

Lov om avgift på offentlig framføring av utøvende  
kunstneres prestasjoner m.v.

Lovens fulle tittel og evt. korttittel på engelsk:

**Act No. 4 of 14 December 1956 relating to a Levy on  
the Public Presentation of Recordings of Performers'  
Performances, etc.**

Lovhjemmelens dato og nummer (for forskriftene):

**14. desember 1956** m. 4

Opplysninger om når loven sist ble endret:

**9. juni 1989**

Dato for oversettelsen:

**14. februar 1992**

Institusjonen som er ansvarlig for oversettelsen:

**UD' oversettelseskontor**

Eventuelle bemerkninger:

**Oversatt av Maidie Kloster**

Act No. 4 of 14 December 1956 relating to a Levy on the Public Presentation of Recordings of Performers' Performances, etc., as subsequently amended, latest by Act No. 31 of 9 June 1989

§ 1. By means of levies imposed pursuant to the provisions of this Act, a fund shall be established for performers and the production of recordings of the performances of such performers.

The assets of the fund shall be used to support Norwegian performers and for grants for Norwegian recordings, preferably by Norwegian performers. A portion of the fund's assets may also be used to support the surviving relatives of Norwegian performers.

For the purposes of this Act, performers means musicians, singers, actors, dancers, conductors, stage directors, and other persons who through their art perform intellectual works.

§ 2. The fund shall be administered by an executive committee appointed by the King. Remuneration for the members of the executive committee shall be determined by the Ministry concerned.

The Ministry will issue further rules concerning the administration of the fund, the auditing of the fund's accounts, and the utilization of the fund's assets.

Each year the executive committee shall submit to the Ministry a report concerning the activities of the fund.

§ 3. A levy to the fund shall be payable by any person who for commercial purposes publicly

- a. presents, otherwise than by broadcasting, the performances of performers by means of gramophone records or other sound recordings, or films, including videograms,
- b. presents, by means of a radio or television receiver, the performances of performers.

The obligation to pay a levy does not extend to the presentation of a film in a cinema. Also exempted is such presentation as is mentioned in the first paragraph, litra b, if such presentation does not constitute an important element of the business or activity in question. Nor shall a levy be paid when the presentation takes place under such circumstances that the author would not be entitled to remuneration pursuant to the provisions of the Act relating to Copyright in Intellectual Works.

Performers or producers of recordings may not demand special remuneration for a presentation which is subject to a levy pursuant to this section. Nevertheless, this provision shall not prevent a performer or producer from reserving the right, by agreement, to remuneration for the public presentation of films and videograms, nor shall it prevent a performer from reserving the right, by agreement with the producer, to remuneration for certain public presentations by means of a sound recording when the said recording is made for the purpose of such public presentation.

The producer or distributor of a recording mentioned in the first paragraph, litra a, may not prohibit the purchaser of the recording from making a presentation that is subject to a levy pursuant to the terms of this section.

§ 4. A levy to the fund shall also be paid by any person who, for commercial purposes, transfers, or permits the transfer of, for use here in Norway, a recording of a performer's performance to a cinematographic film, gramophone record, tape recording or other new aural fixation, if the recording that is transferred was not produced for use in the particular product to which it is transferred. No levy shall, however, be paid if the person in question has recompensed the performer for the necessary consent to the transfer.

The obligation to pay a levy does not extend to transfers by broadcasting enterprises of recordings for use in their own broadcasts, if the transfer is made by means of the enterprise's own facilities.

§ 5. The Ministry will determine the amount of the levy within the maximum limits for rates decided upon by the King.

The executive committee of the fund will compute and invoice the levies.

Disputes concerning the obligation to pay a levy or concerning the computation of the levy may be appealed to the Ministry.

The executive committee may, from any person whom it assumes to be liable to pay a levy pursuant to sections 3 and 4, demand any information it deems necessary in order to decide whether such person is liable to pay the levy or to compute the amount of the levy. Any person who, in return for compensation, makes technical equipment available for such presentation as is mentioned in section 3, litra a, is similarly obliged to provide information.

The Ministry will issue further regulations concerning the obligation to provide information and concerning payment of the levy. It may reduce or waive a levy that has been imposed when there are special reasons for doing so.

The levy may be collected by distraint from any person liable for the payment thereof.

§ 6. Any person who wilfully or negligently violates this Act or any provisions issued pursuant thereto, shall be liable to fines.

Any person who, wilfully or by gross negligence, becomes guilty of any such punishable violation shall be obliged to pay twice the amount of the levy, if the fund has or might have been deprived of the levy through such violation. The provision in section 5, last paragraph, shall apply correspondingly.

§ 7. This Act shall not affect rights dealt with in the Act relating to Copyright in Intellectual Works.

§ 8. This Act shall enter into force on 1 July 1957.