



N. XENOFONTOS LLC

How Copyrights are protected in Cyprus



Introduction

A copyright is a collection of rights that *automatically* vest to someone who creates an original work of authorship – like a literary work, song, movie or software. These rights include the right to reproduce the work, to prepare derivative works, to distribute copies, and to perform and display the work publicly.

To understand how these rights can be used or licensed, it's helpful to analogize them to a bundle of sticks, where each stick represents a one of these rights. The copyright owner has the right to keep each "stick" for themselves, to transfer them *individually* to one or more people, or to transfer them *collectively* to one or more people. In short, copyright allows the owner to choose the ways his/her copyrighted works are made available to the public.

The basis for copyright protection stems from the Intellectual Property Rights Law No. 59/76 (the “Law”) as amended from time to time, the Berne Convention for the Protection of Literary and Artistic Works, Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of their Phonograms, the Paris Convention for the Protection of Industrial Property, TRIPS and WIPO.

Protection in Cyprus is afforded to an owner who is a citizen of the Republic or who has his/her habitual residence in Cyprus, to a legal entity registered in Cyprus or a citizen of an EU Member State.

The primary objective of copyright is to induce and reward authors, through the provision of property rights, to create new works and to make those works available to the public to enjoy. The theory is that, by granting certain exclusive rights to creators, which allow them to protect their creative works against theft, they receive the benefit of economic rewards and the public receives the benefit of the creative works that might not otherwise be created or disseminated.

Requirements for Copyright Protection

For a work to be protected by copyright, the work must be:

- Original and
- Produced in a tangible and fixed form

Concepts, ideas, principles, and theories that have not been set down in tangible and fixed form cannot be copyrighted. In Cyprus according to the Law, a work is deemed to be original when it is produced from the exclusive spiritual outcome of the creator himself produced in tangible and fixed form.

Protected Works & Duration of Rights

- ✓ **Scientific works** (rights expire 70 years after the creator’s death)
- ✓ **Literary works** (rights expire 70 years after the creator’s death)
- ✓ **Music works** (rights expire 70 years after the creator’s death)
- ✓ **Artistic works** (rights expire 70 years after the creator’s death)
- ✓ **Motion pictures** (rights expire 70 years after the death of the last survivor of the following individuals, regardless whether they are considered by law or otherwise to be co-creators: (i)

producer, (ii) main director, (iii) scriptwriter, (iv) dialogues writer, and (v) composer of music composed specifically for use in the motion picture)

- ✓ **Photographs** (rights expire 70 years after the creator's death)

- ✓ **Sound recordings** (rights expire 50 years after the date of recording, unless before that date the recording is in any way, in which case the rights expire 50 years from the date the recording is published or presented)

- ✓ **Broadcastings** (rights expire 50 years after the date of broadcasting, regardless of the way it is transmitted)

- ✓ **Publication of previously unpublished works** (rights expire 25 years from the date the work is published)

- ✓ **Non-original databases** (rights expire 15 years after the database is completed, unless (i) if the database was made available to the public in any way before the 15-year period, then the rights expire 15 years after the date the database was made available to the public and (ii) if any significant modification, qualitative or quantitative, regarding the content takes place that constitutes a new significant investment due to successive accumulation of additions, deletions or modifications, then rights expire 15 years after the new investment)

- ✓ **Performances** (rights expire 50 years after the date of performance, unless before that date the performance is published or publicly presented in a material form, in which case rights expire 50 years from the date the performance is published or presented).

Intellectual property rights in Cyprus are granted automatically by operation of law and no registration is required.

Nature & Ownership of the Rights

The holder of a copyright is the author, the assignee, or the licensee of an exclusive licence. Copyright holders have the exclusive rights for controlling the:

- Reproduction
- advertisement,
- sale, leasing, distribution, lending, presentation to the public of the original work and copying of it,
- transmission to the public, broadcast presentation to the public via satellite and cable transmission
- translation, adaptation, and any other adaptation of the work,
- presentation of the work to the public, by wired or wireless means, as well as the right of the authors/creators to make their works accessible to the public in such a way that anyone has access, whenever and wherever,
- prohibition or consent to the placing on the public, via wired or wireless means of the protected object, whether in whole or material part of it.

Special exceptions in relation to the right of control are set out in the applicable Law, such as for instance, for private use, scientific research and use by educational establishments.

Copyright also applies to architectural works, computer programmes, databases, and unpublished works.

Copyright is transmittable by assignment, testamentary disposition, and operation of law. An assignment or exclusive license must be granted in writing and it is possible to assign or pass by Will a future work.

Infringement of Rights

Infringement occurs when a person commits, causes, or allows another person to perform an act, without the permission of the creator who controls the right.

The right holder is entitled to both civil and criminal protection when an infringement takes place.

Several court orders may be sought by a person seeking to protect his rights, including an injunction and an order to destroy infringing goods. Moreover, criminal sanctions for infringement can include penalties of fines and or imprisonment.

If we can be of help to you or your business, please connect with us.

Connect with us

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