

ASPECTS RELATING TO THE PROTECTION OF COPYRIGHT IN CUBA.

A. CHARACTERISTICS OF WORKS TO BE UNDERSTOOD PROTECTED BY COPYRIGHT:

- *It must be a human creation, because the contribution of the person creating the work is necessary.*
- *Original character: It is understood in two ways: in a subjective sense when it reflects the personality of the author to whom is attributed and in an objective sense as a novelty objective to be different from all other existing work.*
- *Which can be expressed by any means or tangible or intangible support: The object of protection is the work understood as a form of expression, it does not include the expressed ideas or information that constitutes its content. The work is protected as is done and is perceptible. This distinction between the protected work (corpus mysticum) and its material support (corpus mechanicum) is derived; because copyright lies with the immaterial or intangible creation that is ultimately the protected work.*

B. COPYRIGHT CONTENT.

Copyright as all subjective right is composed of faculties, specifically moral faculties and patrimonial faculties.

- *MORAL FACULTIES. Powers / rights attached to the spiritual realm of the work, ie those closely associated with the personality of its author; in this regard they include: Paternity Law, Law Integrity Disclosure Law and the Law of retraction or reversal.*
- *PATRIMONIAL FACULTIES. Faculties / economic rights that are associated with the exploitation of the work, ie the way the works are used in terms of obtaining an economic benefit, being among these: reproduction right, distribution right, right of public communication and the law of Transformation.*

C. DURATION OF COPYRIGHT

The life of the author of the work, plus 50 years after his death (post mortem auctoris); in this latter case, starting from January 1 next year the author's death. However, it is clear that the powers / moral rights are perpetual and non-transferable and inalienable. In any case, expiry of the term of the patrimonial faculties that make up the contents of copyright works can be used freely by all, provided that the moral authority of the creator (its authorship and integrity) are respected, through the regime known as public domain.