
Kluwer Copyright Blog

Poland: Derived work, Supreme Court of Poland, I CNP 10/14, 14 November 2014

Karolina Sztobryn (University of Lodz) · Monday, July 20th, 2015

The Supreme Court held that it is a matter of fact, not law, whether a work created from fragments of another work is a derivative work (according to Article 2 of the Copyright Act) or another kind of non-independently created work. Therefore this type of issue cannot be debated in an action for determining the lawfulness of the court's judgment. The Supreme Court likewise acknowledged the legality of the appeal court's views with regard to the applicability of Article 78(2) of the Copyright Act, rather than Article 445 §3 of the Civil Code, in cases where damages are sought after the author's death. Although this legal issue is questionable in the Polish literature, the Supreme Court recognised that the appeal court's findings that an author's moral rights do continue after death were convincing, and that there were no legal grounds to regard them as contrary to the proper interpretation of the law.

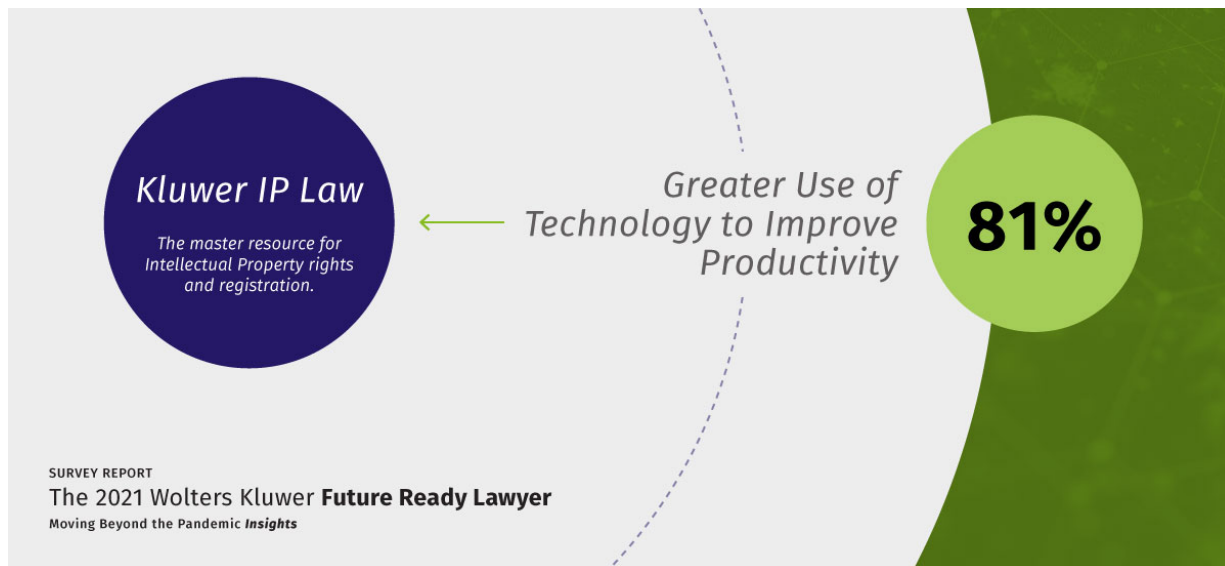
A [full summary](#) of this case has been published on [Kluwer IP Law](#).

To make sure you do not miss out on regular updates from the Kluwer Copyright Blog, please subscribe [here](#).

Kluwer IP Law

The **2021 Future Ready Lawyer survey** showed that 81% of the law firms expect to view technology as an important investment in their future ability to thrive. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how [Kluwer IP Law](#) can support you.



Kluwer IP Law



This entry was posted on Monday, July 20th, 2015 at 12:30 pm and is filed under [Case Law](#), [Enforcement](#), [Landmark Cases](#), [Moral rights](#), [Poland](#), [Remedies](#). You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can skip to the end and leave a response. Pinging is currently not allowed.