

**Author:** Tomasz Targosz

**Title:** Dziewięćdziesięciolecie pierwszej polskiej ustawy prawnoautorskiej — czyli kilka uwag o żyjącej przeszłości / 90th anniversary of the first Polish Copyright Act: some notes on the living past

**Source:** Kwartalnik Prawa Prywatnego („Quarterly of Private Law”)

**Year:** 2016, vol: XXV, number 4, pages 769-819

**Keywords:**

**Discipline:** Law (Private Law, International Private Law, European Law, Commercial Law, Labor Law, Civil Procedure)

**Language:** Polish

**Document type:** Article

**Publication order reference:**

**Abstract:**

The article attempts to celebrate the 90<sup>th</sup> anniversary of the first Polish Copyright Act (the Copyright Act of 1926) by tracing its legacy in the current Copyright Act of 1994. Having sketched the background against which the 1926 Act came into being, including the state of international copyright harmonization in the 1920s, the author sets to compare the 1926 Act with the 1994 Act. To make this comparison manageable the author assumes that certain elements are always key to any copyright law system. How a copyright system approaches the issues of the definition of subject-matter (work), the ownership of copyrights, moral and economic rights, copyright exceptions and limitations, infringement and copyright contracts determines its characteristics and distinguish it from other regulations. Other issues, though often practically important, are theoretically less distinctive. When one looks at the 1926 Act through this lens it become evident that its backbone has been preserved in the 1994 Act to surprisingly large extent. Despite major technological innovations and numerous international and UE influences the Polish copyright law (and theory) have managed to remain true to their origins. This can be demonstrated using the examples of the open definition of a copyright work, the concept of the protection of moral rights, the nature of copyright infringement or even the wide scope of the private use exception. The result of the undertaken analysis indirectly confirms the generally accepted belief that the 1926 Act was a piece of legislation of exceptionally high quality. It would be even possible to imagine it still in force today, of course with many amendments. The author concludes that the foundations of the Polish copyright law were indeed laid in 1926 and that they support the whole structure to this day.