Article 16 Dutch Copyright Law

Article 16a

It shall not be regarded as an infringement of the copyright in a literary, scientific or artistic work to make a short recording, showing or announcement thereof in public in a photographic, film, radio or television report, provided that this is justified for giving a proper account of the current event that is the subject of the report and provided that the source, including the author’s name, is clearly indicated as far as reasonably possible.

Article 16b

1. Reproduction shall not be regarded as an infringement of the copyright in a literary, scientific or artistic work if it is restricted to a few specimens intended exclusively for personal exercise, study or use by the natural person who has carried out the reproduction without any direct or indirect commercial motivation or has caused it to be carried out exclusively for his own benefit.

2. In the case of a work as referred to in article 10, paragraph 1, sub 1°., including the score or parts of a musical work, the reproduction shall furthermore be limited to a small portion of the work, except in the case of:

   a. works of which it may reasonably assumed that no new copies will be made available to third parties for payment of any kind;

   b. short articles, news items or other texts, which have appeared in a daily or weekly newspaper or weekly or other periodical.

3. In the case of a work as referred to in article 10, paragraph 1, sub 6°., the reproduction must differ considerably in size or process of manufacture from the original work.

4. If reproduction permitted under this Article has taken place, the copies may not be issued to any third parties without the consent of the author or his right-holders, unless that issue takes place because of any judicial or administrative proceedings.

5. Government orders may specify that a fair payment should be made to the author or his rightholders for the reproduction specified in paragraph 1. The orders may issue more detailed rules and impose more detailed conditions.

6. This Article shall not apply to reproduction as specified in Article 16c, or to the imitation of works of architecture.

Article 16c

1. Reproduction of the work or any part thereof shall not be regarded as an infringement of the copyright in a literary, scientific or artistic work provided that the reproduction is carried out without any direct or indirect commercial motivation and is intended exclusively for personal exercise, study or use by the natural person who made the reproduction.
2. The manufacturer or the importer of any object intended to allow a work such as specified in paragraph 1 to be heard, to show it or to relate it will be due to make a fair payment to the author or his successor in title.

3. The manufacturer’s obligation to make the payment will arise at the point when the manufactured object is ready to be put into circulation. The importer will become subject to this obligation at the time of importing.

4. The obligation to pay shall lapse if the person obliged to make the payment under paragraph 3 exports the object as specified in paragraph 1.

5. The payment shall be due only one time per object. 9

6. Government orders may prescribe more detailed regulations in relation to the objects giving rise to the obligation for payment as specified in paragraph 2. Government orders may also provide more detailed regulations and impose more detailed conditions as regards the implementation of this Article in relation to the level, indebtedness and format of the fair payment.

7. If a reproduction permitted by this Article has taken place, objects as defined in paragraph 1 may not be issued to third parties without consent from the author or his successors in title unless the issuance occurs for judicial or administrative proceedings.

8. This Article shall not apply to reproduction of a collection accessible by electronic means, as specified in Article 10, paragraph 3.

Article 16d

1. The payment referred to in Article 16c shall be made to a legal person appointed and considered to be representative by Our Minister of Justice, who will be charged with collection and distribution of this payment in accordance with a scheme prepared by that legal person and approved by the Supervisory Board as specified in the Act on Supervision of Collective Management Organizations for Copyright and Related Rights. This legal person shall represent the authors or their successors in title in matters pertaining to the collection and distribution of payments, both at law and otherwise.

2. The legal person specified in paragraph 1 will be supervised by the Supervisory Board specified in Act on Supervision of Collective Management Organizations for Copyright and Related Rights.

3. Further regulations regarding the exercise of supervision over the legal person referred to in paragraph 1 may be laid down by order in council.

Article 16e

1. The level of the remuneration referred to in article 16c shall be determined by a foundation to be designated by Our Minister of Justice, the board of which shall be so composed as to represent in an balanced manner the interests of the authors or their successors in title and the persons liable for payment pursuant to article 16c, paragraph 2. The chair of the board of the said foundation shall be appointed by Our Minister of Justice.
Article 16f

Persons required to pay the remuneration referred to in article 16c shall be obliged to submit to the legal person referred to in article 16d, paragraph 1, either immediately or within a period agreed with the said legal person, the number of the objects imported or manufactured by him as referred to in article 16c, paragraph 1. They shall also be obliged to give the said legal person, at the latter's request, immediate access to the documents needed to establish indebtedness and the level of the remuneration.

Article 16g

Disputes in relation to the payment specified in Articles 15i, paragraph 2, 16b and 16c shall be determined in the first instance exclusively by the District Court in The Hague.

Article 16ga

1. Whoever sells the objects specified in Article 16c, paragraph 2, shall be obliged to furnish to the legal person specified in Article 16d, first paragraph, immediately on request, the documents necessary to establish whether the payment specified in Article 16c, paragraph 1 has been paid by the manufacturer or importer.

2. If the seller cannot demonstrate that the payment has been paid by the manufacturer or the importer, he will be obliged to make the payment to the legal person specified in Article 16d, paragraph 1, unless the documents mentioned in paragraph 1, above, show who the manufacturer or importer is.

Article 16h

1. A reprographic reproduction of an article in a daily or weekly newspaper or weekly or other periodical, or of a small part of a book and other works incorporated into such a work will not constitute an infringement of copyright, provided that a payment is made for this reproduction.

2. A reprographic reproduction of the whole work will not constitute an infringement of copyright if it may reasonably be assumed of a book that no new specimens are being made available to third parties for payment in any format whatever, provided that a payment is made for this reproduction.

3. Government orders may prescribe that, in relation to the reproduction of works as specified in Article 10, paragraph 1, at 1o, exemptions may be granted from the provisions of one or more of the foregoing paragraphs for purposes of public policy and for carrying out the work of institutions concerned with public policy. Such orders may specify more detailed rules and impose more detailed conditions.

Article 16i

The payment specified in Article 16h will be calculated for each page of a work that has been reprographically reproduced as specified in the first and second paragraphs of that Article.
Government orders may prescribe the level of the payment and may make more detailed rules and impose more detailed conditions.

Article 16j
A reprographic reproduction, falling within the provisions of Article 16h, may only be issued to individuals employed in the same business, organization or institution without the author or his successor in title having given consent, unless the issuance occurs for the sake of legal or administrative proceedings.

Article 16k
The obligation to make payment, as specified in Article 16h, shall lapse after the expiry of three years from the time when the reproduction is made. The payment will not be due if the person obliged to make that payment demonstrates that the author or his right-holder has waived the right to payment.

Article 16l
1. The payment specified in Article 16h should be made to a legal person appointed and considered to be representative by Our Minister of Justice, who will be charged to the exclusion of others with collection and distribution of this payment.
2. The legal person specified in paragraph 1 hereof shall represent the authors or their right-holders in all matters pertaining to the collection and distribution of the payments.
3. The legal person specified in paragraph 1 hereof shall use a scheme for the collected payments. The scheme shall require the approval of the Supervisory Board specified in the Act on Supervision of Collective Management Organizations for Copyright and Related Rights.
4. The legal person specified in paragraph 1 hereof shall be supervised by the Supervisory Board specified in the Act on Supervision of Collective Management Organizations for Copyright and Related Rights.
5. Paragraphs 1 and 2 hereof shall not apply to the extent that those who are under an obligation to make payment can demonstrate that they have agreed with the author or his right-holders to make the payment directly to him or them.

Article 16m
Whoever is obliged to make the payment specified in Article 16h to the legal person specified in Article 16l, paragraph 1, shall be obliged to submit a return to the legal person of the total number of reprographic reproductions he has made per year. The return specified in paragraph 1 will not require to be submitted if the number of reprographic reproductions made each year is less than such number as may be fixed by government order.
Article 16n

1. Reproduction by libraries, museums or archives accessible to the public whose purpose does not include the attainment of a direct or indirect economic or commercial benefit will not be regarded as an infringement of copyright in a literary, scientific or artistic work, provided that the sole purpose of the reproduction is:

1°. the restoration of the specimen of the work;

2°. retention of a reproduction of the work for the institution if the specimen is threatening to fall into disrepair;

3°. to keep the work in a condition in which it can be consulted if there is no technology available to render it accessible.

2. Reproduction as specified in paragraph 1 shall only be authorized if:

1°. the specimen of the work forms part of the collection held by the library, museum or archive accessible to the public relying on this limitation; and

2°. the provisions in Article 25 are taken into account.