

Decree 26/2010. (XII. 28.) KIM¹ on the detailed rules of the voluntary register of works²

On the basis of the authorisation conferred by section 112(5)(a) and (b) of Act LXXVI of 1999 on Copyright, acting within my functions laid down in section 12(a) of Government decree 212/2010. (VII.) on the functions and powers of individual ministers and of the Minister of State heading the Prime Minister's Office – in agreement with the Minister of Human Capacities acting within his functions laid down in section 41(j) of Government decree 212/2010. (VII.) on the functions and powers of individual ministers and of the Minister of State heading the Prime Minister's Office, in agreement with the Minister of National Economy acting within his functions laid down in section 74(c) of Government decree 212/2010. (VII.) on the functions and powers of individual ministers and of the Minister of State heading the Prime Minister's Office, and having consulted the President of the Hungarian Intellectual Property Office – I order the following:

Section 1

The author or the holder of rights related to copyright (hereinafter collectively referred to as "the author") may request the Hungarian Intellectual Property Office (hereinafter referred to as "the Office") to register the work or subject-matter (hereinafter collectively referred to as "the work") falling within the scope of Act LXXVI of 1999 on Copyright (hereinafter referred to as "the Copyright Act") in the voluntary register of works [section 94/B(2) of the Copyright Act].

Section 2

(1) The request for registering the work in the voluntary register of works shall be filed either on paper or electronically, using the standard form (hereinafter referred to as "the form") established for that purpose by the Office. The request shall contain an indication of the title of the work to be registered, the type of the work, additional data allowing unique identification of the work, as well as the carrier of the work to be registered and the name(s) and address(es) of the author(s).

(2) The original work or a duplicate thereof (hereinafter collectively referred to as "the copy of the work") shall be enclosed with requests filed on paper. The copy of the work should be of a size to fit into a standard A/4 size envelope. If the copy of the work is of a bigger size, a maximum A/4 size carrier – in particular a photograph, an electronic data carrier or a magnetic tape permanently fixing the work and being suitable for identifying it – shall be enclosed as copy of the work.

(3) In proceedings before the Office for the registration of works in the voluntary register of works, electronic administration shall be available through the uniform personalised administrative interface and directly via the electronic administration system operated on the website of the Office.

(4) The copy of the work shall be enclosed in an electronic format with electronically filed requests. The request, together with its enclosures, may not exceed the size of 300 MB. If it is impossible to produce the copy of the work in an electronic format or the size of the copy of the work in electronic format exceeds 300 MB, paper-based administration shall be used.

(5) The electronic form shall be available free of charge from the official website of the Office. The electronic form completed by the client or his representative can be viewed and downloaded via the link provided upon reception of the form. The Office shall not send back any received requests to the electronic address of the client or his representative.

Section 3

(1) An administrative service fee of HUF 5000 shall be paid for the request for the registration of the work in the voluntary register of works; this fee shall be the Office's revenue.

¹ The Hungarian text of Decree 26/2010. (XII. 28.) KIM on the detailed rules of the voluntary register of works has been translated into English for information purposes only. Should there be any discrepancies from the original Hungarian version, the latter shall be binding and have legal effect.

² Consolidated text (1 January 2017).

(2) The fee specified in paragraph (1) shall be paid to the Office's appropriation allocation fund account No. 10032000-01731842-00000000 kept with the Hungarian Treasury, by indicating the identifying data (case number) and the earmarking (title). The fee shall be due at the date of the filing of the request.

(3) No exemption or discount may be granted for the payment of the fee specified in paragraph (1).

(4) To the handling, accounting and registration of the fee specified in paragraph (1), the Government decree on the specificities of the reporting and accounting obligations of organisations within the system of public finances shall apply.

Section 4

(1) Requests complying with the requirements laid down in sections 2 and 3 and submitted as a document in paper format in person or through a representative shall be immediately granted by the Office, while requests filed otherwise shall be granted within 21 days of the filing, and the Office shall in each case issue a certificate of registration. If the request has been filed on paper, the Office shall attach the copy of the work submitted by the author to the certificate in a sealed envelope bearing the stamp of the Office and the registry number of the certificate. If the request has been submitted electronically, the Office shall provide the copy of the work with an electronic certificate.

(2) In the case of a request filed on paper, the certificate and the copy of the work put in a sealed envelope and attached to the certificate in accordance with paragraph (1) may be used for the substantiation pursuant to section 94/B(2) of the Copyright Act if the seal and the envelope are intact, and in the case of an electronically filed request, if the electronic certificate is intact.

Section 5

(1) The author may at any time request the withdrawal of the certificate. The request shall be filed on the relevant form and it shall indicate the title, type and registration number of the registered work.

(2) The request for withdrawal of the certificate shall be filed electronically, or in two copies on paper.

(3) The filing of a request for withdrawal of the certificate shall be free of charge.

(4) The request complying with the requirements laid down in paragraphs 1 and 2 and submitted as a document in paper format in person or through a representative shall be immediately granted by the Office, while requests filed otherwise shall be granted within 21 days of the filing; the Office shall also hand over to the author a copy of the request for withdrawal or send him the decision on the withdrawal, and shall indicate the fact of the withdrawal in the register of works.

Section 6

(1) If the court establishes the person of the author in a final and binding decision, the author may at any time request the cancellation of the person who was registered earlier as author from the voluntary register of works. The request shall be filed on a form and shall indicate the name of the person who has been registered earlier as the author, as well as the title, type and registration number of the registered work.

(2) The request for cancellation from the voluntary register of works shall be filed electronically, or in two copies on paper. The final and binding court decision shall be enclosed with the request.

(3) The filing of a request for cancellation from the voluntary register of works shall be free of charge.

(4) The request complying with the requirements laid down in paragraphs 1 and 2 and submitted as a document in paper format in person or through a representative shall be immediately granted by the Office, while requests filed otherwise shall be granted within 21 days of the filing; the Office shall cancel the person who has been registered earlier as the author from the voluntary register of works and hand over to the author a copy of the request for cancellation or send him the decision on the cancellation.

(5) The Office shall communicate its decision on the cancellation to the person who was registered earlier as author.

Section 7

If the author consents in writing, the Office may publish the data indicated in the form and may create a database from those data in order to inform the public.

Section 8

This decree shall enter into force on 1 January 2011.

Section 9

The provisions of this decree effective on 31 December 2016 shall apply to electronic communications until 31 December 2017, if the Office did not undertake to provide electronic administration services before 1 January 2018 pursuant to section 108(2) of Act CCXXII of 2015 on the General Rules of Electronic Administration and Trust Services.