p>Distinction between moral rights and economic (exploitation) rights.</p> <p><i>Alteration of Work</i> <i>Art. 39.</i>-(1) The holder of an exploitation right may not alter the work, its title or the designation of author (Article 10(1)), unless otherwise agreed.</p> <p>(2) Alterations to the work and its title which the author cannot reasonably refuse shall be permissible.</p>	<p>Section V Dealings with Rights in Copyright</p> <p>SUCCESSION TO COPYRIGHT</p> <p><i>Inheritance of Copyright</i> <i>Art. 28.</i>-(1) Copyright may be transferred by inheritance. (2) The author may transfer the exercise of copyright to an executor by testamentary disposition. Article 2210 of the Civil Code shall not apply.</p> <p><i>Transfer of Copyright</i> <i>Art. 29.</i> Copyright may be transferred in execution of a testamentary disposition or to co-heirs as part of the partition of an estate. Copyright shall not otherwise be transferable.</p> <p><i>Successor in Title of Author</i> <i>Art. 30.</i> In the absence of any stipulation to the contrary, the successor in title of the author shall have the rights afforded the author by this Law.</p>

EUROPEAN UNION – GREECE

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Copyright, Related Rights and Cultural Matters (Law No. 2121/1993).</p>	<p>Attribution <i>Art. 1.-(1)</i> Authors shall have, with the creation of the work, the right of copyright in that work, which includes, as exclusive and absolute rights, the right to exploit the work (economic right) and the right to protect their personal connection with the work (moral right).</p> <p><i>Art. 4.-(1)</i> The moral rights shall confer upon the author notably the following rights:</p> <p>(a) to decide on the time, place and manner in which the work shall be made accessible to the public (publication);</p> <p>(b) to demand that his status as the author of the work be acknowledged and, in particular, to the extent that it is possible, that his name be indicated on the copies of his work and noted whenever his work is used publicly, or, on the contrary, if he so wishes, that his work be presented anonymously or under a pseudonym;</p> <p>Integrity</p> <p>(c) to prohibit any distortion, mutilation or other modification of his work and any offense to the author due to the circumstances of the presentation of the work in public;</p> <p>(d) to have access to his work, even when the economic right in the work or the physical embodiment of the work belongs to another person; in those latter cases, the access shall be effected with minimum possible nuisance to the right holder;</p>	<p>Distinction between moral rights and economic (exploitation) rights.</p> <p><i>Art 4.-(3)</i> The moral rights shall be independent from the economic rights and shall remain with the author even after the transfer of the economic rights.</p>	<p>Art 12 - (2) The moral rights shall not be transferable between living persons. After the death of an author, the moral rights shall pass to his heirs, who shall exercise the rights in compliance with the author's wishes, provided that such wishes have been explicitly expressed.</p>

	<p>(e) in the case of a literary or scientific work, to rescind a contract transferring the economic right or an exploitation contract or license of which his work is the object, subject to payment of material damages to the other contracting party, for the pecuniary loss he has sustained, when the author considers such action to be necessary for the protection of his personality because of changes in his beliefs or in the circumstances.</p>		
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EUROPEAN UNION – ICELAND

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>The Copyright Act, No. 73, of 29 May 1972, as amended by Act No. 78, of 30 May 1984, Act No. 57, of 2 June 1992 and Act No. 145, of 27 December 1996</p>	<p>Attribution</p> <p><i>Article 3.</i> An author has the sole right to make copies of his work and to make it available to the public in its original or changed form, in translation or other types of adaptation.</p> <p>Integrity</p> <p><i>Article 4.</i> The name of the author must be properly indicated, both on copies of the work and when it is made available to the public, as may be appropriate. The work must not be altered nor made available to the public in a manner or in a context which is prejudicial to the author's literary or artistic reputation, or to his individuality.</p>	<p>Art. 4 The right of the author under this Article cannot be waived, except under special circumstances which are clearly indicated both in regard to their nature and extent.</p>	

EUROPEAN UNION – IRELAND

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Copyright and Related Rights Act, 2000</p>	<p>Paternity Right (Right of Attribution)</p> <p>Chapt. 7 107-(1) Subject to the exceptions specified in section 108, the author of a work shall have the right to be identified as the author and that right that also apply in relation to an adaptation of the work.</p> <p>Right of Integrity</p> <p>Chapt. 7 (109)-1 Subjects the exceptions and qualification in sections 100 and 110, the author of a work shall have the right to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the work which would prejudice his or her reputation and that right shall also apply in relation to an adaptation of the work.</p> <p>Right against false attribution</p> <p>Chapt. 7 113 – (1) A person has the right not to have a work falsely attributed to him or her.</p> <p>Right to privacy in photographs and films</p> <p>Chapt. 7 114 – (1) Subject to the exceptions specified in subsection (3), a person who, for private and domestic purposes commissions the taking of a photograph or the making of a film has, where copyright subsists in the resulting work, the right not to have the work or copies of the work made available to the public.</p> <p>Her Majesty's Stationery Office (HMSO) http://www.hmsso.gov.uk/about/hmsso.htm</p>	<p><i>Exceptions to paternity right</i></p> <p>Chapt. 7 108-(1) The paternity right is not infringed by anything done unader section 52,53(5), 71, 72 or 88.</p> <p>(2)The paternity right shall not apply to anything done y or with the authority of the copyright owner where the copyright in the work originally vested in an employer under section 23.</p> <p>(3) The paternity right shall not apply in relation to a work made for the purpose of reporting current events.</p> <p>See also Chapt. 7 108 – (4), (5)</p> <p><i>Exceptions to Integrity right</i></p> <p>Chapt. 7 110-(1, 2 and)</p>	<p>Chapt. 7 115-(1) The paternity right, the integrity right and the right conferred by section 114 to privacy in photographs and films shall subsist for the same period as the time of the copyright in work subsists.</p>

EUROPEAN UNION – ITALY

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Law for the Protection of Copyright and Neighboring Rights (Law No. 633 of April 22, 1941, as last amended by Decree Law No. 154 of May 26, 1997)</p>	<p><i>Art. 20.</i> Independently of the exclusive rights of exploitation of the work referred to in the provisions of the preceding Section, and even after the transfer of such rights, the author shall retain the right to claim authorship of his work and to object to any distortion, mutilation or any other modification of, and other derogatory action in relation to, the work, which would be prejudicial to his honor or reputation.</p> <p><i>Art. 21.</i> The author of an anonymous or pseudonymous work shall at all times have the right to reveal his identity and to have his position as author recognized by judicial procedure.</p> <p>Notwithstanding any prior agreement to the contrary, the successors in title of an author who has revealed his identity shall be required to indicate the name of the author in publications, reproductions, transcriptions, performances, recitations and broadcasts, or in any other form of manifestation or announcement to the public.</p> <p><i>Art. 22.</i> The rights referred to in the preceding Articles shall be inalienable.</p>	<p>Distinction between moral rights and economic (exploitation) rights.</p>	<p><i>Art. 23.</i> After the death of the author, the right referred to in Article 20 may be asserted, without limitation of time, by his spouse and children and, in the absence thereof, by his parents and other direct ascendants and descendants, and in the absence of such ascendants and descendants, by his brothers and sisters and their descendants.</p> <p>If the public interest should so require, such action may also be taken by the President of the Council of Ministers after hearing the competent professional association.</p> <p><i>Art. 24.</i> The right to publish unpublished works shall belong to the heirs of the author or to the legatees of such works, unless the author has expressly forbidden publication or has entrusted it to other persons.</p>

EUROPEAN UNION – LUXEMBURG

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Law of March 29, 1972, on Copyright (as last amended by (as last amended on September 8, 1997)</p>	<p>Attribution</p> <p><i>Art. 9.</i> Independently of the author's economic rights and even after the transfer thereof, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work that would be prejudicial to his honor or reputation.</p> <p>(Integrity)</p> <p>The right referred to in the preceding paragraph shall vest in the author personally.</p>	<p>Distinction between moral rights and economic (exploitation) rights.</p>	<p>Art.9 After his death, it shall be maintained until the lapse of the economic rights, and throughout the term of protection it may be exercised by the author's heirs or by any third party to whom the author may have entrusted such exercise by testamentary provision.</p>

EUROPEAN UNION – THE NETHERLANDS

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Copyright Act 1912</p> <p>Dutch copyright law, 1995-2000</p>	<p><i>Art. 9.</i> Independently of the author's economic rights and even after the transfer thereof, the author shall have the right to claim authorship of the work and to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the said work that would be prejudicial to his honor or reputation.</p> <p>(Integrity)</p> <p>The right referred to in the preceding paragraph shall vest in the author personally.</p> <p><i>Article 25.</i> Even after transfer of his copyright, the author of a work shall have the following rights:</p> <p>(a) the right to oppose the publication of the work without stating his name or other designation as creator, unless such opposition would be unreasonable; (Attribution)</p> <p>(b) the right to object to publication of the work under a name other than his own, as well as any alteration of the name of the work or the indication of the author, if such name or indication appears on or in the work or has been made public in conjunction with the work;</p>	<p><i>Article 25.</i> Even after transfer of his copyright, the author of a work shall have the following rights:</p> <p>(a) the right to oppose the publication of the work without stating his name or other designation as creator, unless such opposition would be unreasonable;</p> <p>(b) the right to object to publication of the work under a name other than his own, as well as any alteration of the name of the work or the indication of the author, if such name or indication appears on or in the work or has been made public in conjunction with the work;</p> <p>(c) the right to object to any other modification of the work, except where the nature of the modification is such that it would be unreasonable to object to it;</p> <p>(d) the right to object to any distortion, mutilation or other modification of the work which would be prejudicial to the honor or reputation of the author or to his value as such.</p> <p>Upon the death of the creator and until the expiry of the copyright, the rights referred to in the first paragraph shall be vested in the person designated by the creator in his last will and testament or by codicil.</p> <p>The right referred to under <i>(a)</i> in the first paragraph may be waived. The rights referred to under <i>(b)</i> and <i>(c)</i> may be waived insofar as changes to the work or its title are concerned.</p>	<p>As long as copyright subsists, the same right shall belong to the person whom the author has appointed by will or codicil, if it may reasonably be supposed that the author would have approved such modifications.</p>

		<p>If the author of the work has transferred his copyright, he shall retain the right to make such modifications to the work as he may make in good faith in accordance with the rules established by social custom. As long as copyright subsists, the same right shall belong to the person whom the author has appointed by will or codicil, if it may reasonably be supposed that the author would have approved such modifications.</p>	
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EUROPEAN UNION – NORWAY

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Act No. 2 of May 12, 1961, Relating to Copyright in Literary, Scientific and Artistic Works, etc., With Subsequent Amendments Up to June 30, 1995 (as last amended by Law No. 27 of June 2, 1995)</p>	<p>Attribution</p> <p><i>Chapt. 1 Sec. 3.</i> Both when copies of a literary, scientific or artistic work are produced, and when it is made available to the public, the author is entitled to have his name stated in the manner required by proper usage.</p> <p>Integrity</p> <p>If another person has the right to alter a literary, scientific or artistic work or to make it available to the public, this must not be done in a manner or in a context prejudicial to the author's literary, scientific or artistic reputation or to his individuality, or prejudicial to the reputation or individuality of the work itself.</p> <p>The author may not waive his rights under the first and second paragraphs, unless the use of the work in question is limited in nature and extent.</p> <p>If the work is made available to the public in such prejudicial form as is stated in the second paragraph, the author, even if he has given valid consent to the use of the work, shall have the right to demand either that he is not to be named as the author, or that it is stated in a satisfactory manner that the alterations made do not derive from him. This right may not be waived by the author.</p>	<p><i>Chapt 2 Sec. 11.</i> The provisions of this Chapter shall impose no further restriction on the author's rights pursuant to Section 3 than that ensuing from Section 29.</p> <p>When a work is publicly reproduced pursuant to the provisions of this Chapter, this may be done in the dimensions and form required for the purpose, but without thereby altering or prejudicing the character of the work. When a work is thus reproduced, the source shall always be stated in the manner required by proper usage.</p> <p>(Transfer of Copyright)</p> <p><i>Sec. 39.</i> Subject to the limitation ensuing from Section 3, the author may, wholly or partly, assign his right to dispose of a literary, scientific or artistic work.</p> <p>Assignment of a copy shall not include assignment of the copyright or any part thereof, even if it is the original that is assigned. Assignment of copyright does not include ownership of the manuscript or any other copy that is delivered in connection with the assignment.</p> <p><i>Sec. 39a.</i> If the author has assigned the right to use the work in a specific manner or by specific means, the assignee shall not have the right to use it in another manner or by other means.</p>	<p><i>Chapt. Sec. 40.</i> Copyright shall subsist during the lifetime of the author and for 70 years after the expiry of the year in which the author died. For such works as are referred to in Section 6, the period of 70 years shall be calculated from the expiry of the year in which the last surviving author died. In the case of cinematographic works, the term of protection shall run from the expiry of the year of the death of the last of the following persons to survive: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the cinematographic work.</p>

EUROPEAN UNION – PORTUGAL

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Act No. 2 of May 12, 1961, Relating to Copyright in Literary, Scientific and Artistic Works, etc., With Subsequent Amendments Up to June 30, 1995 (as last amended by Law No. 27 of June 2, 1995)</p>	<p><i>Article 56.</i> (1) Independently of rights of an economic nature, and even if they have been assigned or transferred for payment, the author shall enjoy for his lifetime the right to claim authorship of his work and to ensure its authenticity and integrality by opposing the destruction, mutilation, distortion or other modification thereof and, in general, opposing any act which denatures the work and is liable to be prejudicial to his honor and reputation.</p> <p>(2) This right shall be perpetual, inalienable and imprescriptible and shall continue after the death of the author in accordance with the provisions of the following Article.</p> <p><i>Article 57.</i> (1) Upon the death of the author, provided that the work does not fall within the public domain, the exercise of these rights shall belong to his successors.</p> <p>(2) The State shall be responsible for the defense of the authenticity and integrality of works within the public domain and this right shall be exercised by the Ministry of Culture.</p> <p>(3) Following the death of the author, the Ministry of Culture shall be responsible for taking adequate measures to ensure the defense of works not falling within the public domain but whose authenticity or cultural standing has been diminished, after the owners of the copyright have been notified thereof and have failed to exercise their rights without any reasonable motive.</p>	<p>Economic and personal rights</p> <p><i>Article 9.</i> (1) Copyright shall include economic rights and personal rights, termed moral rights.</p> <p>(2) In the exercise of economic rights, the author shall have the exclusive right to dispose of his work, to exploit it and to use it, or to authorize its total or partial exploitation or use by a third party.</p> <p>(3) Independently of economic rights, and even after their transfer or lapse, the author shall enjoy moral rights in his work, in particular the right to claim authorship and to ensure its authenticity and integrality.</p>	<p><i>Article 57.</i> (1) Upon the death of the author, provided that the work does not fall within the public domain, the exercise of these rights shall belong to his successors.</p> <p>(2) The State shall be responsible for the defense of the authenticity and integrality of works within the public domain and this right shall be exercised by the Ministry of Culture.</p> <p>(3) Following the death of the author, the Ministry of Culture shall be responsible for taking adequate measures to ensure the defense of works not falling within the public domain but whose authenticity or cultural standing has been diminished, after the owners of the copyright have been notified thereof and have failed to exercise their rights without any reasonable motive.</p> <p>Duration of Copyright</p> <p><i>Article 31.</i> In the absence of any special provision, copyright shall lapse 50 years after the death of the creator of the work, even in the case of works disclosed or published posthumously.</p>

EUROPEAN UNION – SPAIN

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Law No. 22/1987, of November 11, 1987, on Intellectual Property, as last amended by Law No. 43/1994 of December 30, 1994.</p>	<p><i>Art. 14.</i> The author shall be invested with the following unrenounceable and inalienable rights:</p> <p>1° the right to decide whether his work is to be disclosed, and if so in what form; (Right to divulge)</p> <p>2° the right to determine whether such disclosure should be effected in his name, under a pseudonym or sign or anonymously;</p> <p>3° the right to demand recognition of his authorship of the work; (Right of attribution)</p> <p>4° to demand respect for the integrity of the work and to object to any distortion, modification or alteration of it or any act in relation to it that is liable to prejudice his legitimate interests or threaten his reputation; (Right of Integrity)</p> <p>5° the right to alter the work subject to respect for the acquired rights of third parties and the protection requirements of goods of cultural interest;</p> <p>6° the right to withdraw the work from circulation for reasons of changed intellectual or moral convictions, after indemnification of the holders of exploitation rights for damages and prejudice. If the author later decides to resume exploitation of his work, he shall give preference, when offering the corresponding rights, to the previous holder thereof, and shall offer terms reasonably similar to the original terms:</p> <p>7° the right of access to the sole or a rare copy of the work when it is in another person's possession, for the purposes of the exercise of the right of disclosure or</p>	<p><i>Art. 17.</i> The author shall be invested with the exclusive exercise of the rights pertaining to the exploitation of his work in whatever form and especially the rights of reproduction, distribution, communication to the public and alteration, which may not be exercised without his authorization, except where this Law so provides.</p>	<p><i>Art. 15.-(1)</i> On the death of the author, the exercise of the rights specified in items 3° and 4° of the foregoing Article shall pass, without limitation in time, to the person, whether natural person or legal entity, to whom the author has expressly entrusted it by testamentary provision. In the absence of such provision, the exercise of the rights shall pass to his heirs.</p>

	<p>any other applicable right. The aforesaid right shall not allow the author to demand the moving of the work, and access to it shall be had in the place and manner that cause the least inconvenience to the possessor, who shall be indemnified where appropriate for any damages and prejudice caused him.</p>		
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EUROPEAN UNION – SWEDEN

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Law No. 22/1987, of November 11, 1987, on Intellectual Property, as last amended by Law No. 43/1994 of December 30, 1994.</p>	<p><i>Art. 3.</i> When a work is reproduced or when it is made available to the public, the name of the author shall be stated to the extent and in the manner required by proper usage. (Right of attribution)</p> <p>A work may not be changed in a manner which is prejudicial to the author's literary or artistic reputation or to his individuality, nor may it be made available to the public in the manner stated.</p> <p>The author may, with binding effect, waive his right under this Article only in relation to uses which are limited as to their character and scope. (Right of integrity)</p>	<p><i>Art. 11.</i> The provisions of this Chapter do not limit the author's right under Article 3, except as provided in Article 26c.</p> <p>When a work is used publicly on the basis of the provisions in this Chapter, the source shall be stated to the extent and in the manner required by proper usage, and the work may not be altered more than necessary for the permitted use.</p>	<p><i>Art. 41.</i> Notwithstanding the provisions in Chapter 10, Article 3, first paragraph, of the Marriage Code, the provisions governing the division of property between spouses, inheritance and testament shall, after the death of the author, apply to copyright. An administrator of the estate may not, without the consent of the heirs, exploit the work in a manner other than that in which it has previously been exploited.</p>

EUROPEAN UNION – UNITED KINGDOM

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Copyright, Designs and Patents Act 1988 (of November 15, 1988)</p>	<p>Attribution</p> <p>Section 77. (1) The author of a copyright literary, dramatic, musical or artistic work, and the director of a copyright film, has the right to be identified as the author or director of the work in the circumstances mentioned in this section; but the right is not infringed unless it has been asserted in accordance with section 78.</p> <p>See exceptions Section 79</p> <p>Integrity</p> <p>Section 80. (1) The author of a copyright literary, dramatic, musical or artistic work, and the director of a copyright film, has the right in the circumstances mentioned in this section not to have his work subjected to derogatory treatment.</p> <p>See exceptions Section 81</p> <p>Right against false attribution</p> <p>Section 84. (1) A person has the right in the circumstances mentioned in this section</p> <p>Right to privacy in certain photographs and films</p> <p>85. (1) A person who for private and domestic purposes commissions the taking of a photograph or the making of a film has, where copyright subsists in the resulting work, the right not to have</p>	<p>Exceptions Section 79 See Act</p> <p>81. (1) The right conferred by section 80 (right to object to derogatory treatment of work) is subject to the following exceptions.</p> <p>(2) The right does not apply to a computer program or to any computer-generated work.</p> <p>(3) The right does not apply in relation to any work made for the purpose of reporting current events.</p> <p>(4) The right does not apply in relation to the publication in</p> <p>(a) a newspaper, magazine or similar periodical, or</p> <p>(b) an encyclopedia, dictionary, yearbook or other collective work of reference, of a literary, dramatic, musical or artistic work made for the purposes of such publication or made available with the consent of the author for the purposes of such publication.</p> <p>Nor does the right apply in relation to any subsequent exploitation elsewhere of such a "work" without any modification of the published version.</p> <p>Waiving of rights</p> <p>Section 87. (1) It is not an infringement of any of the rights conferred by this Chapter to do any act to which the person entitled to</p>	<p>Section 86. (1) The rights conferred by section 77 (right to be identified as author or director), section 80 (right to object to derogatory treatment of work) and section 85 (right to privacy of certain photographs and films) continue to subsist so long as copyright subsists in the work.</p> <p>(2) The right conferred by section 84 (false attribution) continues to subsist until 20 years after a person's death.</p>

	<p>(a) copies of the work issued to the public, (b) the work exhibited or shown in public, or (c) the work broadcast or included in a cable programme service; and, except as mentioned in subsection (2), a person who does or authorises the doing of any of those acts infringes that right.</p>	<p>the right has consented. (2) Any of those rights may be waived by instrument in writing signed by the person giving up the right.</p>	
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UNITED STATES

Legislation	Right of Attribution/Right of Integrity	Limitations/Waivers/Consent	Duration
<p>Title 17. Copyrights</p> <p>(Copyright Law of 1976 (Public Law 94-553 of October 19, 1976), as last amended by Public Law 104-39 of November 1, 1995)*</p>	<p>§ 106A. Rights of certain authors to attribution and integrity</p> <p>(a) <i>Rights of attribution and integrity.</i> Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art</p> <p>(1) shall have the right</p> <p>(A) to claim authorship of that work, and</p> <p>(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;</p> <p>(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and</p> <p>(3) subject to the limitations set forth in section 113(d), shall have the right</p> <p>(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and</p> <p>(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.</p>	<p>§ 106A (e) Transfer and waiver.</p> <p>(1) The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.</p> <p>(2) Ownership of the rights conferred by subsection (a) with respect to a work of visual art is distinct from ownership of any copy of that work, or of a copyright or any exclusive right under a copyright in that work. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection (a). Except as may otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection (a) with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work.</p> <p>(Added Pub. L. 101-650, title VI, Sec. 603(a), Dec. 1, 1990, 104 Stat. 5128.)</p>	<p>§ 106A (3) The rights described in paragraphs (1) and (2) of subsection (a) shall not apply to any reproduction, depiction, portrayal, or other use of a work in, upon, or in any connection with any item described in subparagraph (A) or (B) of the definition of "work of visual art" in section 101, and any such reproduction, depiction, portrayal, or other use of a work is not a destruction, distortion, mutilation, or other modification described in paragraph (3) of subsection (a).</p> <p>(d) <i>Duration of rights.</i> (1) With respect to works of visual art created on or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, the rights conferred by subsection (a) shall endure for a term consisting of the life of the author.</p>