

Intellectual property legislation is now integrated into the new Belgian Code of economic law



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The book XI of the new Belgian Code of economic law («CEL») gathers a significant part of different economic legislations such as intellectual property, competition law, consumer protection,...

Focusing on intellectual property, a substantial part - but not all - of Belgian economic legislations is now gathered in this unique code. "Not all", as some of the rules applicable in Belgium are not implemented by the Belgian legislator but directly through European legislation or through international treaties. For example, the BENELUX Convention on trademarks and designs shapes most of the rules about trademarks and designs and is not in the CEL.

Copyright and Neighboring Rights

Belgian copyrights rules and neighboring rights are now included into title XI of the CEL (article XI. 164 and after).

Since first January 2015, we do not have any further references to the well-known Law on Copyright and Neighboring Rights of June 30, 1994, as it has been abrogated.

Constant law principles

The gathering of different legislations into a unique Code does not mean new rules... Mostly, the Belgian legislator decided to gather different rules but did not adapt them significantly.

Focusing on copyrights, the same principles are still applicable in Belgium, without changes:

- Protection of a creation that reaches the two conditions, i.e. being an original work of authorship and being fixed in a tangible form of expression;

- The distinction between non-transferable moral rights of the author (as a reminder: the right to claim authorship on the work, the right to prevent revision, alteration or distortion of the work and the right of disclosure) and the remuneration rights (as a reminder: right of reproduction, right to communication to the public, right to distribution, rental and lending rights and the right related to reprography);
- The need to obtain author's agreement before using, even partially, a work of art unless being directly subjected to the benefit of an exception;
- The resale right of visual artists when a work of art is resold through an art market professional;
- Term of copyright, which is limited to 70 years after the author's death.

Few changes anyway...

Nevertheless, the codification has been an opportunity to include in Belgian law some changes dictated by the European legislator. Here are a few examples:

Concerning the reprographic right (money collected from every sale of a material that could be used to reproduce work of art protected by copyright), it is now clearly extended to material used to print digital works (printers for example) and is no longer limited to material used to copy texts on paper (photocopier for example).

Concerning the resale right of visual artists, it has now to be managed by a single platform so that the art market professionals will not have to determine and deal with a different management company for each artists.

The regulation for collective management organizations has been developed in the codification. From now, they have an obligation of transparency and publicity concerning some data among which: royalties received, charges and distribution.