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The claim for multiplicity of due remuneration in the Polish copyright versus European law

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Abstract:

The article investigates the way Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights was implemented to the Polish copyright law. It pays special attention to the provision of art. 79 sec. 1 of the Polish copyright law that provides for payment of double or, where the infringement is culpable, triple the amount of respective remuneration that would have been due as of the time of claiming it in exchange for the rightholder’s consent for the use of the work and analyzes whether it constitutes punitive damages that are prohibited by the above Directive. It explains the reasons rooted in economic analysis of law behind it and outlines some possible risks arising therefrom.