

## Anti-Camcord Legislation (ACL) Chart (As of August 20, 2008)

### Asia-Pacific

Country	Specific Anti-Camcord Legislation?	If not, any coverage under other relevant laws?	Penalty
Australia	No	§132(3) of Copyright Act and terms of entry	Maximum penalty available AUD\$60,000 (approx. USD \$57,000) fine or 5 years' imprisonment
China	No	Art. 46 (10.) of the PRC Copyright Law (2001)	Art. 47 of the PRC Copyright Law, where the circumstances are serious, copyright administrative authorities have the right to confiscate any device used for copyright infringement.
Hong Kong	Yes	n/a	HK\$5,000 (approx. USD \$640) on 1st conviction, and HK\$5,000 (approx. USD \$6,400) + 3-months imprisonment for subsequent offenses
India	No	Under the Copyright Act, 1957 [§14(1)(d)(i)] the copyright owner has exclusive right to make a copy of the film. A camcorded copy would be one such copy. Hence making a camcorder copy would constitute infringement of copyright. There is however, a proposal under consideration by the Govt. to include in the exceptions of fair use the making of one copy of a cinematograph film. If this legislation goes through, making a single camcorder copy may not constitute infringement.	Minimum of 6 months imprisonment and Rs. 50,000 (approx. USD \$1,250) fine & maximum of 3 years' imprisonment and Rs. 200,000 (approx. USD \$5,000) fine.
Indonesia	No	Yes, partially under Art. 72 (1) of the Copyright Law relating to provisions in Art. 2 which mentions publish or produce shall also mean recording	Minimum of 1 month imprisonment and Rp 1,000,000 (approx. USD \$1,100) fine & maximum of 7 years' imprisonment and Rp 5,000,000,000 (approx. USD \$532,000) fine
Japan	Yes	n/a	Imprisonment for a term not exceeding 10 years or a fine not exceeding 10 million yen (approx. USD \$95,000) or both, under the Art. 119, Copyright Law
Korea	Unclear; recently-concluded FTA requires ACL to	Unclear, though there may be some liability under the Copyright/Business Interference Laws	Unclear

	be in place		
Malaysia	No	Copyright Act 1987, §41(1)(g).	Cinema exhibitors can prohibit/seize recording devices used to record the movie and detain the suspects (by making a citizen arrest). The suspect then must be handed over to the police/MDTCA immediately. Minimum fine of RM 4,000 (approx. USD \$1,200) for each offense and/or imprisonment up to 10 years.
New Zealand	No	No	n/a
Philippines	No	Charges have been filed under Sec. 217.1 in relation to Sec 177.1 of Chapter V of R.A. 8293 (Intellectual Property Code of the Philippines). Special Power of Attorney has been assigned to MPA Asia-Pacific to meet the legal requirements for such charges in the future.	<p>(a) Imprisonment of one (1) year to three (3) years plus a fine ranging from Fifty thousand pesos (P50,000) to One hundred fifty thousand pesos (P150,000) for the first offense.</p> <p>(b) Imprisonment of three (3) years and one (1) day to six (6) years plus a fine ranging from One hundred fifty thousand pesos (P150,000) to Five hundred thousand pesos (P500,000) for the second offense.</p> <p>(c) Imprisonment of six (6) years and one (1) day to nine (9) years plus a fine ranging from five hundred thousand pesos (P500,000) to One million five hundred thousand pesos (P1,500,000) for the third and subsequent offenses.</p> <p>(d) In all cases, subsidiary imprisonment in cases of insolvency.</p>
Singapore	No	Copyright Law and Common law trespass; (§136(4) Copyright Act – 4) applies to “[a] person who, at a time when copyright subsists in a work, makes or has in his possession an article specifically designed or adapted for making copies of the work that the person knows, or ought reasonably to know, is to be used for making infringing copies of the work ....”	Fine not to exceed S\$20,000 (approx. USD \$15,000) and/or up to 2 years’ imprisonment
Taiwan	No	Copyright Law: Art. 91	Up to 3 years’ imprisonment and/or a fine not to exceed TWD 750,000 (approx. USD \$25,000).

Thailand	No	Copyright Act B.E. 2537 s 28 reproduction or adaptation of cinematographic work without the permission	Section 68: Fine between 20,000 Baht (approx. USD \$600) and 200,000 Baht (approx. USD \$6,000); if offense is committed for a commercial purpose, imprisonment between 6 months and 4 years and/or a fine from 100,000 Baht (approx. USD \$3,000) to 800,000 Baht (approx. USD \$24,000)
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## Latin America

Country	Specific Anti-Camcord Legislation?	If not, any coverage under other relevant laws?	Penalty
Argentina	No	11.723 of Scientific, Literacy and Artistic Property	Up to 6 years in prison
Brazil	No	Unclear, although it may be an offense under Arts. 184 or 186 (Paragraphs 1 and 2) of the Penal Code	If a violation of Art. 184, penalty is up to 6 months; if a violation of Art. 186, penalty is 2 to 4 years
Chile	No	Art. 79 of Copyright Law N°17.336. This article states that a crime against copyright is committed by the one who uses a protected work without authorization, in one of the conducts established in Art. 18. The latter article says that the authorization of the owner of the related rights is needed in order to use the work through any proceeding, including its reproduction.	Imprisonment from 61 to 540 days, plus fines from USD \$300 to USD \$3,000, approximately.
Dominican Republic	No	Copyright Law 65-00 and its modifications, making it illegal to reproduce any copyright work using any kind of procedure or technique under Law 65-00.	Penalty is 6 months to 3 years' imprisonment and fine up to 1,000 times the minimum wage.
Mexico	No	No. Passage of anti-camcord bill pending.	n/a
Peru	No	Possible coverage under Copyright Law and Criminal Law, which makes it illegal to reproduce any copyright work.	Fine up to USD \$180,000 Under Criminal law from 4 to 8 years in prison.

## Europe, Middle East, and Africa (EMEA)

Country	Specific Anti-Camcord Legislation?	If not, any coverage under other relevant laws?	Penalty
Austria	No	Coverage under Copyright Law if intent to use the recording for commercial distribution can be shown. Defendant could argue that it was only a private copy.	For illegal copies made for commercial distribution, up to 2 years' imprisonment.

			For copies that are illegal but not for commercial use, no criminal sanctions are available (§91,1, second sentence of Copyright Act); only a civil injunction under §81 of the Copyright Act.
Belgium	No	Yes. Art. 1, §1 iuncto Art. 80 (1994)(general rule prohibiting the reproduction of a copyright protected work without the permission of the copyright holder)	Art. 81 of the same law: A fine from €550 to €550.000 and/or imprisonment from 6 months to 3 years. In case of recidivism, the maximum penalties are doubled.
Bosnia-Herzegovina	No	Yes – Art. 121, Copyright Law	Fine of KM 5,000.00 to KM 50,000.00 or imprisonment up to three years
Bulgaria	No	No. Large private copy exception including reproductions of works on any medium made by a natural person for his private use and for no commercial purposes (Section 25(1)(2) of the Bulgarian Copyright Act).	n/a
Croatia	No	Yes, unauthorized fixation on any carrier (which as a legal term can mean hard-disk, memory card, etc.) is a criminal offense under §1, Art. 230 of Penal Code (1998). It's a minor criminal offense under Art. 189, §7 of Copyright and Neighboring Rights Law (2003). Civil liability under Copyright and Neighboring Rights Law is possible as well.	Imprisonment up to 3 years (max. 5 years if damage or criminal profit is over €4,000). For an individual, fine ifrom €300-1,500. In both cases, pirated goods will be confiscated and destroyed, and the tools confiscated.
Cyprus	No	No; large private copy exception including reproduction on any medium by a natural person for private non-commercial uses	n/a
Czech Republic	No	Maybe. Art. 30/3 of Copyright Act provides that “... the use according this law shall include also making a reproduction or imitation of architectural work by building even if for personal need of a physical person or own internal need of a legal entity or a business physical person (Art. 30) as well as making a record, also for personal purposes, of an audiovisual work while operating or transmitting recorded performance (Art. 20)”	Same as for other copyright violations: Arts. 105a/1, 105b/1 of the same law: a fine up to CZK 150,000 (USD \$10,000). Under Criminal Code, Art. 152, forfeiture plus up to 2 years' imprisonment and fine up to CZK 5 million. In case of large violation or gaining of large profit, a prison sentence from 6 months to 5 years and other punishments as described above.
Denmark	No	Camcording is covered by the general rule prohibiting reproduction of copyright protected works under Danish Copyright Act, §2, cf. §67. Both civil and criminal sanctions apply. The private copy exception does not apply, cf. §12(5) Danish Copyright Act	Civil Sanctions – rights holders can claim damages and compensation pursuant to Danish Copyright Act, §83  Criminal sanctions – fines and up to 1.5 years of imprisonment (§76, 2 of the Danish Copyright Act. In cases with particularly aggravating

			circumstances, up to 6 years' imprisonment, cf. the Danish Criminal Code §299b.
Estonia	No	Depending on the evidence, it can be considered as a misdemeanor under Copyright Act or a crime under Penal Code. The private copy exception according to §18 of the Copyright Act is applicable.	If there is no evidence that the recording was made with the intent to distribute, the act will be considered as a misdemeanor under Copyright Act § 81 <sup>4</sup> . If intent to distribute is established, the act can be considered as a crime punishable by forfeiture and up to three years' imprisonment (Penal Code §222).
Finland	No	Unclear. Possible crime if intent to distribute is established. In other words, the private copy exception is applicable.	n/a
France	No	Case law	Recent criminal decision imposed 6-months' imprisonment and €1000 fine.
Germany	No	Civil sanctions (§97, Copyright Act); criminal sanctions (§§106, 108, 108a, Copyright Act); private copy exception is not applicable according to §53(7), Copyright Act	Imprisonment of max. 3 years (max. 5 years with regards infringements on a commercial scale) or fine
Greece	No	The private copy exception according to Art. 18 of the Hellenic Copyright Act is applicable.	Civil sanctions including damages (Art. 65, Hellenic Copyright Act); Criminal sanctions: minimum of 1 year imprisonment and €13,000 fine (Art. 66)
Hungary	No	Yes. Copyright Act Arts. 82 (producer's approval is needed for making any copy of the film) and 35.1 (any kind of recording of a film's public performance is excluded from the private copy rule and is therefore prohibited) of the Copyright Act/Penal Code Art. 329.A (breach of Copyright Act with profit oriented intent or causing financial damage is delinquency)	Fine or maximum 2 years' imprisonment
Iceland	No	There is coverage in the existing copyright laws which prohibit the copying of work without the rightholder's authorization. However, the right to make a private copy, in Art. 11, might be applicable.	54th Art. of the copyright law: fine and imprisonment for up to 2 years.
Ireland	No	No, unless in course of business.	Summary Offence: €1904 and/or 12 months' imprisonment. Indictable Offence: €126,974 and/or 5 years' imprisonment.

Israel	No	Probably yes under new Copyright Law, Arts. 12 & 47; private copy exception is applicable (Arts. 18, 19)	Civil Liability: up to 100,000 NIS per infringement, without proof of damages (Art. 56) / Criminal Liability: up to 5 years' imprisonment (if it is for commercial use) (Art. 62-A)
Italy	Yes	n/a	Violations are punishable with up to 3 months' imprisonment or a small fine.
Latvia	No	Reproduction is prohibited under §§15(1)(8), 69 of the Latvian Copyright Act. The private copy exception according to §34(1) of the Latvian Copyright Act may be invoked.	Civil sanctions including damages according to §69 of the Latvian Copyright Act
Lithuania	No	Yes. Copyright Act, Art. 73 (Any infringement of copyright or producer's right or sui generis right is action, in which are infringing rights, prohibited in copyright law and other law of Lithuania.)  Administrative Code, Art. 214.10 & Criminal Code, Art. 192. However, under Art. 20(1) of the Copyright Act, the private copy exception could be invoked.	Administrative Code Art. 214.10 [penalty from 1,000 LT up 2,000 LT (USD \$500-\$1,000)] and Criminal Code Art. 192 (public works, or penalty from 2,000 LT (about USD \$1,000) or up to two years' imprisonment.
Netherlands	No	Arguably a copyright offence, but private copy exception is available.	Illegal distribution calls for a maximum penalty of 1 year imprisonment or €74,000 fine. If done professionally, up to 4 years' imprisonment.
Norway	No	If for distribution, camcording is illegal under Arts. 2, 42, and 45 of Copyright Act. Since copyright holders can make binding agreements against uses that are allowed by the non-mandatory Copyright Act, the private copy exception in Art.12 would not be applicable to camcording. In this case, purchase of a theater ticket would constitute a binding agreement against reproduction of copyrighted material.	A willful or negligent violation of Arts. 2, 42, and 45 of Copyright Act is subject to three months' imprisonment or fines. If a violation is willful and conducted under especially aggravating conditions, the penalty can go up to three years' imprisonment or fines.
Poland	No	Where intent to distribute is shown, Art. 117 of Copyright Act says that "Whoever, without authorization or against its conditions, fixes or reproduces another person's work in the original or derivative version, performance, phonogram, videogram or broadcast, for the purpose of its dissemination, shall be liable ...."	Fine or up to two years' imprisonment
Portugal	No	Yes. Copyright and Neighboring Rights Act, Art. 195°.	Up to three years' imprisonment or fine

Russia	Yes		Up to six years' imprisonment (Art. 146, Criminal Code); however, the value of the offense must be established, which remains a difficulty.
Serbia	No	No	n/a
Slovenia	No	Copyright and Related Rights Act (29 April 1995) – Art. 134 (about the film producer's exclusive right to reproduce, distribute and show in public his movies); Penal Code of the Republic of Slovenia - Art. 148, 149 (breach of copyright and related rights)	A fine from €334 to €1.670 (along with the possible compensation and seizure of disputable articles) and/or a prison sentence from 1 to 8 years.
South Africa	No	§27(2) of the Copyright Act: "Any person who at a time when copyright subsists in a work makes or has in his possession a plate knowing that it is to be used for making infringing copies of the work, shall be guilty of an offence".	SAR 5,000 and/or 3 years' imprisonment for 1 <sup>st</sup> offenders and SAR 10,000 and/or 5 years' imprisonment for 2 <sup>nd</sup> offenders
Spain	Yes	n/a	Penal Code does not provide any specific sanction for camcording, but only general sanctions: "Recording a movie in order to get a profit without copyright holder's authorization" might include a camcording if the profit can be proved. or "Getting any advantage" (Having a DVD for free before the title is launched?). Depending on the economical situation of the defendant, judges determine a value per day: €100/day (for instance). If conviction is a fine of six months, the convicted individual has to pay €18,000. In case he does not pay, he will be imprisoned for that term. Judge can also impose both prison term and a fine.
Sweden	No	Yes – Art. 53, Copyright Law	Fine and/or imprisonment of up to 2 years
Switzerland	No	No	n/a
Turkey	No	Yes. Camcording is deemed within the right of reproduction under Art. 22 of the Copyright Act	1 to 5 years' imprisonment or a monetary fine (71/1 of the Copyright Act)
UAE	No	Yes. The Copyright Law provides protection (Ch. 1, Arts. 2, 7, 11, and 19)	Not less than three months' imprisonment and a fine from 50,000 Dirhams (\$13,698) to 500,000 Dirhams (\$136,986) (Ch. 7, Arts. 37 and 38)
UK	No	Camcording is civil infringement. No criminal remedy, absent evidence of business activity or intention to upload recent title.	n/a
Ukraine	No	Art. 51-2 of Administrative Code	USD 34-680 along with seizure of

			illegal manufactured production, equipment and materials used for its manufacturing
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