

The answers to this questionnaire have been provided on behalf of:

Country: The Republic of Poland

by

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Abbreviations:

PCA – The Polish Copyright Act of 4.02.1994, with the last amendment of 27.08.2009 which has been in force since 1.01.2010

Part I: General

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

Specific

Open

Mixed

Others, please describe: _____

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

Yes

No

Partially, please describe: _____

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

Yes

No

If yes, please describe: **in limitations and exceptions there's always no need for authorization, but in certain cases the user is obliged to pay a remuneration.**

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

Yes

No

If yes, please describe: **all limitations and exceptions are based on a statute. There's no room for a custom or administrative decision. As mentioned in pkt 4, only a few licenses are granted against remuneration, in most cases they are for free.**

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

Yes

No – there's no compulsory licenses. All licenses are either contractual or statutory.

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

Yes

No

Please describe: **Art. 23 PCA**

1. It is permitted to use the work, which has already been disseminated [i.e. communicated to the public upon authorization of the author – JB], free of charge and without the authorization of the author, for purposes of private use. This provision does not authorize to build constructions according to works in the field of architecture and town planning, and to use electronic databases constituting works unless this refers to one's own use for scientific purposes, which is not related to any profit-gaining activity.

2. The scope of the private use shall cover the use of single copies of the work by a group of persons staying in a personal interrelation with each other, including in particular blood relation, kinship or a social relationship.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

Yes

No

If yes, please describe: **The Polish law treats “copyright levies” as compensation rather than remuneration for the private use copyright exception (art. 23 PCA). There're two levies systems in the PCA.**

In art. 20 the PCA states that producers and importers of certain equipment and carriers are obliged to pay levies to copyright owners in the amount up to 3% of the selling price. A detailed list of equipment and carriers together with % rates is introduced in the regulation of The Minister of Culture of 2.06.2003. The levies are paid to the collecting societies which then distribute them between individual copyright owners.

The second levies system, in art. 20¹ of the PCA, concerns levies paid by owners of copying equipment (in most cases xero machines), used commercially for the copying of works for the private use. The rates are up to 3% of the income, detailed in the regulation of The Minister of Culture of 27.06.2003.

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute's exceptions and limitations?

Yes

No

If yes, please describe: _____

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

Yes

No

If yes, please describe: _____

10. Does your national statute protect technological measures?

Yes

No

11. Does your national statute protect rights management information?

Yes

No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

Yes

No

If yes, please describe: **the protection of technological measures applies if the activities to remove or circumvent the measures are taken in order to use the technologically protected work in a manner not covered by limitations or exceptions.**

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: **there's no judicial decision yet on how to exercise limitations or exceptions if technological measures are applied.**

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes**
 No

If yes, please describe: **the rule described in pkt 12 applies to all limitations or exceptions, there's no differentiation between them.**

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: **as explained in pkt 13.**

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes**
 No

Please describe: **The PCA contains a separate section about computer programs. According to art. 74 par. 4 and art. 75 par. 1, unless the contract provides otherwise, the user who has lawfully acquired the program, may conduct the following activities, if they are required for the use of the computer program in accordance with its purpose, including the correction of errors:**

- 1) **reproduction of a computer program, by any means and in any form – but where it is necessary to reproduce a computer program for its loading, displaying, running, transmitting and storing, the consent of the rightholder is still required;**
- 2) **translation, adaptation, re-arrangement or any other alteration of a computer program.**

According to art. 75 par. 2, the consent of the rightholder is not required:

- 1) **to make a back-up copy if it is necessary for using the program; unless the contract provides otherwise, such copy may not be used concurrently with the original;**
- 2) **to observe, study and test the functioning of the program in order to learn about its ideas and principles, by a person who has the right to use the program, if such a person is entitled to conduct these activities and does it while loading, displaying, using, transmitting or storing the program;**
- 3) **to reproduce a code or translate its form if that is indispensable to obtain the information necessary to achieve the interoperability of an independently created computer program with other computer programs, provided that the following conditions are met:**
 - a) **the acts are performed by a person authorized to use a program,**
 - b) **information necessary for achieving interoperability has not been previously readily available to persons mentioned under letter a),**
 - c) **such acts apply only to those parts of the program, which are necessary for achieving interoperability.**

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

- Yes**
 No

Please describe: **The PCA makes no distinction between analogue and digital works while applying limitations and exceptions.**

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

- Yes**
 No

Please describe: **The Act of 18.07.2002 on providing services in an electronic way contains in art. 12-15 (section 3) the provisions which exclude liability of a service provider if certain conditions are met. In particular the liability for the content of the transmission is excluded if the service provider:**

- 1) **has not initiated the transmission;**
- 2) **has not designated the person which received the transmission;**
- 3) **has not chosen or modified the content of the transmission.**

The liability of the service provider for the stored data is also excluded if the provider does not know that the data is illegal or illegal are activities concerning the data and upon receiving an administrative notice or a credible information about the illegality the provider immediately makes the data unavailable.

As a general rule the provider is not obliged to monitor the data that is being transmitted, stored or made available by him.

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes**
 No

If yes, please describe: **in general limitations and exceptions prevail over the protection of technological measures, i. e. if the latter protects the unlawful access to a work. But as explained in pkt 13 there's no judicial decision yet on how to exercise limitations or exceptions if technological measures are applied.**

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices

or providing services to circumvent the technological protection measures and rights management information?

Please describe: **there's no data available.**

Part II: Limitations and Exceptions related to Educational Activities

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)¹, do you consider that the analysis is correct?

Yes

No

The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

22. Does your national statute provide specific limitations and exceptions for educational purposes?

Yes

No

Please list them:

Art. 27 PCA

Research and educational institutions are allowed, for teaching purposes or in order to conduct their own research, to use published works in original and in translation, and to make copies of fragments from the disseminated work for the same purpose.

Art. 28 PCA

Libraries, archives and schools may:

- 1) provide free access to copies of the disseminated works within the scope of their statutory objectives;**
- 2) prepare or order the preparation of single copies of disseminated works in order to supplement, maintain or protect their collections;**

¹ For Latin American and the Caribbean countries, document SCCR/19/4. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303

For African countries, document SCCR/19/5. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241

For Arab countries, document SCCR/19/6. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302

For Asian and the Pacific countries, document SCCR/19/7. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393

- 3) **make their collections available for research or studying purposes via terminals located in the seats of these institutions.**

Art. 29 PCA

1. **It is permitted to quote, in works constituting an independent whole, fragments of disseminated works or minor works in full, within the scope justified by explanation, critical analysis, teaching or the rights governing a given kind of creative activity.**
2. **For teaching and research reasons it is permissible to include disseminated minor works or excerpts from larger works in textbooks and reading books.**
- 2¹. **It is permitted to publish the disseminated minor works or fragments of major works in anthologies for didactic and research purposes.**
3. **In the cases specified in paragraph 2 and 2¹ above the author is entitled to remuneration.**

Art. 31 PCA

It is permitted to publicly perform, free of charge, the disseminated works during religious ceremonies, school and academic events, or official national ceremonies, except for advertising, promotional, or election events, unless they are organized directly or indirectly for profit-gaining purposes and unless the performers receive remuneration.

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities
 Distance education
 Both

Please list them: **there's yet no sufficient data of judicial decisions to clarify if, and to what extent, may art. 27 and 28 be applied to distance education.**

On performances²

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

Yes

² Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a "right of public performance" in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

No

If yes, please describe: **all exceptions and limitations concerning copyright apply adequately to related rights (art. 100 PCA).**

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

Yes

No

If yes, please describe: **art. 29 and 31 PCA as cited in pkt 22.**

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

Yes

No

If yes, please describe: **as explained in pkt 24, PCA does not differentiate limitations and exceptions of copyright and limitations and exceptions of related rights. All separate section of PCA concerning limitations and exceptions of copyright (art. 23-35) applies adequately to related rights (art. 100 PCA).**

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

Teachers

Students

Educational institutions

Others. Please describe: **libraries, archives, research institutions, schools.**

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: PCA does not require that limitations and exceptions may be applied only to non-profit activities. However, the three-step test (art. 35 PCA) always applies.

On reproduction

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

Yes

No

If yes, please describe: **art. 27, 28 par. 2 and 29 of PCA, as cited in pkt 22, allow inter alia the reproduction of works.**

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

Reprography

Digital copying

Others. Please describe: _____

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

Yes

No

If yes, please describe: **course packs – art. 27 PCA (teaching purposes), anthologies – art. 29 par. 2¹. It is not clear enough what is meant by the term “compilations” in this question. Course pack or anthology is also a kind of “compilation”.**

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes**
 No

If yes, please describe: **art. 29 PCA par. 2 and 2¹ – these exceptions and limitations may be used only against remuneration (according to art. 29 par. 3)**

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes
 No

If yes, please describe: _____

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

Teachers

Students – they have access to copyrighted materials granted by private use exception.

Educational institutions

Others. Please describe: **research institutions**

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: **in all cases the three-step test applies (art. 35 PCA)**

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

Yes

No

If yes, please describe: _____

On translations

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes – art. 27 PCA**
 No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: _____

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes
 No

If yes, please describe: _____

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers**
 Students
 Educational institutions
 Others. Please describe: **research institutions**

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit**
 Not-for-profit
 Public
 Private
 Others. Please describe: **in all cases the three-step test applies (art. 35 PCA)**

On making available in digital networks

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

Yes – art. 27 PCA may be interpreted as providing exception for making available in digital networks but the issue is not yet fully clarified. The answers below should be read with regard to the above restriction.

No

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

Yes

No

If yes, please describe: _____

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

Yes

No

If yes, please describe: _____

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

Yes

No

If yes, please describe: _____

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

Teachers

Students

Educational institutions

Others. Please describe: **research institutions**

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

For-profit

Not-for-profit

Public

Private

Others. Please describe: _____

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

Yes

No

If yes, please describe: _____

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

Yes

No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: **the current catalogue of exceptions and limitations is sufficient**

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes

No

If yes, please describe: _____

Part III: Limitations and Exceptions related to Libraries and Archives

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)³, do you consider that the analysis is correct?

Yes

No

The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

Yes

No

Please describe: **art. 28 2) PCA - libraries and archives may prepare or order the preparation of single copies of disseminated works in order to supplement, maintain or protect their collections**

54. What types of works may be reproduced for these purposes?

Please describe: **all types of works that has already been disseminated (communicated to the public upon author's consent)**

55. Does your national statute establish qualitative or quantitative limits for these purposes?

Yes

No

Please describe: _____

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: **no authorization is required, it is a statutory exception. But the three-step test applies (art. 35 PCA)**

³ Document SCCR/17/2, page 72. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes
 No

Please describe: **there are no specific provisions on this matter. Sometimes libraries provide copies as a paid service, for the private use of patrons. Up to 3% of the income goes then to the collecting societies and then to the entitled authors.**

58. What types of works may be reproduced for these purposes?

Please describe: **all types of works – with the restriction above.**

59. Does your national statute include specific provisions regarding orphan works?

- Yes
 No

If yes, please describe: **some introductory works has been started to prepare an amendment to the PCA on this matter. No details can be given here yet.**

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes
 No

If yes, please describe: **exceptions and limitations are being discussed all the time. Although no plans to modify some provisions have been made yet, they may appear at some moment. It concerns first of all the issue of orphan works.**

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: **there's rather no need for new provisions, except of some concerning orphan works.**

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
 No

If yes, please describe: _____

63. Does your national statute establish qualitative or quantitative limits for these purposes?

Yes

No

Please describe: _____

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: **it's a statutory exception. Only the three-step test applies.**

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

Yes

No

Please describe: **the same rules apply to interlibrary lending as to lending to the public. There're no specific provisions on interlibrary lending.**

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

Yes

No

Please describe: **art. 28 2) PCA is sufficient. It concerns libraries, archives and schools. Art. 27 PCA concerns educational and research institutions. There's rather no need to include other organizations.**

Part IV: Limitations and Exceptions for Persons with Disabilities

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)⁴, do you consider that the analysis is correct?

- Yes**
 No
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities⁵ or visually impaired persons, including the reading impaired?

- Yes**
 No

Please describe: **According to art. 33¹ PCA, “It is permitted to use already disseminated works for the benefit of disabled persons, if the use directly refers to their disability, is not of commercial nature and is made to the extent resulting from the nature of this disability.”.**

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes
 No

Please describe: _____

70. What other conditions must be met in order for such uses to be authorized?

Please describe: **only the three-step rule applies.**

⁴ Document SCCR/15/7, page 138. Available at:
http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696

⁵ A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

Yes

No

Please describe: **no national statute contain such provisions. But as Poland is a member of the UE, importation and exportation is governed by European Union regulations (tariffs, contingents etc.).**

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

Yes

No

Please describe: **deaf persons are treated as “disabled” in the meaning of art. 33¹ PCA**

73. Does your national statute specify the formats that fall under this exception?

Yes

No

Please describe: _____

74. What other conditions must be met in order for such uses to be authorized?

Please describe: **only the three-step test applies.**

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

Yes

No

Please describe: **as in pkt 71.**

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

Yes

No

Please describe: **art. 33¹ PCA uses the term “disabled persons” without defining any particular disabilities. It covers visually impaired persons, deaf persons and many other categories.**

77. Does your national statute specify the formats that fall under this exception?

Yes

No

Please describe: _____

78. What other conditions must be met in order for such uses to be authorized?

Please describe: **still only the three-step test applies.**

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

Yes

No

Please describe: **as in pkt 71.**

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

Yes

No

If yes, please describe: _____

81. If not, what other the limitations and exceptions for persons with disabilities would be required?

Please describe: **there's no need to add new exceptions. Art. 33¹ PCA is elastic enough to cover any disabilities and all necessary uses of works.**

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

Yes

No

Please describe: _____

Part V: Religious, social and cultural exceptions

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes**
 No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities**
 Cultural Activities – school and academic events, official state ceremonies
 Social Activities – school and academic events, official state ceremonies

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes**
 No

If yes, please describe: **According to art. 31 PCA – the activities must be of non-commercial nature (no direct or indirect material benefits) and the performers receive no remuneration. There cannot be any advertising, promotional or election purposes (the same provision covers religious ceremonies as well as school and academic events and official state ceremonies)**

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes
 No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes
 No

If yes, please describe: **the exception concerns only disseminated works.**

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

Yes

No

If yes, please describe: **as in pkt 84 and 85. There's no general exception for "cultural activities"**.

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

Yes

No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

Yes

No

If yes, please describe: **as in pkt 84 and 85.**

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

Yes

No

If yes, please describe: **as in pkt 84 and 85. There's no general exception for "social activities"**.

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

Yes

No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

Yes

No

If yes, please describe: **as in pkt 84 and 85.**

Part VI: Other questions on digital technology

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes**
 No

If yes, please describe: **Art. 74 PCA: the ideas and rules on which the computer software is based are not copyrighted. Art. 75 par. 2-2: the user may observe, study and test the functioning of the program in order to learn about its ideas and principles, if he has the right to use the program and is entitled to conduct these activities and does so while loading, displaying, using, transmitting or storing the program.**

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer's actions or contributes to a third party's infringing actions)?

- Yes**
 No

If yes, please describe: **no specific provisions exist in the PCA. The general rules of civil and criminal liability apply. The third parties may be liable for actions undertaken by the infringer – together with the infringer or instead of the infringer. For example the contributor may be treated as a supporter only or as a co-infringer. The person in charge of the infringing activities is treated as the infringer together with the person which committed the infringement. There're many detailed rules and exceptions, but they apply to all the substantive law, not only the copyright.**

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes**
 No

If yes, please describe: **as described in pkt 18.**

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)**
 Caching infringing material

- Storing infringing material at the direction of a user**
- Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post**
- Others. Please specify: **as described in pkt 18.**

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify: **as described in pkt 18.**

Part VII: General questions to cover areas left out in Part I to VI

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation**
- news reporting**
- ephemeral copies – during technological process, example: caching**
- incidental uses
- government uses**
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe: _____

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes**
- No

If yes, please describe: **there're many other limitations and exceptions: private use exception, cable retransmission exception – up to 50 households, non-commercial receive of broadcasted contents with equipment placed in public places, media news exception, public security, advertising, repairs, building reconstruction.**

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes
- No

Please describe: **as a member of UE Poland is bound by free trade agreements concluded by UE.**

102. If so, with which country or group of countries?

Please describe: _____

103. Please add any further comments and information you deem interesting for this questionnaire.

[End of questionnaire]