



4.8. DK– Denmark⁶²

4.8.1. Key findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	No
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	Yes ⁶³
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of an independent producer of audiovisual works is generally related to its independence from broadcasters.
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters.
- In Denmark during the past years a market practice was established allowing independent producers to conclude an agreement with broadcasters according to a standard contract for feature films the conditions of which were discussed and agreed between the Danish public service broadcasters (DR and TV 2) and the Producers' Association (*Producentforeningen*).⁶⁴ This standard contract regulated the acquisition by broadcasters of exploitation rights in Danish feature films, including duration. That practice is no longer in place.

⁶² The summary on Denmark incorporates feedback received from Søren F. Jensen, senior legal advisor at the Danish Agency for Culture and Palaces during the checking round with the national regulatory authorities.

⁶³ See section 6.7.2.2. of the mapping report on national remedies against online piracy of sports content, entitled "Legal protection related to sports events": "*Moral and economic rights attached to the work shall initially belong to the author, as original creator. In the case of audiovisual works, the economic rights belonging to the author are usually transferred to the producer of the work, unless otherwise prescribed by contract*". (European Audiovisual Observatory, Strasbourg 2021, available at: <https://rm.coe.int/mapping-report-on-national-remedies-against-online-piracy-of-sports-co/1680a4e54c>)

⁶⁴ See <https://www.dfi.dk/branche-og-stoette/ny-standardkontrakt-spillefilm-0> and <https://pro-f.dk/projekter/dr-og-tv-2-har-et-kulturelt-og-oekonomisk-ansvar-dansk-film> (both in Danish).



4.8.2. National definition of independent producer/independent production

Legislation	Summary of the measures
Section 13(1) No. 2 of Order No. 1159 of 18 June 2020 on programming activities on the basis of registration (<i>Bekendtgørelse om programvirksomhed på grundlag af registrering – BEK nr 1159 af 18/06/2020</i>) ⁶⁵	In section 13(1) No. 2 of the order on programming activities on the basis of registration there is a general reference to producers of European works as entities independent from broadcasters.

4.8.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A.

⁶⁵ <https://www.retsinformation.dk/eli/ta/2020/1159>