

WIPO

Survey on Voluntary Copyright Registration Systems

Final Report

prepared by

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1. Introduction

1.1. Background of the study

As a general rule, copyright arises automatically upon the creation of an original work of authorship, with no need to complete any formalities, such as registration or deposit. This principle is also laid down in Article 5(2) of the Berne Convention, which prohibits Contracting States from subjecting the enjoyment and exercise of copyright to formalities in international situations.¹ Likewise, no formalities are required to secure protection of related (“neighboring”) rights of performers, phonogram producers² and broadcasting organizations or the sui generis database protection that exists, for example, in the European Union (EU). This is different from other domains of intellectual property law, most notably patent law, designs law and trademark law, where protection is typically contingent on, or largely determined by, registration and/or deposit of relevant objects of protection.

Consequently, in the field of copyright and related rights, publicly accessible resources with relevant information about (prima facie) protected works, authorship, ownership of rights, etc. are not available by default. In certain cases, this may present challenges for administration of these rights. Uncertainties can arise, for example, with regard to copyright claims. Authors and rightholders may have difficulty proving that they own the rights in a work, especially if copies of the work do not bear the author’s name. Users, on the other hand, may have no easy means of verifying whether an object is protected by copyright and, if so, who owns the rights in it. Licensing difficulties can also arise if no adequate and up-to-date information is available about rightholders and their whereabouts. The issue of unidentifiable and untraceable copyright owners, also known as the problem of “orphan works”, may obstruct large-scale reutilization of works and impede public access to cultural and scientific materials. Moreover, without adequate information about the author or date of first publication, it may be difficult to establish when the term of protection of a work has expired. Furthermore, many countries wish to record and safeguard cultural assets that are part of their national cultural heritage.

There is a range of industry-based solutions to identify rightholders, works and objects of related rights and facilitate licensing, but these solutions are arguably not always sufficient to meet the needs and interests of all parties. To alleviate these concerns, several countries have set up legal mechanisms for authors and rightholders to voluntarily register their works, record transfers of ownership of their rights and/or deposit copies of their works. In most of these countries, such mechanisms are supplemented by statutory provisions that provide specific benefits to incentivize authors and rightholders to comply with these voluntary measures.

¹ The Berne prohibition on formalities has been incorporated by reference into later treaties, including, inter alia, the TRIPS Agreement (Article 9(1) of the TRIPS Agreement, Annex 1C to the Agreement Establishing the World Trade Organization, signed in Marrakesh on April 15, 1994) and the WIPO Copyright Treaty of 1996 (Article 1(4) of the WIPO Copyright Treaty).

² In relation to the international protection of published phonograms, Article 11 of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 1961 provides that all domestic formalities shall be regarded as fulfilled if the copies of a phonogram bear a notice consisting of the symbol (P), the year of first publication and the names of the owners of the related right in the phonogram. Article 20 of the WIPO Performances and Phonograms Treaty of 1996, by contrast, states that the enjoyment and exercise of the rights provided for therein shall not be subject to any formality.

For the purpose of this survey, the following definitions apply:

- *Registration* is understood as the process of making a public record of the existence of a copyright in a public registry, with information about the author, rightholder, year of publication, etc. It is not a legal requirement for copyright protection under the Berne Convention, but it may often be a legal formality intended to generate specific legal effects benefiting the person registering.
- *Recordation* is understood as the process of registering the transfer of rights relating to copyright or related rights, e.g., the assignment of copyright or related rights by the owner of such rights (assignor) to a physical person or legal entity (assignee) as property.
- *Legal deposit* is understood as the process of leaving a copy of a work in the possession of registry archives or a similar organization providing archival services for the purpose of collecting national cultural heritage.

1.2. Scope of the study

In recent years, a number of Member States of the World Intellectual Property Organization (WIPO) have indicated interest in voluntary copyright registration systems. This interest has led to requests for technical assistance, legislative advice, information sharing and identification of viable models and best practices in this area.

WIPO carried out two surveys on the subject in the past. These surveys were of limited scope and focused mainly on collecting information on existing regulations in Member States.³

This is the third study on voluntary registration systems conducted under the auspices of WIPO. The study is not limited to registration systems but also looks into recordation of transfers of rights as well as legal deposit systems. The objectives are to:

- a) prepare a detailed survey of existing systems;
- b) highlight the policy rationale behind having a system and list the main benefits and challenges thereof; and
- c) identify possible areas for improving current systems as well as potential developments/cooperation at the international level.

The survey questionnaire on which this study is based can be found in Annex I. It is comprised of a list of questions on legal and technical elements of voluntary registration systems, recordation of transfers of rights and certain aspects of legal deposit systems. The questionnaire requested qualitative and quantitative information relating mainly to registrable subject matter; legal effects; process and procedures; storage and access; identifiers and rights management information; other technical features; and relationship with other systems. Through the questionnaire, relevant and structured information was gathered on existing voluntary copyright registration, recordation and legal deposit systems in WIPO Member States.

The replies to the questionnaire formed the basis of a comprehensive analysis, which aims to provide an objective and neutral overview of the information gathered; suggest a typology of existing models and practices; and offer an analysis of the perceived and de facto

³ The results of these surveys, carried out in 2005 and 2010, can be found at: https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=52829 and https://www.wipo.int/copyright/en/registration/registration_and_deposit_system_03_10.html.

benefits and challenges of copyright registration systems. The analysis identifies similarities and differences between registration practices and processes; describes the rationale, main incentives and challenges behind voluntary registration; and highlights relevant best practices or lessons learned. The analysis further provides interested WIPO Member States with indicators for shaping national policies and strategies in this area.

This study is not intended to analyze developments in registration practices and processes over time. The scope of the survey is broader than the previous two surveys and the questions posed are not identical. Furthermore, this survey is not intended or equipped to assess the impact of copyright registration in individual countries or measure the comparative strengths and weaknesses of registration systems around the world.

The work has been coordinated by the WIPO Secretariat. The WIPO Secretariat has also provided technical expertise and assistance throughout the project.

1.3. Methodology

The information for the survey was collected by means of a detailed questionnaire that was sent to all 193 Member States of WIPO. The survey was open from September to December 2019. Most of the replies were provided via the online link made available by the WIPO Secretariat. Submissions that were received by other means were entered into the survey tool in order to process the information in a neutral and objective manner.

During the period in which the survey was open, a total of 109 replies were received from countries on all continents. Therefore, the survey provides a truly global view of the situation in this field and offers a broader basis for analysis than previous surveys. Nevertheless, the overview provided is not fully comprehensive and should not be understood as such since not all WIPO Member States responded and the situation in those countries, therefore, remains unknown.

The survey questionnaire covered a wide range of issues that are relevant to the analysis of existing voluntary copyright registration and legal deposit systems. Qualitative and quantitative information was requested by means of 55 questions. Eight of the questions focused on institutional issues, 25 on voluntary copyright registration systems, 11 on recordation of transfers of rights, eight on legal deposit and three on cases where no systems of copyright registration, recordation and/or legal deposit are yet in place. The quantitative part was assessed using standard survey techniques, while the qualitative part, summary and analysis were prepared by Dr. Stef van Gompel and Dr. Saule Massalina with the assistance of the WIPO Secretariat.

1.4. About the authors

Dr. Stef van Gompel is an Associate Professor at the Institute for Information Law (IViR) of the University of Amsterdam. On March 16, 2011, he received his doctorate from the University of Amsterdam for his thesis entitled *Formalities in Copyright Law: An Analysis of their History, Rationales and Possible Future* (Kluwer Law International, 2011). He studied law at the University of Amsterdam (2005, cum laude) and Music Management at the Fontys Business College of Higher Education in Tilburg, the Netherlands (1999). He is specialized in intellectual property law, in particular, national and international copyright law. He has written various publications on this topic.

Dr. Saule Massalina is an independent legal advisor, who works from Amsterdam. She received her PhD in Kazakhstan on April 23, 2008 after defending her thesis on copyright law reforms influenced by digital technologies. She studied law at University College London (LLM, 2003) and at Kazakh University of Law and Humanities (KazGUU) (2002, cum laude). As a Senior Associate at an international law firm in Kazakhstan, she headed the IP/IT department during 2007-2015. In her capacity as an independent legal advisor, she has worked, inter alia, as an expert on intellectual property (IP) rights in international projects, including the implementation of TRIPS and IP provisions in trade-related agreements between the EU, developing countries and emerging markets.

2. General overview of voluntary formalities and legal deposit

2.1. Systems of voluntary formalities and legal deposit around the globe

The replies received show that, despite the formality-free protection recognized in international treaties, voluntary formalities or legal deposit mandates are applied in many countries around the world. In total, 109 out of 193 WIPO Member States responded to the survey. Ninety-five out of the 109 responding countries (87 per cent) indicate that they have a legal system for copyright registration, recordation of transfers of rights and/or legal deposit. In some countries, the copyright offices that have a registration or recordation system also operate as a public collective management organization (CMO), and it is unclear to what extent these countries' responses refer to systems beyond collective management of copyright and related rights.⁴ As to the WIPO Member States that did not respond to the survey, it cannot be assumed that these countries do not have legal systems for copyright registration, recordation of transfers of rights and/or legal deposit or that they do. This survey simply cannot shed any light on the legal practice in those countries.

Table 1a shows figures for the core categories of voluntary systems of formalities (registration and recordation of transfers of rights) and legal deposit, based on the national submissions received.

Table 1a: Voluntary formalities and legal deposit at national level

	Number of countries	% (*)
Copyright registration	70	64%
Recordation of transfers of rights	46	42%
Legal deposit	67	61%
No such system	14	13%

* Based on the responses from 109 out of 193 WIPO Member States

After verifying a handful of submissions that raised some doubts⁵ and disregarding a few submissions that were incomplete,⁶ the figures in Table 1a were adjusted in Table 1b to give a more accurate view of the actual state of play.

⁴ Following verification of the data submitted, it appears, for example, that Malawi has no voluntary registration or recordation system as defined in the present report. In Malawi, data and "record" changes are kept only for collective rights management purposes and the CMO is run by the copyright office.

⁵ This concerns the submissions of Australia, Botswana, Kyrgyz Republic, Malawi, Mauritania and Ukraine.

⁶ This concerns the submissions of Nigeria (copyright registration, recordation of transfers of rights and legal deposit), Pakistan (copyright registration) and Venezuela (copyright registration).

Table 1b: Voluntary formalities and legal deposit at national level (adjusted)

	Number of countries	% (*)
Copyright registration	67	63%
Recordation of transfers of rights	45	42%
Legal deposit	66	62%
No such system	14	13%

** Based on the responses from 106 out of 193 WIPO Member States (three incomplete responses disregarded)*

Looking at these figures, a caveat seems to be in order. The number of countries that indicate they have a legal deposit system appears to be low compared with the number of countries that have a copyright registration/recordation system. The reason for this may be that countries which have a legal deposit system but no copyright registration/recordation system may not have been inclined to reply to a survey on voluntary copyright registration systems. As a result, the number of countries with a (stand-alone) legal deposit system is, in reality, presumably higher.⁷

The above figures do not show the combinations of legal systems that countries have for copyright registration, recordation of transfers of rights and/or legal deposit. The different combinations of systems of voluntary formalities and legal deposit that exist at the national level are shown in Table 2.

⁷ See, for example, Jasion, J. T. *The International Guide to Legal Deposit*. Aldershot: Ashgate, 1991, pp. 18-31, which lists 139 countries that have a legal deposit system in one form or another.

Table 2: Combinations of voluntary formalities and legal deposit at national level

	Number of countries	% (*)
Copyright registration, recordation and legal deposit⁸	29	27%
Copyright registration and recordation⁹	15	14%
Copyright registration and legal deposit¹⁰	12	11%
Copyright registration¹¹	11	11%
Recordation and legal deposit¹²	1	1%
Legal deposit¹³	24	23%
No such system¹⁴	14	13%

* Based on the responses from 106 out of 193 WIPO Member States (three incomplete responses disregarded)

Figure 1 presents this information in a pie chart.

⁸ Angola, Argentina, Azerbaijan, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Italy, Japan, Kenya, Malaysia, Mexico, Morocco, Paraguay, Philippines, Portugal, Saudi Arabia, Spain, Sudan, United Republic of Tanzania, Thailand, United States of America and Uruguay (30 out of 106 submissions).

⁹ Albania, Botswana, Cabo Verde, Cuba, Kyrgyz Republic, Lebanon, Republic of Moldova, Myanmar, Nicaragua, Oman, Peru, Russian Federation, Republic of Korea, Ukraine and United Arab Emirates (15 out of 106 submissions).

¹⁰ Bhutan, Bosnia and Herzegovina, Côte d'Ivoire, Hungary, Iraq, Jamaica, Mauritania, Montenegro, Mozambique, Romania, Serbia and Yemen (12 out of 106 submissions).

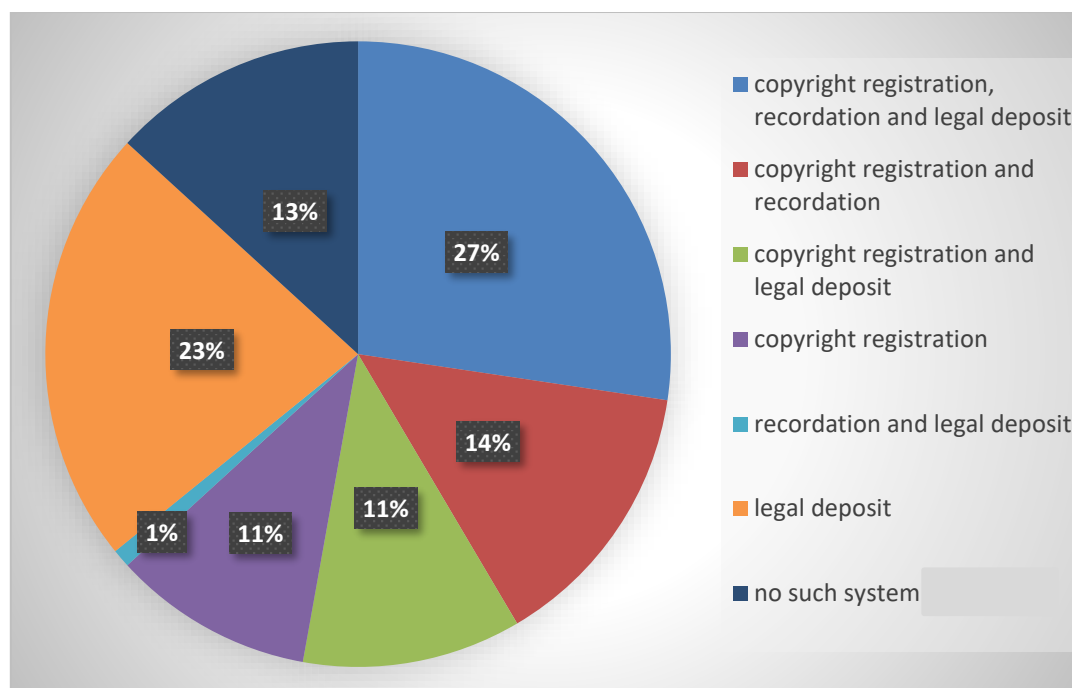
¹¹ Afghanistan, Gambia, India, Kazakhstan, Kiribati, Madagascar, Nepal, Saint Lucia, Tajikistan, Turkey and Viet Nam (11 out of 106 submissions).

¹² France (one out of 106 submissions). See para. 2.2.2.

¹³ Armenia, Australia, Austria, Brunei Darussalam, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Georgia, Greece, Hong Kong SAR (China), Iceland, Ireland, Jordan, Kuwait, Luxembourg, Malawi, New Zealand, Poland, Sweden, Trinidad and Tobago, and Uzbekistan (23 out of 106 submissions).

¹⁴ Belarus, Germany, Grenada, Israel, Latvia, Lithuania, North Macedonia, Mauritius, Netherlands, Saint Kitts and Nevis, San Marino, Singapore, Suriname and Switzerland (14 out of 106 submissions).

Figure 1: Combinations of voluntary formalities and legal deposit at national level*



* Based on the responses from 106 out of 193 WIPO Member States (three incomplete responses disregarded)

2.2. Institutional questions

Most countries have concentrated the administration of their legal systems of copyright registration and/or recordation of transfers of rights in a single institution, usually a national copyright or IP office. By contrast, in various countries, the national library or another specialized institution, such as the national audiovisual archive/institute, administers the legal deposit system for printed matter and audiovisual works.

2.2.1. Copyright registration systems

Sixty-eight countries have a copyright registration system. In most of these countries, a copyright or IP office or a copyright or IP department within a ministry administers the registration system. Exceptions are Brazil (different registry authorities depending on the subject matter),¹⁵ Italy (General Directorate for Libraries and Cultural Institutes), Japan (Agency for Cultural Affairs), Mozambique (National Institute of Cultural and Creative Industries), Philippines (National Library),¹⁶ Portugal (General Inspectorate for Cultural

¹⁵ These are: Escritório de Direitos Autorais, EDA/FBN (lyrics or sheet music, individual registration of lyrics (without score), individual score record (with or without lyrics), recording of several lyrics by collection (without scores), recording of various scores by collection (without lyrics)); Escola de Música, UFRJ (lyrics and sheet music); Escola de Belas Artes, UFRJ (drawing, painting, engraving, sculpture, lithography and kinetic art); Agência Nacional de Cinema, ANCINE (audiovisual and cinematic works); Conselho Federal de Engenharia e Agronomia, CONFEA (studies, plans, projects, sketches, plastic works and other materials concerning agronomy, engineering, geography, geology and meteorology); Instituto Nacional da Propriedade Intelectual, INPI (computer programs); Conselho de Arquitetura e Urbanismo do Brasil, CAU/BR (projects, works and technical works in architecture and urbanism).

¹⁶ In the Philippines, the registration of works in the field of law must take place at the Supreme Court Library. In practice, the IP Office under the Department of Industry and Trade may act as a deputy for the National Library in matters of copyright registration, recordation and deposit.

Activities) and Uruguay (National Library). In Spain, copyright registration and recordation of transfers of rights are decentralized: management of the register is transferred from the national registry authority (Registro Central de la Propiedad Intelectual) to the Autonomous Communities through eleven Territorial IP Registers.¹⁷

All these institutions are part of public administration.¹⁸ They are usually under the governance of a specific ministry;¹⁹ however, in some countries, they are under the supervision of specific governmental or public institutions, such as the Presidential Administration (Azerbaijan), the Council of Ministers (Bosnia and Herzegovina), the Presidency of the Republic (Ecuador), the Office of the Attorney General (Kenya), the Secretary of Culture (Mexico), the Office of the President (Philippines) or the Library of Congress (United States of America). In virtually all countries responding to the survey, the rules and procedures for copyright registration are laid down in national copyright and related rights legislation, while more detailed provisions and instructions are typically set out in government decrees, resolutions, decisions or circulars.

In several countries, the copyright registration system has existed for a long time. In the United States of America, copyright registration dates back to 1790. The registration systems in Chile (1834), Mexico (1846), Spain (1879), Colombia (1886), Ecuador (1887), Costa Rica (1896) and Japan (1899) also have their origin in the nineteenth century. In the early twentieth century, copyright registration systems were established in Morocco (1916), Lebanon (1924), Philippines (1924), Argentina (1933), Uruguay (1937), Italy (1941) and Peru (1943). Other countries followed after World War II.²⁰ Examples of countries that introduced copyright registration systems more recently include the Russian Federation (1992), other CIS countries (1992-2001),²¹ China (1994), Ukraine (1995), Hungary (1999), Gambia (2005), Turkey (2006), Bosnia and Herzegovina (2011), Montenegro (2011), Mozambique (2016),

¹⁷ In 1987, Spain repealed the Intellectual Property Act of 1879, under which the registration of IP rights was compulsory, thereby making registration voluntary.

¹⁸ Some countries, however, emphasize that the registry operates independently. See, for example, the submissions of Azerbaijan (stating that the Intellectual Property Agency is a government agency with the status of legal entity under public law but that it is solely responsible for administering copyright registration, recordation and legal deposit) and Saudi Arabia (indicating that the Saudi Authority for IP is an independent agency under the Ministry of Commerce and Investment). Colombia also states that the National Directorate for Copyright is a special administrative unit under the Ministry of the Interior, with legal status, administrative autonomy and separate assets. Côte d'Ivoire indicates that the Copyright Office is a private company but also part of public administration.

¹⁹ The ministry responsible varies by country: Ministry of Culture (e.g., Albania, Angola, Chile, Côte d'Ivoire, Gambia, Haiti, Iraq, Italy, Madagascar, Mauritania, Morocco, Mozambique, Nepal, Portugal, Romania, Spain, Sudan, Tajikistan, Turkey, Viet Nam and Yemen), Ministry of Economy (e.g., Bhutan, Montenegro, Ukraine and United Arab Emirates), Ministry of Commerce (e.g., India, Kiribati, Myanmar, Oman, Saudi Arabia and Thailand), Ministry of Industry and Trade (e.g., Dominican Republic, Jamaica and United Republic of Tanzania), Ministry of Justice (e.g., Argentina, Costa Rica and Kazakhstan), Ministry of Domestic Trade and Consumer Affairs (e.g., Malaysia), Ministry of the Interior (e.g., Colombia), Ministry of Education and Culture (e.g., Japan and Uruguay), Ministry of Education, Science and Technological Development (Serbia), Ministry of Innovation and Technology (e.g., Hungary) and Ministry of Innovation, Science and Economic Development (e.g., Canada). In Brazil, different ministries govern the various registries, including the Ministry of Citizenship, the Ministry of Economy and the Ministry of Education.

²⁰ These include (in chronological order): Dominican Republic (1947), Paraguay (1951), Republic of Korea (1957), India (1958), Nepal (1965), Iraq (1971), Brazil (1973), Sudan (1974), Côte d'Ivoire (1978), Madagascar (1984), Canada (1985), Portugal (1985) and Viet Nam (1986).

²¹ These are (in chronological order): Republic of Moldova (1992), Kyrgyz Republic (1995), Azerbaijan (1996), Kazakhstan (1996) and Tajikistan (2011).

Saudi Arabia (2019) and various others.²² Myanmar reports that it is making the necessary preparations to launch a system of copyright registration and recordation of transfers of rights probably at the end of 2020.²³

Several countries indicate that there have been recent changes in registration rules due to technological advances. Some countries, including Argentina, the Dominican Republic, Hungary, India and Turkey, have created a platform or web application for online copyright registration services. Turkey has also introduced a time stamp for digitally stored works. Chile has a new regulation authorizing the use of electronic means in archival and registry management. The Republic of Korea states that it is going to improve registry accessibility by enhancing the registration system's user environment. Likewise, in the United States of America, the Copyright Office is in the process of implementing major improvements to the registration and recordation systems with a view to upgrading processes significantly for users.²⁴ Other changes that countries report do not concern technological advances but aim to enhance user experience with the registration system,²⁵ improve online copyright enforcement²⁶ or registration procedures generally.²⁷ Yemen changed the registration system when acceding to the Berne Convention and TRIPS.

2.2.2. Recordation systems

Forty-six countries have a recordation system, and 45 of these countries have both recordation and copyright registration systems. In all these countries, the office responsible for copyright registration also manages recordation of transfers of rights.²⁸ The recordation system was generally established at the same time as copyright registration, but some countries report that recordation was introduced at a later date.²⁹ In general, the rules

²² These include (in chronological order): Thailand (1992), Yemen (1994), Oman (1996), Romania (1996), Guatemala (1998), Serbia (1998), Nicaragua (1999), Botswana (2000), United Republic of Tanzania (2001), United Arab Emirates (2002), Cuba (2003), Albania (2005), Afghanistan (2007), Kenya (2008), Cabo Verde (2010), Malaysia (2012), Jamaica (2015), Mauritania (2015) and Kiribati (2018).

²³ The Copyright Law of Myanmar was promulgated on May 24, 2019 and will come into force on the date specified by the President with notification. This means that copyright registration and recordation of transfers of rights will begin once that notification has been issued.

²⁴ These changes include developing a new enterprise copyright system to improve both user- and office-facing sides of the registration system, increasing public access to copyright records and moving recordation from a paper-based system to a digital system.

²⁵ See, for example, the submissions of India (stating that, in 2018, the Copyright Office published a Practice and Procedure Manual for examinations of applications in literary, artistic, musical, cinematograph film and sound recording works in order to simplify the process of registration and make it more user friendly) and the Dominican Republic (indicating that it introduced changes to reduce time for carrying out procedures).

²⁶ See, for example, the submission of Malaysia (reporting that, in 2018, a new system called EyeRIS was developed, which allows the copyright enforcement division to search works and rightholders listed in the Copyright Register and helps it get early information online for copyright enforcement).

²⁷ This includes, e.g., the development of new forms for copyright registration (Dominican Republic), regulation of procedures for the rejection of registration (Chile), changes to registration options for some categories of works (United States of America) and changes to copyright registration fees (Dominican Republic, Gambia, Iraq and Kyrgyz Republic).

²⁸ An exception is Angola, which indicated that SENADIAC, the national copyright office, manages registration, while UNAC-SA, the Angolan Association of Artists and Composers (a CMO) manages recordation. However, Angola did not answer the questions on recordation of transfers of rights (Q34 to Q44), so it is uncertain whether it actually has a legal recordation system.

²⁹ See, for example, the submissions of Mexico (copyright registration established in 1846 and recordation in 1948) and United States of America (copyright registration established in 1790 and recordation in 1834).

governing recordation of transfers of rights are contained in the same legislation as copyright registration (typically the national copyright law with accompanying decrees).

Some countries report recent changes in recordation due to technological advances. The United States of America, for example, indicates that the U.S. Copyright Office is in the process of moving recordation from a paper-based system to a digital system.³⁰

One country has a stand-alone recordation system. In France, the National Center for Cinema and the Moving Image (CNC), which was created by law in 1944, administers the public recordation system for film and broadcasting agreements. It ensures that acts, agreements and rulings relating to the production, distribution, representation and screening of audiovisual works are recorded in a public registry. An act may only be recorded if the work to which it relates has been registered. Registration is compulsory for cinema films but optional for non-cinematographic audiovisual works. The registry office does not examine the validity of acts recorded and may only refuse to register acts for reasons of form. However, if an agreement is not registered, it is not enforceable upon third parties. Moreover, the act first registered prevails over subsequently registered acts, whatever the actual date of such acts. These measures aim to ensure the effectiveness of the public registry and to introduce sufficient safeguards for third parties to control the copyright chain of title in audiovisual works.³¹ This system will not be discussed in the following analysis, as France did not answer the section on recordation.

2.2.3. Legal deposit systems

Sixty-six countries have a legal deposit system, and 43 of these countries have both legal deposit and copyright registration/recordation systems. The office responsible for copyright registration/recordation also manages legal deposit in only 17 countries.³²

In some countries that have legal deposit but no registration/recordation, the national IP office or another center is responsible for legal deposit.³³ In all other countries, legal deposit is administered by a different institution, usually the national library for printed matter and the national audiovisual archive for audiovisual works. In various countries, legal deposit is managed by multiple libraries or other institutions.

Most of these institutions are part of public administration; however, in a few countries, the legal deposit institute belongs to the legislative body³⁴ or operates, at least to some degree,

³⁰ Malawi also states that it is working on an online filing system for recordation, but this system is part of a CMO scheme and is not a recordation system as per the meaning of this report. See the response from Malawi to Q36.

³¹ See: <https://www.cnc.fr/web/en/about/directorates-and-departments/conservation-of-film-and-television-registers>.

³² These are: Argentina, Azerbaijan, Bosnia and Herzegovina, Brazil, China, Dominican Republic, Iraq, Italy, Kenya, Malaysia, Montenegro, Paraguay, Philippines, United Republic of Tanzania, Sudan, United States of America and Uruguay. In Costa Rica, the Registry of Copyright and Related Rights was one of the legal deposit institutions until 2008 when the law was amended, terminating legal deposit at the Registry but maintaining the requirement to deliver legal deposit copies to the National Library and six other libraries.

³³ See, for example, Brunei Darussalam (Language and Literature Bureau), Georgia (National IP Center of Georgia, Sakpatenti), Hong Kong SAR (China) (Books Registration Office) and Uzbekistan (IP Advisory Center). In Armenia, the collective rights management organization, ARMAUTHOR, is responsible for legal deposit. The law states that the person in whose name the work is deposited shall be deemed to be the author, unless proven otherwise.

³⁴ This is the case, for example, in Japan, where the legal deposit library belongs to the parliament (Diet). See also Greece, where one of the legal deposit libraries is the Library of the Hellenic Parliament.

independently.³⁵ Most legal deposit institutes are under the governance of a specific ministry, usually the Ministry of Culture or the Ministry of Education;³⁶ however, in some countries or territories, they are under the supervision of specific governmental or public institutions, such as the Federal Chancellery (Austria), the Prime Minister (Georgia), the Government (Hong Kong SAR (China)) and the Congress of the Union (Mexico).

In several countries, rules on legal deposit are laid down in national copyright or IP laws;³⁷ however, in many countries, legal deposit is regulated by specific legislation outside the copyright framework.³⁸

In various countries, especially in Europe, the legal deposit system dates back to early times. Examples include France (1537), Spain (1616), Sweden (1661), Iceland (1662), Denmark (1697), Finland (1707), Hungary (1780), the Czech Republic (1782), Portugal (1805), Croatia (1816) and Greece (1867). Examples of early legal deposit systems outside Europe are Colombia (1834), Chile (1834) and the United States of America (1870). Most other countries report that their legal deposit systems were established at a later date, many in the twentieth century³⁹ but some in more recent times.⁴⁰

In recent years, various countries have introduced changes to the legal deposit system due to technological advances. In several countries, the scope of legal deposit has been significantly expanded to include publications in digital format and online materials.⁴¹ Luxembourg has simplified the legal deposit of audiovisual works, in particular, the technical

³⁵ See, for example, the submissions of Australia, Czech Republic, Finland and Hungary. In Uzbekistan, the legal deposit institute is a unitary enterprise (government-owned corporation). In Armenia, the collective rights management organization, ARMAUTHOR, is a private entity. In Guatemala and Mexico, legal deposit is partially governed by public administration and partially independent.

³⁶ Other ministries named in submissions are the Ministry of Communications (Trinidad and Tobago), the Ministry of Internal Affairs (Côte d'Ivoire and New Zealand) and the Ministry of Justice (Uzbekistan).

³⁷ E.g., in Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, China, Colombia, Costa Rica, Dominican Republic, Georgia, Ireland, Jordan, Kuwait, Malawi, Montenegro, Paraguay, United Republic of Tanzania and Uzbekistan.

³⁸ This legislation can be legal deposit laws or decrees (e.g., Angola, Bhutan, Bulgaria, Canada, Côte d'Ivoire, Denmark, Estonia, Finland, France, Hungary, Jamaica, Luxembourg, Mexico, Morocco, Poland, Romania, Serbia, Spain, Sweden, and Trinidad and Tobago), library and archive laws (e.g., Canada, Croatia, Czech Republic, Greece, Haiti, Hungary, Japan and New Zealand), books preservation or registration laws (e.g., Brunei Darussalam and Hong Kong SAR (China)), printing recordation laws (e.g., Thailand), press and publication laws (e.g., Yemen), media laws (e.g., Austria), laws on book promotion and on culture (e.g., Ecuador), and freedom of opinion laws (e.g., Chile and Guatemala).

³⁹ These are (in chronological order): Costa Rica (1902), New Zealand (1903), Ecuador (1904), Australia (1912), Mozambique (1931), Morocco (1932), Poland (1932), Argentina (1933), Thailand (1933), Dominican Republic (1947), Japan (1948), Paraguay (1951), Canada (1953), Luxembourg (1958), Brunei Darussalam (1961), Côte d'Ivoire (1962), Uruguay (1970), Iraq (1971), Brazil (1973), Philippines (1975), Bulgaria (1976), Hong Kong SAR (China) (1976), Haiti (1984), Trinidad and Tobago (1985), Mexico (1991), Jordan (1992), Malawi (1992), Saudi Arabia (1992), China (1994), Azerbaijan (1996), Guatemala (1996), Estonia (1997) and Kuwait (1999).

⁴⁰ These are (in chronological order): United Republic of Tanzania (2001), Angola (2003), Jamaica (2004), Georgia (2005), Armenia (2006), Kenya (2008), Bosnia and Herzegovina (2011), Montenegro (2011) and Serbia (2011).

⁴¹ See, for example, the submissions of Australia, Estonia, Finland, Hungary, Iceland, Japan, New Zealand and Sweden. In Colombia, legal deposit has been extended to phonograms and videograms and its scope broadened from printed matter to include different forms that works may take.

elements to be deposited and the time frame for completing the deposit. Other changes reported are of a more procedural nature.⁴²

2.3. Countries with no system of voluntary formalities and legal deposit

It is not known how many of the WIPO Member States that have not responded to the survey have no system of voluntary formalities and legal deposit; however, of the 109 countries that have responded, 14 indicate that they do not have any system of copyright registration, recordation of transfers of rights or legal deposit. These are: Belarus, Germany, Grenada, Israel, Latvia, Lithuania, Mauritius, the Netherlands, North Macedonia, Saint Kitts and Nevis, San Marino, Singapore, Suriname and Switzerland.

2.3.1. Previous systems of formalities

Only two of these 14 countries report that they previously had legal systems of copyright registration, recordation of transfers of rights and/or legal deposit.

Belarus abandoned the registration of authors' rights and their works in 1998.⁴³ Although it is not explicit, the decision to abolish copyright registration was most probably related to the accession of Belarus to the Berne Convention in 1997.

Likewise, in Switzerland, mandatory registration of specific works (unpublished works, governmental/corporate works and photographs) ended in 1918.⁴⁴ This was to prevent discrimination against Swiss rightholders compared to foreign rightholders, who could rely directly on the Berne Convention and whose works thus received protection without having to comply with Swiss registration formalities.

At least two other countries listed above, namely Germany and the Netherlands, also had systems of mandatory copyright formalities in the past. These systems were abandoned at the end of the nineteenth century or in the early twentieth century, either before or after the adoption of the international prohibition on formalities in the Berne Convention in 1908. The Netherlands, for example, required legal deposit as a condition for copyright protection until 1912 when it joined the Berne Convention.⁴⁵

Consequently, these examples show that the international prohibition on formalities in Article 5(2) of the Berne Convention has had a clear norm-setting effect. Although it applies

⁴² See, for example, the submissions of the Dominican Republic (reporting the development of new deposit forms for legal deposit in person at the registration office or department), Ecuador (reporting that there have been changes to the number of works to be delivered) and United States of America (stating that the deposit of newspapers is now accepted in electronic form, ongoing subscriptions are now required for serial publications, and one copy is now required for most literary works and printed music).

⁴³ Republic of Belarus Law No. 194-Z of August 11, 1998, on Amendments and Additions to the Republic of Belarus Law on Copyright and Related Rights, repealing Article 8(3) of Republic of Belarus Law No. 370-XIII of May 16, 1996, on Copyright and Related Rights, concerning the registration of authors' rights and their works.

⁴⁴ Under the Swiss Copyright Act of 1883, copyright protection for the following was dependent on registration within three months after publication (i) unpublished works from legal estates, (ii) works published by the Swiss government, a legal entity or an association, and (iii) photographs and similar works. The Department of Commerce managed this mandatory register and kept a register for the voluntary registration of other works.

⁴⁵ On these nineteenth-century formalities in Europe, see: van Gompel, S. J. "Les formalités sont mortes, vive les formalités! Copyright Formalities and the Reasons for their Decline in Nineteenth Century Europe." in Deazley, R., Kretschmer, M. & Bently, L. (eds) *Privilege and Property: Essays on the History of Copyright*. Cambridge: Open Book Publishers, 2010, pp. 157-206.

only to international situations and thus permits contracting countries to impose formalities on domestic works, some countries that had systems of mandatory formalities chose to abolish them altogether. They simply did not want to maintain formalities only for domestic works, as that would be unfavorable to their own creative industries. While they could also have opted to transform their systems into voluntary formalities, which the Berne Convention permits, it appears that these countries did not see any real advantage in maintaining some form of voluntary formalities at that time.⁴⁶

2.3.2. Private arrangements for copyright registration, recordation or deposit

A few countries give examples of private, non-legal arrangements or infrastructures for copyright registration, recordation of transfers of rights and/or legal deposit. Apart from international standard numbers that are used as unique identifiers and stored in central databases, such as ISBN for books and ISAN for audiovisual works, national examples include the film script register managed by Suissimage, which is the rights management organization for audiovisual works in Switzerland. Likewise, in Lithuania, there are three sector-specific registers that list copyright-protected content, rightholders and, occasionally, transfers of rights. Lithuania has private registers for (1) books in print;⁴⁷ (2) films;⁴⁸ and (3) exhibits of the National Museum.⁴⁹

In Belarus, rightholders can deposit copies of works at their own discretion. Materials identifying intellectual property are held by the Belpatentservice Unitary Enterprise, which is a state enterprise, for a period of time agreed upon by the parties. In North Macedonia, rightholders can use the services of private enterprises to store and keep evidence of the copyright they hold in works, without this being a statutory obligation.

2.4. Current debates on (re)installing legal systems of voluntary formalities

Eight countries report that there have been recent discussions about (re)installing systems of copyright registration, recordation of transfers of rights and/or legal deposit or, at least, about developing the necessary data infrastructure to increase the transparency and availability of reliable copyright data.⁵⁰

Some countries indicate that these discussions exist but do not go into details. Switzerland states that, while no in-depth discussions have taken place, the possibility of a copyright register has been touched upon briefly during discussions about orphan works and discussions about a robust public domain. Germany indicates that attempts have been made in the past to establish a voluntary system of formalities akin to that in the United States of America. There were proposals, for example, to establish a Common Copyright Register at the German National Library. However, these attempts failed because no

⁴⁶ van Gompel, S.J. *Formalities in Copyright Law: An analysis of their History, Rationales and Possible Future*. Alphen aan den Rijn: Kluwer Law International, 2011.

⁴⁷ Lithuanian Catalog of Books in Print, administered by the Lithuanian Publishers Association, available at: <http://ltbooks.nkpk.lt/>.

⁴⁸ Film Register (established in 2013), administered by the Lithuanian Film Center <http://www.lkc.lt/en/lithuanian-film-center/>, available at: <http://www.lkc.lt/filmu-registras/>.

⁴⁹ National Museum Catalogs of Exhibits, a single Lithuania-wide online catalog is under construction.

⁵⁰ These are: Germany, Grenada, Lithuania, Saint Kitts and Nevis, San Marino, Suriname and Switzerland (answer to Q54) as well as Finland (comments on the draft report, received on January 27, 2021).

consensus could be reached. More recently, the introduction of elements of a registration system, especially for digitized subject matter, has been discussed among German scholars.

Lithuania reports that, in 2019, an interinstitutional working group was set up under the auspices of the Lithuanian Ministry of Justice to study the implementation of WIPO recommendations. One of the questions raised by this group is copyright registration. In addition, certain rightholders in Lithuania also complain that it is becoming increasingly difficult to defend their rights in the absence of copyright registration.

Other countries are considering adopting copyright registration systems. The revised law of Suriname already has provisions on copyright registration, but regulations on the implementation and enforcement of such a system are not yet in place. Due to increased interest from attorneys and citizens, the Attorney General of Grenada has informally discussed voluntary copyright registration with the Registrar of Intellectual Property. In Saint Kitts and Nevis, there have been discussions on the matter which increased the enthusiasm for copyright registration. Saint Kitts and Nevis has, therefore, indicated that it would be very interested if WIPO were to develop a copyright registration system.

Finland recommended focusing on increasing the transparency and availability of reliable copyright data in general. The latter was a core theme during the Finnish Presidency of the Council of the European Union.⁵¹ It recommended that WIPO initiate conversations on the topic, similar to those organized on the impact of artificial intelligence. This way, the global IP community, governments, representatives of creative industries and society at large could benefit from work towards common principles on data management (data governance) in copyright systems. According to Finland, transparency and efficiency are important for ongoing work within the creative industries, investments and work at the EU level.

⁵¹ See: Developing the Copyright Infrastructure - Stocktaking of work and progress under the Finnish Presidency (2019): <https://data.consilium.europa.eu/doc/document/ST-15016-2019-INIT/en/pdf>.

3. Copyright registration

Sixty-seven out of 106 countries (63 per cent) have a copyright registration system, but three of these countries did not answer the section on copyright registration in the questionnaire.⁵² As a result, the following analysis is based on the submissions of 64 countries.⁵³

3.1. Registrable subject matter

3.1.1. Subject matter protected by copyright

Most countries (86 per cent) accept voluntary registration of all works eligible for copyright protection. This includes 27 countries reporting that all works fitting an open-ended definition of protectable works may be registered;⁵⁴ 21 countries stating that all works fitting statutorily defined categories of works may be registered;⁵⁵ and seven countries reporting something else but whose submissions demonstrate that, in fact, they also accept voluntary registration of all works eligible for copyright protection.⁵⁶

Countries with an open-ended definition of protectable works usually divide registrable works into distinct administrative classes for registration purposes. The categorization and number of classes vary between countries. Chile, for example, has registers for literary works, artistic works and scientific works. The United States of America differentiates between literary works, visual art works, performing arts works, sound recordings and serial publications. Colombia has registers for literary works, audiovisual works, artistic works, stage works, software, and architectural, engineering and associated works. Romania has separate registers for specific objects, such as phonograms, videograms, computer programs, etc. as well as a general register for all other works eligible for copyright protection. Hungary also applies specific categorization, but applicants are free to categorize their works as they consider appropriate.

⁵² This concerns the submissions of: Iraq, Saint Lucia and United Arab Emirates.

⁵³ These are: Afghanistan, Albania, Angola, Argentina, Azerbaijan, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Gambia, Guatemala, Haiti, Hungary, India, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kiribati, Kyrgyz Republic, Lebanon, Madagascar, Malaysia, Mauritania, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Paraguay, Peru, Philippines, Portugal, Romania, Russian Federation, Saudi Arabia, Serbia, Republic of Korea, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, Turkey, Ukraine, United States of America, Uruguay, Viet Nam and Yemen.

⁵⁴ These are: Argentina, Azerbaijan, Bosnia and Herzegovina, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Guatemala, Haiti, Hungary, Japan, Lebanon, Mauritania, Republic of Moldova, Myanmar, Nicaragua, Paraguay, Peru, Romania, Serbia, Spain, Sudan, United Republic of Tanzania, United States of America, Uruguay and Yemen (27 out of 64 submissions).

⁵⁵ These are: Albania, Bhutan, Botswana, Canada, China, Ecuador, Gambia, India, Jamaica, Kazakhstan, Kyrgyz Republic, Malaysia, Oman, Philippines, Portugal, Republic of Korea, Tajikistan, Thailand, Turkey, Ukraine and Viet Nam (21 out of 64 submissions).

⁵⁶ These are: Angola ("all intellectual works of an artistic and literary nature"), Brazil ("intellectual works ... such as"), Cabo Verde ("intellectual creations of the literary, scientific and artistic domains, namely..."), Dominican Republic ("all productions in the literary or artistic domain"), Mexico ("other works which may, by analogy, be considered literary or artistic works"), Montenegro ("copyrighted works, ... in particular") and Mozambique ("all works provided for by the law") (seven out of 64 submissions).

The result is that, in these countries, registration occurs almost along the same lines as in countries with statutorily defined categories of works. In those countries, registration typically follows the statutory categories of works. China, for example, has registers for written works; oral works; musical works; dramatic works; “quyi” works (performance art); choreographic works; acrobatic works; works of the fine arts and architecture; photographic works; cinematographic works and works created by a process analogous to cinematography; graphic works; and computer software. Malaysia has registers for literary works, artistic works, musical works, films, sound recordings, broadcasts and derivative works. Jamaica has registers for literary works, audiovisual/dramatic works, artistic works/typographical arrangements and musical works/sound recordings.

In nine countries (14 per cent), voluntary registration is open only to specific categories of works prescribed by the law.⁵⁷ Most of these countries accept registration of common types of works, including literary works, dramatic works, artistic works, musical works and audiovisual works, depending on the country. This is, by and large, the same registrable subject matter as in the countries above. Registration is limited to specific types of works in a few countries only. This concerns Russia, which only accepts registration of computer programs and databases, and Saudi Arabia, where only architectural design and computer software and applications can be registered.

Unpublished manuscripts

In some countries, such as Argentina, Colombia, Guatemala, the Kyrgyz Republic, Peru and the United States of America, publication status is used in the registers to distinguish between unpublished manuscripts and published works. In various countries, authors can deposit their unpublished manuscripts in registries for safekeeping to prevent unlawful use or appropriation by others. Registration creates a rebuttable presumption of authorship and generates a date of registration, which is useful for establishing priority of creation in cases of conflict. Registries usually do not grant access to unpublished manuscripts without the author’s authorization or a court order.⁵⁸

Different and/or new versions of the same work

In all but 16 countries (75 per cent), different and/or new versions of the same work must be registered separately.⁵⁹ What is considered to constitute a different and/or new version varies by country. Some countries accept registration of any version containing modifications, changes, additions, deletions or alterations of content.⁶⁰ Other countries expect separate registration of versions that differ substantially from the original or previous version, for example, when there are major changes or substantial revisions.⁶¹ Yet another set of countries requires separate registration of derivative works constituting new

⁵⁷ These are: Afghanistan, Italy, Kenya, Kiribati, Madagascar, Morocco, Nepal, Russian Federation and Saudi Arabia (nine out of 64 submissions).

⁵⁸ See, in particular, the submissions of Guatemala and Peru (answer to Q28).

⁵⁹ Countries where different and/or new versions of the same work do not have to be registered separately are: Afghanistan, China, Cabo Verde, Côte d’Ivoire, Dominican Republic, Guatemala, India, Kazakhstan, Kyrgyz Republic, Mauritania, Nicaragua, Portugal, Romania, Russian Federation, Saudi Arabia and Tajikistan (16 out of 63 submissions). Gambia did not answer Q10.

⁶⁰ See, for example, the submissions of Argentina, Bosnia and Herzegovina, Botswana, Colombia, Hungary, Spain, Turkey and Uruguay.

⁶¹ See, for example, the submissions of Bhutan, Chile, Costa Rica, Haiti, Italy, Jamaica, Kenya, Lebanon, Nepal, Philippines, Thailand and Yemen.

intellectual creations.⁶² In the United States of America, for example, the Copyright Office will register multiple versions of a published work, provided that each version contains a sufficient amount of copyrightable authorship that does not appear in the previous versions.⁶³ A few countries state that, since registration is a voluntary act, it is up to the author to decide whether to register different or new versions of a work.⁶⁴

3.1.2. Subject matter protected by related rights

In the large majority of countries (89 per cent), subject matter of related rights is also eligible for registration.⁶⁵ Subject matter of related rights cannot be registered in Brazil, Cuba, Kazakhstan, Madagascar, Portugal, Saudi Arabia and Ukraine.

Several countries accept registration of performances, phonograms and broadcasts,⁶⁶ and some also accept registration of videograms.⁶⁷ Other countries only allow registration of performances and phonograms;⁶⁸ performances and broadcasts;⁶⁹ phonograms and broadcasts or videograms;⁷⁰ or phonograms only.⁷¹ Some countries report more atypical types of subject matter, including databases protected by related or sui generis rights,⁷² editorial productions⁷³ and miscellaneous subject matter.⁷⁴

⁶² See, for example, the submissions of Angola, Azerbaijan, Brazil, Cuba, Ecuador, Mexico, Republic of Moldova, Montenegro, Mozambique, Peru, Republic of Korea, Sudan, Ukraine and Viet Nam.

⁶³ In the United States of America, a registration only covers the specific version of the work submitted for registration. The U.S. Copyright Office does not offer “blanket registrations” that cover prior versions or derivative versions of the same work. For unpublished works, it usually suffices to submit the most recent or the most complete version for registration; however, if unpublished versions are sufficiently different, the author may want to register one or more of those versions as well. The U.S. Copyright Office offers a Group Registration option for unpublished works, where up to 10 unpublished works can be registered with one Group Registration.

⁶⁴ See, for example, the submissions of Japan, Malaysia and Ukraine.

⁶⁵ These are: Afghanistan, Albania, Angola, Argentina, Azerbaijan, Bhutan, Bosnia and Herzegovina, Botswana, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Dominican Republic, Ecuador, Guatemala, Haiti, Hungary, India, Italy, Jamaica, Japan, Kenya, Kiribati, Kyrgyz Republic, Lebanon, Malaysia, Mauritania, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Paraguay, Peru, Philippines, Romania, Russian Federation, Serbia, Republic of Korea, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, Turkey, United States of America, Uruguay, Viet Nam and Yemen (56 out of 63 submissions). Gambia did not answer Q11.

⁶⁶ See, for example, the submissions of Azerbaijan, Bhutan, Botswana, Canada, Guatemala, Kiribati, Kyrgyz Republic, Myanmar, Nepal, Paraguay, Peru, Philippines, Republic of Korea, Tajikistan, United Republic of Tanzania, Turkey and United States of America (offering protection under copyright law).

⁶⁷ See, for example, the submissions of Bosnia and Herzegovina, Mexico, Republic of Moldova, Serbia, Spain and Viet Nam.

⁶⁸ See, for example, the submissions of Ecuador, Kenya, Lebanon and Nicaragua.

⁶⁹ See, for example, the submission of Jamaica.

⁷⁰ See, for example, the submission of Thailand (offering protection under copyright law).

⁷¹ See, for example, the submissions of Argentina, Colombia and India.

⁷² See, for example, the submissions of Bosnia and Herzegovina, Russian Federation, Serbia and Spain.

⁷³ See, for example, the submissions of Mexico, Montenegro and Spain.

⁷⁴ See, for example, the submissions of Cabo Verde (choreographic works, circus numbers and pantomimes), Italy (engineering projects and similar works) and Spain (referring, inter alia, to unedited photographs).

3.1.3. Conditions for registrability

Most countries (87 per cent) make registration of works or other subject matter contingent on their fixation in a material form.⁷⁵ Countries where this is not the case are Brazil, Costa Rica, Japan, Madagascar, Morocco, Nicaragua, Peru and the Republic of Korea.

In 15 out of 62 countries (24 per cent), registration of works or other subject matter is contingent on country of origin.⁷⁶ These are Afghanistan, Albania, Angola, Argentina, Bosnia and Herzegovina, India, Malaysia, Mauritania, Morocco, Myanmar, Nepal, Saudi Arabia, the Republic of Korea, the United States of America and Viet Nam. Most of these countries define country of origin by the nationality/residence of the author or the country of first publication. The eligibility for registration of a work or other subject matter of foreign origin is typically established in accordance with the criteria set out in the relevant international treaties or agreements on eligibility for copyright or related rights protection. Sometimes, additional criteria apply.⁷⁷ Morocco reports that, for the purpose of registration, the rightholder must be a Moroccan national. Mauritania and the Republic of Korea indicate that registration is dependent on reciprocity of protection in the country of origin. In Argentina, the registration of national published works is obligatory, whereas the registration of foreign works and national unpublished works is voluntary.

3.1.4. Registration statistics

Many countries have provided statistics on works or other subject matter registered over the last three years, according to the categorization of works and subject matter in their country. Given that these statistics illustrate the situation in a given country and are difficult to compare, they will not be published in this report but are available in the national reports (answer to Q14).

⁷⁵ These are: Afghanistan, Albania, Angola, Argentina, Azerbaijan, Bhutan, Bosnia and Herzegovina, Botswana, Cabo Verde, Canada, Chile, China, Colombia, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Hungary, India, Italy, Jamaica, Kazakhstan, Kenya, Kiribati, Kyrgyz Republic, Lebanon, Malaysia, Mauritania, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Nepal, Oman, Paraguay, Philippines, Portugal, Romania, Russian Federation, Saudi Arabia, Serbia, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, Turkey, Ukraine, United States of America, Uruguay, Viet Nam and Yemen (55 out of 63 submissions). Gambia did not answer Q12.

⁷⁶ Countries where registration of works or other subject matter is not contingent on country of origin are: Azerbaijan, Bhutan, Botswana, Brazil, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Hungary, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kiribati, Kyrgyz Republic, Madagascar, Mexico, Republic of Moldova, Montenegro, Mozambique, Nicaragua, Oman, Paraguay, Peru, Philippines, Portugal, Romania, Russian Federation, Serbia, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, Turkey, Ukraine, Uruguay and Yemen (47 out of 62 submissions). Gambia and Lebanon did not answer Q13.

⁷⁷ See, for example, the submission of the United States of America (Foreign works may be eligible for registration if they are unpublished, if they were first published in a country that has established treaty relations with the United States of America or if they were created by a stateless person. Works that previously fell into the public domain in the United States of America due to a failure to comply with prior formalities may be restored to copyright protection. Such works may be registered with the Copyright Office. Eligibility for this type of registration depends, in part, on whether the work was first published in a foreign country or whether the author of the work was a national or domiciliary of a foreign country).

3.2. Registration process

In most countries where the subject matter of related rights is also eligible for registration, the registration process is the same as for works. Only seven countries indicate that the registration process for the subject matter of related rights is different,⁷⁸ but these differences are minor and merely consist of small variations in filing formalities,⁷⁹ supporting documents⁸⁰ or applicable fees.⁸¹

3.2.1. Filing methods for registering works or other subject matter

The various national copyright registration systems propose different registration filing methods. The following table (Table 3) shows these different methods.

Table 3: Registration filing methods

	Number of countries	% (*)
Online filing	28	44%
Physical filing at the registry office	60	95%
Email	8	13%
Mail	25	40%
Fax	2	3%

* Based on 63 responses (one country did not answer the question)

It follows from the submissions that most countries accept physical filing at the registry office, except for Japan (mail only), Kazakhstan (online filing only) and Saudi Arabia (online filing only). Twenty-one countries accept only physical filing at the registry office.⁸² Twelve other countries accept physical filing at the registry office and filing by mail, email or fax.⁸³

⁷⁸ These are: Afghanistan, Canada, Chile, Guatemala, Italy, Morocco and Sudan (seven out of 63 submissions). Gambia did not answer Q22.

⁷⁹ For the registration of subject matter of related rights, applicants must refer in the filing to, for example, specific dates relevant for determining the term of protection (see, for example, the submissions of Canada and Spain) or list the titles of performances with the names of the performers recorded on a phonogram for the registration of phonograms (see the submission of Chile).

⁸⁰ See, for example, the submissions of Italy, Morocco and Sudan.

⁸¹ See, for example, the submissions of Guatemala and Montenegro (answer to Q18).

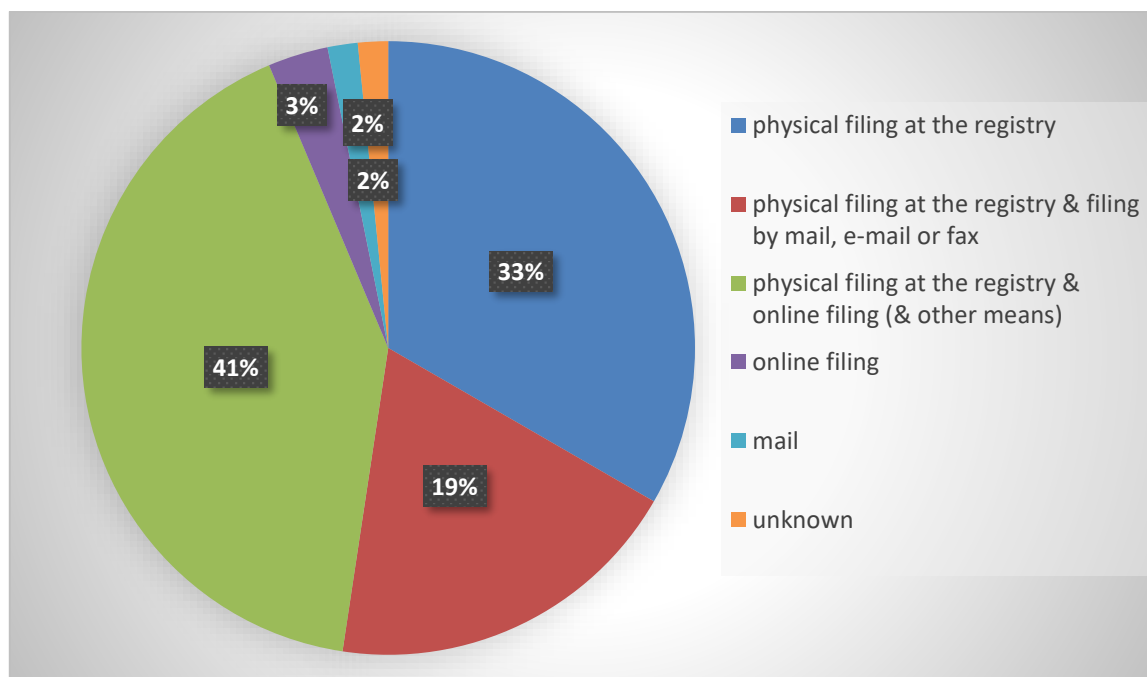
⁸² These are: Afghanistan, Albania, Angola (reporting that filing methods other than physical filing at the registry office are envisaged but not yet available), Bosnia and Herzegovina, Botswana, Brazil, Costa Rica (noting that, in January 2021, the Intellectual Property Registry published guidelines allowing additional documents for a registration application to be submitted via email), Cuba, Guatemala, Kiribati, Lebanon, Mauritania, Morocco, Nepal, Nicaragua, Paraguay, Philippines, Sudan, Tajikistan, Uruguay and Yemen (21 out of 63 submissions). Gambia did not answer Q15.

⁸³ Countries accepting physical filing at the registry office and filing by mail: Jamaica, Mexico, Montenegro, Mozambique, Myanmar, Serbia, Ukraine and Viet Nam (eight out of 63 submissions); Côte d'Ivoire and Madagascar accept physical filing at the registry office and filing by email (two out of 63 submissions); Cabo Verde accepts physical filing at the registry office and filing by mail and email (one out of 63 submissions); and Bhutan accepts physical filing at the registry office and filing by email and fax (one out of 63 submissions).

Another 26 countries accept physical filing at the registry office and online filing, with some also accepting filing by mail, email or fax.⁸⁴ Oman reports that it accepts paper filings but does not specify how they can be submitted (at the registry office, by mail or otherwise).

The combinations of registration filing methods used in different countries are illustrated in the following pie chart (Figure 2).

Figure 2: Registration filing methods used in different countries*



* Based on 63 responses (one country did not answer the question)

3.2.2. Copies submitted during the filing process

All but three countries (95 per cent) require applicants to submit a copy of the work during the filing process.⁸⁵ Several countries require a physical copy of the work,⁸⁶ although not necessarily for all registrable subject matter. For artistic works and works of which there is only one original, some countries allow the applicant to submit a photo or a 3D copy.⁸⁷

⁸⁴ Countries accepting physical filing at the registry office and online filing: Dominican Republic, Ecuador, India, Italy, Kenya, Malaysia, Peru, Spain and Turkey (nine out of 63 submissions); countries accepting physical filing at the registry office, online filing and filing by mail: Argentina, Chile, China, Colombia, Haiti, Hungary, Republic of Moldova, Russian Federation, Republic of Korea, United Republic of Tanzania (online filing as of December 2, 2019), Thailand (online filing under development but operational soon) and United States of America (12 out of 63 submissions); Azerbaijan and the Kyrgyz Republic accept physical filing at the registry office, online filing and filing by email (two out of 63 submissions); Romania and Portugal accept physical filing at the registry office, online filing and filing by mail and email (two out of 63 submissions); and Canada accepts physical filing at the registry office or at a designated establishment, online filing and filing by mail and fax (one out of 63 submissions).

⁸⁵ Countries where it is not necessary to submit a copy of the work during the filing process are: Canada, Japan and Madagascar (three out of 63 submissions). Gambia did not answer Q16.

⁸⁶ See, for example, the submissions of Argentina, Bhutan, Botswana, Brazil, Côte d'Ivoire, Italy, Kiribati, Mauritania, Republic of Moldova, Montenegro, Mozambique, Paraguay, Portugal, Romania, Spain, Sudan, Viet Nam and Yemen.

⁸⁷ See, for example, the submissions of Paraguay and Yemen.

Other countries require a digital copy of the work to be submitted, especially in the case of online filing.⁸⁸ Sometimes a digital copy is required for specific categories of subject matter (e.g., computer programs, databases and audiovisual works).⁸⁹ Nepal requires a digital copy in addition to a physical copy, if available. Many other countries allow the submission of either a physical or a digital copy depending on the type of work, the format in which it is published or the manner of filing (online or physical).⁹⁰

3.2.3. Simultaneous registration of multiple works

Twenty-five countries (40 per cent) allow multiple works to be registered in a single application.⁹¹ Some of these countries only allow multiple works to be registered simultaneously if all the works fall within the same category, are created by the same author and owned by the same rightholder.⁹² Other countries allow a maximum number of works or productions per filing.⁹³ The United States of America accepts registration of multiple works in one filing only for certain types of works, including serial publications such as newspapers, collective works, updates and revisions to a database, photographs, etc.⁹⁴

By contrast, 38 countries (60 per cent) accept only one work per filing,⁹⁵ but several of these countries accept the simultaneous registration of multiple works in the case of a collection or compilation of works.⁹⁶ Azerbaijan, for example, requires a separate application to be filed for each work but not for individual works included in a collection. In Argentina, it is possible to register several musical works as an “album” or several artistic works as a “collection” in a single filing. Likewise, Brazil allows musical works (lyrics and/or composition) to be recorded individually or in a compilation. Registration of this kind is advantageous in that, instead of

⁸⁸ See, for example, the submissions of Azerbaijan, Chile, Kazakhstan (online filing only), Spain and Turkey.

⁸⁹ See, for example, the submissions of Jamaica (digital copy in a specified format based on the category of work), Russian Federation (electronic form for computer programs and databases – the only two categories registered) and Thailand (digital format is compulsory for some categories of works, such as audiovisual works and cinematographic works).

⁹⁰ See, for example, the submissions of Albania, Angola, Azerbaijan, Cabo Verde, Chile, Costa Rica, Cuba, Ecuador, Hungary, India, Kenya, Kyrgyz Republic, Lebanon, Morocco, Nicaragua, Peru, Philippines, Serbia, Thailand, South Korea, United Republic of Tanzania, Ukraine, United States of America and Uruguay.

⁹¹ These are: Albania, China, Côte d’Ivoire, Dominican Republic, Ecuador, Haiti, Italy, Jamaica, Japan, Kiribati, Lebanon, Madagascar, Republic of Moldova, Morocco, Mozambique, Paraguay, Peru, Romania, Republic of Korea, Sudan, Tajikistan, United Republic of Tanzania, Thailand, United States of America and Uruguay (25 out of 63 submissions). Gambia did not answer Q17.

⁹² See, for example, the submissions of Jamaica (also requiring that all works must be registered within the same calendar year) and Thailand.

⁹³ See, for example, the submissions of Paraguay (allowing up to 10 works per filing) and Peru (allowing up to 100 works or productions per filing).

⁹⁴ The full list reported by the United States of America includes serial publications such as newspapers, magazines, newsletters and journals; collective works, such as an album or anthology; unpublished works; contributions to periodicals; updates and revisions to a database; secure test items; works physically packaged together and distributed in the same unit of publication; and photographs.

⁹⁵ These are: Afghanistan, Angola, Argentina, Azerbaijan, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Cuba, Guatemala, Hungary, India, Kazakhstan, Kenya, Kyrgyz Republic, Malaysia, Mauritania, Mexico, Montenegro, Myanmar, Nepal, Nicaragua, Oman, Philippines, Portugal, Russian Federation, Saudi Arabia, Serbia, Spain, Turkey, Ukraine, Viet Nam and Yemen (38 out of 63 submissions).

⁹⁶ See, for example, the submissions of Argentina, Azerbaijan, Brazil, Chile, Guatemala (collection of works under the same title), Kazakhstan, Kenya, Kyrgyz Republic, Mexico (as a collection), Philippines, Portugal (this follows from the answer to Q18), Spain (provided that they are submitted in one filing and under the same title), Viet Nam and Yemen.

paying a fee for each work, a single fee is payable for the entire collection. However, since the collection is assigned a unique registration number that identifies the collection as a whole rather than each individual work, registration as a collection is usually less suitable when different rightholders are involved.

3.2.4. Registration fees

Many countries have reported the applicable registration fees, which are listed in Annex II of this report. In general, these registration fees are difficult to compare, as they are in national currencies or nominal values (e.g., subject to a monthly wage or index).

In total, 33 countries (52 per cent) apply a fee per work registered;⁹⁷ 10 countries (16 per cent) a fee per work registered or a fee per filing for the registration of a collection/compilation or, where applicable, multiple works;⁹⁸ and 11 countries (17 per cent) a fee per filing for the registration of a collection/compilation or, where applicable, multiple works.⁹⁹

Several countries report that the registration fee varies depending on the type of work or other subject matter.¹⁰⁰ In countries that accept the registration of multiple works in a single application, the fee per work is usually much lower for group registrations than for the registration of individual works.¹⁰¹ In other countries, the fee varies for published and unpublished works,¹⁰² physical and digital copies,¹⁰³ physical and online filing,¹⁰⁴ and different types of applicants.¹⁰⁵ Some countries apply different fees depending on the number of pages or size of the work (storage requirement).¹⁰⁶

Seven countries (11 per cent) do not apply any registration fee. These are Botswana, Cabo Verde, Colombia, Côte d'Ivoire, Mauritania, Morocco and Thailand. The Dominican Republic and the Philippines indicate that they do not apply a fee per work registered or a fee per filing, without further clarifying what type of fee, if any, they do apply.

3.2.5. Examination process

Many countries (68 per cent) have an examination process for reviewing filings.¹⁰⁷ This examination process varies from a simple formality check (formal registration prerequisites)

⁹⁷ These are: Afghanistan, Angola, Azerbaijan, Bhutan, Bosnia and Herzegovina, Brazil, Canada, Chile, Cuba, Haiti, Hungary, India, Japan, Kazakhstan, Kenya, Kiribati, Madagascar, Malaysia, Montenegro, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Romania, Russian Federation, Saudi Arabia, Serbia, Spain, Tajikistan, United Republic of Tanzania, Turkey and Ukraine (33 out of 63 submissions). Gambia did not answer Q18.

⁹⁸ These are: Albania, Ecuador, Guatemala, Jamaica, Kyrgyz Republic, Lebanon, Mexico, Peru, Portugal and Republic of Korea (10 out of 63 submissions).

⁹⁹ These are: Argentina, China, Costa Rica, Italy, Republic of Moldova, Paraguay, Sudan, United States of America, Uruguay, Viet Nam and Yemen (11 out of 63 submissions).

¹⁰⁰ See, for example, the submissions of Brazil, Chile, Cuba, Montenegro and United States of America.

¹⁰¹ See, for example, the submissions of Albania and United States of America.

¹⁰² See, for example, the submission of Angola.

¹⁰³ See, for example, the submission of Angola.

¹⁰⁴ See, for example, the submissions of Portugal and United States of America.

¹⁰⁵ See, for example, the submissions of Bosnia and Herzegovina, Russian Federation, Serbia and United Republic of Tanzania, all of which apply a higher fee for legal entities/organizations/groups than for individual applicants.

¹⁰⁶ See, for example, the submissions of Jamaica and Malaysia.

¹⁰⁷ These are: Afghanistan, Albania, Angola, Azerbaijan, Bhutan, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador (this follows from the answer to Q20), Guatemala, India, Italy, Japan, Kenya, Kiribati, Malaysia, Mexico, Republic of Moldova, Morocco,

to a formality check and a substantive check (formal registration prerequisites and substantive requirements for protection). All other countries report that they have no examination process to review submissions for registration.¹⁰⁸

Countries that perform only a formality check typically examine applications against the (minimum) formalities that must be fulfilled before works and other subject matter can be entered into the registry. In Canada, for example, an application is reviewed to ensure that it meets all of the formality requirements (i.e., the name and address of the owner of the copyright in the work; a declaration that the applicant is the author of the work, the owner of the copyright in the work, an assignee of the copyright or a person to whom an interest in the copyright has been granted by license; the category of the work; the title of the work; the name of the author and, if the author is dead, the date of the author's death, if known; and, in the case of a published work, the date and place of the first publication). In addition, the Canadian Intellectual Property Office checks that the application relates to the registration of only one work and that it is accompanied by the prescribed fee. Similar formality checks are performed in Albania, Cabo Verde, Chile, Ecuador,¹⁰⁹ Guatemala, Italy, Japan, Malaysia, Oman, Portugal and Serbia.¹¹⁰

Other countries carry out a formality check followed by a substantive review to determine whether a work submitted for registration is eligible for protection. Some countries perform only a basic check. In Mexico and Paraguay, for example, in addition to a formal examination of the filing, a substantive examination is carried out to establish whether the work falls within the categories of protectable works and is not otherwise subject to registration restrictions, but the originality of the work is not reviewed.¹¹¹ The Republic of Korea and Thailand do not perform a full substantive examination either, but they do check if a work submitted for registration shows some level of creativity.¹¹² Other countries review the originality of a work prior to registration. Peru, for example, rejects an application for registration if the work does not meet the requirements of originality. Likewise, in the United States of America, the Copyright Office determines whether the legal and formal requirements of the law have been met, including whether a work submitted for registration constitutes copyrightable subject matter.¹¹³ Other countries also check the originality of a

Myanmar, Nepal, Nicaragua, Oman, Paraguay, Peru, Philippines, Portugal, Romania, Saudi Arabia, Serbia, Republic of Korea, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, United States of America and Yemen (43 out of 63 submissions). Gambia did not answer Q19.

¹⁰⁸ These are: Argentina, Bosnia and Herzegovina, Botswana, Brazil, Dominican Republic, Haiti, Hungary, Jamaica, Kazakhstan, Kyrgyz Republic, Lebanon, Madagascar, Mauritania, Montenegro, Mozambique, Russian Federation, Turkey, Ukraine, Uruguay and Viet Nam (20 out of 63 submissions).

¹⁰⁹ See the submission of Ecuador (answer to Q20).

¹¹⁰ Even though the registration authorities in Kazakhstan and Ukraine indicate that they have no examination process to review the filings, according to the information on their websites, they do perform a formality check. It is not known whether registration authorities in other countries that have no examination process do the same, but it seems plausible that they also perform at least a basic check on the filings.

¹¹¹ Other countries also appear to perform only a basic check as to eligibility for protection. See, for example, the submissions of Côte d'Ivoire, Kenya (answer to Q20), Myanmar, Nicaragua, Philippines, Romania and Spain.

¹¹² The Republic of Korea reports that the examination is not substantial but also touches upon originality. Thailand states that it examines, inter alia, whether the work in the filing shows some level of creativity.

¹¹³ When reviewing a registration application, examiners in the U.S. Copyright Office look at many factors, including whether: the work falls under one or more of the statutory categories of copyright protectable works; the work is original and the authorship being claimed sufficiently creative to be copyrightable; the correct author has been named (if the work is not anonymous); the claimant

work prior to registration¹¹⁴ or perform a substantive examination of a work submitted for registration, although it is unclear whether this necessarily involves an assessment of originality.¹¹⁵ In the Republic of Moldova and Yemen, a search is carried out based only on the title of the work (to ensure that the work is original in the sense that no similar work appears in the register), but there is no assessment of content.

3.2.6. Procedural safeguards

Appeal of a registration refusal

In 79 per cent of countries, applicants can appeal the decision of the registering authority if registration of a work or other subject matter is denied.¹¹⁶ Most countries allow an applicant to appeal directly to the registrar, the registry's appellate board or the authority under whose governance or supervision the registry office acts.¹¹⁷ In other countries, the decision of the registering authority can be appealed before an administrative court or sometimes a civil court,¹¹⁸ or the applicant can choose to appeal to the registry's appeal body or a judicial authority.¹¹⁹ In several countries, applicants can challenge the appellate decision before a superior authority or a court.¹²⁰ In 13 countries (21 per cent), there are no procedures for appealing a decision of the registering authority.¹²¹

Opposition or challenge to a registration

In most countries (83 per cent), the decisions of a registering authority to accept the registration of a work or other subject matter may be opposed or challenged by third parties.¹²² In 11 countries (17 per cent), third parties cannot oppose or challenge such

appears to have the right to claim copyright in the work; the relevant deposit requirements have been met; the required filing fee has been paid; in the case of a work published prior to March 1, 1989, the notice requirements have been met; the extent of the claim is clear; formal requirements (the name and address, work made for hire information, publication information, etc.) have been met; and the application has been certified.

¹¹⁴ See, for example, the submissions of Afghanistan, Angola, China (right of authorship), Cuba, India, Kiribati, Republic of Moldova, Morocco, Nepal, United Republic of Tanzania and Yemen.

¹¹⁵ See, for example, the submissions of Azerbaijan, Bhutan, Sudan and Tajikistan.

¹¹⁶ These are: Afghanistan, Albania, Angola, Argentina, Azerbaijan, Bosnia and Herzegovina, Brazil, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Guatemala, India, Italy, Japan, Kazakhstan, Kenya, Kyrgyz Republic, Lebanon, Malaysia, Mexico, Republic of Moldova, Montenegro, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Paraguay, Peru, Russian Federation, Saudi Arabia, Republic of Korea, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, Ukraine, United States of America, Uruguay and Viet Nam (49 out of 62 submissions). Gambia and the Philippines did not answer Q20.

¹¹⁷ See, for example, the submissions of Angola, Bosnia and Herzegovina, Brazil, Costa Rica, Cuba, Ecuador (no official appeal procedure but applicants whose application is denied on formal grounds may reapply for registration if they fulfil all the necessary requirements), Malaysia, Myanmar, Paraguay, Peru, Russian Federation, Sudan, Tajikistan, United Republic of Tanzania, Thailand, United States of America, Uruguay and Viet Nam.

¹¹⁸ See, for example, the submissions of Albania, Argentina, Cabo Verde, Canada, Côte d'Ivoire, Guatemala, India (the Intellectual Property Appellate Board, a quasi-judicial body), Japan, Kazakhstan, Kyrgyz Republic, Republic of Moldova, Nepal, Republic of Korea and Ukraine.

¹¹⁹ See, for example, the submissions of Azerbaijan, Chile, China, Mexico, Mozambique, Spain and Tajikistan.

¹²⁰ See, for example, the submissions of Angola, Costa Rica, Cuba, Myanmar, Paraguay, Peru, Russian Federation, Sudan, Thailand, United States of America and Uruguay.

¹²¹ These are: Bhutan, Botswana, Haiti, Hungary, Jamaica, Kiribati, Madagascar, Mauritania, Portugal, Romania, Serbia, Turkey and Yemen (13 out of 62 submissions).

¹²² These are: Afghanistan, Albania, Angola, Argentina, Azerbaijan, Bhutan, Brazil, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Guatemala, Haiti, Hungary, India, Italy, Jamaica, Kazakhstan, Kenya, Kiribati, Kyrgyz Republic, Lebanon, Madagascar,

decisions.¹²³ Oman indicates that the decisions of a registering authority can be challenged but that there is no official opposition system, as filing is only evidence of ownership.

In several countries, registration of works is an administrative act that can be opposed or challenged within a certain time frame after publication of the registered works.¹²⁴ In some countries, a procedure to oppose or challenge registration can be instituted at the registry office, either directly with the registrar or with a higher instance within the office.¹²⁵ Most countries provide for a procedure in court or before a quasi-judicial body¹²⁶ or leave it to the party that objects to the registration to file a complaint with the registry office or with a judicial authority.¹²⁷ Some countries state that it is not necessary to exhaust administrative remedies in order to challenge the registration in court.¹²⁸

3.3. Identifiers, metadata and interoperability

3.3.1. Unique identifiers for works or other subject matter registered

In 29 countries (47 per cent), the registries use unique identifiers for works or other subject matter registered.¹²⁹ Several countries assign an application number (sometimes called a “service request”, processing number or case number) to each work or other subject matter submitted for registration. This number is relevant only for the registration process.¹³⁰ Upon

Malaysia, Mexico, Republic of Moldova, Montenegro, Morocco, Myanmar, Nepal, Nicaragua, Oman, Paraguay, Peru, Philippines, Portugal, Russian Federation, Saudi Arabia, Republic of Korea, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, Ukraine, Uruguay, Viet Nam and Yemen (52 out of 63 submissions). Gambia did not answer Q21.

¹²³ These are: Bosnia and Herzegovina, Botswana, China, Japan, Mauritania, Mozambique, Romania, Serbia, Turkey and United States of America (where third parties cannot cause a registration to be cancelled but may file an adverse claim challenging a registration. In most cases, the U.S. Copyright Office will issue a separate registration to each party and will create a separate public record for each registration. The Office will not cancel the other registration or the registration number that has been assigned to that registration; it will not change the information set forth in the other registration or the public record for that registration; and it will not cross-reference those records with the records for the new registration. Instead, the registrations will coexist in the public record) (11 out of 63 submissions).

¹²⁴ See, for example, the submission of Italy, explicitly stating that registration of works is an administrative act. For terms, see the submissions of Argentina (one month), Bhutan (30 days), Costa Rica (30 working days during the post-publication registration procedure), Paraguay (30 working days), Tajikistan (from the moment of filing) and Uruguay (30 days).

¹²⁵ See, for example, the submissions of Argentina, Costa Rica (for published works), Cuba, Haiti, Kenya, Kiribati, Morocco, Myanmar, Sudan, Thailand and Viet Nam.

¹²⁶ See, for example, the submissions of Angola, Brazil, Cabo Verde, Canada, Chile, Costa Rica (for unpublished works), Côte d'Ivoire, Guatemala, Hungary, India (Intellectual Property Appellate Board), Jamaica, Kazakhstan, Kyrgyz Republic, Lebanon, Madagascar, Malaysia, Mexico, Republic of Moldova, Montenegro, Nicaragua, Peru (Copyright Commission), Portugal, Russian Federation, Saudi Arabia, Republic of Korea, Tajikistan, Ukraine, Uruguay (Copyright Council) and Yemen.

¹²⁷ See, for example, the submissions of Albania, Azerbaijan, Colombia, Nepal, Philippines, Spain and United Republic of Tanzania.

¹²⁸ See explicitly the submission of Argentina.

¹²⁹ These are: Angola, Azerbaijan, Brazil, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Guatemala, Hungary, India, Japan, Kyrgyz Republic, Mexico, Republic of Moldova, Morocco, Mozambique, Nicaragua, Portugal, Serbia, Republic of Korea, United Republic of Tanzania, Thailand, United States of America and Uruguay (29 out of 62 submissions). Gambia and Kazakhstan did not answer Q23.

¹³⁰ See, for example, the submissions of Brazil, Costa Rica, Ecuador, Hungary, India, Thailand and United States of America.

successful registration, the work or other subject matter is assigned a registration number.¹³¹ In most countries, application and registration numbers have no significance other than that they can be used to search the registry's internal and public records. In other countries, the copyright number must be recorded on physical copies of the work once it is printed, produced and put on the market.¹³² Registration numbers often include the year of registration, an alphanumeric code identifying the type of work or subject matter registered, and a unique sequence number.¹³³

In some countries, including the United States of America, applicants may also voluntarily include unique identifiers in the registration record, for example, international standard numbers such as ISBN (books), ISSN (serials), ISMN (music numbers), ISWC (musical works), ISAN/EIDR (audiovisual works) and ISRC (sound and music video recordings). In Morocco, the registry uses international standard numbers like ISWC and the Interested Parties Information (IPI) database established by the International Confederation of Societies of Authors and Composers (CISAC). The Moroccan Copyright Office, which also acts as a multi-repertoire CMO, plans to use ISRC numbers for the registration of related rights. The United Republic of Tanzania indicates that its registration authority, which also acts as a CMO, uses the WIPOCOS system,¹³⁴ which includes various international standard numbers. It also mentions that the registration authority publishes works in the Musical Works Information Database (WID) and uses the CISAC IPI database.

Fifty-three per cent of countries report that, in their registration systems, no use is made of unique identifiers for works or other subject matter registered.¹³⁵

3.3.2. Metadata generated by the registry

The registries of the various countries generate different types of metadata. In general, the metadata produced by copyright registries consist of all data describing the works and other subject matter registered, authors, rightholders and all kinds of procedural information. This may include, but is not limited to, the following information:

- application number (or processing number, file number or case number);
- application/filing date;
- name and address of the applicant, including city, country and postal code;
- type of applicant: individual or legal entity;
- agent indicator and agent information, if one was appointed;
- title of the work;
- category of the work, including type of related rights;
- whether or not the work was published;
- publication date of the work;

¹³¹ See, for example, the submissions of Brazil, Cabo Verde, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Hungary, India, Kyrgyz Republic, Mexico, Republic of Moldova, Morocco, Mozambique, Portugal, Serbia, Republic of Korea, Thailand and United States of America.

¹³² See, for example, the submission of Ecuador.

¹³³ See, for example, the submissions of Azerbaijan, Cabo Verde, China, Colombia, Costa Rica, Kyrgyz Republic, Mozambique and Portugal.

¹³⁴ See: https://www.wipo.int/edocs/pubdocs/en/copyright/957/wipo_pub_957.pdf.

¹³⁵ These are: Afghanistan, Albania, Argentina, Bhutan, Bosnia and Herzegovina, Botswana, Dominican Republic, Haiti, Italy, Jamaica, Kenya, Kiribati, Lebanon, Madagascar, Malaysia, Mauritania, Montenegro, Myanmar, Nepal, Oman, Paraguay, Peru, Philippines, Romania, Russian Federation, Saudi Arabia, Spain, Sudan, Tajikistan, Turkey, Viet Nam, Ukraine and Yemen (33 out of 62 submissions).

- place/country of publication;
- specific dates, where required (e.g., date of performance, date of fixation in a sound recording, etc.);
- status of the file;
- registration date;
- actions taken on the file, including the type of correspondence sent;
- whether fees were paid; and
- language of the application.

In general, registries will have metadata on the author/rightholder's name; type of work or other subject matter; title of the work or other subject matter; date of publication (or other relevant dates); date of registration; and registration number.¹³⁶ This type of data is often also listed on the registration certificate that some registry offices issue.¹³⁷ Registry authorities in some countries periodically submit statistics reports with relevant metadata¹³⁸ to give an indication, for example, of the increase or decrease in works registered.

3.3.3. Metadata standardization for interoperability

Only 14 countries (23 per cent) report that they have made efforts to standardize metadata to ensure interoperability with other systems.¹³⁹ These are Angola, Chile, Côte d'Ivoire, the Dominican Republic, Ecuador, Guatemala, the Kyrgyz Republic, Montenegro, Morocco, Oman, Saudi Arabia, Spain, the United Republic of Tanzania and the United States of America.

Some of these countries report that they are working on database standardization or that they contribute to international databases.¹⁴⁰ Other countries are considering standardizing metadata as part of a broader modernization or reform agenda.¹⁴¹ Yet another group of countries, including Chile and Morocco, have made efforts to standardize registration metadata with the metadata used for collective rights management. The Copyright Society of the United Republic of Tanzania, in its capacity as a CMO, is shifting from WIPOCOS to WIPO Connect and, in so doing, may also establish a link with the national registry system. Ecuador reports that, several years ago, it collaborated with WIPO to launch the GDA system to improve the efficiency of the copyright registration process through IT automation of the administration and management of registration data, a project which has since been abandoned by WIPO.¹⁴²

¹³⁶ See, for example, the submissions of Albania, Argentina, Bosnia and Herzegovina, Costa Rica, Cuba, Hungary, India, Kazakhstan, Kyrgyz Republic, Republic of Moldova, Morocco, Nepal, Oman, Paraguay, Saudi Arabia, Republic of Korea, Spain, Thailand, Turkey, Ukraine, United States of America, Uruguay and Yemen.

¹³⁷ See, for example, the submissions of Costa Rica, India (electronic listing), Kazakhstan (electronic certificate), Kyrgyz Republic, Tajikistan and Ukraine.

¹³⁸ See, for example, the submissions of Bhutan (answer to Q28) and Ecuador.

¹³⁹ Countries where no such standardization efforts have been made are: Afghanistan, Albania, Argentina, Azerbaijan, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Cabo Verde, Canada, China, Colombia, Costa Rica, Cuba, Haiti, Hungary, India, Italy, Jamaica, Japan, Kenya, Kiribati, Lebanon, Madagascar, Malaysia, Mauritania, Mexico, Republic of Moldova, Mozambique, Myanmar, Nepal, Nicaragua, Paraguay, Peru, Philippines, Portugal, Romania, Russian Federation, Serbia, Republic of Korea, Sudan, Tajikistan, Thailand, Turkey, Ukraine, Uruguay, Viet Nam and Yemen (48 out of 62 submissions). Gambia and Kazakhstan did not answer Q25.

¹⁴⁰ See, for example, the submissions of Côte d'Ivoire, Kyrgyz Republic and Montenegro.

¹⁴¹ See, for example, the submissions of Angola, Oman, Spain and United States of America.

¹⁴² See: <https://www.wipo.int/copyright/en/initiatives/gda.html>.

Chile is also in the process of interconnecting the copyright registry with the databases of the Civil Registry and Identification Service to ensure that the personal details of all authors and rightholders in the register are adequate and up to date.¹⁴³

3.3.4. International cooperation to facilitate registration or standardization

Ten countries (16 per cent) report that they have participated in international cooperation to facilitate copyright registration or standardize identifier data.¹⁴⁴ These are Angola, Chile, Côte d'Ivoire, Ecuador, Haiti, Morocco, Saudi Arabia, the United Republic of Tanzania, United States of America and Yemen.

Some of these countries collaborate with international non-governmental organizations or industry representatives. In 2017, several national copyright offices in Latin America planned to carry out collaborative work with members of CISAC to evaluate the technical and financial feasibility of integrating data into declaration of works forms for CMOs and registration forms for copyright offices. As no consensus could be reached, however, this plan failed. Côte d'Ivoire, Morocco and the United Republic of Tanzania have also participated in meetings with CISAC or collaborated with CISAC to standardize copyright registration through the WID database (musical works information) and IPI database (interested parties' information). Morocco states that, in the near future, it will be discussing standardizing registrations of related rights with the International Federation of the Phonographic Industry (IFPI).

Other countries refer to international cooperation through WIPO, which has organized events on voluntary registration systems and provides assistance to CMOs.¹⁴⁵ Ecuador reports that it has participated in international cooperation to improve registry accessibility.

3.4. Registry accessibility

3.4.1. Physical and/or digital registries

In most countries (63 per cent), the registry is available in both physical and digital form;¹⁴⁶ in 14 countries (Brazil, Cabo Verde, China, Malaysia, Mauritania, Mozambique, Nepal,

¹⁴³ See the submission of Chile (answer to Q33).

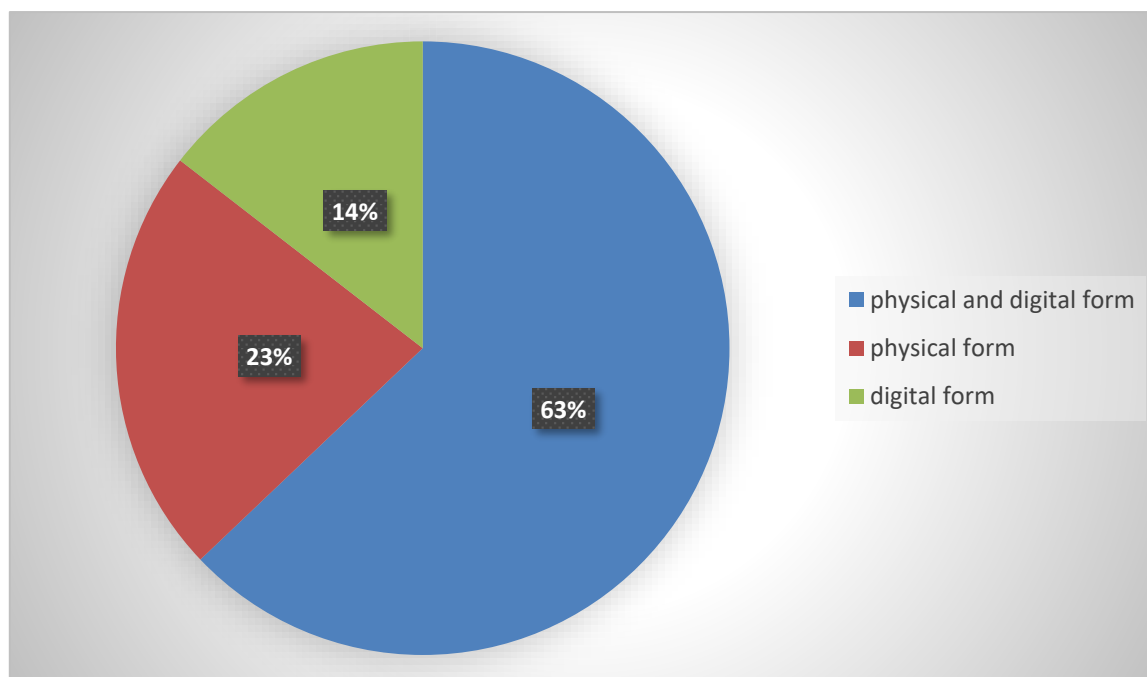
¹⁴⁴ Countries that have not participated in any international cooperation of this kind are: Afghanistan, Albania, Argentina, Azerbaijan, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Cabo Verde, Canada, China, Colombia, Costa Rica, Cuba, Dominican Republic, Guatemala, Hungary, India, Italy, Jamaica, Japan, Kenya, Kiribati, Kyrgyz Republic, Lebanon, Madagascar, Malaysia, Mauritania, Mexico, Republic of Moldova, Montenegro, Mozambique, Myanmar, Nepal, Nicaragua, Oman, Paraguay, Peru, Philippines, Portugal, Romania, Russian Federation, Serbia, Republic of Korea, Spain, Sudan, Tajikistan, Thailand, Turkey, Ukraine, Uruguay and Viet Nam (52 out of 62 submissions). Gambia and Kazakhstan did not answer Q26.

¹⁴⁵ See, for example, the submissions of Angola, Haiti, United Republic of Tanzania (mentioning WIPOCOS and WIPO Connect), United States of America (organized a conference on voluntary registration systems jointly with WIPO) and Yemen (concluded a Memorandum of Understanding with WIPO in 2012 relating to the provision of assistance and support; the development of infrastructure; the development and modernization of existing intellectual property systems; and, in particular, the establishment of collective management of copyright and related rights).

¹⁴⁶ These are: Afghanistan, Albania, Angola, Argentina, Azerbaijan, Bhutan, Bosnia and Herzegovina, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, India, Italy, Jamaica, Kenya, Kiribati, Kyrgyz Republic, Lebanon, Madagascar, Mexico, Republic of Moldova, Montenegro, Morocco, Nicaragua, Peru, Philippines, Romania, Serbia, Republic of Korea, United Republic of Tanzania, Thailand, Turkey and United States of America

Oman, Paraguay, Spain, Sudan, Tajikistan, Viet Nam and Yemen), only in physical form (23 per cent); and, in nine countries (Botswana, Hungary, Japan, Kazakhstan, Portugal, the Russian Federation, Saudi Arabia, Ukraine and Uruguay), only in digital form (14 per cent). These figures are illustrated in the following pie chart (Figure 3).

Figure 3: Registries in physical and/or digital form*



* Based on 62 responses (two countries did not answer the question)

3.4.2. Public access to the registry

In 18 out of 62 countries (29 per cent), the information in the registry is not accessible to the public,¹⁴⁷ or at least not yet.¹⁴⁸ In 25 countries (40 per cent), the information is only partially accessible to the public¹⁴⁹ and, in 19 countries (31 per cent), it is fully accessible.¹⁵⁰

(39 out of 62 submissions). Gambia, Kazakhstan and Myanmar did not answer Q27; however, for Kazakhstan, information has been obtained through other sources.

¹⁴⁷ These are: Afghanistan, Angola, Botswana, Brazil, Côte d'Ivoire, Haiti, Jamaica, Madagascar, Morocco, Mozambique, Nepal, Oman, Paraguay, Philippines, Portugal, Sudan, Tajikistan and Yemen (18 out of 62 submissions). Gambia, Kazakhstan and Myanmar did not answer Q28; however, for Kazakhstan, information has been obtained through other sources.

¹⁴⁸ See, for example, the submissions of Afghanistan (not yet) and Angola (not yet for technical reasons).

¹⁴⁹ These are: Argentina, Azerbaijan, Chile, China, Cuba, Ecuador, Guatemala, Hungary, Kazakhstan, Kenya, Kyrgyz Republic, Lebanon, Malaysia, Mexico, Republic of Moldova, Nicaragua, Peru, Russian Federation, Saudi Arabia, Spain, United Republic of Tanzania, Thailand, Turkey, Ukraine and Viet Nam (25 out of 62 submissions).

¹⁵⁰ These are: Albania, Bhutan, Bosnia and Herzegovina, Cabo Verde, Canada, Colombia, Costa Rica, Dominican Republic, India, Italy, Japan, Kiribati, Mauritania, Montenegro, Romania, Serbia, Republic of Korea, United States of America and Uruguay (19 out of 62 submissions).

In most countries where information in the copyright registry is partially accessible, only basic data about registered works, authors and rightholders is available to the public.¹⁵¹ The registry in China, for example, only provides public information about the copyright owner(s), the title of the work, the registration number and the date of registration. Some countries indicate that they only make metadata available, not the deposited copy of the work or other subject matter.¹⁵² Other countries allow deposit copies to be consulted by the public,¹⁵³ except perhaps for certain types of works, such as computer programs and unpublished works, access to which is sometimes restricted or only permitted with the rightholder's consent or by court order.¹⁵⁴ In most countries, the personal data of authors and rightholders, such as name and address, are not accessible.¹⁵⁵ In EU countries, allowing access to such personal data would be contrary to the General Data Protection Regulation (GDPR),¹⁵⁶ violation of which would incur severe liability risks (see para. 3.4.4. below on the protection of registrants' personal data).

The means by which countries give access to information in the registry also vary. Some countries periodically publish a list of information about registered works in an official public bulletin.¹⁵⁷ Other countries grant access to the register through public terminals on registry premises¹⁵⁸ or allow the register to be accessed online.¹⁵⁹ In some countries, third parties can consult the registry only upon request.¹⁶⁰

3.4.3. Searchability of the registry

In 19 out of 62 countries (31 per cent), the registry is not searchable.¹⁶¹ Angola reports that the register is searchable but that the search function is not yet operational for technical reasons. In the remaining 42 countries (68 per cent), the register is searchable¹⁶² but not

¹⁵¹ See, for example, the submissions of Azerbaijan, Kazakhstan, Republic of Moldova, Nicaragua, Peru, Russian Federation, Thailand, Ukraine and Viet Nam.

¹⁵² See, for example, the submissions of Costa Rica, Hungary and Spain.

¹⁵³ See, for example, the submissions of Azerbaijan, Montenegro (deposit copies accessible only on registry premises) and United States of America (deposit copies, except for pending applications, accessible for inspection by any member of the public who presents a reader registration card).

¹⁵⁴ See, for example, the submissions of Ecuador, Guatemala and Peru.

¹⁵⁵ See, for example, the submissions of Azerbaijan, Kenya, and Mexico.

¹⁵⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ L 119/1, 4.5.2016.

¹⁵⁷ See, for example, the submissions of Bhutan, Russian Federation, Saudi Arabia (answer to Q29) and Ukraine.

¹⁵⁸ See, for example, the submissions of Costa Rica and Montenegro.

¹⁵⁹ See, for example, the submissions of Albania, Kazakhstan, Kyrgyz Republic (stating that it is upgrading the electronic version of the registry to make it accessible to the public), Republic of Korea and Viet Nam.

¹⁶⁰ See, for example, the submissions of Chile, Kiribati and United Republic of Tanzania. See also the submission of Thailand, indicating that basic information is publicly available and additional information available upon request.

¹⁶¹ These are: Afghanistan, Albania, Bhutan, Botswana, Brazil, Côte d'Ivoire, Dominican Republic, Jamaica, Lebanon, Madagascar, Mauritania, Montenegro, Mozambique, Nepal, Philippines, Spain, Sudan, Tajikistan and United Republic of Tanzania (19 out of 62 submissions). Gambia, Kazakhstan and Myanmar did not answer Q29; however, for Kazakhstan, information has been obtained through other sources.

¹⁶² These are: Argentina, Azerbaijan, Bosnia and Herzegovina, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Haiti, Hungary, India, Italy, Japan, Kazakhstan, Kenya, Kiribati, Kyrgyz Republic, Malaysia, Mexico, Republic of Moldova, Morocco, Nicaragua, Oman, Paraguay, Peru, Portugal, Romania, Russian Federation, Saudi Arabia, Serbia, Republic of Korea,

necessarily by everyone. Some countries allow the registry to be searched only for specific purposes, such as the registration of objects of copyright or related rights; other internal uses; at the request of law enforcement agencies and court authorities; at the request of attorneys and notaries; or in response to requests for access to public information.¹⁶³ Other countries offer broader possibilities to search the register.¹⁶⁴ Several countries allow anyone to search the registry online.¹⁶⁵

In many countries, the register can be searched free of charge.¹⁶⁶ Some countries (also) allow the registry office to perform a search upon request, for which applicants must usually pay a fee.¹⁶⁷ Other countries apply a standard fee for searching the register.¹⁶⁸

Some countries allow the register to be searched only by author/rightholder's name or pseudonym; title of the work or other subject matter; or identifier number (usually the application or registration number).¹⁶⁹ Other countries also allow the register to be searched by type of work or other subject matter; publication date (or other relevant date); or other kinds of metadata generated by the registry (see para. 3.3.2. above).¹⁷⁰

3.4.4. Protection of registrants' personal data

Thirteen out of 58 countries (22 per cent) have no provisions for protecting registrants' personal data.¹⁷¹ In the other 45 countries (78 per cent), protection of registrants' personal data is built into registry operation.¹⁷² Several countries indicate that the registry operates in accordance with laws on the protection of personal data and/or data confidentiality.¹⁷³ This

Thailand, Turkey, Ukraine, United States of America, Uruguay, Viet Nam and Yemen (42 out of 62 submissions).

¹⁶³ See, for example, the submissions of Argentina, Malaysia, Mexico, Oman, Portugal, Ukraine and Yemen.

¹⁶⁴ See, for example, the submissions of Costa Rica, India and Italy.

¹⁶⁵ See, for example, the submissions of Canada, Hungary, Kazakhstan, Kenya (online search function currently not available due to technical issues), United States of America and Uruguay.

¹⁶⁶ See, for example, the submissions of Azerbaijan, Canada, Chile, China, Costa Rica, Hungary, Kazakhstan, Serbia, Ukraine, United States of America and Uruguay.

¹⁶⁷ See, for example, the submissions of Argentina (160 Argentine pesos), Malaysia (no search fees indicated), Mexico (187 Mexican pesos), Serbia (1,600 Serbian dinars, approximately 13 euros) and United States of America (200 United States dollars: estimate of search fee (credited to search fee); 200 United States dollars: search report (per hour, two hours minimum); 500 United States dollars: expedited report (per hour, one hour minimum); 200 United States dollars: certification of search report (per hour)).

¹⁶⁸ See, for example, the submissions of Bosnia and Herzegovina (10 euros), Cuba (10 Cuban pesos), Haiti (500 Haitian gourdes, approximately five United States dollars), India (no search fees indicated), Kiribati (10 Australian dollars), Nicaragua (approximately 10 United States dollars), Paraguay (no search fees indicated) and Peru (23.43 Peruvian soles).

¹⁶⁹ See, for example, the submissions of Hungary, Republic of Moldova, Russian Federation (by registration number) and Turkey.

¹⁷⁰ See, for example, the submissions of Azerbaijan, Canada, Chile, Costa Rica, Italy, Mexico, Peru, Republic of Korea, Thailand, Ukraine, United States of America and Uruguay.

¹⁷¹ These are: Afghanistan, Albania, Bhutan, India, Jamaica, Japan, Kiribati, Lebanon, Mauritania, Nepal, Philippines, Serbia and Turkey (13 out of 58 submissions). Cabo Verde, Gambia, Kazakhstan, Mozambique, Myanmar and Portugal did not answer Q30.

¹⁷² These are: Angola, Argentina, Azerbaijan, Bosnia and Herzegovina, Botswana, Brazil, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Hungary, Italy, Kenya, Kyrgyz Republic, Madagascar, Malaysia, Mexico, Republic of Moldova, Montenegro, Morocco, Nicaragua, Oman, Paraguay, Peru, Romania, Russian Federation, Saudi Arabia, Republic of Korea, Spain, Sudan, Tajikistan, United Republic of Tanzania, Thailand, Ukraine, United States of America, Uruguay, Viet Nam and Yemen (45 out of 58 submissions).

¹⁷³ See, for example, the submissions of Argentina, Azerbaijan, Bosnia and Herzegovina, Canada, Chile, Mexico, Montenegro, Peru and Thailand.

is the case, in particular, for EU countries, which must abide by the rules for the protection of personal data set out in the GDPR (see also para. 3.4.2. above). In Ecuador, the registry office applies a terms and conditions policy for managing personal data. Some countries specify that personal data is used only with the express consent of the author/rightsholder¹⁷⁴ and only for the purpose for which the data was collected.¹⁷⁵ Other countries indicate that access to personal data is restricted to staff members,¹⁷⁶ that personal data is kept confidential and not disclosed against the author/rightsholder's will (except by order of a public prosecutor or court),¹⁷⁷ or simply that the register is not accessible to the public.¹⁷⁸ In the United States of America, applicants may request to have any personally identifiable information removed from registration records in the public catalog.¹⁷⁹

3.5. Legal effects of copyright registration

In some countries, copyright registration has few legal effects. In Botswana and Thailand, no legal effects arise from copyright registration.¹⁸⁰ This also seems to apply to Saudi Arabia, which reports no legal effects or consequences arising by law.¹⁸¹

In most countries (94 per cent), copyright registration creates a rebuttable presumption of the facts registered (29 per cent)¹⁸² or serves as prima facie evidence of the facts registered (35 per cent)¹⁸³ or both (30 per cent).¹⁸⁴ This shows that registration can be an important means to certify authorship of a work, ownership of copyright subsisting in the work and/or

¹⁷⁴ See, for example, the submissions of Hungary, Romania and Thailand.

¹⁷⁵ See, for example, the submission of Canada.

¹⁷⁶ See, for example, the submissions of Brazil, Côte d'Ivoire and Paraguay.

¹⁷⁷ See, for example, the submissions of Angola, China, Cuba, Kenya, Kyrgyz Republic, Madagascar, Republic of Moldova, Nicaragua, Oman, Russian Federation, Saudi Arabia, Republic of Korea, Sudan, United Republic of Tanzania and Thailand.

¹⁷⁸ See, for example, the submissions of Botswana, Brazil and Haiti.

¹⁷⁹ Where the requester provides verifiable, non-personally identifiable substitute information to replace the personally identifiable information being removed, the U.S. Copyright Office will grant the request unless it determines that the need to maintain the original information in the public record substantially outweighs the safety, privacy or other stated concern. If the requester does not provide verifiable, non-personally identifiable substitute information, the U.S. Copyright Office will grant the request only if the safety, privacy or other stated concern substantially outweighs the need for the information to remain in the public record. The U.S. Copyright Office has a regulatory process for removing personally identifiable information that was mistakenly included in application records, and examiners are expected to remove credit card numbers, bank account numbers and social security numbers if they are included in the registration record (assuming this information is discovered during the examination process).

¹⁸⁰ In Thailand, a registration certificate does not constitute proof of copyright ownership; nevertheless, it is often relied on by the police to initiate an infringement case or considered by the courts to be evidence of copyright ownership. The same applies to Botswana (answer to Q33).

¹⁸¹ Saudi Arabia only lists benefits of copyright registration, including that it is a means for documenting works and that the registration certificate increases trust in the related transactions and operations.

¹⁸² These are: Azerbaijan, Côte d'Ivoire, Guatemala, Hungary, Italy, Japan, Kazakhstan, Kyrgyz Republic, Mexico, Montenegro, Nepal, Russian Federation, Republic of Korea, Spain, Tajikistan, United Republic of Tanzania, Ukraine and Uruguay (18 out of 63 submissions). Gambia did not answer Q31.

¹⁸³ These are: Afghanistan, Albania, Bhutan, China, Colombia, India, Kiribati, Madagascar, Malaysia, Mauritania, Morocco, Mozambique, Myanmar, Nicaragua, Oman, Philippines, Romania, Serbia, Turkey, United States of America, Viet Nam and Yemen (22 out of 63 submissions).

¹⁸⁴ These are: Angola, Argentina, Bosnia and Herzegovina, Brazil, Canada, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, Haiti, Jamaica, Kenya, Lebanon, Republic of Moldova, Paraguay, Peru, Portugal and Sudan (19 out of 63 submissions).

the fact and date of publication of a work. It also shows that, in many countries, these facts are presumed to be true until proven otherwise or may be used as prima facie evidence in court.

There are, nevertheless, some important differences between countries. In Argentina, for example, the law provides that registration of published works, made by a publisher, “guarantee[s] completely the rights of the author in their work and those of the publisher in their publication”, while in Ecuador, the registration of the work is a declarative act and does not generate rights. Likewise, in Mexico, the law states that registration “shall be declarative and shall establish a legal presumption of ownership in favor of those who submit ... but shall not establish rights”.

Legally speaking, there is also a difference between a rebuttable presumption and prima facie evidence of a specific fact. Under a rebuttable presumption, the law typically infers a fact (i.e., ownership) or legal consequence (i.e., the eligibility to enforce copyright) from another fact (i.e., the registration of copyright), which is considered lawful unless proven otherwise, while prima facie evidence is evidence which the law regards as sufficient to prove a specific fact and which, if not contradicted or rebutted, will remain sufficient.¹⁸⁵ The former changes the burden of proof to rebut the fact or legal consequence, while the latter gives a person holding a registration certificate a strong and practically sufficient case in the absence of evidence to the contrary. From the various submissions received, however, it is apparent that not all countries clearly identify this subtle legal difference, which, for practical reasons, is therefore disregarded in this report.

In addition to creating a rebuttable presumption or serving as prima facie evidence of the facts registered, copyright registration can have other legal effects. Sixteen countries report that copyright registration gives registrants the right to claim statutory damages.¹⁸⁶ In the United States of America, for example, recovery of statutory damages is limited to instances of infringement occurring after registration. Given that statutory damages under U.S. copyright law can amount to 150,000 United States dollars per infringement (if it is willfully committed), this can be a strong incentive for rightholders to register their works, since the alternative remedy of recovering the actual damages incurred by the infringement is much less profitable and much more difficult to prove.

Eleven countries indicate that copyright registration also gives registrants the right to start notice-and-takedown (NTD) procedures. These are Afghanistan, Angola, Argentina, China, the Dominican Republic, Haiti, Kenya, Lebanon, Oman, the Philippines and Portugal. Yet, these countries do not further specify how copyright registration affects the ability to start an NTD procedure. China has indicated that a certificate of registration provides preliminary proof of the authenticity of the registered item under the legal framework in China. This means that persons who hold a copyright registration can use the certificate as preliminary proof of their copyright ownership when starting an infringement procedure in the digital environment, including an NTD procedure.

¹⁸⁵ For example, in China, where copyright registration serves as prima facie evidence of the facts registered, the copyright registration certificate provides preliminary proof of the authenticity and ownership of the registered work and is widely used in various legal proceedings, although the authenticity and ownership of the registered work can be rebutted by other evidence with more weight, such as a manuscript, original copy, etc.

¹⁸⁶ These are: Afghanistan, Angola, Argentina, Bosnia and Herzegovina, Brazil, Cabo Verde, Côte d'Ivoire, Dominican Republic, Haiti, Kenya, Kiribati, Lebanon, Oman, Philippines, Republic of Korea and United States of America (16 out of 62 submissions).

Five countries report that copyright registration also gives rise to other legal effects; however, three of these countries (Angola, Brazil and the Dominican Republic) do not specify what those legal effects are. In the Republic of Korea, registration offers better protection in infringement cases because any person who infringes on a registered work shall be presumed to have been negligent in his or her act of infringement. In the United States of America, for U.S. works, registration is required in order to institute an action for copyright infringement in a Federal Court. Moreover, for all works, the recovery of attorney fees in infringement cases is limited to works that have been registered in a timely manner.

The following table (Table 4) provides an overview of the legal effects that arise from copyright registration.

Table 4: Legal effects of copyright registration

	Number of countries	% (*)
Rebuttable presumption of the facts registered	37	59%
Prima facie evidence of the facts registered	41	65%
Right to claim statutory damages (registrant)	16	25%
Right to start NTD procedures (registrant)	10	16%
Other legal effects	5	8%

* Based on 63 responses (one country did not answer the question)

Most countries indicate that, insofar as they are applicable, the aforementioned legal effects are the same for the registration of subject matter of related rights. A few countries state that the legal effects are different, without explaining how they differ.¹⁸⁷ Italy reports that, in contrast to copyright, which exists automatically upon creation of a work, the right to receive equitable remuneration for engineering projects and similar works arises only upon registration.¹⁸⁸

3.6. Other benefits and issues arising from voluntary copyright registration

In addition to certifying authorship of a work, ownership of copyright subsisting in the work and the fact and date of publication of a work, many countries refer to other benefits that may arise from copyright registration. Some countries indicate that, for authors and rightholders, it provides legal certainty, publicity and has great probative value in legal

¹⁸⁷ These are: Botswana, Mauritania, Paraguay and Tajikistan. Cuba, Madagascar and Saudi Arabia also state that the legal effects are not the same for the registration of subject matter of related rights, but these countries have no registration system for subject matter of related rights (see para. 3.1.2.).

¹⁸⁸ See Article 99 of Legge 22 aprile 1941, n. 633, Protezione del diritto d'autore e di altri diritti connessi al suo esercizio.

matters.¹⁸⁹ These benefits are closely related to the legal effects of registration, as discussed in para. 3.5. In countries where copies are submitted during the registration process, it also ensures the safekeeping of deposited works and manuscripts¹⁹⁰ and helps to preserve national cultural heritage.¹⁹¹ Registration also facilitates copyright enforcement.¹⁹² In countries where access to the registry is public, registration is useful for facilitating clearance of rights for copyright licenses, transfers and other transactions involving third parties, especially when it is linked to a recordation system.¹⁹³ Registration can further serve the general interest by keeping a public record with information about works and other subject matter.¹⁹⁴

Some countries also mention issues arising from voluntary copyright registration. The United Republic of Tanzania points to the risk that people may register, in bad faith, works or other subject matter that are not their own. This is a real problem often reiterated by rightholders opposed to registration systems. It also states that establishing and maintaining a copyright registry can be a costly undertaking. Moreover, registration fees can have a significant impact on creators in developing countries, who struggle to make a living from their work. Ecuador indicates that, since registration is only a declarative act, prior examination is not required to determine the originality of each work and this could generate conflicts over authorship of the work. Likewise, Jamaica argues that, without an examination process, there is no guarantee that the information recorded in the registry is always adequate. Mexico observes that, since registration is voluntary, not all works and other subject matter are registered and the registry does not, therefore, represent the entire national cultural heritage.

¹⁸⁹ See, for example, the submissions of Colombia, Costa Rica, Ecuador, Guatemala, Mexico, Mozambique, Nepal, Spain and United States of America. Kenya and Thailand point out that the registration certificate can act as a security for rightholders with banks or other financial institutions.

¹⁹⁰ See, for example, the submissions of Jamaica and Kyrgyz Republic.

¹⁹¹ See, for example, the submissions of Azerbaijan, United Republic of Tanzania and United States of America.

¹⁹² See, for example, the submissions of Brazil, Haiti, Kenya, Lebanon, Malaysia, Oman and Republic of Korea.

¹⁹³ See, for example, the submissions of Argentina (referring to the problem of orphan works), Azerbaijan, Brazil, China, Colombia, Côte d'Ivoire, Kenya, Peru, Spain, United Republic of Tanzania, Thailand and United States of America.

¹⁹⁴ See, for example, the submissions of Azerbaijan, Bhutan, Canada, Kenya, Spain, United Republic of Tanzania, United States of America and Yemen.

4. Recordation of transfers of rights

Forty-five out of 106 countries (42 per cent) have a system of recordation of transfers of rights.¹⁹⁵ However, four countries did not answer the section on recordation in the questionnaire¹⁹⁶ and, as a result, the following analysis is based on the submissions of 41 countries. In all these countries, recordation exists alongside copyright registration.

4.1. Relationship with the copyright registration system

In most countries (75 per cent), there is a link between the copyright registration system and the system of recordation of transfers of rights.¹⁹⁷ Only Albania, Botswana, China, Colombia, Haiti, the Kyrgyz Republic, Morocco, Peru, the Philippines and the United Republic of Tanzania indicate that, in their country, no such relationship exists even though the national copyright registration offices manage the system of recordation of transfers of rights.

Many countries report that the system of recordation of transfers of rights is part of the copyright registration system.¹⁹⁸ In several countries, transfers of rights are recorded in a separate book of the register.¹⁹⁹ In such cases, registries often use unique identifiers (usually the copyright registration number) to establish a connection with the original entry.²⁰⁰ Other countries enter changes of ownership in the copyright register (directly or through notes in the margin),²⁰¹ or they record the transfer of rights and simultaneously update the copyright register.²⁰² Some countries also use the copyright registry to verify whether the transfer of rights is, in fact, made by the person registered as the rightholder.²⁰³

Nonetheless, there are important differences between the various recordation systems in terms of how they relate to the registration system. In some countries, recordation and registration are separate procedures. In the United States of America, documents pertaining to copyright, including transfers of copyright ownership and other types of documents (e.g., security interests), may be recorded, even if the copyright has not been registered. Likewise, Costa Rica and Kenya accept recordation of transfer contracts even if the work is not registered. In Nicaragua and Myanmar, by contrast, recordation is possible only for registered works. In Sudan, applications for copyright registration that name a person other

¹⁹⁵ Malawi also answered the section on recordation in the questionnaire; however, upon further verification, it appears that it has no voluntary recordation system as per the meaning of this report, only a system for collective management purposes. The answers of Malawi have, therefore, been disregarded in this chapter on recordation.

¹⁹⁶ This concerns the submissions of: Angola, France, Ukraine and United Arab Emirates.

¹⁹⁷ These are: Argentina, Azerbaijan, Brazil, Canada, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Italy, Japan, Kenya, Lebanon, Malaysia, Mexico, Republic of Moldova, Myanmar, Nicaragua, Oman, Paraguay, Portugal, Russian Federation, Saudi Arabia, Republic of Korea, Spain, Sudan, Thailand, United States of America and Uruguay (30 out of 40 submissions). Cabo Verde did not answer Q34.

¹⁹⁸ See, for example, the submissions of Azerbaijan, Canada, Chile, Japan, Mexico, Republic of Moldova, Saudi Arabia, Republic of Korea, Spain, Thailand and Uruguay.

¹⁹⁹ See, for example, the submissions of Cuba, Italy and Mexico.

²⁰⁰ See, for example, the submissions of Canada, Cuba, Italy (answer to Q35), Kenya, Portugal and United States of America (stating that, as part of its copyright modernization efforts, the U.S. Copyright Office is working to create links between the registration and recordation systems).

²⁰¹ See, for example, the submissions of Brazil, Costa Rica, Guatemala and Republic of Moldova.

²⁰² See, for example, the submissions of Malaysia and Thailand.

²⁰³ See, for example, the submission of Azerbaijan.

than the author as the rightholder must be accompanied by the transfer of rights contract established with the author.²⁰⁴

4.2. Recordable information

Twenty-four out of 40 countries (60 per cent) allow recordation of copyright contracts in full.²⁰⁵ Some countries allow recordation of certain contracts only. Chile, for example, only records contracts for the transfer, in whole or in part, of copyright or related rights, as well as contracts for literary publishing. Morocco records copyright contracts in full, copyright transfer contracts, certificates of distribution and rightholders' obligations. Other countries, such as Argentina, accept recordation of any contract related to copyright. Likewise, in Ecuador, any contract assigning economic rights or granting licenses for use can be recorded, including publishing contracts, agency contracts, phonographic recording contracts, broadcasting contracts, audiovisual work contracts and advertising contracts. In most countries, the recordation system records data that uniquely identifies the parties, the object and the purpose of the contract.²⁰⁶

Seven countries (18 per cent) indicate that their recordation systems only record statements on the assignment of copyright or related rights.²⁰⁷ In Portugal and the United States of America, the recordation offices accept copyright contracts in full and/or statements on the assignment of copyright or related rights. In general, the recordation systems in these countries record information on the transfer or licensing agreement, the parties to the agreement and the subject of the agreement.²⁰⁸ Most countries also require an application for recordation to include documents proving the transfer of rights, such as a copy of transfer agreements or other documents certifying the change of ownership.²⁰⁹ This shows that, in the end, the recordable information in these countries is not very different from that in countries requiring recordation of copyright contracts in full.

Apart from a (certified) copy of the contract,²¹⁰ additional documents must be provided during the recordation process in some countries, at least for certain cases. Such documents can be a declaration that all moral rights have been duly respected,²¹¹ an authorization to use other creators' rights in underlying works,²¹² a deed of award of inheritance in the case of *mortis causa* transfers, or an employment contract for particular *inter vivos* transfers.²¹³

²⁰⁴ See the submission of Sudan, stating that it is compulsory to register transfers of rights contracts (answer to Q8).

²⁰⁵ These are: Albania, Argentina, Brazil, Cabo Verde, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Italy, Malaysia, Mexico, Morocco, Myanmar, Nicaragua, Paraguay, Peru, Saudi Arabia, Spain, United Republic of Tanzania and Uruguay (24 out of 40 submissions). Lebanon did not answer Q35.

²⁰⁶ See, for example, the submissions of Argentina, Cabo Verde, Colombia, Italy and Mexico.

²⁰⁷ These are: China, Japan, Kyrgyz Republic, Philippines, Russian Federation, Republic of Korea and Sudan (seven out of 40 submissions).

²⁰⁸ See, for example, the submissions of Azerbaijan, Canada, Kyrgyz Republic, Philippines and United States of America.

²⁰⁹ See, for example, the submissions of Canada, China, Japan, Republic of Moldova, Russian Federation, Republic of Korea, Sudan and Thailand.

²¹⁰ Various countries mention that a copy of the contract must be deposited. See, for example, the submissions of Argentina, Cabo Verde, Costa Rica, Guatemala (stating that a summary of the contract signed by both parties is also accepted), Italy, Nicaragua, Paraguay and Peru.

²¹¹ See, for example, the submissions of Chile and Oman.

²¹² See, for example, the submission of Peru.

²¹³ See, for example, the submission of Spain. Paraguay requires an allocation certificate in cases of succession.

Cabo Verde states that, in the case of a change of ownership due to a merger, administrative resolution or court order, a document certified by the competent authority must support the application for recordation. Aside from proof of payment,²¹⁴ other countries require no additional documentation during recordation.²¹⁵

4.3. Recordation process

4.3.1. Filing methods for recordation of transfers of rights

The various national recordation systems have different filing methods for recordation of transfers of rights. The following table (Table 5) shows these different methods.

Table 5: Recordation filing methods

	Number of countries	% (*)
Online filing	13	33%
Physical filing at the recordation office	34	85%
Email	3	8%
Mail	14	35%
Fax	1	3%

* Based on 40 responses (one country did not answer the question)

It follows from the submissions that most countries accept physical filing of documents at the recordation office, except for Argentina (online filing only), Japan (mail only), Saudi Arabia (online filing only) and the United States of America (mail only).²¹⁶ A total of 18 countries accept only physical filing at the recordation office.²¹⁷ Five countries accept physical filing at the recordation office and filing by mail or email.²¹⁸ Another 11 countries accept physical filing at the recordation office and online filing, some of which also accept filing by mail, email or fax.²¹⁹ Kenya and the United Republic of Tanzania report that they have not yet decided

²¹⁴ See, for example, the submissions of Costa Rica, Guatemala, Italy and Malaysia.

²¹⁵ See, for example, the submissions of Brazil and Uruguay.

²¹⁶ As part of the U.S. Copyright Office's modernization efforts, recordation is moving from a paper-based system to a digital system.

²¹⁷ These are: Albania, Botswana, Brazil, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Kyrgyz Republic, Republic of Moldova, Morocco (it can be accompanied by email), Nicaragua, Oman (paper filings), Paraguay, Philippines, Sudan and Uruguay (18 out of 40 submissions). Lebanon did not answer Q36.

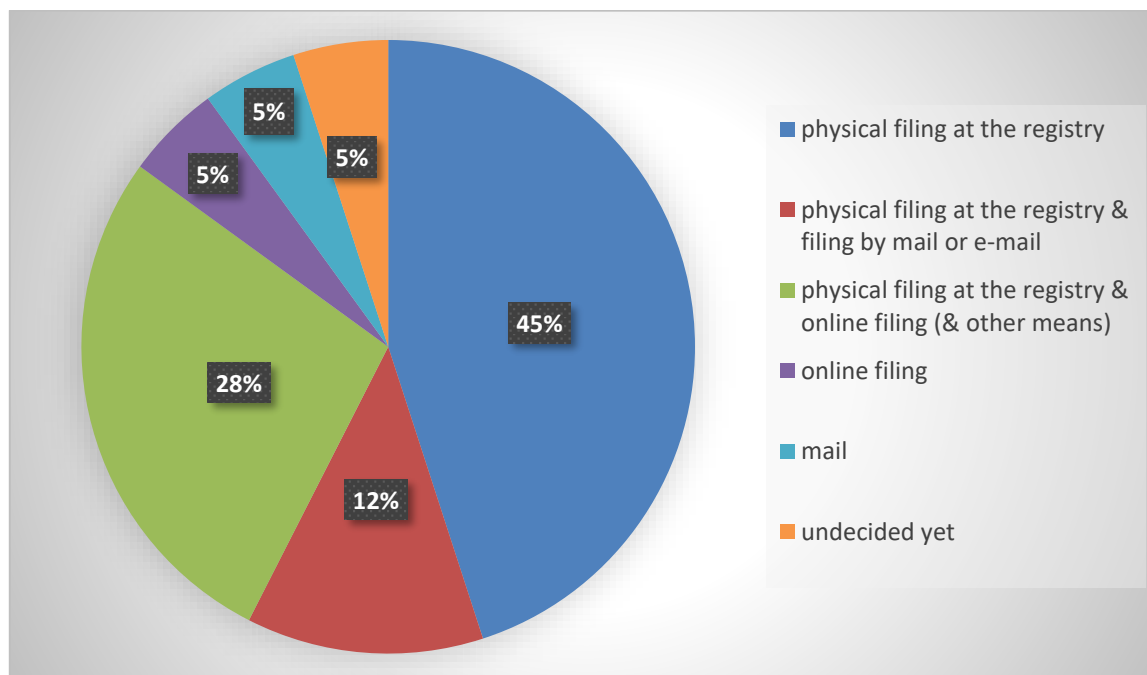
²¹⁸ Countries accepting physical filing at the recordation office and filing by mail are Mexico, Myanmar and Thailand (three out of 40 submissions); Azerbaijan and Cabo Verde accept physical filing at the recordation office and filing by mail and email (two out of 40 submissions).

²¹⁹ Countries accepting physical filing at the recordation office and online filing: Italy, Malaysia, Peru and Spain (four out of 40 submissions); countries accepting physical filing at the recordation office, online filing and filing by mail: Chile, China, Colombia, Russian Federation and Republic of Korea (five out of 40 submissions); Portugal accepts physical filing at the recordation office, online filing and

on a filing method for recordation, but the United Republic of Tanzania is considering adopting an online filling system. Most countries have the same filing methods for recordation as for registration. Only a few countries have more limited filing methods for recordation.²²⁰

The combinations of recordation filing methods used in different countries are illustrated in the following pie chart (Figure 4).

Figure 4: Recordation filing methods used in different countries*



* Based on 40 responses (one country did not answer the question)

4.3.2. Recordation fees

Many countries have reported the applicable recordation fees, which are listed in Annex III of this report. In general, these recordation fees are difficult to compare, as they are in national currencies or nominal values (e.g., subject to a monthly wage or index).

In total, 22 countries (56 per cent) apply a fee per recorded transfer;²²¹ six countries (15 per cent) a fee per recorded transfer or a fee per filing which may include the recordation of multiple transfers;²²² and four countries (10 per cent) a fee per filing which may include the

filing by mail and email (one out of 40 submissions); and Canada accepts physical filing at the recordation office or at a designated establishment, online filing and filing by mail and fax (one out of 40 submissions).

²²⁰ These are: Argentina, Azerbaijan, Dominican Republic, Ecuador, Haiti, Kyrgyz Republic, Republic of Moldova, Thailand and United States of America (where the U.S. Copyright Office is in the process of updating its paper-based recordation system to a digital system).

²²¹ These are: Argentina, Azerbaijan, Brazil, Canada, Chile, Cuba, Dominican Republic, Haiti, Italy, Japan, Malaysia, Republic of Moldova, Myanmar, Nicaragua, Oman (applying a fee “to record a change in the application”), Paraguay, Peru, Philippines, Russian Federation, Saudi Arabia, Spain and Sudan (22 out of 39 submissions). Lebanon and Morocco did not answer Q37.

²²² These are: Ecuador, Kyrgyz Republic, Mexico, Portugal, Republic of Korea and United States of America (six out of 39 submissions).

recordation of multiple transfers.²²³ Guatemala applies a recordation fee, but it is unclear whether this is a fee per recorded transfer or a fee per filing.

In some countries, recordation fees vary depending on the type of work or other subject matter for which a contract is recorded.²²⁴ Other countries apply different fees for the recordation of one or multiple transfers;²²⁵ the recordation of contracts or standard contracts;²²⁶ physical or online filing;²²⁷ or different types of applicants.²²⁸ Fees can also vary between central and regional recordation offices.²²⁹

Four countries (10 per cent) do not apply any recordation fee. These are Botswana, Cabo Verde, Colombia and Thailand. Kenya and the United Republic of Tanzania have not yet decided whether they will apply a fee per recorded transfer or a fee per filing, if any.

4.3.3. Process of recordation of transfers of rights

The process of recordation of transfers of copyright and related rights typically starts with the submission of an application, whereby a party submits an application form, the required document (usually an original signed document or a legible copy of a signed document that has been certified to be a true copy of the original) and a filing fee to the recordation office,²³⁰ which usually acknowledges receipt of the application.²³¹ In many countries, a recordation specialist will then examine the application to determine whether the document satisfies the requirements of the law and regulations and whether the correct filing fee has been paid.²³² If an application contains an error, it is notified to the applicant, who can rectify the error and resubmit the application.²³³ If all the requirements are met, the document will be recorded and incorporated into the public record²³⁴ but sometimes only after an official opposition period has lapsed.²³⁵ In several countries, the applicant receives a certificate of registration.²³⁶ In some countries, if applicable, the original contracts that were submitted

²²³ These are: Albania, China, Costa Rica (applying a fee for each transfer of the right, except in the case of the transfer of a collection of works) and Uruguay (four out of 39 submissions).

²²⁴ See, for example, the submissions of Argentina, Japan (differentiating between the recordation of transfers of copyright and the recordation of transfers of related rights), Saudi Arabia and Republic of Korea.

²²⁵ See, for example, the submissions of Albania, Republic of Korea and United States of America.

²²⁶ See, for example, the submission of Mexico.

²²⁷ See, for example, the submission of the Republic of Korea.

²²⁸ See, for example, the submission of Azerbaijan, applying a higher fee for legal entities than for individuals.

²²⁹ See, for example, the submission of Spain.

²³⁰ See, for example, the submissions of Albania, Argentina, Azerbaijan, Botswana, Brazil, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Haiti, Italy, Malaysia, Mexico, Republic of Moldova, Myanmar, Nicaragua, Oman, Paraguay, Peru, Saudi Arabia, Republic of Korea, Spain, Sudan, United Republic of Tanzania, Thailand, United States of America and Uruguay.

²³¹ See, for example, the submissions of China, Mexico and United States of America (only upon request).

²³² See, for example, the submissions of Argentina, Brazil, Chile (answer to Q31), China, Costa Rica, Cuba, Ecuador, Mexico, Myanmar, Nicaragua, Peru, Spain, Sudan and United States of America.

²³³ See, for example, the submissions of Argentina, China and Costa Rica.

²³⁴ See, for example, the submissions of Argentina, Azerbaijan, Canada, China, Costa Rica, Cuba, Myanmar, Nicaragua, Paraguay, Peru, Russian Federation, Spain, Thailand and United States of America.

²³⁵ See, for example, the submissions of Costa Rica and Paraguay.

²³⁶ See, for example, the submissions of Argentina, Canada, China, Paraguay, Russian Federation and Saudi Arabia.

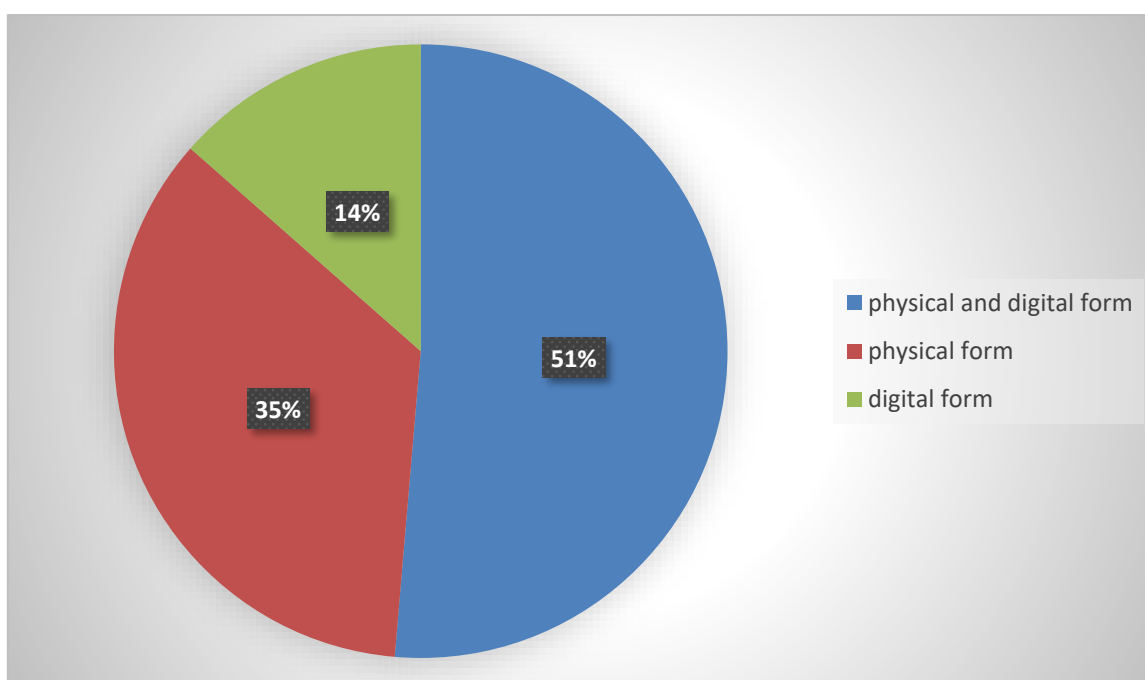
are returned to the applicant,²³⁷ sometimes with each sheet of the document dated and stamped by the recordation office.²³⁸

4.4. Recordation system accessibility

4.4.1. Physical and/or digital recordation systems

The recordation system is available in both physical and digital form in 19 out of 37 countries (51 per cent);²³⁹ only in physical form in 13 out of 37 countries (35 per cent);²⁴⁰ and only in digital form in five out of 37 countries (14 per cent).²⁴¹ These figures are illustrated in the following pie chart (Figure 5).

Figure 5: Recordation systems in physical and/or digital form*



* Based on 38 responses (four countries did not answer the question)

²³⁷ See, for example, the submission of Canada.

²³⁸ See, for example, the submission of Ecuador.

²³⁹ These are: Albania, Botswana, Cabo Verde, Canada, Colombia, Costa Rica, Ecuador, Guatemala, Italy, Republic of Moldova, Malaysia, Nicaragua, Peru, Philippines, Portugal, Republic of Korea, Spain, Thailand and United States of America (19 out of 37 submissions). Kenya, Lebanon, Morocco and Myanmar did not answer Q39.

²⁴⁰ These are: Azerbaijan, Brazil, Chile, China, Cuba, Dominican Republic, Haiti, Mexico, Oman, Paraguay, Sudan, United Republic of Tanzania and Uruguay (13 out of 37 submissions).

²⁴¹ These are: Argentina, Japan, Kyrgyz Republic, Russian Federation and Saudi Arabia (five out of 37 submissions).

4.4.2. Public access to the recordation system

In 10 out of 37 countries (27 per cent), the information in the recordation system is not accessible to the public.²⁴² In 16 countries (43 per cent), the information is only partially accessible to the public²⁴³ and, in 11 countries (30 per cent), it is fully accessible.²⁴⁴

In most countries where information in the recordation system is partially accessible, only basic data for ascertaining ownership of rights is available to the public.²⁴⁵ The recordation system in China, for example, only provides public information about the title of the work, the registration number of the work and the names of the transferor/licensor and transferee/licensee. Some countries report that they only make metadata available, not the content of the transfer or licensing agreement or the content of the work or other subject matter.²⁴⁶ Various countries also restrict access to the personal data of rightholders, such as name and address,²⁴⁷ as well as to confidential information,²⁴⁸ including, in some countries, the content of unpublished works.²⁴⁹

Other countries grant full public access to the recorded information. In Costa Rica, any third party may consult the information contained in the recordation system and access the registration files, but copies of registered contracts or works can only be accessed with the rightholder's authorization. In Colombia, the information in the recordation system is public and can be requested by the public under the right of petition. Also, in Guatemala, Haiti and the Republic of Korea, the recordation system is publicly accessible. In the United States of America, the online public record typically contains general information about the type of document recorded, its identifying number, the date of recordation, the parties listed in the document, the work(s) to which it pertains, etc. The document that is recorded is also part of public record, but it can only be accessed by the public via the Copyright Imaging System, the computerized system that images all recorded documents, which is accessible onsite at the U.S. Copyright Office.

The means by which other countries give access to information in the recordation system also vary. A number of countries only grant access to recordation entries upon request, sometimes with the possibility for rightholders to oppose or withhold consent to the delivery of documents.²⁵⁰ In Guatemala, anyone can access the recordation system, although access to documents of computer programs and unpublished works is permitted only with the rightholder's consent or by court order.

²⁴² These are: Albania, Argentina, Azerbaijan, Botswana, Brazil, Oman, Paraguay, Philippines, Portugal and United Republic of Tanzania (10 out of 37 submissions). Kenya, Lebanon, Morocco and Myanmar did not answer Q40.

²⁴³ These are: Cabo Verde, China, Cuba, Dominican Republic, Ecuador, Kyrgyz Republic, Malaysia, Mexico, Republic of Moldova, Nicaragua, Peru, Russian Federation, Saudi Arabia, Spain, Sudan and Thailand (16 out of 37 submissions).

²⁴⁴ These are: Canada, Chile, Colombia, Costa Rica, Guatemala, Haiti, Italy, Japan, Republic of Korea, United States of America and Uruguay (11 out of 37 submissions). Uruguay reports that the recordation system is fully accessible to applicants, without indicating whether it is also accessible to third parties wishing to consult the recorded information.

²⁴⁵ See, for example, the submissions of Cuba, Kyrgyz Republic, Republic of Moldova, Nicaragua, Peru, Russian Federation, Sudan and Thailand.

²⁴⁶ See, for example, the submissions of Cabo Verde, Cuba, Mexico and Spain.

²⁴⁷ See, for example, the submissions of China, Italy, Malaysia and Mexico.

²⁴⁸ See, for example, the submissions of China, Peru and Russian Federation.

²⁴⁹ See, for example, the submission of Ecuador.

²⁵⁰ See, for example, the submissions of Chile, Spain and Thailand (indicating that basic information is publicly available and additional information available upon request).

4.4.3. Searchability of the recordation system

In 16 out of 37 countries (43 per cent), the recordation system is not searchable.²⁵¹ In the remaining 21 countries (57 per cent), it is searchable²⁵² but not necessarily by everyone. In Portugal, the system can be searched only by the recordation department. Likewise, in Argentina, the search function is only accessible to recordation office staff, but the public can access information by submitting an online request to the recordation office. In Peru, any party to a copyright transfer agreement can search the recordation system and receive a report of the findings. Some countries offer broader possibilities for the public to search the records,²⁵³ including through online searches.²⁵⁴

In various countries, the recordation system can be searched free of charge.²⁵⁵ In some countries, the recordation office performs searches upon request, usually for a fee.²⁵⁶ Other countries apply a standard fee for searching the records.²⁵⁷

Most countries allow the recordation system to be searched by names of the parties (transferor/licensor and transferee/licensee); title of the work or other subject matter; and identifier number (usually the recordation number). Several countries also allow the recordation system to be searched by author/rightsholder's name; type of work or other subject matter; type of contract; (probable) date of filing; or other kinds of metadata generated by the recordation system.²⁵⁸ Colombia indicates that, on the recordation office website, it is also possible to search for annual statistics on the transfer of rights in the category of recorded documents and contracts.

4.4.4. Protection of the parties' personal data

Nine out of 37 countries (24 per cent) have no provisions for protecting the parties' personal data.²⁵⁹ In the other 28 countries (76 per cent), protection of the parties' personal data is

²⁵¹ These are: Albania, Azerbaijan, Botswana, Brazil, Cabo Verde, Haiti, Kyrgyz Republic, Republic of Moldova, Oman, Paraguay, Philippines, Russian Federation, Spain, Sudan, United Republic of Tanzania and Uruguay (16 out of 37 submissions). Kenya, Lebanon, Morocco and Myanmar did not answer Q41.

²⁵² These are: Argentina, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Italy, Japan, Malaysia, Mexico, Nicaragua, Peru, Portugal, Saudi Arabia, Republic of Korea, Thailand and United States of America (21 out of 37 submissions).

²⁵³ See, for example, the submissions of Italy, Saudi Arabia (in the copyright magazine available on the recordation office's platform) and United States of America.

²⁵⁴ See, for example, the submissions of Canada, Colombia and United States of America.

²⁵⁵ See, for example, the submissions of Canada, Chile, China, Costa Rica (but only on registry premises), Japan, Republic of Korea, Thailand and United States of America.

²⁵⁶ See, for example, the submissions of Argentina (160 Argentine pesos), Italy (no search fees indicated), Malaysia (no search fees indicated), Mexico (187 Mexican pesos) and United States of America (200 United States dollars: estimate of search fee (credited to search fee); 200 United States dollars: search report (per hour, two hour minimum); 500 United States dollars: expedited report (per hour, one hour minimum); 200 United States dollars: certification of search report (per hour)).

²⁵⁷ See, for example, the submissions of Cuba (10 Cuban pesos), Ecuador (approximately 20 United States dollars), Guatemala (100 Guatemalan quetzales), Nicaragua (approximately 10 United States dollars) and Peru (23.43 Peruvian soles).

²⁵⁸ See, for example, the submissions of Canada, Colombia, Costa Rica, Italy, Mexico, Republic of Korea, Thailand and United States of America.

²⁵⁹ These are: Dominican Republic, Haiti, Japan, Kyrgyz Republic, Paraguay, Philippines, Saudi Arabia, Sudan and United Republic of Tanzania (nine out of 37 submissions). Kenya, Lebanon, Morocco and Myanmar did not answer Q42.

built into recordation system operation.²⁶⁰ Many countries state that the recordation system operates in accordance with laws on the protection of personal data and/or data confidentiality.²⁶¹ Some recordation offices apply a terms and conditions policy for managing personal data.²⁶² Some countries report that only the names of the parties and other basic information may be accessed and that personal data and confidential information are not publicly available.²⁶³ In other countries, the records are not accessible to the public whatsoever.²⁶⁴ Canada indicates that personal data is only used for the purpose for which it was collected and disclosed in accordance with the law. In Thailand, personal data is recorded only with the consent of the applicant and not disclosed against his or her will. Likewise, in the United States of America, filers can redact any personally identifiable information from the document being recorded before they submit the document for recordation.

4.5. Legal effects of recordation

In terms of their relative weight, the legal effects of recordation of transfers of rights are nearly identical to the legal effects of copyright registration (see para. 3.5.).

In some countries, recordation of transfers of rights gives rise to few legal effects. In Cabo Verde, it merely gives the transferee the right to claim damages as per national legislation. Thailand attaches no legal effects to recordation.²⁶⁵ The same seems to apply to Saudi Arabia, which reports no legal effects or consequences arising by law.²⁶⁶

In the majority of countries (86 per cent), recordation creates a rebuttable presumption of the facts recorded (24 per cent)²⁶⁷ or serves as prima facie evidence of the facts recorded (24 per cent)²⁶⁸ or both (38 per cent).²⁶⁹ Colombia states that recordation guarantees the authenticity and security of interests and of acts and documents pertaining to copyright and

²⁶⁰ These are: Albania, Argentina, Azerbaijan, Botswana, Brazil, Cabo Verde, Canada, Chile, China, Colombia, Costa Rica, Cuba, Ecuador, Guatemala, Italy, Malaysia, Mexico, Republic of Moldova, Nicaragua, Oman, Peru, Portugal, Russian Federation, Republic of Korea, Spain, Thailand, United States of America and Uruguay (28 out of 37 submissions).

²⁶¹ See, for example, the submissions of Albania, Argentina, Azerbaijan, Canada, Chile, Colombia, Costa Rica, Guatemala, Malaysia, Mexico, Republic of Moldova, Nicaragua, Peru, Portugal, Spain, Thailand and Uruguay.

²⁶² See, for example, the submission of Ecuador.

²⁶³ See, for example, the submissions of China, Cuba, Italy, Oman, Russian Federation and Republic of Korea.

²⁶⁴ See, for example, the submissions of Botswana and Brazil.

²⁶⁵ In Thailand, a certificate of recordation does not constitute proof of ownership of rights; nevertheless, it is often relied on by the police to initiate an infringement case or considered by courts to be evidence of copyright ownership. See also the response provided by Thailand to Q34, stating that the recordation of transfers of rights, though recommended, is not mandatory and does not affect the validity of a copyright transfer.

²⁶⁶ Saudi Arabia merely lists benefits of recordation, including that it is a means for documenting works and that the recordation certificate increases trust in the related transactions and operations.

²⁶⁷ These are: Guatemala, Italy, Japan, Kyrgyz Republic, Peru, Russian Federation, Spain, United Republic of Tanzania and Uruguay (nine out of 37 submissions). Lebanon, Morocco and the Philippines did not answer Q43; Kenya has no provisions yet regarding the legal effects of recordation.

²⁶⁸ These are: Albania, Azerbaijan, Botswana (indicating that recordation serves as evidence in disputes over the recorded work or in legal proceedings against infringing parties), China, Dominican Republic, Malaysia, Myanmar, Nicaragua and Oman (nine out of 37 submissions).

²⁶⁹ These are: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Ecuador, Haiti, Mexico, Republic of Moldova, Paraguay, Portugal and Sudan (14 out of 37 submissions).

related rights. In the United States of America, recordation gives all persons constructive notice of the facts stated in the recorded document and can establish priority between conflicting transfers or licenses. This shows that recordation is an important means to certify ownership of rights. It also shows that, in many countries, recorded information is presumed to be true until proven otherwise or may be used as prima facie evidence in court.

In some countries, however, recordation is not merely declaratory. In Mexico, the acts, agreements and contracts by which copyright and related rights are transferred must be recorded in order to be binding on third parties. Such acts, agreements and contracts are considered properly executed if they are executed before a notary, public broker or any authenticating official and entered into the recordation system. Also, in Argentina, a contract must be recorded to be effective against third parties, although each party may challenge the contents of the contract in court even if it is not recorded.²⁷⁰ In Lebanon, the Republic of Korea and Uruguay, any transfer of rights must also be recorded in order to be effective and enforceable against third parties.²⁷¹ In Canada, any copyright assignment or license shall be declared void against subsequent assignees or licensees for valuable consideration without actual notice, unless the prior assignment or license is recorded before the recording of the instrument under which the subsequent assignee or licensee claims.²⁷² In Chile, the law²⁷³ states that publishers enjoy copyright only after recordation of the literary publishing contract, although non-compliance with this formality does not deprive the author of his or her (statutory or contractual) rights.²⁷⁴

In addition to creating a rebuttable presumption or serving as prima facie evidence of the facts recorded, recordation of transfers of rights can have other legal effects. In Cabo Verde and nine other countries, recordation gives the transferee the right to claim statutory damages.²⁷⁵ In five countries, recordation also gives transferees the right to start NTD procedures.²⁷⁶ In this context, Argentina and Paraguay explain that recordation is a means of proving the assignee is entitled to institute legal action. Five countries report that recordation also gives rise to other legal effects.²⁷⁷ However, except for Colombia and the United States of America (see above), these countries do not specify what those other legal effects are.

The following table (Table 6) provides an overview of the legal effects that arise from recordation.

²⁷⁰ See also the response provided by Argentina to Q34, stating that recordation of transfers of rights is considered necessary to enable action against third parties but that recordation is not necessary for enforcement between the contracting parties, for whom the contract is valid without the need for recordation.

²⁷¹ Lebanon did not answer Q43, but this appears from the response provided by Lebanon to Q34.

²⁷² See the submission of Canada (answer to Q44).

²⁷³ See Article 74 of Ley 17.336 sobre Propiedad Intelectual.

²⁷⁴ See the submission of Chile (answer to Q31).

²⁷⁵ These are: Argentina, Brazil, Cabo Verde, Dominican Republic, Haiti, Oman, Paraguay, Portugal, Republic of Korea and Sudan (10 out of 37 submissions).

²⁷⁶ These are: These are Argentina, Dominican Republic, Haiti, Oman and Paraguay (five out of 37 submissions).

²⁷⁷ See the submissions of Brazil, Colombia, Dominican Republic, Oman and United States of America.

Table 6: Legal effects of recordation of transfers of rights

	Number of countries	% (*)
Rebuttable presumption of the facts recorded	23	62%
Prima facie evidence of the facts recorded	23	62%
Right to claim statutory damages (transferee)	10	27%
Right to start NTD procedures (transferee)	5	14%
Effectiveness against third parties (or against subsequent transferees)	7	19%
Other legal effects	5	14%

* Based on 37 responses (four countries did not answer the question)

4.6. Other benefits and issues arising from recordation of transfers of rights

In addition to certifying ownership of rights or establishing proof of the facts recorded, many countries refer to other benefits that may arise from recordation of transfers of rights. In general, for transferees, it provides legal certainty, publicity and has great probative value in legal matters.²⁷⁸ Recordation also facilitates the enforcement of rights.²⁷⁹ Moreover, the recordation of successive transfers of rights enables third parties to trace the chain of title, which enhances legal certainty in commercial matters.²⁸⁰ Recordation further serves the general interest by establishing a public record with information on transfers of copyright and/or related rights.²⁸¹ In some countries, recordation can also be used to perfect the interests of the person whose documents are recorded.²⁸²

Some countries also mention issues arising from recordation of transfers of rights. Chile explains that, since the information in the recordation system is public, parties sometimes refrain from recording contracts because such contracts contain data relevant to the fulfilment of their tax obligations, and they prefer to keep such data confidential. Mexico and the United Republic of Tanzania, on the other hand, point out that there is a lack of knowledge/awareness within communities of authors and rightholders about the effects of recordation of transfers of rights for establishing legal certainty. Similarly, Ecuador indicates that many rightholders are unaware of the particulars involved in assigning and licensing the ownership derived from the rights over their works. Moreover, most issues arising with copyright registration reported in para. 3.6. above are also challenges for recordation of transfers of rights.

²⁷⁸ See, for example, the submissions of Argentina, Azerbaijan, Brazil, Colombia, Costa Rica, Mexico, Peru and Spain. Thailand points out that the recordation certificate can act as a security for rightholders in banks.

²⁷⁹ See, for example, the submissions of Malaysia and Republic of Korea.

²⁸⁰ See, for example, the submissions of Argentina, Botswana, Brazil, China, Colombia, Myanmar, Nicaragua, Peru, Spain, Sudan, United Republic of Tanzania and Thailand.

²⁸¹ See, for example, the submissions of Canada, Mexico and Spain.

²⁸² See, for example, the submission of the United States of America (indicating that some courts have held that a security interest in a registered work must be recorded with the U.S. Copyright Office in order to perfect the creditor's interest).

5. Legal deposit

In total, 66 out of 106 countries (62 per cent) report that they have a legal deposit system. However, six countries did not answer the section on legal deposit in the questionnaire²⁸³ and, as a result, the following analysis is based on the submissions of 60 countries.²⁸⁴

Unlike copyright registration and recordation of transfers of rights, which are voluntary, legal deposit is compulsory in most of these countries (see para. 5.4. below). The mandatory nature of legal deposit is not, however, contrary to the non-formality requirement of the Berne Convention since copyright protection is not dependent on deposit. Legal deposit systems are, on the contrary, important for the preservation of cultural heritage, as will be explained further in para. 5.5. Nevertheless, in the context of this survey on voluntary copyright registration systems, it is important to include legal deposit because, in some countries, there is an important relationship between legal deposit and the systems of copyright registration and recordation of transfers of rights.

In 11 of these 60 countries (18 per cent), a direct relationship exists between legal deposit and the registration/recordation systems. These are: Argentina, Azerbaijan, Bosnia and Herzegovina, Brazil, China, the Dominican Republic, Ecuador, Mexico, Montenegro, Paraguay and the United States of America.²⁸⁵ Unsurprisingly, in most of these countries, the registration/recordation system and the legal deposit system are administered by the same institution, usually the national copyright or IP office. Only in Ecuador and Mexico are registration/recordation and legal deposit administered by different institutions (see para. 5.1.).²⁸⁶

By contrast, 48 of these 60 countries (80 per cent) operate a separate legal deposit system. This includes 23 countries that have only a legal deposit system (so no registration or recordation system)²⁸⁷ and 25 countries that have registration or recordation systems, but it

²⁸³ This concerns the submissions of: Angola, Bhutan, Iraq, Italy, Mauritania and Morocco.

²⁸⁴ France did not answer the section in the questionnaire on legal deposit (Q45 to Q52) either, but it explains the legal deposit system extensively in the section on institutional questions. Insofar as possible, this explanation has been taken into consideration in this analysis.

²⁸⁵ Chile, Estonia, Haiti and the Kyrgyz Republic also reported a relationship between the legal deposit and registration/recordation systems; however, on closer inspection, it seems that legal deposit operates independently in these countries. The survey responses show that Estonia has no registration/recordation system, only legal deposit. The Kyrgyz Republic reports no legal deposit system, but it allows authors of unpublished manuscripts to deposit their manuscripts at the registration office for safekeeping. In Chile, the national library and copyright registry became part of the National Cultural Heritage Service in 2017, whereas legal deposit and the requirement to deliver copies for registration remain regulated under separate laws with different objectives. Haiti merely states that a link exists because the two bodies that manage legal deposit and copyright registration are both answerable to the Ministry of Culture but does not further explain if and how the two systems are connected.

²⁸⁶ In Ecuador, SENADI is responsible for registration/recordation, while the principal authority for legal deposit is the Eugenio Espejo National Library (although SENADI has also accepted legal deposits since 2019); in Mexico, registration/recordation takes place at the National Institute of Copyright, while legal deposits must be made with the National Library and the Library of Congress of the Union.

²⁸⁷ Legal deposit only (23 countries): Armenia, Australia, Austria, Brunei Darussalam, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Georgia, Greece, Hong Kong SAR (China), Iceland, Ireland, Jordan, Kuwait, Luxembourg, Poland, New Zealand, Sweden, Trinidad and Tobago, and Uzbekistan.

is either explicit or implicit from their submissions that there is no link or relationship between these systems and legal deposit.²⁸⁸

Malawi constitutes a special case. Malawi does not have a voluntary registration/recording system as per the meaning of this report, but legal deposit is linked to registration for the purposes of collective rights management. Rightholders are required to submit a deposit copy of the physical work during registration. Even though it is compulsory, failure to submit a deposit copy has no legal consequences. Deposit has the benefit of serving as prima facie evidence in infringement cases. Moreover, in Malawi, legal deposit is used for archiving purposes and for the preservation of cultural heritage.²⁸⁹

5.1. Relationship with the copyright registration system

Eight of the 11 countries that report a relationship between legal deposit and the registration/recording systems (73 per cent) explain that deposit copies can or must be submitted in connection with registration applications. Azerbaijan and China specify that, in order to apply for registration of a work, the applicant must deposit a copy of the work with the registry office. In Paraguay, legal deposit also occurs during the process of registering a work.²⁹⁰ In Ecuador, the registry office has, since 2019, collected legal deposit copies during the registration process on behalf of the national library, which is the competent body for legal deposit. Argentina reports that, for national published works, the presentation of four copies of the work (of which three are meant for legal deposit) is required to complete the registration procedure. In Montenegro, when applying for registration, works and other subject matter are deposited and entered into the register at the same time. In Bosnia and Herzegovina, legal deposit automatically results in registration of the work in the copyright register.

A more elaborate system exists in the United States of America, where two separate sets of deposit requirements apply: deposits submitted in connection with registration applications²⁹¹ and deposits submitted in accordance with the mandatory legal deposit provisions.²⁹² Both sets of provisions are administered by the U.S. Copyright Office. In most cases, a deposit submitted for the purpose of satisfying the mandatory deposit requirement

²⁸⁸ Legal deposit independent of registration/recording (25 countries): Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, France, Guatemala, Haiti, Hungary, Jamaica, Japan, Kenya, Malaysia, Mozambique, Philippines, Portugal, Romania, Saudi Arabia, Serbia, Spain, Sudan, United Republic of Tanzania, Thailand, Uruguay and Yemen.

²⁸⁹ This can be inferred from the answers provided by Malawi to Q2 and Q45 to Q52.

²⁹⁰ This follows from the answer provided by Paraguay to Q50.

²⁹¹ Registration is not required as a condition for copyright protection. However, when an applicant chooses to register an original work of authorship, the deposit requirements for that work are governed by section 408 of the Copyright Act. The Register specifies by regulation the form of deposit that must accompany a copyright claim. These deposits are used to examine the work for copyrightable authorship, to verify the authorship claimed in the application, and to verify the facts stated in the application. Deposits may also be used for evidentiary purposes in litigation involving a copyrighted work. Additionally, these deposits may be selected by the Library of Congress for use in its collections. 17 U.S.C. § 704.

²⁹² Mandatory deposit is a statutory requirement for the benefit of the national collection of the Library of Congress. Section 407 of the Copyright Act provides that the owner of copyright or the owner of the exclusive right of publication in a work published in the United States of America must deposit two copies or phonorecords of the work within three months after publication. 17 U.S.C. § 407(a). The Register of Copyrights has the authority to adjust or exempt certain works from the deposit requirements, as appropriate, given the needs or concerns of applicants and the public. 17 U.S.C. §§ 407(c), 408(c)(1).

may be used to satisfy the deposit requirement for registration, provided that the applicant submits the prescribed application and filing fee and any additional identifying material that the regulations may require.²⁹³ For some classes of works, the deposit requirements for registration and mandatory deposit are not the same. In such cases, a separate submission of copies, phonorecords or identifying material may be needed to register the work and satisfy the mandatory deposit requirements.²⁹⁴

In Mexico, the systems of registration/recordation and legal deposit are managed by different institutions. Copyright registration and recordation of transfers of rights are administered by the National Institute of Copyright, while legal deposit takes place at the National Library and the Library of Congress of the Union. Here, a link is established between the two systems via monthly lists of registered works, which the General Directorate of the National Institute of Copyright sends to both legal deposit libraries. These lists are intended to verify compliance with the obligation of publishers and producers of bibliographic and documentary materials to deliver copies of their works to the National Library and the Library of Congress of the Union.

Brazil and the Dominican Republic do not further explain the relationship between legal deposit and the registration or recordation systems.

Most countries do not report on the use of unique identifiers or standardized data to facilitate interoperability between registration/recordation and legal deposit. China states that it assigns a unique registration number to each work. In the United States of America, legal deposit is not facilitated by unique identifiers or standardized data.

5.2. Subject matter

Analysis of the 60 submissions reveals considerable differences between countries when it comes to which objects are subject to legal deposit. In total, 18 out of 60 countries (30 per cent) report that all objects protected by copyright and related rights are subject to legal deposit. By contrast, 42 out of 60 countries (70 per cent) apply a legal deposit requirement only for specific types of objects listed by the law.²⁹⁵

However, there is some correlation among countries where there is a relationship between legal deposit and registration/recordation and countries with a separate legal deposit system.

5.2.1. All objects protected by copyright and related rights

Eighteen countries report that all objects protected by copyright and related rights are subject to legal deposit. This number includes six of the 11 countries with a relationship between legal deposit and registration/recordation (55 per cent),²⁹⁶ 11 of the 48 countries

²⁹³ See 17 U.S.C. § 408(b).

²⁹⁴ For example, mandatory deposit for a computer program requires two complete copies of the best edition, whereas registration may be accomplished with identifying material containing a selection of the source code for that work.

²⁹⁵ Q46 is subdivided into “Only specific types of objects listed by the law (Please specify)” and “Other (Please explain)”, but these answers have been examined together because none of the countries provided specifications for “Only specific types of objects listed by the law” (probably because the field was not open), whereas, in the category “Other”, many countries did specify the objects that are subject to legal deposit (sometimes by literally copying the phrase “Only specific types of objects listed by the law”).

²⁹⁶ These are: Azerbaijan, Bosnia and Herzegovina, China, Dominican Republic, Montenegro and Paraguay.

with a separate legal deposit system (23 per cent)²⁹⁷ and Malawi. This suggests that, in these countries, a strong connection exists between legal deposit and the copyright system. Indeed, most of these countries regulate legal deposit under their national copyright or IP laws.²⁹⁸

In countries where a direct relationship exists between legal deposit and the registration system, there is a clear connection between the subject matter to be deposited and registrable subject matter. In Azerbaijan, Bosnia and Herzegovina, China, the Dominican Republic, Montenegro and Paraguay, all copyrightable works and all subject matter of related rights are eligible for registration (see para. 3.1.). In these countries, all objects protected by copyright and related rights are also subject to legal deposit.

5.2.2. Only specific types of objects listed by the law

Of the 42 countries which require legal deposit only for specific types of objects listed by the law, five countries are from the group of 11 countries with a relationship between legal deposit and registration/recordation (45 per cent)²⁹⁹ and 37 from the group of 48 countries with a separate legal deposit system (77 per cent).³⁰⁰

In the countries where a relationship exists between legal deposit and the registration system, a somewhat looser connection exists between the subject matter to be deposited and registrable subject matter. In general, the category of registrable subject matter in these countries is broader than the category of objects that are subject to legal deposit.³⁰¹ In Argentina, for example, all works fitting an open-ended definition of protectable works are eligible for copyright registration, while only literary works, musical works and phonograms are subject to legal deposit. Likewise, in Ecuador, all copyrightable works are eligible for registration, but the legal deposit requirement only extends to books and other publications of a scientific, cultural or educational nature. In the United States of America, all works fitting an open-ended definition of protectable works are eligible for copyright registration, while the mandatory deposit provisions only apply to works published in the United States of America on or after January 1, 1978.³⁰² Moreover, because many deposits are not suitable for Library of Congress collections or for use in national library programs, the U.S. Copyright

²⁹⁷ These are: Armenia, Australia, Colombia, Costa Rica, Côte d'Ivoire, Jordan, Kuwait, Serbia, United Republic of Tanzania and Uzbekistan. Georgia should also be included in this list, as it answered in the category "Other" in the questionnaire that legal deposit extends to "objects protected by copyright" (possibly meaning that it does not apply to subject matter protected by related rights).

²⁹⁸ The only exceptions are: Côte d'Ivoire (where a specific legal deposit decree created the legal deposit system: Decree No. 62-28 of February 2, 1962) and Serbia (where legal deposit is regulated by the Legal Deposit of Publication Law ("Official Gazette of RS", No. 52/2011, 13/2016)).

²⁹⁹ These are: Argentina, Brazil, Ecuador, Mexico and United States of America.

³⁰⁰ These are: Austria, Brunei Darussalam, Bulgaria, Canada, Chile, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Guatemala, Haiti, Hong Kong SAR (China), Hungary, Iceland, Ireland, Jamaica, Japan, Kenya, Luxembourg, Malaysia, Mozambique, New Zealand, Philippines, Poland, Portugal, Romania, Saudi Arabia, Spain, Sudan, Sweden, Thailand, Trinidad and Tobago, Uruguay and Yemen.

³⁰¹ It is not known whether this also applies to Brazil and Mexico because these countries did not specify the specific types of objects that are subject to the legal deposit requirement.

³⁰² Unpublished works and works that are published solely outside the United States of America are not subject to this requirement. Mandatory deposit does apply to works that are published simultaneously in both a foreign country and in the United States of America. It applies to works that are first published in a foreign country and subsequently published or distributed in United States of America. It may also apply to unpublished transmission programs transmitted in the United States of America.

Office has issued regulations that exempt certain categories of works entirely from the mandatory deposit requirements.³⁰³

In countries with a separate legal deposit system, there are considerable differences in the objects that are subject to the legal deposit requirement. Some countries or territories, such as Haiti, Hong Kong SAR (China) and Brunei Darussalam, require legal deposit only for “books” (in a broad sense).³⁰⁴ In Greece, legal deposit applies to any printed matter, even if it is published in electronic format, including material which can be accessed only online.

Other countries refer to specific types of objects listed by the law. In Chile, for example, legal deposit applies to all types of printed matter, sound recordings and audiovisual or electronic productions that are made in Chile and intended for commercialization. Likewise, in Iceland, legal deposit applies to all printed matter, microdata, phonograms or audio recordings, works published in electronic form (CDs, etc.), works made available on the Internet, multimedia works, broadcast material of public radio and TV broadcasters (and other broadcasters, as requested) and films that are communicated to the public.

A third group of countries tends to use broader terms for deposited objects, based on the form in which works are fixed or certain criteria that works must match in order to be deposited. Poland, for instance, refers to all works produced/reproduced for the purpose of dissemination or distribution, including printed matter, audiovisual records, tapes, cassettes, slides, microfilms or microfiches, works fixed in digital carriers and computer software. Sweden includes everything that is published in Sweden, both in physical and electronic form, including printed matter,³⁰⁵ non-printed matter like radio, television, films, video recordings, sound recordings and other technical recordings; and combined materials (printed and recorded material issued in the same package). In New Zealand, all works qualified as “public documents” are subject to legal deposit.³⁰⁶

In general, when it comes to objects that are subject to legal deposit, all countries refer to printed matter. Other objects that are frequently mentioned are sound and/or video recordings,³⁰⁷ films,³⁰⁸ radio and TV programs,³⁰⁹ electronic/multimedia documents³¹⁰ and websites and/or materials on the Internet.³¹¹ Deposited objects that are referred to only occasionally include databases³¹² and computer programs.³¹³ The legal deposit requirement

³⁰³ These regulations are set forth in 37 C.F.R. § 202.19, <https://www.copyright.gov/title37/202/>. Information outlining the legal deposit requirements for different situations and types of works may be found in the *Compendium of U.S. Copyright Office Practices*, Third Edition, Chapter 1511.

³⁰⁴ In Hong Kong SAR (China), for the purpose of legal deposit, “books” means books available to the public at large; magazines, journals, annual reports or any other similar kind of periodical publications; and every pamphlet, sheet of music, map, chart, table or plan which is separately printed or produced. Likewise, in Brunei Darussalam, for the purpose of legal deposit, “books” are understood to include: reports, pamphlets, periodicals, newspapers, sheets of letterpress, sheets of music, maps, plans and charts or tables separately published.

³⁰⁵ This does not include all printed matter. Objects exempt from legal deposit in Sweden are, for example, business cards, labels, forms, packaging, protocols and memorandums made by authorities and works in braille which have the same content as printed material already deposited.

³⁰⁶ In New Zealand, “public documents” are those (1) of which at least one copy is issued or available to the public; (2) for which a territorial connection exists with New Zealand; and (3) in which copyright exists.

³⁰⁷ See, for example, the submissions of Denmark, Estonia, France, Iceland, Poland, Spain and Sweden.

³⁰⁸ See, for example, the submissions of Denmark, Estonia, France, Iceland and Spain.

³⁰⁹ See, for example, the submissions of Denmark, France, Iceland, New Zealand and Sweden.

³¹⁰ See, for example, the submissions of Austria, France, Hungary and Spain.

³¹¹ See, for example, the submissions of Denmark, Estonia, France, Iceland, Spain and New Zealand.

³¹² See, for example, the submission of France.

³¹³ See, for example, the submissions of France, Montenegro and Poland.

usually only applies to nationally produced/published objects or objects that can otherwise be linked to the national territory.³¹⁴ As a rule, deposit copies must be supplied in their final form and in the form that end users receive them.³¹⁵

5.2.3 Different and/or new versions of the same object

The majority of countries (78 per cent) require a separate deposit for different and/or new versions of the same object.³¹⁶ Only 13 countries (22 per cent) indicate that different and/or new versions of the same object do not have to be deposited separately.³¹⁷

Many countries require a separate deposit with every change in form or content. This is especially true of countries with a separate legal deposit system that is clearly detached from the copyright regime.³¹⁸ Croatia requires publishers to deposit all new editions of their publications, including different formats in which the publication appears. Brunei Darussalam, Denmark and Ireland also require new versions to be deposited if the form or content has changed. Likewise, Japan subjects works with new content, a new binding or a new medium to legal deposit. Luxembourg requires any reissues of print publications to be deposited and, in the case of audiovisual works, different language versions, subtitled or dubbed versions and short versions must be deposited with the original work. In New Zealand, redeposit concerns any version in a different language; any second or subsequent (e.g., revised, corrected, enlarged or abridged) edition; and any edition where the name of the label or publisher has changed, even if the content has not been altered. Poland requires redeposit of next editions by the same author; modified and translated editions of newspapers and magazines; bibliophile editions; reprints; and higher standard publications (if the same work appears in different standards). Spain explicitly mentions that no redeposit is required in the case of mere reprints with no changes in form or content.

Other countries only require a redeposit of works if their contents have changed. This is particularly the case in countries where there is a relationship between legal deposit and registration.³¹⁹ In general, in these countries, a new version of a work is subject to deposit once it can be registered as a new derivative work. In the United States of America, a version is regarded as new – and therefore eligible for registration and subject to deposit – if

³¹⁴ See, for example, the submissions of Austria, Bulgaria, Croatia, Estonia, Hong Kong SAR (China), Iceland, New Zealand, Portugal and Sweden.

³¹⁵ See, for example, the submissions of Bulgaria and Iceland.

³¹⁶ These are: Argentina, Armenia, Australia, Austria, Azerbaijan, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Finland, Greece, Hungary, Iceland, Ireland, Jamaica, Japan, Jordan, Kenya, Luxembourg, Malawi, Malaysia, Mexico, Montenegro, Mozambique, New Zealand, Paraguay, Poland, Portugal, Serbia, Spain, Sudan, Sweden, United Republic of Tanzania, Thailand, Trinidad and Tobago, United States of America, Uruguay and Yemen (45 out of 58 submissions). Bulgaria and France did not answer Q47.

³¹⁷ These are: China, Côte d'Ivoire, Dominican Republic, Estonia, Georgia, Guatemala, Haiti, Hong Kong SAR (China), Kuwait, Philippines, Romania, Saudi Arabia and Uzbekistan (13 out of 58 submissions).

³¹⁸ As a general principle, copyright exists in intellectual creations, irrespective of the form in which they are cast. Some countries require fixation in material form, but the work as intellectual creation (*corpus mysticum*) is not to be associated with its physical embodiment (*corpus mechanicum*). The fact that, in various countries, a redeposit is also required with a change in the form of an object shows how much the legal deposit system in these countries is detached from the general copyright regime.

³¹⁹ Yet, it is not exclusively limited to this category of countries. Jamaica, for example, also refers to an update in content as a reason for a redeposit. Chile requires a redeposit of printed matter when new editions are produced or changes or alterations are introduced that modify the version initially deposited.

the author contributed a sufficient amount of original expression to that version. Likewise, in Mexico and Montenegro, the originality criterion is used to determine whether a reworked edition (alteration, translation, adaptation or arrangement) must be regarded as a new derivative work for the purposes of registration and deposit. Azerbaijan states that it accepts deposits of new versions of the same object with minor changes or additions. They are kept with the original deposit, and an entry is made in the registry about the changes and additions. However, where significant changes or additions are made and a new work created on the basis of an existing work, that work must be registered and deposited as a derivative work. Similarly, in Malawi, a work is subject to redeposit when it is not exactly the same as the original version or when new elements have been added to the original work. In Ecuador, new versions are subject to deposit when the content of the work has changed. Bosnia and Herzegovina also requires a redeposit when there are differences from the original object. In Argentina, a deposit must be made for works if the content has been altered or if there are changes in the cover art, illustrations, photographs, collaborators, authors, illustrators, editors, translators or the assigned ISBN. Mere reprints are not regarded as new works.

5.2.4 Specific rules for legal deposit of digital objects

Forty-two per cent of responding countries apply specific rules to the legal deposit of digital objects,³²⁰ although no such rules exist in the remaining 58 per cent.³²¹

There are specific rules for the legal deposit of digital objects in two of the 11 countries with a relationship between legal deposit and registration (18 per cent). In the United States of America, digital deposit copies are only acceptable for works published exclusively in a digital format. An exception applies to digital copies of newspaper issues, which may be deposited even if the issue was published in physical form. Montenegro reports that computer programs are submitted in source or machine code or in another appropriate form. The remaining nine countries with a relationship between legal deposit and registration (82 per cent) do not have specific rules for digital objects.

The application of specific rules to the legal deposit of digital objects is much more widespread in countries with a separate legal deposit system. Twenty-two countries in this group (47 per cent) apply such rules.³²² Some of these rules are procedural. Jamaica, for example, requires two deposit copies for physical objects but only one copy for digital objects. In Malaysia, there is a difference in the prescribed fees for physical and digital objects. In Serbia, publishers of online digital objects are not obliged to submit a deposit copy, whereas the legal deposit requirement must be satisfied for physical objects.

Other countries apply specific rules that relate more to extending legal deposit to the Internet to allow web harvesting and web archiving.³²³ In various countries, including Austria,

³²⁰ These are: Austria, Canada, Chile, Colombia, Croatia, Denmark, Estonia, Finland, France, Hungary, Iceland, Ireland (since December 2, 2019), Jamaica, Japan, Luxembourg, Malaysia, Montenegro, New Zealand, Portugal, Serbia, Spain, Sudan, Sweden, Thailand and United States of America (25 out of 59 submissions). Kenya did not answer Q48.

³²¹ These are: Argentina, Armenia, Azerbaijan, Australia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, China, Costa Rica, Côte d'Ivoire, Czech Republic, Dominican Republic, Ecuador, Georgia, Greece, Guatemala, Haiti, Hong Kong SAR (China), Jordan, Kuwait, Malawi, Mexico, Mozambique, Paraguay, Philippines, Poland, Romania, Saudi Arabia, United Republic of Tanzania, Trinidad and Tobago, Uruguay, Uzbekistan and Yemen (34 out of 59 submissions).

³²² This concerns 22 out of 47 countries (Kenya did not answer Q48).

³²³ In many countries, there is a clear connection between web harvesting and legal deposit, mostly regarding archiving purposes and objectives. See, for example, European Commission *Cultural*

Croatia, Denmark, Estonia, Finland, Iceland, Luxembourg, New Zealand, Spain and Sweden, it is the duty of the national legal deposit institutions to retrieve and store online material.³²⁴ Often these institutions are allowed to use software or robots (web crawlers) to automatically capture websites and publications that are freely accessible online.³²⁵ For material that cannot be captured automatically, the laws of these countries usually require online publishers or registrants of domain names to enable the retrieval or storage of online materials, e.g., by providing passwords and the like,³²⁶ or otherwise deposit the materials with the national institutions.³²⁷ Some countries explicitly permit the repeated copying of websites at regular intervals.³²⁸

5.3. Legal deposit process

Thirty-four per cent of responding countries allow objects to be deposited only in physical form,³²⁹ while 66 per cent allow deposits in both physical and digital form.³³⁰

In countries where there is a relationship between legal deposit and registration/recording, four out of 11 countries (36 per cent) permit deposit in physical form only.³³¹ The number of physical copies to be deposited varies between one and three.³³² The other seven countries (64 per cent) allow deposits in both physical and digital form.³³³ These countries generally require one copy to be deposited.³³⁴ Ecuador requires one digital copy of a television program and, for books and other publications of a scientific, cultural or educational nature,

Heritage: Digitisation, Online Accessibility and Digital Preservation: Consolidated Progress Report on the implementation of Commission Recommendation (2011/711/EU) 2015-2017, Luxembourg: 2018, p. 67. See also the website of the International Internet Preservation Consortium: <https://netpreserve.org/web-archiving/legal-deposit/>.

³²⁴ In 2016, France revised the deposit procedure for databases and software and extended legal deposit to websites. See Article L131-212 of the Heritage Code: "Software and databases are subject to the obligation of legal deposit as soon as they are made available to the public through dissemination in physical form, irrespective of what that form may be. Signs, signals, writings, images, sounds or messages of any kind that are communicated to the public using electronic means are also subject to legal deposit."

³²⁵ See, for example, the submissions of Austria, Croatia, Denmark, Estonia, Finland, Luxembourg and Spain.

³²⁶ See, for example, the submissions of Denmark, Estonia, Finland, Iceland, Luxembourg and New Zealand.

³²⁷ See, for example, the submissions of Austria, Croatia, Estonia, Finland, Luxembourg and Spain.

³²⁸ See, for example, the submission of New Zealand.

³²⁹ These are: Argentina, Armenia, Brazil, Brunei Darussalam, Bulgaria, China, Côte d'Ivoire, Haiti, Hong Kong SAR (China), Japan, Malawi, Mexico, Mozambique, Poland, Portugal, Romania, United Republic of Tanzania, Uruguay, Uzbekistan and Yemen (20 out of 59 submissions). France did not answer Q49.

³³⁰ These are: Australia, Austria, Azerbaijan, Bosnia and Herzegovina, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Georgia, Greece, Guatemala, Hungary, Iceland, Ireland, Jamaica, Jordan, Kenya, Kuwait, Luxembourg, Malaysia, Montenegro, New Zealand, Paraguay, Philippines, Saudi Arabia, Serbia, Spain, Sudan, Sweden, Thailand, Trinidad and Tobago, and United States of America (39 out of 59 submissions).

³³¹ These are: Argentina, Brazil, China and Mexico.

³³² China requires one deposit copy; Mexico requires one or two copies, depending on the type of work; and Argentina requires three copies. Brazil did not report the number of copies to be deposited.

³³³ These are: Azerbaijan, Bosnia and Herzegovina, Dominican Republic, Ecuador, Montenegro, Paraguay and United States of America.

³³⁴ Azerbaijan and Bosnia and Herzegovina require one deposit copy. The Dominican Republic, Montenegro and Paraguay did not report the number of copies to be deposited.

two per cent of the print run or at least 10 copies.³³⁵ The United States of America accepts digital deposit of one complete copy of objects published only in digital form³³⁶ and, for other works requiring legal deposit, two complete copies of the best edition of that work.³³⁷

For these countries, the process for making a legal deposit is described, in general, in para. 5.1. above. As observed, the deposit copies must typically be submitted to the national copyright or IP office in connection with registration applications.³³⁸ Upon receipt of a request for legal deposit,³³⁹ the registry office usually checks the validity or integrity of the deposit copies,³⁴⁰ following which the legal deposit is registered and a certificate of legal deposit issued to the applicant.³⁴¹ The deposit copies are then submitted for technical processing³⁴² or further distributed to the relevant legal deposit libraries.³⁴³

In other countries, legal deposit is more closely linked to registration. In Azerbaijan, for example, when a registration application is filed, one deposit copy is submitted. After registration of the work, a registration number and date are placed on the copy of the work. In Ecuador, the copyright processing number and the legal deposit number, which are assigned to a work when it is submitted for registration, must be recorded on the book once it is printed and marketed. In the United States of America, the mandatory deposit requirement can, in most cases, be satisfied by submitting an application to register the work, provided that two complete copies or phonorecords of the best edition are deposited.³⁴⁴ Alternatively, the mandatory deposit requirement can be satisfied by submitting the requisite number of copies or phonorecords without a registration application.

In countries with a separate legal deposit system, 32 per cent allow deposits only in physical form, while 68 per cent allow deposits in physical and digital form. Some countries are gradually accepting digital deposits. For example, Japan states that, under the new legal system, the national library acquires digital objects selectively. Thailand reports that the law does not cover the deposit of digital materials like e-books but that, in practice, publishers do deposit e-books at the national library. Since 2020, Hungary has required an electronic version of all publications also to be deposited, either on an external media drive or by uploading the digital object via a designated online system. Likewise, in Greece, a readable

³³⁵ See the submission of Ecuador (answer to Q46).

³³⁶ As observed above, in the United States of America, newspaper issues may also be deposited in digital form even if published as physical copies.

³³⁷ The “best edition” of a work is defined as “the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.” The criteria used to identify a best edition can be found in 37 C.F.R. § 202 Appendix B. A copy or phonorecord of a published work is complete if it “includes all elements comprising the applicable unit of publication of the work, including elements that, if considered separately, would not be copyrightable subject matter.”

³³⁸ The only exception is Mexico, where registration/recording takes place at the National Institute of Copyright and legal deposit at the National Library and the Library of Congress of the Union.

³³⁹ See, for example, the submissions of Bosnia and Herzegovina, Brazil and Montenegro. The requisite deposit copies must accompany the request. Sometimes, two copies of a request must be submitted along with a copy of an ID card. Argentina demands a copy of the registration with the deposit. Some countries also require payment of an administration fee.

³⁴⁰ See, for example, the submissions of Bosnia and Herzegovina, and Brazil.

³⁴¹ See, for example, the submissions of Bosnia and Herzegovina, Brazil and Montenegro.

³⁴² See, for example, the submission of Brazil.

³⁴³ See, for example, the submissions of Argentina and Ecuador (answers to Q45 and Q49).

³⁴⁴ If the applicant registered a published work with identifying material instead of submitting the best edition, the Library of Congress may, under certain circumstances, demand an appropriate number of copies of the best edition.

electronic or digital copy not subject to technological limitations must be submitted in addition to the printed matter in physical form.

The number of deposit copies that countries with a separate legal deposit system require varies significantly. Most countries require between one and five deposit copies. This number can vary depending on the type of object to be deposited or whether the object is physical or digital.³⁴⁵ The number of deposit copies tends to increase significantly in countries that require a deposit to multiple institutions (usually libraries and universities across the country). In those countries, publishers may be required to deposit up to 20 copies.³⁴⁶ Several countries have specific arrangements for limited or luxurious editions, of which fewer copies usually have to be deposited.³⁴⁷

With certain exceptions,³⁴⁸ in countries that have a separate legal deposit system, the repository for all printed matter is the national library (together with university and regional libraries when there is an obligation to deposit to multiple institutions), and the national audiovisual archive/institute for audiovisual works. In most countries, manufacturers, publishers or producers are responsible for the deposit of copies.³⁴⁹ On average, copies

³⁴⁵ See, for example, the submissions of Chile (requiring five deposit copies for printed matter; two deposit copies for sound recordings, audiovisual or electronic productions; and three deposit copies for cinematographic creations (one in original format and two in digital format). For periodical publications, agreements may be signed to make mixed legal deposit arrangements, substituting some copies for microfilms and/or electronic media); France (requiring one deposit copy for printed, pictorial and photographic documents and two deposit copies for sound, video and multimedia documents, software and databases); Hungary (requiring six (or, in some specific cases, two or three) deposit copies for printed matter, two deposit copies for video documents and only one deposit copy for movies); Jamaica (requiring two deposit copies for printed matter but only one deposit copy for digital or audiovisual objects); and Luxembourg (requiring four deposit copies of books and leaflets, four deposit copies of each issue of a periodical, two deposit copies of newspapers and two deposit copies of other printed matter).

³⁴⁶ See, for example, the submissions of Costa Rica (eight copies in total: two copies for the National Library and one copy for each of six other legal deposit libraries); Czech Republic (six copies in total: two copies for the National Library and one copy for each of four different institutions); Ireland (nine copies in total: one copy for each of nine different libraries); Mozambique (16 copies in total); Poland (20 copies in total: two copies for the National Library, two copies for the Jagiellonian Library in Cracow and one copy for each of 16 regional libraries); Portugal (11 copies in total: two copies for the National Library and one copy for each of the nine libraries that also have legal deposit powers); and Sweden (seven copies in total: one copy for the National Library and one copy for each of six university libraries).

³⁴⁷ See, for example, the submissions of Luxembourg (requiring only one deposit copy for works priced in excess of 250 euros or works with less than 200 printed copies, instead of two to four copies as the general rule); New Zealand (requiring two deposit copies of physical format publications unless fewer than 100 copies are produced or the price is greater than 1,000 New Zealand dollars for monographic or 3,000 New Zealand dollars for serial publications); and Portugal (requiring only one deposit copy for special editions of up to 100 copies, luxury editions of up to 300 copies and reprints of works published less than one year previously, instead of 11 copies as the general rule). See also the submissions of Bulgaria and Jordan (requiring fewer deposit copies in special cases).

³⁴⁸ Countries where the repository is not the national library include Brunei Darussalam (Language and Literature Bureau under the Ministry of Culture, Youth and Sports), Georgia (National Intellectual Property Center of Georgia, Sakpatenti), Hong Kong SAR (China) (Books Registration Office, Government of the Hong Kong SAR (China)), Sudan (Council for Protection of Copyright and Neighboring Rights and National Library) and Uzbekistan (Intellectual Property Advisory Center Agencies For Intellectual Property Under The Ministry Of Justice).

³⁴⁹ See, for example, the submissions of Austria (the media owner or publisher), Chile (any responsible person or establishment that undertook the printing or production in question), Denmark (the manufacturer or publisher), Estonia (the producer or compiler of a publication and the producer or co-producer of a film), Finland (the manufacturer, publisher or importer) and Haiti (publishing houses, printing companies and private individuals who must demonstrate that the work will indeed be

must be delivered within 30 days of publication or production,³⁵⁰ but many countries apply shorter or longer time frames.³⁵¹ Some countries require the legal deposit to be accompanied by a deposit form and, for audiovisual works and electronic documents, by relevant metadata or a description.³⁵² Sometimes, specific conditions for public access must be specified.³⁵³ Physical objects can usually be deposited in person or by mail. For digital or electronic files, countries typically require deposit on an appropriate data carrier or, in a few countries, delivery via email, an online filing system or other online service.³⁵⁴ The costs of depositing are usually borne by the depositor.³⁵⁵ In many countries, depositors receive a certificate of receipt of the deposited material. Some repositories also keep a record of all the materials received.

5.4. Legal effects of legal deposit

Eight countries (14 per cent of respondents) indicate that legal deposit is not compulsory,³⁵⁶ while 50 countries indicate that legal deposit is compulsory (86 per cent of respondents).³⁵⁷

These figures are illustrated in the following pie chart (Figure 6).

printed). In Greece, the duty to deposit lies with the publisher and, in the absence of a publisher, the author.

³⁵⁰ See, for example, the submissions of Croatia, Hong Kong SAR (China) and Luxembourg.

³⁵¹ For shorter periods, see, for example, the submissions of Poland (within five days and, for regional libraries, within 14 days), Serbia (within seven days) and Spain (requiring deposit two months prior to making the work available to the public). For longer periods, see, for example, the submissions of Colombia (within 60 days), Denmark (every six months), Finland (on a quarterly basis) and Sweden (on a quarterly basis).

³⁵² A deposit form is required, for example, in Hong Kong SAR (China), Jamaica, Jordan, Luxembourg and New Zealand. Metadata and/or a description must be attached to audiovisual works deposited in, e.g., Luxembourg and Finland and to electronic documents deposited in, e.g., Finland and Sweden.

³⁵³ See, for example, the submissions of Canada (requiring depositors to specify the conditions under which the public can view digital publications deposited, e.g., open access or restricted access) and Croatia (allowing depositors to determine the conditions of access, although it is stipulated that a minimum level of access on the premises of the National and University Library in Zagreb in a controlled work environment is required).

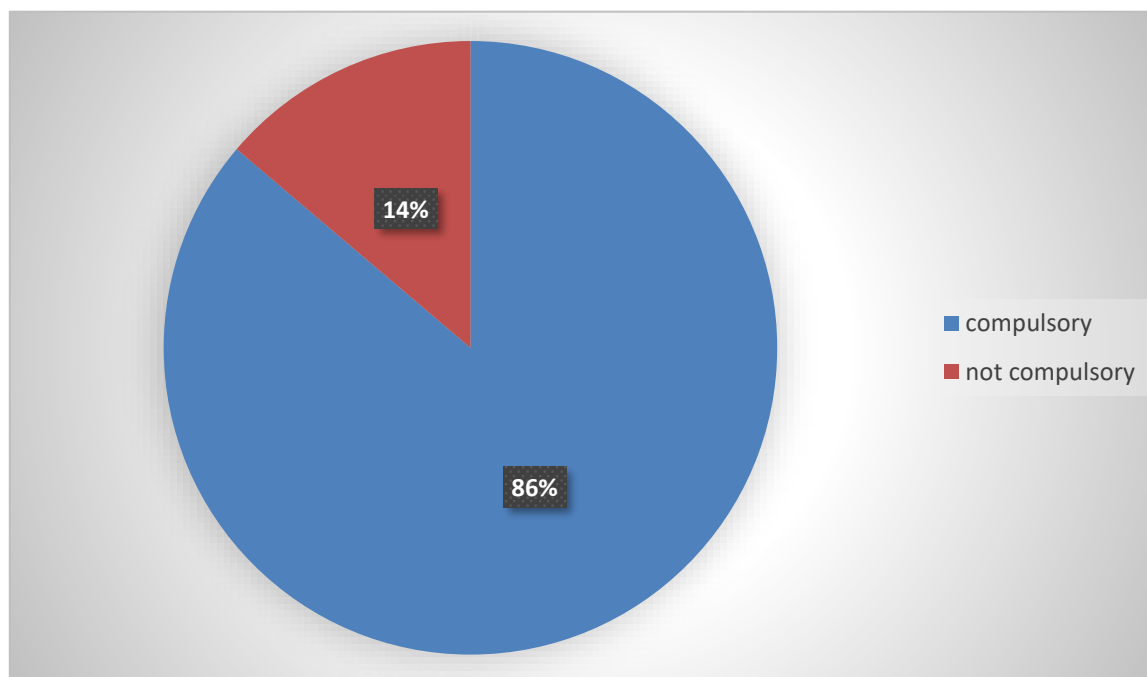
³⁵⁴ See, for example, the submissions of Hungary (requiring publications to be deposited also in electronic form, either on an external media drive or by upload to a designated website) and New Zealand (allowing publishers to deposit electronic publications online via mechanisms such as email, Dropbox or other cloud services, or an FTP server).

³⁵⁵ In Japan, however, depositors are compensated for the costs of printing and sending publications.

³⁵⁶ These are: Armenia, Bosnia and Herzegovina, Georgia, Kuwait, Malaysia, Montenegro, United Republic of Tanzania and Uzbekistan (eight out of 58 submissions). France and Kenya did not answer Q51.

³⁵⁷ These are: Argentina, Australia, Austria, Azerbaijan, Brazil, Brunei Darussalam, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, Greece, Guatemala, Haiti, Hong Kong SAR (China), Hungary, Iceland, Ireland, Jamaica, Japan, Jordan, Luxembourg, Malawi, Mexico, Mozambique, New Zealand, Paraguay, Philippines, Poland, Portugal, Romania, Saudi Arabia, Serbia, Spain, Sudan, Sweden, Thailand, Trinidad and Tobago, United States of America, Uruguay and Yemen (50 out of 58 submissions).

Figure 6: Compulsory/non-compulsory nature of legal deposit*



* Based on 58 responses (two countries did not answer the question)

Legal deposit is not compulsory in only two of the 11 countries with a relationship between legal deposit and registration/recording (18 per cent).³⁵⁸ In the other nine countries (82 per cent), legal deposit is compulsory.³⁵⁹ The legal consequences of non-compliance with the deposit requirement vary from a fine and sometimes the seizure of sufficient copies to meet the deposit requirement (Brazil, Mexico and United States of America)³⁶⁰ to a refusal to register the corresponding work (China). Other countries do not explain what the legal consequences of disregarding the deposit requirement are. Ecuador merely states that every book that does not have a copyright registration number and a legal deposit number is presumed clandestine and therefore subject to “the sanctions provided by law”, without clarifying what those sanctions are. The Dominican Republic merely states that a failure to deposit shall not prevent the enjoyment or exercise of copyright and related rights.

Legal deposit is not compulsory in 13 per cent of the countries with a separate legal deposit system and compulsory in 87 per cent. In most countries, failure to deposit is considered an administrative offence and results in a fine.³⁶¹ In Yemen, non-compliance with the deposit

³⁵⁸ These are: Bosnia and Herzegovina, and Montenegro.

³⁵⁹ These are: Argentina, Azerbaijan, Brazil, China, Dominican Republic, Ecuador, Mexico, Paraguay and United States of America.

³⁶⁰ Brazil: a fine of up to 100 times the value of the work in Brazil and seizure of sufficient copies to meet the deposit requirement. Mexico: a fine of five times the retail price of the undelivered materials or 10 to 20 times the general minimum daily wage. The fines paid are transferred to the library affected by the omission, where they are used to acquire bibliographic materials and documentaries to enrich its collection. United States of America: a fine of up to 250 United States dollars for each work as well as the total retail price of the copies or phonorecords demanded (or the reasonable cost for acquiring them), supplemented by an additional fine of 2,500 United States dollars if the mandatory deposit requirement is willfully or repeatedly disregarded.

³⁶¹ See, for example, the submissions of Austria (a fine of up to 2,180 euros), Chile (a fine of two to 30 Monthly Tax Units (UTM). In November 2019, one UTM is 49.229 Chilean pesos), Costa Rica (a fine equivalent to the total value of the deposit copy), Estonia (a fine of up to 1,500 euros), Greece (a fine, the amount of which is defined on a case-by-case basis by joint Ministerial Decision),

requirement is punishable by a fine or imprisonment for up to one year and the administrative seizure of non-deposited publications or newspapers. In Colombia, a person responsible for legal deposit but who fails to fulfil this obligation may not participate in State contracting processes for the acquisition of books and library endowments. Likewise, in Chile, state agencies may not acquire objects from publishers or producers who failed to comply with the legal deposit obligation or grant them financing through funds or subsidies. Haiti reports that, strictly speaking, failure to deposit does not have any legal consequences, but a book will not be preserved if it has no legal deposit number.

5.5. Main purpose(s) of legal deposit

The main purposes of legal deposit, as identified by all responding countries with a legal deposit system, are summarized in the following table (Table 7a).

Table 7a: Main purposes of legal deposit

	Number of countries	% (*)
Cross-referencing veracity of copies with the original objects	13	22%
Archiving	46	79%
Providing access to the public	39	67%
Preservation of cultural heritage	49	84%
Other	5	9%

** Based on 58 responses (two countries did not answer the question)*

Table 7a shows that preservation of cultural heritage and archiving are clearly prevalent, closely followed by providing access to the public.

The following tables break down these figures for countries with a relationship between legal deposit and registration/recordation (Table 7b) and countries with a separate legal deposit system (Table 7c).

Japan (a fine of up to five times the retail price of the object), Luxembourg (a minimum fine of 251 euros and 1,000 euros for audiovisual works, with a maximum fine of 100,000 euros), New Zealand (a fine of up to 5,000 New Zealand dollars), and Spain (a fine varying from 1,000 to 30,000 euros).

Table 7b: Main purposes of legal deposit in countries with a relationship between legal deposit and registration/recordation

	Number of countries	% (*)
Cross-referencing veracity of copies with the original objects	5	45%
Archiving	8	73%
Providing access to the public	7	64%
Preservation of cultural heritage	8	73%
Other	0	0%

* Based on 11 responses

Table 7c: Main purposes of legal deposit in countries with a separate legal deposit system

	Number of countries	% (*)
Cross-referencing veracity of copies with the original objects	7	15%
Archiving	37	80%
Providing access to the public	32	70%
Preservation of cultural heritage	40	87%
Other	5	11%

* Based on 46 responses (two countries did not answer the question).

As can be seen from these tables, in countries with a relationship between legal deposit and registration/recordation, the main purposes of legal deposit are the same (preservation of cultural heritage and archiving, followed by providing access to the public) as in countries with a separate system, but cross-referencing the veracity of copies with the original objects also appears high in the ranking. This can be explained by the fact that, in some of these countries, deposit copies are also used to examine the work for copyrightable authorship, to verify the authorship claimed in the application and to verify the facts stated in the application for registration.³⁶²

³⁶² See, for example, the submission of the United States of America (answer to Q45). The United States of America did not identify “Cross-referencing veracity of copies with the original objects” as one of the main purposes of legal deposit, perhaps because they answered this question mainly with regard to mandatory deposit provisions rather than deposits submitted in connection with registration applications (which can also be used to satisfy the mandatory deposit requirement). The countries with a relationship between legal deposit and registration/recordation that ticked “Cross-referencing

However, the key objectives of legal deposit, both in countries with a relationship between legal deposit and registration/recordation and in countries with a separate legal deposit system, are preservation of cultural heritage, archiving and, to a slightly lesser extent, providing access to the public. Chile, for example, reports that legal deposit is essential to preserve, transmit, disseminate and rescue the documentary memory of national intellectual production; allow all persons to exercise, in practice, the right of access to information; and populate the collections of the National Library and the public libraries of the country.³⁶³ Likewise, Brazil states that the legal deposit system aims to ensure the registration and custody of national intellectual and musical productions; enable the control, elaboration and dissemination of Brazilian bibliography; and defend and preserve the national language, culture and phonographic memory.³⁶⁴

Under the category “Other”, countries indicated that legal deposits may also be used for evidentiary purposes in litigation involving a copyrighted work.³⁶⁵ Additionally, legal deposits may help to create a national bibliography and compile statistics about national publishing output.³⁶⁶ Finally, legal deposit may be useful in that it enables the public to get acquainted with deposited works³⁶⁷ and makes these works available to national authorities for official use or use in international exchange.³⁶⁸

veracity of copies with the original objects” are Bosnia and Herzegovina, Brazil, China, Dominican Republic and Montenegro.

³⁶³ See the submission of Chile (answer to Q45).

³⁶⁴ See the submission of Brazil (answer to Q51).

³⁶⁵ See the submission of Costa Rica. Other countries also indicate that legal deposits may serve as prima facie evidence in infringement cases. See, for example, the submissions of Malawi (answer to Q51) and United States of America (answer to Q45).

³⁶⁶ See the submission of Croatia. In other countries, libraries also publish annual statistics about deposited materials. See, for example, the submission of Mexico (answer to Q50).

³⁶⁷ See the submission of the United Republic of Tanzania.

³⁶⁸ See the submission of Japan.

6. Conclusions

This survey demonstrates that systems of voluntary copyright registration, recordation of transfers of rights and legal deposit exist in many countries around the world. Ninety-five out of 109 responding countries (87 per cent) have one or more such mechanisms. In the countries that responded to the survey, copyright registration is most widespread (64 per cent), followed by legal deposit (62 per cent) and recordation of transfers of rights (43 per cent). Compared to the 2010 WIPO survey, there is an increase in the number of countries that reported the existence of a national voluntary registration system.³⁶⁹

Therefore, in spite of the principle of formality-free protection enshrined in international treaties, many countries have a system of voluntary registration, recordation and/or legal deposit. This suggests that these mechanisms have certain value.

The key functions of most copyright registration and recordation systems are largely similar. In addition to establishing a historical record of national cultural heritage, registration and recordation can be an important means for providing legal certainty to authors, rightholders and third parties. Depending on the particularities of the systems in the respective countries (e.g., public accessibility and searchability of the registry), registration and recordation can ensure that relevant information about authorship of a work, copyright subsisting in the work, ownership of rights and other facts, such as the date of publication, become publicly available. This can be beneficial not only for authors and rightholders, who may use these records for evidentiary support and enforcement of their rights, but also for third parties and the general public, who can consult the registries to verify ownership claims and trace the chain of title of registered works and other subject matter. In this respect, it can be particularly important to have a regularly updated recordation system that supplements the registration system because this provides the necessary means for ensuring that registered information establishing copyright ownership remains relevant and up to date.

Legal deposit, by contrast, mainly serves different purposes. It is mostly relevant for the preservation of cultural heritage, archiving and, in some instances, providing public access to copies under certain conditions. Moreover, in countries where there is a relationship between legal deposit and registration/recordation, deposit copies are sometimes also used to examine works for copyrightable authorship and verify the facts mentioned in the application for registration or recordation. Unlike registration and recordation, legal deposit is compulsory in most countries and failure to deposit is punishable by a pecuniary fine or other penalty.

Despite the obvious benefits of copyright registration and recordation, the success of these systems largely depends on the readiness of authors and other rightholders to make use of them. This is, of course, due to their voluntary nature. The relative attractiveness of registering works or other subject matter and recording transfers of rights is dependent on the key features that shape these systems

A first important feature is the ease of use of these systems. As this survey reveals, there are a number of indicators that seem relevant in this respect. One such indicator is the institutional infrastructure. In most countries, registration and recordation are concentrated

³⁶⁹ The reported growth is both in absolute and relative terms. In 2010, 48 out of 80 responding countries (60%) had a copyright registration system, compared to 68 out of 106 countries (64%) in the present survey. Moreover, a few countries that currently have no voluntary copyright registry indicate that they are considering adopting a copyright registration system in the near future.

in the national copyright or IP office, while the national library and/or other cultural heritage institutions (e.g., the national audiovisual archive/institute) are responsible for legal deposit. Such division can be explained from an institutional and/or historical perspective; however, for rightholders, it could be attractive to be able to fulfil multiple formalities in a single step (a so-called “one-stop shop”). In this respect, the possibility of complying with legal deposit by submitting copies during the registration process, as some countries authorize, can be useful since it encourages authors and rightholders to voluntarily register their works while satisfying the legal deposit requirement.

A second indicator is available filing methods. This survey shows that facilities exist for online registration in 44 per cent of responding countries and for online recordation in 33 per cent. It appears that more countries are considering moving towards online filing. This is a welcome development because online filing may well facilitate the registration/recordation process, provided of course that rightholders have access to Internet. Physical filing at a registry or recordation office has the benefit of personal contact and assistance but also requires travel, which can be a barrier depending on the size of the country and its infrastructure. In this respect, the survey shows that 33 per cent of responding countries only allow physical filing for registration and 46 per cent only allow physical filing for recording transfers of rights.

Another issue which is important for the successful operation of voluntary registration and recordation systems is that of maintaining a suitable balance between procedural requirements, such as applicable fees and materials to be provided during the filing process, and the perceived benefits of registration/recordation. As a general rule, rightholders will be more inclined to register their works or record a transfer of rights if they perceive the benefits of registration/recordation to be higher than the costs of, and issues arising from, registration/recordation. This not only concerns direct costs, such as applicable fees, but also the indirect costs and issues arising from using the system.

One very important tool for encouraging authors and rightholders to voluntarily register their works or other subject matter and record transfers of rights is to provide statutory incentives to comply with these voluntary formalities. This survey shows that various kinds of incentives exist. In most countries, copyright registration and recordation create a rebuttable presumption and/or serve as prima facie evidence of the facts registered or recorded. A number of countries also have statutory provisions that subject the recovery of statutory damages and/or attorney fees to registration in a timely manner. This can provide a strong incentive to register if statutory damages are the superior remedy in the respective country. Other countries require by law that any transfer of rights be recorded for it to be effective and/or enforceable against third parties. This means that recordation becomes essential in order to make effective use of a transferred right in the copyright marketplace. In some countries, copyright registration and recordation also carry important evidentiary weight when enforcing copyright in the online environment or starting an NTD procedure.

Accordingly, when developing a voluntary copyright registration/recordation system, a number of key policy choices must be made to encourage authors and rightholders to register their works and record transfers of their rights without moderation or hesitation. For the utility of the system, it is important that genuine works, over which rightholders have a legitimate copyright claim, be entered into the register in abundance and that the register not become a vehicle for persons seeking official recognition for vague or rogue copyright claims. In this respect, it seems important that the registry apply clear and distinct administrative classes for registrable subject matter, as most registries do. In 68 per cent of responding countries, the registry office also reviews the filings. This is sometimes only a

formality check; however, in some countries, the registry office also substantively examines whether a work submitted for registration actually constitutes copyrightable subject matter.

A copyright registration/recording system that is fully operational and adequately managed can be a valuable asset, in particular, for serving public interest and users. The availability of public records with copyright information can be considered especially important in the current digital environment, where the use and reutilization of works and subject matter protected by copyright and related rights has increased exponentially. This has greatly exacerbated the demand for relevant copyright information. In this respect, the fact that more national authorities are moving towards making their registries available online and adding tools for online record searches is deemed a significant improvement that provides many great advantages for users and the public at large.

At the same time, such systems also entail costs and challenges. As provided by the Berne Convention and other WIPO treaties, it is essential that copyright registration and recording systems remain voluntary and that rightholders remain free in their choice to use them. As a consequence, copyright registration and recording systems must be implemented in such a way as to alleviate rightholders' concerns and represent an attractive value proposition for users. These systems should never act as a gateway to the creative process, nor should they impose disproportionate hurdles for creators struggling to make a living off their work. Moreover, it should not be underestimated how costly it can be to establish and maintain a copyright registration and recording system. Whether the creation of such systems is worth the expense will ultimately depend on each country's own cost-benefit analysis.

One final important remark remains. The regimes for registration, recording and legal deposit that exist in various countries today are predominantly nationally oriented. This is mainly for historical reasons. Copyright law is, by default, defined nationally and copyright registries and legal deposit schemes are usually part of national cultural policies. In addition, international cooperation between registries has not been a priority so far, although some small efforts have been undertaken in regional settings; facilitated by the exchange of information under the aegis of WIPO; or explored with CMOs and CISAC. In light of digital developments and the fact that copyright registries are gradually moving online, it might be opportune to explore how best to intensify international cooperation, for example, by developing global standards to ensure interoperability between national registries. WIPO, as a key international player, could play a facilitating role in that respect.

[Annexes follow]

Annex I: Survey questionnaire

Questionnaire on Voluntary Copyright Registration Systems

Q1. Please indicate whether your country has in place a legal system for:

[Multiple answers possible for answers 1-3; binary if answer 4]

- Copyright registration (Please answer Sections A and B)
- Recordation of transfers of rights (Please answer Sections A and C)
- Legal deposit (Please answer Sections A and D)
- None of the above (Please answer Section E)

A. INSTITUTIONAL QUESTIONS

Q2. Please identify the institution(s) in your country in charge of:

- Copyright registration
- Recordation of transfers of rights
- Legal deposit

Q3. Please indicate the address, webpage, and email address of the institution(s) identified under Q2.

Q4. Please indicate whether the institution(s) identified under Q2 is/are:

- Part of the public administration
- Independent
- Other (Please specify)

Q5. Please indicate under the governance and/or supervision of which public institution (e.g., Ministry, governmental agency) the institution(s) identified under Q2 operate(s).

Q6. Please identify the relevant laws and regulations, including legislative or executive directives, regulating the systems of:

- Copyright registration
- Recordation of transfers of rights
- Legal deposit

Q7. Please indicate in which year(s) the systems of copyright registration, recordation of transfers of rights and/or legal deposit were established in your country.

Q8. In recent years, have there been any changes to the systems of copyright registration, recordation of transfers of rights and/or legal deposit?

- No
- Yes (Please describe some of the most important changes in this regard)

B. COPYRIGHT REGISTRATION

Registrable subject matter

Q9. Which works are eligible for copyright registration?

- All works fitting an open-ended definition of protectable works (Please specify if and how different types of works are categorized in the register)
- All works fitting the statutorily defined categories of works (Please list them)
- Only specific categories of works prescribed by the law (Please specify)
- Other (Please explain)

Q10. Do different and/or new versions of the same work have to be registered separately?

- No
- Yes (Please explain when a version is considered to be new or different)

Q11. Is subject matter of related rights (performances, phonograms, broadcasts, etc.) eligible for registration? If so, which?

- No
- Yes (Please specify)

Q12. Is registration of works or other subject matter contingent on their fixation in a material form?

- No
- Yes

Q13. Is registration of works or other subject matter contingent on their country of origin?

- No
- Yes (Please specify how the country of origin is defined - by nationality or place of residence of the author, country of publication, etc. - and the works or other subject matter of which countries are eligible for registration)

Q14. Please provide statistics on registered works or other subject matter by category, if available for the last 3 years, according to the categorization of works and subject matter in your country.

Registration process

Q15. What are the available filing methods for registration? *[Multiple answers possible]*

- Online filing
- Physical filing at the registry
- E-mail
- Mail
- Fax
- Other (Please explain)

Q16. Is it necessary to submit a copy of the work during the filing process?

- No
- Yes (Please explain if the system requires a physical or digital copy of the work)

Q17. Is it possible to register multiple works at once or only one work per filing?

Q18. Please indicate which registration fees (total cost, including taxes) apply. *[Multiple answers possible]*

- A fee per work registered (Please specify the amount)
- A fee per filing which may include the registration of multiple works (Please specify the amount)
- Other (Please explain and specify the amount)

Q19. Is there an examination process to review the filings?

- No
- Yes (Please explain what elements are included in the examination (e.g., fit within the statutory categories of works, originality of the work, claim of authorship))

Q20. If the registration is denied, can the applicant appeal the decision?

- No
- Yes (Please explain the procedure in brief and specify the institution(s) where the applicant can appeal the decision)

Q21. If the registration is accepted, can third parties oppose or challenge the registration?

- No
- Yes (Please explain the procedure in brief and specify if the registration can be opposed or challenged at the registry, in court, or otherwise)

Q22. Is the registration process for subject matter of related rights different?

- No
- Yes (Please explain)
- Not applicable

Identifiers, metadata, and interoperability

Q23. Does the registration system of your country use any unique identifiers for the works or other subject matter registered?

- No
- Yes (Please specify what type of identifiers the registry uses and whether they are assigned solely for the purpose of its own registration system or also have significance in other contexts, such as international standardized numbers)

Q24. What type of metadata does the registry produce? Please specify

Q25. Have there been any efforts to standardize metadata so as to make it interoperable with other systems, such as national systems of recordation of transfers of rights and/or legal deposit, copyright registries in other countries and/or registries of Copyright and Related Rights Collective Management Organizations (CMOs)?

- No
- Yes (Please specify)

Q26. Has your country participated in any international cooperation to facilitate copyright registration or identifier data standardization?

- No
- Yes (Please specify and describe if it has produced satisfactory outcomes)

Accessibility of the registry

Q27. Is the registry available in physical and/or digital form?

- Only in physical form
- Only in digital form
- Both in physical and in digital form

Q28. Is the information in the registry accessible to the public?

- No
- Only partially (Please explain what information is accessible to the public and what is not, and what are the reasons behind this)
- Fully (If relevant, please specify under which conditions)

Q29. Is the registry searchable?

- No
- Yes (Please specify what are the applicable fees and other search criteria)

Q30. Does the operation of the registry take into account the protection of personal data of registrants?

- No
- Yes (Please specify)

Legal effects of registration

Q31. What legal effects are attached to copyright registration? *[Multiple answers possible]*

- It creates a rebuttable presumption of the facts registered (Please specify and name the relevant legal provisions)
- It serves as prima facie evidence of the facts registered (Please specify and name the relevant legal provisions)
- It gives registrants the right to claim statutory damages (Please specify and name the relevant legal provisions)
- It gives registrants the right to start notice & take down-procedures (Please specify and name the relevant legal provisions)
- It triggers other legal effects (Please explain these effects in more detail and name the relevant legal provisions)

Q32. If applicable, are the above-mentioned legal effects the same for the registration of subject matter of related rights?

- No (Please explain the difference)
- Yes (Please name the relevant legal provisions)

Q33. Please identify other benefits or issues that may arise from voluntary copyright registration.

C. RECORDATION OF TRANSFERS OF RIGHTS

Q34. If applicable, is there a relationship between the systems of copyright registration and recordation of transfers of rights?

- No
- Yes (Please describe this relationship and indicate if it is facilitated by unique identifiers or standardized data)

Recordable information

Q35. What kind of information is entered in the recordation system of your country?

- Copyright contracts in full (Please specify whether the applicant needs to submit additional information and, if so, what information)
- A statement on the assignment of copyright or related rights (Please specify what information the applicant needs to submit)
- Other (Please explain)

Recordation process

Q36. What are the available filing methods for recordation? *[Multiple answers possible]*

- Online filing
- Physical filing at the recordation office
- E-mail
- Mail
- Fax
- Other (Please explain)

Q37. Please indicate which recordation fees (total cost, including taxes) apply. *[Multiple answers possible]*

- A fee per recorded transfer (Please specify the amount)
- A fee per filing which may include the recordation of multiple transfers (Please specify the amount)
- Other (Please explain and specify the amount)

Q38. Please describe briefly the process of recordation of transfers of copyright and/or related rights.

Accessibility of the recordation system

Q39. Is the recordation system available in physical and/or digital form?

- Only in physical form
- Only in digital form
- Both in physical and in digital form

Q40. Is the information in the recordation system accessible to the public?

- No
- Only partially (Please explain what information is accessible to the public and what is not, and what are the reasons behind this)
- Fully (If relevant, please specify under which conditions)

Q41. Is the recordation system searchable?

- No
- Yes (Please specify what are the applicable fees and other search criteria)

Q42. Are there any provisions for the protection of personal data of the parties?

- No
- Yes (Please specify)

Legal effects of recordation

Q43. What legal effects are attached to recordation? [*Multiple answers possible*]

- It creates a rebuttable presumption of the facts recorded (Please specify and name the relevant legal provisions)
- It serves as prima facie evidence of the facts recorded (Please specify and name the relevant legal provisions)
- It gives the transferee the right to claim statutory damages (Please specify and name the relevant legal provisions)
- It gives the transferee the right to start notice & take down-procedures (Please specify and name the relevant legal provisions)
- It triggers other legal effects (Please explain these effects in more detail and name the relevant legal provisions)

Q44. Please identify other benefits or issues that may arise from recordation of transfers of rights.

D. LEGAL DEPOSIT

Q45. If applicable, is there a relationship between the systems of copyright registration and legal deposit?

- No
- Yes (Please describe this relationship and indicate whether it is facilitated by unique identifiers or standardized data)

Subject matter

Q46. Which objects are subject to legal deposit?

- All objects protected by copyright and related rights
- Only specific types of objects listed by the law (Please specify)
- Other (Please explain)

Q47. Do different and/or new versions of the same object have to be deposited separately?

- No
- Yes (Please explain when a version is considered to be new or different)

Q48. Are there specific rules for legal deposit of digital objects?

- No
- Yes (Please explain what are the differences between legal deposit of physical and digital objects)

Process of legal deposit

Q49. Can objects be deposited in physical and/or digital form?

- Only in physical form (Please specify how many copies are to be deposited and to which institution)
- Only in digital form (Please specify to which institution)
- Both in physical and in digital form (Please specify how many copies are to be deposited and to which institution)

Q50. Please describe briefly the legal deposit process.

Legal effects of legal deposit

Q51. Is legal deposit compulsory?

- No
- Yes (Please specify the legal basis and the legal consequences of non-compliance)

Q52. What is/are the main purpose(s) of legal deposit? *[Multiple answers possible]*

- Cross-referencing veracity of copies with the original objects
- Archiving
- Providing access to the public
- Preservation of cultural heritage
- Other (Please explain)

E. COUNTRIES WITH NO LEGAL SYSTEMS OF COPYRIGHT REGISTRATION, RECORDATION OF TRANSFERS OF RIGHTS AND/OR LEGAL DEPOSIT

Q53. In the past, have there ever been legal systems of copyright registration, recordation of transfers of rights and/or legal deposit in your country?

- No
- Yes (Please specify, including the year in which the system was abandoned and the reasons behind it)

Q54. Have there been recent discussions in your country to (re)install systems of copyright registration, recordation of transfers of rights and/or legal deposit?

- No
- Yes (Please specify)

Q55. Are there any private, non-legal arrangements or infrastructures for copyright registration, recordation of transfers of rights and/or deposit in your country?

- No
- Yes (Please specify)

[Annex II follows]

Annex II: Registration Fees

Countries that calculate a fee per work registered

No.	Country	Respondent's answer regarding the fee amount
1.	Afghanistan	300 to 400 Afghan afghanis
2.	Angola	work set in paper and published: 11,704 Angolan kwanzas work set in paper and unpublished: 8,737.52 Angolan kwanzas in digital medium and published: 14,344 Angolan kwanzas in digital medium and unpublished: 10,937.52 Angolan kwanzas
3.	Azerbaijan	Five Azerbaijani manat for individuals; 20 Azerbaijani manat for legal entities
4.	Bhutan	literary and artistic works: 200 Bhutanese ngultrums cinematographic films: 500 Bhutanese ngultrums sound recording works: 50 Bhutanese ngultrums
5.	Bosnia and Herzegovina	50 euros for individuals; 100 euros for legal entities
6.	Brazil	simple registration: 20 Brazilian reals for individuals; 40 Brazilian reals for legal persons
7.	Canada	50 Canadian dollars when the application and fee are submitted online; 65 Canadian dollars in any other case
8.	Chile	engineering projects, architecture and computer programs: 35% of one Monthly Tax Unit (UTM) (17,230 Chilean pesos) ³⁷⁰ cinematographic works: 40% of one UTM (19,692 Chilean pesos) any other registration provided for under the law: 10% of one UTM (4,923 Chilean pesos)
9.	Cuba	varies depending on the work, e.g., 10 Cuban pesos for a musical work and 50 Cuban pesos for a literary work
10.	Haiti	1,000 Haitian gourdes (approximately 10 United States dollars) per work
11.	Hungary	5,000 Hungarian florints per work

³⁷⁰ The fees to be paid are based on a Monthly Tax Unit (UTM). The value of one UTM according to its value for the month of November 2019, reported by the Central Bank of Chile, is 49.229 Chilean pesos.

12.	India	all fees can be found at the website of the Copyright Office: http://copyright.gov.in/frmFeeDetailsShow.aspx e.g., literary, dramatic, musical or artistic works: 500 Indian rupees per work cinematograph film: 5,000 Indian rupees per work
13.	Japan	9,000 Japanese yen
14.	Kazakhstan	[the respondent did not specify the amount]
15.	Kenya	1,000 Kenyan shillings (approximately 10 United States dollars) per work
16.	Kiribati	[the respondent did not specify the amount]
17.	Madagascar	[the respondent did not specify the amount]
18.	Malaysia	the fee is dependent on the number of pages or size of the work (storage requirement) [the respondent did not specify the amount]
19.	Montenegro	the fee per copyright work registration and legal deposit is 25 euros and for related rights work is seven euros
20.	Mozambique	book registration: 500 Mozambican meticaais disc registration: 500 Mozambican meticaais computer programs: 1,500 Mozambican meticaais projects: 1,500 Mozambican meticaais architectural works: 1,500 Mozambican meticaais audiovisual works: 2,000 Mozambican meticaais artistic name: 1,500 Mozambican meticaais
21.	Myanmar	amount not yet decided
22.	Nepal	100 Nepalese rupees per work registered
23.	Nicaragua	depends on the type of work [the respondent did not specify the amount]
24.	Oman	10 Omani rials per application
25.	Romania	100 Romanian lei per work
26.	Russian Federation	4,500 Russian rubles for an organization; 3,000 Russian rubles for an individual
27.	Saudi Arabia	computer software and applications: 200 Saudi riyals for individuals; 400 Saudi riyals for companies architectural designs: 100 Saudi riyals for individuals; 200 Saudi riyals for companies
28.	Serbia	34 euros (3,970 Serbian dinars) for individuals; 68 euros (7,940 Serbian dinars) for legal entities

29.	Spain	13.46 euros
30.	Tajikistan	[the respondent did not specify the amount]
31.	United Republic of Tanzania	<p>registration fees for individual owners: 10,000 Tanzanian shillings annual fees: 20,000 Tanzanian shillings work registration: 1,000 Tanzanian shillings certificate: 10,000 Tanzanian shillings</p> <p>registration fees for group/band/company owners: 20,000 Tanzanian shillings annual fees: 80,000 Tanzanian shillings work registration: 1,000 Tanzanian shillings certificate: 10,000 Tanzanian shillings</p>
32.	Turkey	173 Turkish liras
33.	Ukraine	<p>for individuals: preparation for state registration: 255 Ukrainian hryvnias certificate issuance: 8.50 Ukrainian hryvnias</p> <p>for legal entities: preparation for state registration: 510 Ukrainian hryvnias certificate issuance: 25.50 Ukrainian hryvnias</p>

Countries that calculate either a fee per work registered or a fee per filing for registering a collection/compilation or, where applicable, multiple works

No.	Country	Respondent's answer regarding the fee amount
1.	Albania	<p>One work: 2,000 Albanian lekë Up to 20 works: 2,000 Albanian lekë (same category of works)</p>
2.	Ecuador	<p>literary and artistic works, musical works, phonograms, periodicals, and radio and television programs: 12 United States dollars audiovisual works, databases and computer programs: 20 United States dollars</p>
3.	Guatemala	<p>literary, musical, dramatic, fine arts, artistic works, translations: 200 Guatemalan quetzales each computer programs: 500 Guatemalan quetzales audiovisual works: 400 Guatemalan quetzales</p> <p>related rights: phonographic productions: 250 Guatemalan quetzales radio and television broadcasts: 300 Guatemalan quetzales contracts concerning related rights: 200 Guatemalan quetzales compilations: 300 Guatemalan quetzales</p>

4.	Jamaica	<p>1,000 United States dollars for all works submitted for registration</p> <p>In some cases, category fees are based on a range of works (e.g., the fee for one to 15 musical/sound recordings is 1,000 United States dollars in addition to the registration fee)</p> <p>books have a unit cost dependent on page count</p>
5.	Kyrgyz Republic	<p>basic fee: 5,000 Kyrgyzstani som for legal entities; 500 Kyrgyzstani som for individuals</p> <p>for computer programs and databases: 6,000 Kyrgyzstani som for legal entities; 600 Kyrgyzstani som for individuals</p>
6.	Lebanon	[the respondent did not specify the amount]
7.	Mexico	<p>fee per work registered: 263 Mexican pesos</p> <p>fee per filing (which may include the registration of multiple works): 263 Mexican pesos</p>
8.	Peru	<p>fee per work registered, for example: literary works: 195.25 Peruvian soles phonograms: 195.25 Peruvian soles software or computer programs: 390.50 Peruvian soles</p> <p>fee per filing (which may include the registration of multiple works): multiple registration of works or productions: 1,154.13 Peruvian soles</p>
9.	Portugal	<p>fee per work registered: online deposit: 60 euros other methods: 80 euros</p> <p>fee per filing (which may include the registration of multiple works): online deposit: 60 euros other arrangements for depositing the work with registration: 80 euros</p>
10.	Republic of Korea	<p>per work: general works other than computer programs: 33,600 South Korean won (offline) or 23,600 South Korean won (online) computer programs: 63,600 South Korean won (offline) or 53,600 South Korean won (online)</p> <p>multiple works: general works other than computer programs: 13,600 South Korean won (from the 11th work when same person registering more than 10 works) computer programs: 13,600 South Korean won (from the 11th work when same person registering more than 10 works)</p>

Countries that calculate a fee per filing for registering a collection/compilation or, where applicable, multiple works

No.	Country	Respondent's answer regarding the fee amount
1.	Argentina	For example: literary works: 250 Argentine pesos software: 400 Argentine pesos musical works: 108 Argentine pesos artistic works: 200 Argentine pesos phonograms: 400 Argentine pesos
2.	China	For example, written works, oral works: 100 renminbi (<100 words) 150 renminbi (101-5,000 words) 200 renminbi (5,001-10,000 words) 300 renminbi (>10,000 words)
3.	Costa Rica	2,300 Costa Rican colones (approximately 4 United States dollars)
4.	Italy	two 16-euro stamps or, in case of variation, a stamp of the value prescribed by law
5.	Republic of Moldova	for the list of applicable fees, see the website of the IP Office: http://www.agepi.gov.md/en/copyright/fees e.g., literary, dramatic, scientific or musical work: 0.1 euro per printed page 0.2 euro per handwritten page
6.	Paraguay	[the respondent did not specify the amount]
7.	Sudan	111 Sudanese pounds (approximately 2.5 United States dollars)
8.	United States of America	for the list of fees, see the website of the Copyright Office: https://www.copyright.gov/about/fees.html e.g., electronic filing: 45 United States dollars all other filings: 65 United States dollars paper filing: 125 United States dollars
9.	Uruguay	approximately 22 United States dollars publication in Official Gazette: approximately five United States dollars
10.	Viet Nam	[the respondent did not specify the amount]
11.	Yemen	a free one-time deposit certificate fee for obtaining an additional deposit certificate: 5,000 Yemeni rials, with certain exceptions

[Annex III follows]

Annex III: Recordation Fees

Countries that calculate a fee per recorded transfer

No.	Country	Respondent's answer regarding the fee amount
1.	Argentina	software: 400 Argentine pesos literary works: 300 Argentine pesos phonograms: 400 Argentine pesos musical works: 300 Argentine pesos periodical publications: 400 Argentine pesos in addition, fees to the National Fund for the Arts: 1% of the value of the procedure with a minimum of 4.11 Argentine pesos and a fee of 6.17 Argentine pesos for contracts of an undetermined amount
2.	Azerbaijan	10 Azerbaijani manat for individuals; 20 Azerbaijani manat for legal entities
3.	Brazil	fee ranges between 20 and 40 Brazilian reals
4.	Canada	65 Canadian dollars
5.	Chile	10% of one Monthly Tax Unit (4,923 Chilean pesos)
6.	Cuba	10 Cuban pesos
7.	Dominican Republic	[the respondent did not specify the amount]
8.	Haiti	1,000 Haitian gourdes (approximately 10 United States dollars)
9.	Italy	81 euros
10.	Japan	Copyrights: 18,000 Japanese yen Related rights: 9,000 Japanese yen
11.	Malaysia	[the respondent did not specify the amount]
12.	Republic of Moldova	10 euros
13.	Myanmar	amount is not yet decided
14.	Nicaragua	approximately 20 United States dollars
15.	Oman	10 Omani rials to record a change in the application
16.	Paraguay	approximately 65 United States dollars
17.	Peru	363.2 Peruvian soles
18.	Philippines	[the respondent did not specify the amount]

19.	Russian Federation	5,000 Russian rubles for recording a contract for the assignment of an exclusive right to a registered computer program or database and 2,500 Russian rubles for each computer program or database provided for under the contract 800 Russian rubles for recording a transfer of an exclusive right to a registered computer program or database to persons without a contract 2,600 Russian rubles for recording, in the Registry of Computer Programs or the Registry of Databases, information about a change in the holder of an exclusive right on the basis of a registered contract or other document establishing rights and for publication of said information
20.	Saudi Arabia	computer software and applications: 100 Saudi riyals for individuals; 200 Saudi riyals for companies architectural designs: 50 Saudi riyals for individuals; 100 Saudi riyals for companies
21.	Spain	13.46 euros for recordation at the Central Register (different fees apply for recordation at territorial registers)
22.	Sudan	56 Sudanese pounds (approximately 1.5 United States dollars)

Countries that calculate either a fee per recorded transfer or a fee per filing which may include the recordation of multiple transfers

No.	Country	Respondent's answer regarding the fee amount
1.	Ecuador	contracts for audiovisual works and computer programs: 56 United States dollars contracts for other works protected: 36 United States dollars
2.	Kyrgyz Republic	per recorder transfer: 3,000 Kyrgyzstani som per filing: 3,000 Kyrgyzstani som + 1,000 Kyrgyzstani som
3.	Mexico	1,383 Mexican pesos per contract 691 Mexican pesos (standard contract) for contracts previously processed by the Institute, wherein only the identification data has changed and the content is the same
4.	Portugal	[the respondent did not specify the amount]

5.	Republic of Korea	<p>per work: general works other than computer programs: 88,240 South Korean won (offline) or 78,240 South Korean won (online) computer programs: 94,000 South Korean won (offline) or 84,000 South Korean won (online)</p> <p>multiple works: general works other than computer programs: 63,240 South Korean won (from the 11th work when same person registering more than 10 works) computer programs: 39,000 South Korean won (from the 11th work when same person registering more than 10 works)</p>
6.	United States of America	<p>recording of a document, including a notice of intention to enforce: single title: 105 United States dollars additional titles (per group of one to 10 titles): 35 United States dollars</p> <p>additional titles provided in an electronic title list: 1 to 50 additional titles: 60 United States dollars 51 to 500 additional titles: 225 United States dollars 501 to 1,000 additional titles: 390 United States dollars 1,001 to 10,000 additional titles: 555 United States dollars 10,001 or more additional titles: 5,550 United States dollars</p> <p>correction of online Public Catalog data due to erroneous electronic title submission (per title): seven United States dollars</p>

Countries that calculate a fee per filing which may include the recording of multiple transfers

No.	Country	Respondent's answer regarding the fee amount
1.	Albania	up to 20 transfers: 2,000 Albanian lekë (the same category)
2.	China	<p>registration of change: 50% of the criteria charged for registration application certificate reissue: 50 per certificate (charge based on the production cost) cancellation of registration: 80 renminbi</p>
3.	Costa Rica	2,300 Costa Rican colones (approximately four United States dollars)
4.	Uruguay	<p>approximately 24 United States dollars publication in Official Gazette: approximately five United States dollars</p>

Countries that calculate a recordation fee, without it being clear whether this is a fee per recorded transfer or a fee per filing which may include the recordation of multiple transfers

No.	Country	Respondent's answer regarding the fee amount
1.	Guatemala	any request or formality: 100 Guatemalan quetzales

[End of Annex III and of document]