

ExCo Helsinki
Adopted resolution
10 September 2013

Resolution

Question Q235

Term of copyright protection

AIPPI

Noting that:

1. This resolution addresses the general issue of the term of copyright protection, particularly the need for a harmonised maximum term and whether different types of copyrighted work should enjoy the same term of copyright protection.
2. This resolution does not relate to moral rights, related rights and/or traditional knowledge.
3. AIPPI has previously studied questions where the term of copyright has been addressed to some extent.
4. In the resolution on Question Q73 "Legal and Economic Significance of Industrial Design Protection" (1985) it was stated that the protection of copyright law should be given to these works for a reduced period, which could be fixed at 25 years.
5. In the resolution on Question 57A "Protection of Computer-Software and Integrated Circuits" (1985) it was noted that the Berne Convention (BC) sets the term to the lifetime of the author plus 50 years after his death and AIPPI was of the opinion that such a duration was not appropriate in the field of computer software, and that it might be necessary to provide a shorter duration in line with the reduced term of protection for photographs and works of applied art.
6. In the national reports and discussions preceding the resolution on Question 231 "The interplay between design and copyright protection for industrial products" (2012) almost all groups were of the opinion that the term of copyright protection for industrial products, insofar as these are protected by copyright, should be the same as the term of protection for other copyrighted works.

Considering that:

1. Almost all the national Groups report that their respective countries have ratified the BC as amended, TRIPS 1994 and the WIPO Copyright Treaty (WCT), which means that there is a substantial level of harmonisation in respect of the minimum term of copyright.
2. Over the years the term of copyright has, with few notable exceptions, been constantly extended in almost all countries.
3. There is no consensus among the national Groups in respect of what an adequate term for copyright should be and whether such term could or should differ between different types of work.
4. However, there is a substantial support among the national Groups in favor of a maximum term for copyright. Among the concerns raised were a continued extension of the term of copyright, competition between countries/regions in respect of offering best protection for copyright holders and distortion of the international market for copyrighted works.

Resolves that:

1. A maximum term of copyright should be introduced in relevant international treaties governing this aspect of national copyright laws.
2. The maximum term of copyright should not exceed 70 years pma of the last deceased author when the term is calculated on the basis of the life of the natural person.
3. Different types of copyrighted work should in principle enjoy the same term of copyright protection.
4. The term of copyright for industrial products and other applied art, insofar as these are protected by copyright, should not differ from the term normally applied to other copyrighted works.