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Suriname Copyright Law of 1913

Decree of 22 March 1913 (Official Gazette no. 15), containing the new copyright regulations, as it reads after the amendments and supplements made therein by the (state) decrees of 29 November 1915 (Official Gazette no. 78), of 3 January 1946 (Official Gazette no. 2) and of 2 July 1946 (Official Gazette No. 77)

Chapter I

General Provisions

§ The nature of copyright

Article 1

Copyright is the exclusive right of the maker of a work of literature, science or art, or of his assignees, to publish such work and to copy it, subject to the limitations imposed by general decree. (*)Refer to Article 19 of the 1935 Surinamese Bankruptcy Resolution (Official Gazette no/ 81), Revised Berne Convention (Official Gazette 1931 no. 77)

Article 2

Copyright is considered to be a moveable thing. Copyright is transferable by succession, and is eligible for transfer in whole or in part. Transfer in whole or in part of copyright can only be effected by means of an authentic instrument or a private instrument. It contains only those powers of which the transfer is mentioned in the instrument or which by necessity arise from the nature and scope of the contract concluded

Copyright which belongs to the maker of the work, the copyright to unpublished works, which was obtained by the heir or legatee whom is entitled to same, shall not be eligible for seizure.

§. The maker of the work

Article 3

In case the maker of the work of literature, science or art is a married woman, the spouse shall not be allowed to effect any acts, concerning the copyright to such work, without the cooperation of the woman

This provision may even not be derogated from in case of marital community

Article 4

Subject to proof to the contrary the maker shall be the person who is indicated as such on or in the work, or in case of absence of such indication, the person who upon publication of the work is made known as the maker thereof by the person publishing same

In case at an oral presentation of a work not published in print or a performance of a work of music not published in print no statement is made concerning the maker, the maker shall be considered to be, subject to proof to the contrary, the person giving the presentation or performing the work of music

Article 5

The maker of a work of literature, science or art, consisting of separate works of two or more persons, subject to the copyright of each work separately, shall be considered to be that person under whose control and supervision the whole work was accomplished, or in case of absence of such person, that person whose has made the collection of the various works

Copying or publishing of any part of the separately included work, to which copyright if applicable, by another person than the maker thereof or his assignees shall be considered to constitute an infringement of the copyright of the complete work, Copying or publishing of a separate work included in such collection by the maker thereof or his assignees shall be considered to constitute an infringement of the copyright of the complete work if such separate work was not previously published, unless otherwise agreed between the parties, if the work of which it is a part is not mentioned

Article 6

If a work is accomplished according to the design of another person, as well as un-der his control and supervision, the person shall be considered as the maker of such work

Article 7

In case work done in the employment of another person consists of making certain works of literature, science or art, unless otherwise agreed between the parties, the maker of such works shall be considered to be the persons in whose employment such works were made

Article 8

In case a public institution, an association, foundation or company publishes a work as originating from it, without indicating any natural person as the maker, it shall be considered to the maker of such work, unless it can be proven that the publication under aforementioned circumstances was unlawful

Article 9

In case the maker is not indicated on any printed publication, or not with his real name, the copyright towards third parties may be exercised for the benefit of the right holder by the person who is indicated on or in such work as the publisher thereof, or in case of absence of such indication by the person who is indicated on such work as the printer thereof

§. Copyright works

Article 10

Works of literature, science or art means for the purposes of this decree:

1. books, brochures, news papers, magazines and all other writings;
2. theatre plays and musicals;
3. oral presentations;
4. choreographies and pantomimes of which the performance has been laid down in writing or otherwise;
5. works of music with or without words;
6. drawings, paintings, constructions and sculptures, lithographs, engravings and other plate works;
7. geographical names;
8. designs, sketches and plastic arts works in respect of construction engineering, geography, topography or other sciences;
9. photographic works and cinematographic works and works made according to similar working methods;
10. works of art applied to industry; and in general any product in the field of literature, science or art which may be reproduced in any manner or in any form whatsoever

Translations, adaptations musical arrangements, and other reproductions in changed form of a work of literature, science or art, as well as collections of various works shall be protected as independent works, without prejudice to the copyright of the original work

Article 11

There shall be no copyright on laws, resolutions and decrees issued by the public authorities, nor on judicial pronouncements and administrative resolutions

There shall neither be copyright on any publications by or on behalf of the public authorities, unless such right shall be reserved either in general by law, resolution or decree, or in any specific case by means of an indication on the work itself or upon the publication thereof

Article 12

The publication of a work of literature, science or art shall mean:

1. the publication of a reproduction of the work in whole or in part;
2. the distribution of the work or a reproduction thereof in whole or in part, as long as it has not appeared in print;
3. the oral presentation, staging or performance or public presentation of a work or a reproduction thereof in whole or in part

An oral presentation, staging or performance or public presentation shall also include a private circle which is accessible against payment even if such

payment is made in the form of a membership fee or in any other manner. The same holds for a public exhibition.

§ Reproduction

Article 13

The reproduction of a work of literature, science or art shall also include the translation, the musical arrangement or stage adaptation, and in general any adaptation or imitation in changed form in whole or in part, which is not to be taken as a new, original work

Article 14

The reproduction of a work which can be perceived by means of the hearing shall also include the manufacture of rolls, records and other devices which are intended for the performance of the work in whole or in part by mechanical means

§ Limitations of the copyright

Article 15 x)

An infringement of the copyright of a newspaper or magazine shall not include taking over articles, messages or other writings, with the exclusion of novels and short stories, without the authorization of the maker or his assignees by another newspaper or magazine, provided that the newspaper or magazine from which it was taken over is mentioned clearly, and unless the copyright is expressly reserved. In case of magazines it will be sufficient if this reservation of rights is included in the heading of the issue in a general wording

With regard to articles, political issues concerning news articles and mixed articles, a reservation may be made

The right to take over as intended in the previous paragraph exists with regard to foreign newspapers and magazines only if news articles, mixed articles or current articles on economics, politics or religion are concerned; the last phrase of the previous paragraph shall not be applicable for the purposes hereof regarding articles on political issues

Article 16 x)

An infringement of the copyright on a published work of literature, science or art shall not include the quotation of several short parts thereof or of several short statements or poems in anthologies or other works intended for education or another scientific goal, as well as in notices and reviews in newspapers and magazines, provided that the source is indicated as well as the maker of the part, statement or poem, or the notice or review quoted, for as far as this is indicated on or in the work. This provision is also applicable to quotations in another language than the language of the original. The governor may further determine by decree, what should be considered to be several short quotations, and several short statements or poems, as intended in the first phrase

In case work is intended, as indicated in Article 10 subparagraph 60, the complete work may be copied in the same circumstances and under the same conditions, provided that such reproduction by its size or the working method

according to which it is manufactured, shows a significant difference with the original work; when of such works two or more have been jointly published, the reproduction shall only be allowed for one of them

Of a public oral presentation, which has not been published previously in print, the factual content may be published as a report in a newspaper article or magazine, provided that the person who has presented the presentation is mentioned

x) Changed by Official Gazette 1946 no. 2

Article 17

An infringement of the copyright of a work of literature, science or art shall not include the copying, which remains limited to several copies and is used exclusively for the own exercise, study or use, and which where a work is involved, as intended in article 10 subparagraph 6o, by its size or the working method according to which it has been manufactured shows a clear difference with the original work. This provision shall not apply to the reconstruction of buildings,

Article 17bis x)

The governor shall be entitled to further regulate by decree the exercise of the right by the maker of a work of literature, science or art with regard to the publication of the work by radio broadcasting, for that purpose, the moral rights of the maker shall be respected, and his right to a fair compensation, in case such publication is allowed without his consent, shall be recognized

Article 18

An infringement of the copyright on a work as intended in Article 10 subparagraph 6o, which is permanently displayed on or at the public road shall not include the copying which by its size or the working method according to which it is manufactured shows a significant difference with the original work, and in case of buildings, is restricted to the exterior thereof

x) Inserted by Official Gazette 1946 no. 1

Article 19

An infringement on the copyright of a portrait shall not include the reproduction thereof by, or on behalf of the person whose portrait was taken or, after his/her death, his/her next of kin

If one image contains the portrait of two or more persons, then the reproduction of same shall be free with regard to other portraits than his/her own only with the approval of those other persons, or, during ten years after their death, of their next of kin

Next of kin means the parents, the spouse and the children

With regard to a photographic portrait an infringement of the copyright shall also not include the publication thereof in a newspaper or magazine by or with the approval of one of the persons, mentioned in the first indent, provided that the

name of the maker, for as far as this name is indicated on the portrait, is mentioned

This article is only applicable with regard to portraits which are made pursuant to an assignment by or in respect of the persons whose portraits are made, or for their benefit given to the maker

Article 20

Unless otherwise agreed, the person to whom the copyright of a portrait belongs, shall not be authorized to publish this without the approval of the person of whom the portrait is made, or during ten years after his/her death, of his/her next of kin

In case one picture contains the portrait of two or more persons, then with regard to the complete picture the approval shall be required of all persons of whom the portrait appears in the picture or, during ten years after their death, of their next of kin

The third and last indent of the previous article shall be applicable

Article 21

In case a portrait has been made without an assignment thereto, the maker by or on behalf of the person of whom a portrait is taken, or for the benefit of him/her, the publication thereof by the person who has the copyright thereon shall not be permitted, insofar as a reasonable interest of the persons of whom the portrait was made or, after his/her death, of one of his/her next of kin or family in law up to second degree, directly or indirectly, or of his/her spouse shall oppose such publication

Article 22

In the interest of public safety, as well as for the investigation of punishable offenses, the judiciary shall be allowed to reproduce, post and distribute pictures of any nature whatsoever by itself or on its behalf

Article 23

Unless otherwise agreed the owner of a drawing, painting, building, or sculpture or of any work of art applied to industry shall be entitled to have such work exhibited in public without the consent of the person who has the copyright thereon, or to have it reproduced in a catalogue for the purpose of selling same

Article 24

Unless otherwise agreed the maker of any painting, notwithstanding the transfer of his/her copyright, shall be entitled to make similar paintings

Article 25

No alteration shall be made to any work, mentioned in Article 10 subparagraphs 1o to 9o, without the consent of the person who has the copyright thereon. In case the maker has transferred his copyright, his/her consent shall nevertheless be required during his/her life

A similar provision shall apply with regard to the name of the work and the indication of the maker, insofar as these occur on or in the work. In case a work is made public, however, under another name than the real name of the maker, then the person who has the copyright thereon, shall after the death of the maker be entitled to indicate the real name of the maker on or in the work, if the latter has authorized him/her to do so

The provisions of the first indent shall not be applicable to alterations of such nature that the maker or his/her successors in title in good faith could not refuse their consent thereto. The maker also maintains, even if he/she has transferred his/her copyright, the authority to make such alterations to the work as shall be allowed to him/her in good faith according to social rules

CHAPTER II The enforcement of copyright and provisions of penal law

Article 26

If more than two persons have a joint copyright to the same work, the exercise and enforcement of such right shall be effected either by all rightholders jointly, or on their behalf by the person who has been designated thereto by the rightholders in mutual consent, or failing such agreement, at the request of either party involved, by the chief justice of the court of justice

The rightholders shall be entitled by mutual consent to put aside the person appointed by the chief justice or to have him/her replaced by someone else

Article 27

Notwithstanding the transfer, in whole or in part, of the copyright the maker shall maintain his right to take legal action to obtain compensation from the person who has infringed the copyright

Article 28 *)

Copyright grants the authority to seize objects, made public in defiance of such right, as well as unauthorized reproductions, in the manner and pursuant to the provisions laid down for the seizure to revindicate moveable property, or to claim same as his/her property, or to demand the destruction or making unusable of same. Equal authority to seize and claim shall apply with regard to the amount of entry fees paid for attending a recitation, a performance, or an exhibition or staging so that the copyright is being infringed

In case the handing over is claimed of things, as intended in the first indent, the judge can order that such handing over shall not be effected unless it is done upon a specified payment of a sum to be paid by the claimant

Both previous indents of this article shall be exclusively applicable to moveable property, and to things which by their purpose shall be considered to be immoveable property

With regard to immoveable property other than those referred to in the previous indent, by means of which copyright is infringed, the judge may at the request of the rightholder order that the defendant shall make such alterations that the infringement of the copyright shall become void in addition to the payment of a certain amount of money as compensation in case the judicial order is not met within a specified period

All this without prejudice to the institution of criminal proceedings as a result of the infringement of copyright and the civil proceedings to obtain damages

*) Cf. Article 585 of the Suriname Code of Civil Procedure (Official Gazette 1935, no. 80)

Article 29

The right, indicated in the first indent of the previous article, cannot be exercised with regard to objects, in the ownership of persons, who do not trade in similar objects and who have obtained such objects exclusively for own use, unless they themselves have infringed the copyright involved

The claim, intended in the fourth indent of the previous article, can only be instituted against the owner or possessor of the immoveable property who is guilty of infringing the copyright involved

Article 30

In case a person makes a portrait public without having the authority to do so, the same provisions shall apply with regard to the right of the person of whom the portrait was taken as laid down in Articles 28 and 29 with regard to copyright

Article 30 bis.x)

For providing mediation as a business in respect of musical copyright, whether or not with the aim of making a profit, the approval shall be required of the Governor

The provision of mediation in respect of musical copyright means whether or not under their own name, the conclusion or execution of agreements for the makers of musical works or their successors in title concerning the public performance of those works, or their reproduction, in whole or in part

The performance of musical works shall be equal to the performance of dramatico-musical works, choreographic works and pantomimes, and their reproductions, if these are being broadcast without being shown

Agreements as intended in the second indent, which have been concluded without having obtained the approval required pursuant to the first indent shall be void

By decision of the Governor further provisions shall be given which shall involve the exercise of the supervision on the person who has obtained the required approval. The costs for such supervision can be charged to the account of such person

*) Inserted by Official Gazette 1946 no. 2

Article 31 x)

He/she who on purpose infringes the copyright of someone else shall be liable to pay a fine ranging from fifty cents to five thousand guilders

Article 32 x)

He/she who distributes or openly sells a work through which he/she infringes the copyright of someone else, shall be liable to pay a fine ranging from fifty cents to two thousand guilders

Article 33 x)

The punishable offenses described in the two previous articles shall only be prosecuted upon a claim of the maker of the work or of the person who is authorized to enforce the copyright or in case two or more person are authorized, of one of them

Article 34 x)

He/she who on purpose illegally makes an alteration to the title or to the indication of the maker of any literary work, scientific work or artistic work shall be liable to pay a fine ranging from fifty cents to five thousand guilders

The work can, in case it belongs to the person prosecuted, be seized

The punishable offense shall only be prosecuted upon a claim of the maker of the work or of the person who is entitled to the copyright thereon

x) Maintained by Official Gazette 1915 no. 78

Article 35 xx)

A jail sentence ranging from one day to two years or a fine ranging from fifty cents to five thousand guilders shall apply to: 10o. the person who on or in a literary work, scientific work or artistic or industrial work places illegally any name or any sign, or who forges the real name or the real sign, with a view to making it plausible that the work is made by the person of whom he has indicated the name or sign thereon or therein; 2o. the person who on purpose sells or offers for sale, delivers, or has in stock to sell or imports into Suriname a literary work, scientific work, or artistic or industrial work on or in which illegally any name or sign has been placed, or in or on which the real name or real sign has been forged, as if such work is made by the person of whom the name or sign has been illegally applied thereon or therein

The work can, if it belongs to the person prosecuted, be seized

xx) Maintained and changed by Official Gazette 1915 no. 78 and Official Gazette 1946 no. 77

Article 36 *)

The person who without being authorized thereto publicly exhibits or publishes in any other manner a portrait shall be liable to pay a fine ranging from fifty cents to two hundred guilders

*) Changed by Official Gazette 1915 no. 78

Article 36bis **)

The person who, without having obtained the required approval of the Governor, performs actions which belong to the conducting of a business as intended in Article 30bis, shall be liable to pay a fine of at most thousand guilders

The action shall be considered a civil offense

***) Inserted by Official Gazette 1946 no. 2. The punishable offenses in Articles 31 to 35 and 37 to be considered penal offenses, Article 36 as a civil offense pursuant to Official Gazette 1915 no. 78

Article 37 ***)

The reproductions seized upon the order of the judge in the penal proceedings shall be destroyed; however, the judge may determine by judicial order that they shall be handed over to the person who has the copyright thereon, if the latter shall report to the office of the clerk of the court within one month after the judgment has authority of res judicata

Upon the handing over the ownership of the reproductions shall be transferred to the rightholders. The judge may order that such handing over shall only be effected against the payment of a specified sum by the rightholder, which shall be for the benefit of the government

CHAPTER III The duration of the copyright

Article 38

The copyright shall expire after 50 years to be calculated from the day of the death of the maker of the work, without prejudice to the provisions of the following articles of this chapter

The duration of the joint copyright to one work of two or more persons as the joint makers thereof shall be calculated as from the day of the death of the one of them of has lived the longest

Article 39

The copyright on an article on or in which the maker is not indicated, or not in such manner that his real name is known, shall expire at the end of 50 years to be calculated as from the last day of the calendar year in which the first publication of the work by or on behalf of the rightholder has taken place

The same shall apply with regard to works of which pursuant to Article 7 or Article 8 the maker shall be considered to be a public institution, an association, a foundation or company, as well as with regard to works which have been published for the first time after the death of the maker

Article 40

(Revoked by Official Gazette 1946 no. 2)

Article 41

The copyright on photographic and cinematographic works as well as on works which were made according to similar working methods shall expire after 50 years to be calculated as from the last day of the calendar year in which the first publication of the work took place by or on behalf of the rightholder

Article 42 *)

For the application of the provisions of Articles 39 and 41 the works published by issues or episodes shall be considered to have been published only upon the publication of the last issue or episode

With regard to works composed of two or more parts, issues or papers which were printed at different times, as well as with regard to reports and bulletins issued by guilds or by private persons, each part, issue, paper or report or bulletin shall be considered to be a separate work

*) Changed by Official Gazette 1946 no. 2

Article 43

In deviation from the provisions of this chapter in Suriname it shall not be possible to claim copyright on a work of which the term has already expired in the country of origin of the work

CHAPTER IV Transitional and final provisions

Article 44

Upon the entering into force of this decree the Royal decree of 11 May 1883 no. 39 (Official Gazette no. 11), containing the regulations concerning the copyright in the colony of Suriname, shall become void

Article 11 of this decree shall, however, remain effective with regard to works and translation, submitted before the time specified

Article 45

This decree shall be applicable to all literary, scientific or artistic works which either before or after its entry into force were published in Suriname for the first time by or on behalf of the maker, as well as on all such unpublished works of which the makers are Dutch or other Dutch subjects, or residents of Suriname

For the purposes of this article a work is published when it appears in print, or in general when reproductions thereof have been made public; the performance of a play or dramatic-musical work, the performance of a musical work, the exhibition of an artistic work, and the construction of a work of architecture shall not be considered a publication in that sense

In deviation from the first indent no rights and powers can be exercised with regard to the enforcement of copyright in respect of facts which on the time they took place, neither pursuant to general decree nor pursuant to any agreement, were illegal

Article 46

This decree does not recognize copyright on works on which the copyright at the time of the entry into force, pursuant to one of the Articles 13 and 14 of the Royal decree of 11 May 1883 no. 39 (Official Gazette no. 11) containing the regulations concerning the copyright in the colony of Suriname, had expired

Article 47

The copyright obtained pursuant to the Royal decree of 11 May 1883 no. 39 (Official Gazette no. 11) containing the regulations concerning copyright in the colony of Suriname shall remain effective after the entry into force of this decree

Article 48

The person who before the first of March 1913 did not act contrary to the provisions of the Royal decree of 11 May 1883 no. 39 (Official Gazette no. 11) containing regulations concerning copyright in the colony of Suriname, either published a reproduction of a literary, scientific or artistic work, or in public made a presentation, or has performed, staged, exhibited or displayed a literary, scientific or artistic work, or any reproduction thereof, does not lose such authorization by the entry into force of this decree to distribute and sell the reproductions made public before that date, or to make the same public presentations, performances or stagings, exhibitions or displays

This article shall remain effective for two years after the effective date of this decree

Article 49

All instruments and documents concerning the transfer of copyright in whole or in part or concerning the license to exercise any power belonging to the copyright which are drafted by the rightholder and the successor or by their legal representatives jointly or each separately, either by private instrument, or before a public official, without the cooperation of third parties, shall be free from stamp duty. For the purposes of this article third parties shall not include the spouses of the parties, in case they are married women, and these spouses give their assistance in obtaining the instrument

Article 50

This decree shall be referred to with the title of "1913 Copyright decree";

Article 51

This decree shall enter into force on the day it is published

Done in Paramaribo, 22 March 1913 VAN ASBECK

The government secretary, L.J. RIETBERG

Published on 28 March 1913 The Government secretary L.J. RIETBERG