

Directive 2001/29/EC of the European Parliament and of  
the Council of 22 May 2001 on the harmonisation of certain  
aspects of copyright and related rights in the information society

CHAPTER IV

**COMMON PROVISIONS**

*Article 11*

**Technical adaptations**

- 1 Directive 92/100/EEC is hereby amended as follows:
  - a Article 7 shall be deleted;
  - b Article 10(3) shall be replaced by the following:
    3. The limitations shall only be applied in certain special cases which do not conflict with a normal exploitation of the subject-matter and do not unreasonably prejudice the legitimate interests of the rightholder.
- 2 Article 3(2) of Directive 93/98/EEC shall be replaced by the following:
  2. The rights of producers of phonograms shall expire 50 years after the fixation is made. However, if the phonogram has been lawfully published within this period, the said rights shall expire 50 years from the date of the first lawful publication. If no lawful publication has taken place within the period mentioned in the first sentence, and if the phonogram has been lawfully communicated to the public within this period, the said rights shall expire 50 years from the date of the first lawful communication to the public.

However, where through the expiry of the term of protection granted pursuant to this paragraph in its version before amendment by Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society<sup>(1)</sup> the rights of producers of phonograms are no longer protected on 22 December 2002, this paragraph shall not have the effect of protecting those rights anew.

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**Status:** EU Directives are being published on this site to aid cross referencing from UK legislation. After  
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

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(1) [OJ L 167, 22.6.2001, p. 10.](#)'