



Bogotá, September 19th, 2019

Mr.
FRANK GOTZEN
President of ALAI
51, avenue Raymond Poincaré
75116 Paris
France

Writing Report from Colombian's National Group.

Dear Mr. President,

Please find the below report about the Copyright situation in Colombia during the last year:

A. Law 1915 / 2018 (Copyright act modification)

On July 12, 2018, Law 1915 was enacted in order to modify the Colombian Copyright Act of 1982. The main modifications were:

- It updated different types of economic rights as there were some economic rights left in the Copyright Act of 1982 and that were included in the Andean Decision 351/1993 but not in the Copyright Act. Furthermore, it made some precision regarding the scope of protection of economic rights.

1. Copyright Ownership legal presumptions

Different legal presumptions on Copyright Ownership were introduced, one in favor of right holders of Copyright (Article 1) and another one for Neighboring Rights (Article 9). Presumptions in favor of the persons by which its name or alias was published on the work, interpretation or phonogram.

2. Copyright limitations and exceptions

The following exceptions on copyright and neighboring rights were introduced and extended:

- Exhaustion of the distribution right.
- Temporal and electronic reproduction of Works, when said reproduction is essential for a technological process that facilitates data transmission.
- Public loan on libraries, archives or documentation centers.
- Making available of works in libraries, archives or documentation centers.
- Parody.
- Orphan works.

According to Article 17, The Government must study every 3 years, the convenience of copyright exceptions in order to review, remove or broaden Copyright Limitations and Exceptions.

3. Technological protection measures (TPM) and rights management information.

- Article 12 establishes Civil Liability on the infringement of TPM and defines the scope of technological protection measures and rights management information.
- Article 13 establishes a limitation on the mentioned civil liability by which the Government must review every 3 years the convenience of issuing an opinion on the non-infringement activities.

4. Term of protection

Economic rights term of duration was increased from 50 to 70 years for legal persons. For natural persons the term was maintained on 80 years counted from the author's dead.

5. Enforcement

- Article 30 establishes the attribution on judicial authorities to order the infringer to provide information on any person related with the infringement, channels of distribution and ways of production of infringing material.
- Article 31 establishes the attribution on judicial authorities to order the destruction of infringing goods.
- According to article 32, Statutory damages were introduced but the Government is pending to rule on this matter.
- The reproduction of works by electronic means and with direct or indirect profit will be punished by criminal law and according to article 271 of the Criminal Code that was modified under this new bill.

B. Law 1955 / 2019

On May 25, 2019, Law 1955 was enacted. Said law established in its article 181 that it will be void every copyright agreement by which authors transfer or license unknown forms of exploitation. This is a provision that guarantee authors' rights against unfair agreements.

Sincerely,

YECID ANDRÉS RÍOS PINZÓN

President of CECOLDA

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