

429/2022 Coll.

ACT

of 8 December 2022

**amending Act No. 121/2000 Coll., on Copyright, on Rights Related to the Copyright and on
Amendment of Certain Acts (the Copyright Act), as amended, and related acts**

The Parliament has adopted the following Act of the Czech Republic:

PART ONE

Amendment of the Copyright Act

Article I

[Act No. 121/2000 Coll., on Copyright, on Rights Related to the Copyright and on Amendment of Certain Acts (the Copyright Act), as amended by Act No. 81/2005 Coll., Act No. 61/2006 Coll., Act No. 186/2006 Coll., Act No. 216/2006 Coll., Act No. 168/2008 Coll., Act No. 41/2009 Coll., Act No. 227/2009 Coll., Act No. 153/2010 Coll., Act No. 424/2010 Coll., Act No. 375/2011 Coll., Act No. 420/2011 Coll., Act No. 18/2012 Coll., Act No. 496/2012 Coll., Act No. 156/2013 Coll., Act No. 303/2013 Coll., Act No. 64/2014 Coll., Act No. 228/2014 Coll., Act No. 355/2014 Coll., Act No. 356/2014 Coll., Act No. 250/2016 Coll., Act No. 298/2016 Coll., Act No. 102/2017 Coll., Act No. 183/2017 Coll., Act No. 50/2019 Coll., Act No. 277/2019 Coll., and Act No. 94/2021 Coll., is amended as follows:

1. At the end of footnote 1, the sentences "Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules for the exercise of copyright and related rights applicable to certain online broadcasts by broadcasting organisations and retransmitted television and radio programmes and amending Council Directive 93/83/EC.

Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the digital single market and amending Directives 96/9/EC and 2001/29/EC." are added.

2. In Article 1 at the end of letter (b) point 7 is added, which reads:

"7. the right of the publisher of a press publication,".

3. In Article 18, at the end of paragraph 2, the sentence "The communication of a work to the public shall also include the making available to the public of a work by an online content-sharing service provider pursuant to Article 46(1), where the work has been uploaded by a user of such a service." is added.

4. In Article 21, at the end of paragraph 1, the sentences "Broadcasting of a work by radio or television shall also mean the supply of programme-carrying signals by the original broadcaster to the operator of retransmission services pursuant to Article 22, even if the programme-carrying signals are not accessible to the public during such supply. The use of a work referred to in the second sentence shall be deemed to be a single act of communication to the public in which the broadcaster and the operator of retransmission services pursuant to Article 22 participate, but not jointly and severally, and for which both must obtain a licence for their respective share of such communication to the public; the provisions of Article 97d(1)(a)(1) and (2), Article 97d(1)(c), Article 97e(4)(c) and (n) and Article 98c(5) shall apply mutatis mutandis. Paragraphs 5 to 7 shall not apply to the operator of retransmission services." are added.

5. In Article 21(7), the words "the broadcaster has its management bodies located" are substituted by "the headquarters of the broadcaster is located".

6. A new Article 21a is inserted after Article 21, which including the title thereof and footnote No. 30

reads:

“Article 21a

Ancillary online service of the broadcaster

(1) For the purposes of this Act, a broadcaster's ancillary online service means

- a) the transmission of a work over a computer or similar network by the same broadcaster at the same time as the transmission of the work by another technology, in unaltered form,
- b) the making available to the public of the broadcast work by the same broadcaster pursuant to Article 18(2) for a specified period after the broadcast of the work, or the making available to the public of a work by the same broadcaster pursuant to Article 18(2) where the work is part of material which is ancillary to its broadcast, such as previews of a broadcast programme and reviews of such a programme.

(2) Unless otherwise agreed, the use of the work referred to in paragraph 1 shall be deemed to take place in the territory of the Member State of the European Union or of the European Economic Area in which the headquarters of the broadcaster is situated.

(3) Paragraph 2 shall apply to the use of the work

- a) by a radio broadcaster and
- b) by a TV broadcaster in a news or current affairs programme or in a programme produced exclusively by that broadcaster; this does not apply to the use of a work included in the broadcast of a sports event broadcast by a TV broadcaster.

(4) Paragraph 2 shall also apply to reproduction of a work which is necessary for the provision of, access to or use of an ancillary online service.

(5) When negotiating the remuneration³⁰⁾ for the grant of the authorisation to exercise rights referred to in paragraphs 1 to 4, account shall be taken of the characteristics of the ancillary online service, in particular its nature, the duration of the availability of the work, the territorial scope of use, the number of listeners or viewers and the number of language versions. This is without prejudice to the possibility of calculating the amount of remuneration on the basis of the broadcaster's income from the ancillary online service.

³⁰⁾ Article 2366 of the Civil Code."

7. In Article 22, at the end of the text of subsection (1), the words are added " , regardless of how that person obtains for such purposes signals carrying sounds or images and sounds or expressions thereof intended for reception by the public from the original broadcaster. The provisions of Article 21 (3) second sentence apply similarly."

8. In Article 22(2), at the end of the text of the first sentence, the words " , regardless of how a person other than the broadcaster of such a broadcast obtains for such purposes signals carrying sounds or images and sounds or expressions thereof intended for reception by the public from the original broadcaster" shall be added.

9. Article 23, including its title, reads:

" Article 23

Performing Radio or TV Broadcast

The performing a radio or television broadcast of a work means the making available of a work broadcast by radio or television by means of a device technically capable of receiving radio or television broadcasts. The making available of a work to patients in the course of the provision of health care services in health care facilities shall not be deemed to be the operation of a radio or television broadcasting pursuant to Article 18(3).

The making available of a work to a narrow circle of persons shall not be deemed to constitute the operation of radio and television broadcasting under Article 18(3) if such making available is incidental and independent of the wishes of the recipients and is not of a profit-making nature."

10. A new Article 25b is inserted after Article 25a to read, including the title thereof, as follows:

“Article 25b

The right to an appropriate share of the revenues of the publisher of a press publication

The author of a work incorporated in a press publication shall be entitled to an appropriate share of the revenues of the publisher of the press publication accruing to that publisher from the exercise of the right under Article 87b."

11. In Part One, Title I, Volume 3, at the end of the heading of Section 6, the words "and out-of-commerce works " shall be added.

12. After Article 27b new Article 27c is added, which reads:

“Article 27c

A work referred to in Article 2 shall be deemed to be an out-of-commerce work if, after reasonable efforts have been made to determine whether it is available to the public, it may be presumed in good faith that it is not available to the public through customary channels of commerce."

13. In Article 28, the words "paragraphs 2 and" are deleted, the words "and Article 87a(1)" are inserted after the word "first" and the words "not affected" are replaced by the words "not affected".

14. In Article 29, a new paragraph (3) is inserted to read as follows:

"(3) Juridical acts excluding or limiting exceptions of and limitations to copyright shall be disregarded unless otherwise provided by law."

15. After Article 31 the following new Article 31a is inserted, which including the title and footnotes Nos. 31 to 34 reads:

“Article 31a

Licences for digital teaching

(1) A school, higher education institution or education or training facility³¹⁾ is not infringing copyright if it digitally uses a work under its own responsibility in teaching for illustrative purposes, not for direct or indirect economic or commercial gain, provided that it is done on the premises of the school or facility or in other places, or within a secure electronic environment accessible only to pupils or students and teachers of the school or facility, and provided that the name of the author, the title of the work and the source, where applicable, are indicated.

(2) The use of a work referred to in paragraph 1 shall be deemed to take place only in a Member State of the European Union or of the European Economic Area in which the school, higher education institution or education or training facility using the work is established or recognised by that State³²⁾.

(3) The provisions of paragraph 1 shall not apply to the use of a work primarily intended for educational purposes and to the use of a published sheet music of musical or musical-dramatic work. A work primarily intended for educational purposes means a work which has been granted an approval clause under the Education

Act³³) and other such textbooks or teaching texts³⁴).

³¹) For example, Act No. 561/2004 Coll., on pre-school, primary, secondary, tertiary technical and other education (Education Act), as amended, Act No. 111/1998 Coll., on higher education institutions and on amendments and supplements to some other acts (Higher Education Act), as amended, Act No. 563/2004 Coll., on educational staff and on amendments to certain acts, as amended, Act No. 108/2006 Coll., on social services, as amended, Act No. 312/2002 Coll., on officials of territorial self-government units and on amendments to certain acts, as amended, Decree No. 74/2005 Coll., on extracurricular education, as amended, Decree No. 71/2005 Coll., on basic artistic education, as amended, Decree No. 33/2005 Coll., on language schools with the right to the state language examination and state language examinations, as amended.

³²) Article 38 (1) (c) of Act No. 561/2004 Coll.

Article 93f of Act No. 111/1998 Coll.

³³) Article 27 (1) of Act No. 561/2004 Coll.

³⁴) Article 27(2) of Act No. 561/2004 Coll.

16. In Article 35 (2) the word "higher education institutions" shall be inserted after the word "schools".

17. In Article 35(3), the words ", higher education institution" shall be inserted after the word "school" and the words ", of higher education institution" shall be inserted after the word "of school".

18. In Article 37(2), the words "and libraries of higher education institutions, the National Library of the Czech Republic (hereinafter referred to as the "National Library"), the Moravian Library in Brno, the National Technical Library, the National Medical Library, the Comenius National Pedagogical Library, the Library of the Institute of Agricultural and Food Information, the Library of the National Film Archive and the Parliamentary Library of the Czech Republic" shall be replaced by the words ", libraries of higher education institutions and libraries of museums, galleries and archives".

19. In Article 37a(9), the words "for harmonisation in the internal market" shall be replaced by "of the European Union for Intellectual Property".

20. A new Article 37b is inserted after Article 37a to read, including the title thereof and footnote No. 35:

“Article 37b

Licence for the use of an out-of-commerce work

(1) The copyright shall not be infringed by a library, archive, museum, gallery or institution for the preservation of film or sound or other cultural heritage³⁵) (hereinafter referred to as "cultural heritage institution") which, not for direct or indirect economic or commercial gain, reproduces and makes available in the manner referred to in the first sentence of Article 18(2) on its website established or operated not for direct or indirect economic or commercial gain, an out-of-commerce work which is permanently in its collections. However, the name of the author must always be indicated, if possible, unless the work is anonymous, or the name of the person under whose name the work is being made public, as well as the title of the work and the source.

(2) A use of an out-of-commerce work pursuant to paragraph 1 shall be deemed to take place only in a Member State of the European Union or of the European Economic Area in which the cultural heritage institution using the work is established or recognised by that State.

(3) The provisions of paragraphs 1 and 2 shall apply only to a work about which, at least 6 months before the use referred to in paragraph 1 takes place, information has been permanently published by the cultural heritage institution on the Portal of Out-of-Commerce Works established and maintained by the European Union Intellectual Property Office in accordance with the directly applicable regulation of the European Union governing the competence of the European Union Intellectual Property Office¹⁴) and on the website of that institution

- a) identifying the work and the author,
- b) on the manner and extent of the use referred to in paragraph 1 and
- c) the author's right to exclude the use of the work pursuant to paragraph 1.

(4) The provisions of paragraphs 1 to 3 shall apply only to the work and the rights thereto, unless the exercise of the collective management of rights has been authorised pursuant to Article 97e(4)(m).

(5) The provisions of paragraphs 1 to 3 shall apply only to a work and the rights thereto whose author does not exclude such use either in specific cases or in general, even after the use referred to in paragraph 1 has taken place.

(6) The provisions of paragraphs 1 to 5 shall not apply to collections of out-of-commerce works if it has been established, after reasonable efforts have been made pursuant to Article 27c, that such collections consist mainly of

- a) works other than cinematographic or audiovisual, first published or, in the absence of publication, first broadcast in a third country;
- b) cinematographic or audiovisual works, of which the producers have their headquarters or habitual residence in a third country, or
- c) works created by nationals of third countries where it has not been possible, even after a reasonable effort, to identify a Member State of the European Union or of the European Economic Area or a third country pursuant to points (a) and (b).

³⁵⁾ For example Act No. 257/2001 Coll., on Libraries and Conditions for the Operation of Public Library and Information Services (Library Act), as amended, Act No. 122/2000 Coll., on the Protection of Museum Collections and on Amendments to Certain Other Acts, as amended, Act No. 499/2004 Coll., on Archives and Records Management and on Amendments to Certain Acts, as amended, Act No. 496/2012 Coll., on Audiovisual Works and Support for Cinematography and on Amendment to Certain Acts (the Audiovision Act), as amended".

21. Article 38g including the heading reads:

"Article 38g

License for caricature, parody or pastiche

Copyright is not infringed by anyone who uses a work for the purposes of caricature, parody or pastiche."

22. In Article 39a paragraph 5 is cancelled.

23. After Article 39b, the following new Articles 39c and 39d are inserted, including the headings:

"Article 39c

License to reproduce a work for the purpose of automated text or data analysis

(1) The copyright shall not be infringed by a person who makes a reproduction of a work for the purpose of automated analysis of texts or data in digital form, carried out for the purpose of generating information including, inter alia, patterns, trends and correlations; they shall be entitled to retain the reproduction so made only for as long as necessary for the purposes of such automated text or data analysis.

(2) The provisions of paragraph 1 shall not apply to reproductions of a work the use of which has been expressly reserved by the author in accordance with paragraph 1 in an appropriate manner; in the case of a work made available pursuant to Article 18(2) by machine-readable means.

(3) The provisions of paragraphs 1 and 2 are without prejudice to the provisions of Article 39d.

Article 39d

License to reproduce a work for the purpose of automated text or data analysis for scientific research

Copyright is not infringed

a) by a higher education institution which carries out scientific research as part of its activities, or a legal person whose main purpose is to carry out scientific research or to carry out educational activities which also include scientific research, if the scientific research of that institution or legal person is carried out in such a way that access to its results is not given preferentially to the person exercising decisive influence over that higher education institution or legal person, and at the same time so that the research is carried out in the public interest or on a not-profit basis or so that all profits are reinvested in the scientific research of that higher education institution or legal person, or

b) by a cultural heritage institution,

if it makes a reproduction of the work for the purposes of scientific research for the purpose of automated analysis of texts or data in digital form, carried out for the purpose of generating information including, inter alia, patterns, trends and correlations; it shall store the reproduction so made with an appropriate level of security and may keep it for the purposes of scientific research, including the verification of research results."

24. In the introductory part of Article 42(1), the words "customs authorities and authorities performing the State Statistical Service" shall be replaced by "authorities of the Customs Administration of the Czech Republic" and the words "or acceptance" shall be deleted.

25. In the final part of Article 42(1), the words "and statistical" and the words "or admission" shall be deleted and the words "are entitled" shall be replaced by the words "is entitled".

26. In Article 42(2), the words "or on dispatch" are deleted.

27. In Article 42, a new paragraph (4) is inserted to read as follows:

"(4) The provision of such information shall not constitute a breach of confidentiality under the Tax Code."

28. In Article 43 (4) the words "Article 37(1)(a) and (b)" are deleted.

29. In Article 43, new paragraph 6 is put behind paragraph 5, reading as follows:

"(6) The legal protection under paragraph (1) shall be without prejudice to the provisions of Articles 31a, 37(1)(a) and (b) and 39d to the extent necessary to take advantage of the exemption. An author who has used technical means for their work pursuant to paragraph 3 shall be obliged to make the work available to authorised users to the extent necessary to fulfil the purpose of the use of the work."

Existing paragraph 6 becomes paragraph 7.

30. In Article 43(7), the words "paragraph 4" shall be replaced by "paragraphs 4 and 6".

31. In Part One, Title I, the following Volumes 6 and 7 are inserted after Volume 5, including the headings and footnotes Nos. 36 to 39:

"Volume 6

Use of a work by an online content-sharing service provider

Article 46

(1) For the purposes of this Act, an online content-sharing service provider shall mean an information society service³⁶⁾ provider of which the main purpose or one of the main purposes is to store and communicate to the public a large number of works uploaded by a user of such service and which competes or may compete with other online services making works available to the same target audience, where the provider of such service organises and promotes such works for profit-making purposes.

(2) An online content-sharing service provider shall not be considered to be a provider of such an information society service³⁶⁾, which is a not-for-profit online encyclopaedia, a not-for-profit educational and scientific repository, an open source software-developing and sharing platform, an electronic communications service³⁷⁾, an online marketplace and a business-to-business cloud service and a cloud service that allows users to upload content for their own use.

Article 47

(1) An online content-sharing service provider shall not be liable for the unauthorised communication of a work to the public pursuant to Article 18(2) if

- a) he made best efforts to obtain an authorisation to exercise this right,
- b) in accordance with high industry standards of professional diligence, he made best efforts to prevent the uploading of a work about which the author has provided with relevant and necessary information; and
- c) immediately after receiving a sufficiently substantiated notice from the author, disabled access to the work or removed it from his website and made best efforts to prevent its future upload in accordance with point (b).

(2) In determining whether an online content-sharing service provider has complied with his obligations under paragraph 1, account shall be taken, in light of the principle of proportionality, inter alia, of

- a) the type and scope of the service, its target audience and the type of work uploaded by the service user; and
- b) the availability of suitable and effective means to fulfil the obligations under paragraph 1 and their cost to the service provider.

(3) The use of automatic content recognition tools may only prevent the uploading of a work under paragraph 1(b) and prevent the future upload of a work under paragraph 1(c) where the online content-sharing service provider assesses the uploaded content as identical or equivalent to the work identified by the author under paragraph 1(b) or (c). Identical content means identical content without additional elements or added value. Equivalent content means content that differs from the work identified by the author only by modifications that can be considered insignificant without the need for additional information to be provided by the author and without an independent assessment of the legitimacy of the use of the work with modifications under this Act.

(4) An online content-sharing services provider does not have a general monitoring obligation over the content stored by users of its service.

(5) The online content-sharing service provider cannot invoke the limitation of liability for storing the content of information provided by the user under the Act on Certain Information Society Services³⁶⁾.

Article 48

(1) An online content-sharing service provider whose service has been on the market in the territory of the Czech Republic or of a Member State of the European Union or of the European Economic Area for less than 3 years and which has an annual turnover below EUR 10 million calculated in accordance with the Commission Recommendation concerning the definition of micro, small and medium-sized enterprises³⁸⁾, shall not be liable for the unauthorised communication of a work to the public pursuant to Article 18(2) if

- a) he made best efforts to obtain an authorisation to exercise that right; the provisions of Article 47(2) shall apply mutatis mutandis; and
- b) immediately after receiving a sufficiently substantiated notice from the author, disabled access to the work or removed it from his website.

(2) An online content-sharing service provider to which paragraph 1 applies, whose average monthly number of unique visitors to the service exceeds 5 million, calculated on the basis of the preceding calendar year, shall not be liable for unauthorised communication of the work to the public pursuant to Article 18(2) if he also made best efforts to prevent the future upload of the work about which the author has provided him with relevant and necessary information. The provisions of Article 47 (2) apply mutatis mutandis.

(3) Article 47(3) shall apply mutatis mutandis to the online content-sharing service provider under paragraphs 1 and 2.

Article 49

In fulfilling the obligations under Articles 47(1) and 48(1) and (2), cooperation between online content-sharing service providers and rightholders shall not result in the prevention of the availability of a work made available in accordance with this Act by a user when using the service of an online content-sharing service provider.

Article 50

- (1) An online content-sharing service provider is obliged to
- a) provide the author, at his request, with adequate information about the procedures under Articles 47 and 48 and, where such a service provider has been authorised to exercise the right of communication of the work to the public under Article 18(2), shall provide the author, at his request, with information on the use of the work to which that authorisation relates,
 - b) inform the users of his service in its terms and conditions about the possibilities to use the work in accordance with this Act.

(2) The information referred to in paragraph 1(a) shall be provided by the online content-sharing service provider instead of the author to the person who has contractually acquired the exclusive right to exercise the right to use the work or to whom the exercise of that right is conferred by law.

Article 51

(1) An online content-sharing service provider is obliged to put in place an effective and expeditious complaint and redress mechanism that can be used by the user of his service in the event of disputes over the disabling of access to or removal of a work uploaded by the user. The submission and handling of complaints must be free of charge for the user.

(2) If the author insists on preventing access to or removing his work in the context of a complaint under paragraph 1, he is obliged to justify this.

(3) A complaint under paragraph 1 shall be processed without undue delay. The assessment of a complaint concerning the denial of access to an uploaded work or the removal of an uploaded work shall not be exclusively automated.

Article 51a

Where an online content-sharing service provider repeatedly and unlawfully prevents the uploading of a

work, disables access to a work or removes a work within the meaning of Article 47(1)(b) and (c) in breach of Article 49, a legal person entitled to defend the interests of competitors or customers may seek an injunction against the provider. The provisions of Articles 83(2) and 159a(2) of the Code of Civil Procedure shall apply to the proceedings in an action under the first sentence.

Article 52

Where an author grants an online content-sharing service provider an authorisation to exercise a right pursuant to Article 18(1) or (2), that authorisation shall also apply to the acts referred to in Article 18(1) and (2) performed by a user of that service, unless that user performs those acts in the course of his business or in the independent exercise of his profession or unless those acts generate significant revenues.

Volume 7

Dispute Resolution Procedure

Article 53

Mediation and use of a mediator

For the purposes of this Act, mediation means the practice of a mediator based on providing assistance in negotiations, making proposals, finding solutions to disputed issues and other related activities carried out to facilitate the negotiation of licences for the use of an audiovisual work in the manner provided for in

Article 18(2), the settlement of disputes arising from Article 47(1)(b) and (c), Article 48(1)(b) and Article 49, the settlement of disputes arising from the author's right to claim proportionate and fair additional remuneration for the grant of a licence, the settlement of disputes arising from the performance of the licensee's or sub-licensee's obligation to provide the author regularly with up to date, relevant and comprehensive information on the use of the works³⁹) and in the cases referred to in Article 101. Mediation may be used by rightholders, users pursuant to Article 95(4) or their associations or a collective management organisations pursuant to Article 95a(1). Those interested in mediation may use one or more mediators from the list of mediators maintained by the Ministry.

Article 54

List of mediators

(1) The Ministry shall maintain a list of mediators, which shall include the names of mediators and contact details in accordance with Article 56(1). The list of mediators is a public administration information system and is published on the Ministry's website.

(2) The authorisation to act as a mediator shall be granted by the Ministry to a natural person who

- a) has full legal capacity;
- b) has no criminal record and
- c) is competent.

Article 54a

No criminal record

(1) Pursuant to Article 54(2)(b) a person who has been finally convicted of a deliberate criminal offence shall not be deemed to have no criminal record unless he is treated as if he had not been convicted.

(2) Article 96b shall be used to prove no criminal record *mutatis mutandis*.

Article 54b

Competence

- (1) A person shall be professionally qualified under Article 54(2)(c) if
- a) he/she has obtained a higher education degree in a master's degree programme, and
 - b) successfully passed the mediator's examination.

(2) The mediator's examination includes a test of the knowledge of copyright law necessary to act as a mediator and the basic knowledge and skills of out-of-court dispute resolution. The examination is oral and must not take more than 2 hours. The applicant takes the examination before a commission appointed by the Minister of Culture. The Commission shall consist of at least three members and shall be chaired by a civil servant assigned to the Ministry. The Commission shall have a quorum if all its members are present and shall act by a majority of its members. The examination is graded as "pass" or "fail". The Commission shall draw up a report on the result of the examination. An applicant who has failed the examination may reapply for the examination not earlier than 1 year from the date of the examination in which he/she failed.

Article 55

Visiting mediator

(1) A national of another Member State of the European Union or of the European Economic Area, who is entered by the Ministry in the list of mediators as a visiting mediator on the basis of his/her application, may also perform the activity of a mediator in the Czech Republic temporarily or occasionally as a visiting mediator. Article 56(1) shall apply mutatis mutandis to the submission of this application. The applicant shall attach to the application a copy of a document confirming that he/she is authorised to carry out an activity comparable to that of a mediator in accordance with the legislation of another Member State of the European Union or one of the States of the European Economic Area. The Ministry shall, without undue delay, enter him or her in the list of mediators once the above conditions have been met; however, a person who is not competent or of good character may not be entered in the list of mediators.

(2) The activities of a visiting mediator in the Czech Republic shall be governed by the law of the Czech Republic. A visiting mediator shall be entitled to carry out the activities of a mediator in the territory of the Czech Republic pursuant to this Act as from the date on which he or she is entered in the list of mediators.

Article 56

Entry in the list of mediators, changes to the data entered and removal from the list of mediators

(1) In the application for authorisation to act as a mediator, the applicant shall indicate, in addition to the general requisites of the filing set out in the Administrative Code, the identifier of their data mailbox or address for the delivery of documents in the Czech Republic, or an electronic address.

(2) The Ministry shall enter in the list of mediators the person to whom it has granted authorisation pursuant to Article 54(2). Entry in the list of mediators shall be made by the Ministry on the date of the entry into force of the decision granting the authorisation.

(3) The mediator shall notify the Ministry without undue delay of changes to the data referred to in paragraph 1. The Ministry shall enter the notified changes in the list of mediators.

(4) The Ministry shall remove from the list of mediators a mediator who has died or been declared dead or absent.

(5) The Ministry shall revoke the authorisation to act as a mediator and remove the mediator from the list of mediators or remove the visiting mediator from the list if the mediator or visiting mediator

- a) his/her legal capacity has been limited,
- b) no longer meets the requirement of a no criminal record,
- c) requested the withdrawal of the authorisation to act as a mediator or, in the case of a visiting mediator, the cancellation of the entry in the list of mediators; or
- d) has violated the duty of a mediator established by this Act in a serious manner, or has violated it repeatedly during the last 2 years, despite a written warning from the Ministry.

(6) The Ministry shall remove a visiting mediator from the list of mediators if his/her authorisation to carry out an activity comparable to the activity of a mediator which he/she was authorised to carry out in accordance with the legislation of another Member State of the European Union or one of the States of the European Economic Area has ceased.

(7) The mediator or the visiting mediator shall notify the Ministry in writing of the facts which are grounds for withdrawal of the authorisation to act as a mediator or for removal from the list of mediators, no later than 15 days from the date on which he/she became aware of them.

Article 57

Procedure for using a mediator

(1) A request for mediation pursuant to Article 53 shall be made in writing to the mediator or to the visiting mediator by those interested in mediation. In the request, he or she shall state the current state of negotiations, attach his or her proposal and state the opinion of the other interested parties. A mediator or a visiting mediator shall be obliged to refuse mediation if, having regard to his or her relationship to the case, to the person seeking mediation or to his or her representative, his or her impartiality may be doubted.

(2) If those interested in mediation do not agree on the person of the mediator or of the visiting mediator, the Ministry shall appoint the mediator or the visiting mediator at the request of those interested in mediation.

(3) If nobody of those interested in mediation expresses any objections to the draft agreement prepared by the mediator or the visiting mediator within 3 months of the submission of the draft agreement, they shall be deemed to have accepted it.

(4) If those interested in mediation do not agree with the mediator or the visiting mediator on the amount of his or her remuneration, the mediator or the visiting mediator shall be entitled to remuneration equal to the average wage in the national economy for the first to third quarters of the calendar year preceding the calendar year in which the mediation was provided, as announced under the law regulating employment.

(5) Articles 4(2), 5(2), 6 to 9, 10(1), (2) and (4) and 12 of the Mediation Act²¹⁾ shall apply mutatis mutandis.

³⁶⁾ Act No. 480/2004 Coll., on certain services provided by information companies and on amendments to certain acts (the Act on Services Provided by Information Companies), as amended.

³⁷⁾ Act No. 127/2005 Coll., on electronic communications and on amendment to certain related acts (the Electronic Communications Act), as amended.

³⁸⁾ Commission Recommendation of 6 May 2003 on the definition of micro, small and medium-sized enterprises (OJ 2003 L 124, 20. 5. 2003, p. 36).

³⁹⁾ Article 2374(2) and (3) and Article 2374a of the Civil Code."

Former Volume 7 is hereby titled Volume 8.

32. Article 66(7), including footnote 40, reads as follows:

"(7) The provisions of Articles 30a to 31, 32 and 33, 34(b) to (d), 35 and 36, 37(1)(b) to (d), 37(2) to (5),

37a, 38, 38a(1)(b), 38a(2), 38b to 39, 39d, 43(1), (4), (5) and (7), and the provisions of the Civil Code on the right to proportionate and fair additional remuneration for the grant of a licence, on the right to information on the use of the work, on the right to withdraw from the contract or to limit the licence due to the inaction of the licensee and on the right to withdraw from the contract due to a change in the belief of the author⁴⁰) shall not apply to a computer programme.

⁴⁰) Articles 2374(2) and (3), 2374a, 2378, 2379 and 2382 of the Civil Code."

33. In Articles 74, 78, 82 and 94, the words "Article 27a, Article 27b, Article 28, Article 29" shall be replaced by " Articles 27a to 29".

34. In Articles 74, 78, 82 and 86, after "Article 31" insert ", Article 31a".

35. In Articles 74, 78 and 82, the text "Articles 37, 37a" is replaced by "Articles 37 to 37b" and the text "Articles 38e, 38f, 39 to 44" is replaced by "Articles 38e to 44".

36. In Article 74, the words "and 58" are replaced by ", Articles 46 to 58".

37. In Article 78 and 82, the words "Articles, 46 to 57" are inserted after the words "Articles 38e to 44".

38. In Article 86 the words "Articles 13 to 16, 18 to 23" shall be replaced by words "Articles 13 and 14, 18, 20 and 21, 22 and 23", text "27a, 27b, 28, 29" shall be replaced by the words "27b to 29", text "Article 37b" shall be inserted after the words "Articles 37 (1) and (4)", text "Articles 38e, 38f" shall be replaced by the words "Article 38e to Article 38g" and the words ", Articles 46 to 57" shall be inserted after the words "Articles 39a to 44".

39. In Part One, Title II, the heading of Volume 5 reads:

"Publisher's Rights".

40. In Article 87, new paragraph 2 is put after paragraph 1, reading as follows:

"(2) The publisher shall be entitled to remuneration in connection with the lending of a copy of a work published by him if the person referred to in Article 37(1) lends the copy. The publisher shall not be entitled to remuneration under the first sentence in the case of on-site lending or when school libraries, higher education institutions' libraries and the libraries of museums, galleries and archives lend copies of works published by him."

Former paragraphs 2 and 3 are hereby relabelled as paragraphs 3 and 4.

41. In Article 87(3), the words "The publisher's right shall continue" shall be replaced by "The publisher's rights under paragraphs 1 and 2 shall continue".

42. Article 87, paragraph 4 reads:

"(4) The publisher's rights under paragraphs 1 and 2 shall be transferable."

43. In Part One, Title II, the following Volume 7 is added, including the heading:

“Volume 7

The right of a publisher of a press publication

Article 87b

(1) For the purposes of this Act, a press publication means a collection composed mainly of literary works of a journalistic nature, but which can also include other works or other subject matter, and which

- a) constitutes an individual item within a periodical or regularly updated publication under a single title, such as a newspaper or a magazine,
- b) contains information from the news or other areas; and
- c) is published by the publisher, under its editorial responsibility and control.

(2) A press publication referred to in paragraph 1 shall not be deemed to be a press publication when it was published for scientific or academic purposes.

(3) The publisher of a press publication established in a Member State of the European Union or in a State of the European Economic Area shall have the exclusive economic right to use its press publication and to grant the information society service provider³⁶⁾ the authorisation to exercise this right; without such authorisation, the press publication may be used only in cases provided for by this Act.

(4) The right to use a press publication is the right to

- a) reproduction of a press publication for online use,
- b) making a press publication available to the public in the manner referred to in Article 18(2).

(5) The right of the publisher of a press publication is transferable.

(6) The right of the publisher of a press publication lasts for 2 years from the press publication is published.

(7) Articles 2(3), 4, 6, 7 and 9, 12(2) and (3), 13 and 14, 18(2), 27(8), 27a to 29, 31(1)(b) and (2), 31a, 34(a) to (c), 37(1)(a) and (b), 37a and 37b, 38a(1), 39 to 41, 43 and 44 and 53 to 57 shall apply mutatis mutandis to the right of the publisher of a press publication.

(8) The right to use a press publication under paragraphs 3 and 4 shall not apply to the use of individual words or very short extracts of a press publication and to acts of hyperlinking.

(9) When negotiating the granting of the authorisation to exercise the right to use a press publication pursuant to paragraph 3, the information society service provider³⁶⁾ shall be obliged to maintain a fair, equal and non-discriminatory approach towards the publisher of the press publication and to pay the publisher a proportionate remuneration for the granting of the authorisation to exercise the right to use the press publication.

(10) When negotiating the remuneration³⁰⁾ for the granting of the authorisation to exercise the right to use a press publication pursuant to paragraph 3, account shall be taken in particular of the extent of the use of the press publication in the exercise of the right pursuant to paragraph 4, the territorial scope of the use, the impact of the press publication in relation to the public, the effort made by the publisher in acquiring the content of the press publication and the economic benefit accruing to the information society service provider³⁶⁾ from the use of the press publication, including advertising revenues.

(11) If no agreement on the amount of the remuneration is reached between the information society service provider³⁶⁾ and the publisher of the press publication within 60 days from the date of commencement of negotiations on the granting of the authorisation to exercise the right to use the press publication pursuant to paragraph 3, either of the negotiating parties shall be entitled to apply to the Ministry for the determination of the amount of the

remuneration pursuant to paragraph 10. The application shall include a proposal for the amount of the remuneration or the method of determining it. The Ministry shall invite the other party to give a statement on the request within a period of time which shall not be less than 14 days. The information society service provider³⁶⁾ and the publisher of the press publication are obliged to provide the Ministry, upon request, free of charge, with all data necessary for determining the amount of the remuneration or the method of determining it, within a maximum period of 30 days from the date of receipt of the request.

(12) The Ministry shall, within 60 days of receipt of the application, the statement on the application or the information necessary to determine the amount of the remuneration, whichever is later, determine the amount of the remuneration in accordance with paragraph 10. The provisions of Part Five of the Code of Civil Procedure shall apply to the review of the decision.

(13) Either party shall be entitled to apply for the determination of the amount of the remuneration under paragraphs 11 and 12 no earlier than 3 years after the decision under paragraph 12 has entered into force. This shall not apply if the circumstances in which the amount of the remuneration was determined changed substantially.

(14) The information society service provider is obliged to refrain from acting in a way that circumvents the publisher's right to its press publication, in particular by:

- a) refusing to negotiate in good faith for the grant of an authorisation to exercise the right to use a press publication, including payment of a proportionate remuneration for such use,
- b) arbitrarily restricting or regulating an information society service in a discriminatory manner so as to exclude the necessity of obtaining authorisation to exercise the right to use a press publication from a particular publisher, without having a fair reason for such restriction or regulation; this provision shall apply only where the information society service provider has a dominant position on the market in the service which it has restricted or regulated pursuant to the preceding sentence,
- c) abusing its dominant market position in order to obtain the authorisation to exercise the right to use a press publication on terms that were unreasonably disadvantageous to the publisher.

(15) The provisions of paragraphs 10 to 14 shall apply only if the information society service provider is an entrepreneur and only in relation to the granting of an authorisation to exercise the right to use a press publication for the reproduction and making available to the public of a press publication by the information society service provider in the manner referred to in Article 18(2) for the purpose of making search results available through an internet search engine or through a social network. The provisions of paragraph 11 shall not apply if the publisher expressly refuses to grant the authorisation to exercise the right to use the press publication.

(16) Paragraphs 10 to 13 shall not apply where the contract is concluded by a collective management organisation."

44. Article 90, including its title, reads:

"Article 90

Content of the sui generis right of a maker of a database

(1) The maker of the database has the right to use the entire content of the database or a qualitatively or quantitatively substantial part of it and the right to grant another the authorisation to exercise this right.

(2) The use of the entire contents of the database or its qualitatively or quantitatively substantial part means

- a) making a permanent or temporary direct or indirect reproduction of all or a substantial part of the contents of the database by any means or in any manner,
- b) making all or a substantial part of the contents of the database available to the public in tangible form by

sale or other transfer of ownership of the original or a reproduction of the database, by rental or any online connection or other means of transmission, including offering them for that purpose.

(3) The lending of the original or a reproduction of the database shall not constitute a use under paragraph 2.

(4) Repeated and systematic use of insubstantial parts of the contents of the database and other act that is not normal, reasonable and is detrimental to the legitimate interests of the database maker is not permitted.

(5) The right of the maker of the database is transferable."

45. In Article 91 and in the introductory part of Article 92, the words "extracts or utilises" shall be replaced by "uses".

46. In Article 94, the words "Article 18(2) and (4)" are replaced by "Article 18(2), first sentence, Article 18(4)" and the words "Article 30(1) and (3) and Articles 39a to 44" are replaced by the words "Article 30(1) and (3), Article 31a, Article 37(1)(a), Article 37b, Articles 39a to 44 and Articles 46 to 57".

47. In Article 96a(3)(g), the word "and" is deleted.

48. In Article 96a, at the end of paragraph 3, the full stop shall be replaced with a comma and the letter i) shall be added and shall read as follows:

"(i) the number of rightholders who have expressed an interest in the collective management of their rights by the applicant is sufficiently representative in terms of the type and number of protected subject matter and, in the case of works, the types of works whose use will be the subject of contracts concluded by the collective management organisation."

49. In Article 97d(1)(a), the words "and Article 87(2)" are added at the end of point 6.

50. Article 97d(1) letter c) reads as follows:

"(c) the right of use by retransmission of radio or television broadcast of works, live broadcast of artistic performances and artistic performances recorded on a phonogram or an audiovisual recording, except such performances the phonogram of which has been released for commercial purposes, and the right of use by broadcast of phonograms other than those released for commercial purposes and audiovisual recordings; and further except where

1. the right of retransmission is exercised by the broadcaster in connection with its own broadcast, regardless of whether the rights are its own rights or rights exercised under a contract with the rightholder,
2. the broadcasting by the original broadcaster is made exclusively through an internet access service and the retransmission is not made in a managed environment; for the purposes of this Act, a managed environment means an environment in which secure retransmission of a broadcast is provided to authorised users,".

51. Article 97e(2) reads as follows:

"(2) Paragraph (1) shall not apply to audiovisual works or works audiovisually used, with the exception of musical works audiovisually used, in respect of the uses referred to in paragraph (4)(c) and (e), or to a rightholder for whom collective management is exercised pursuant to paragraph (1) not on the basis of a contract and who excludes the effects of a collective agreement in respect of a particular use and a particular user or in respect of the collective management organisation in respect of all cases of a particular use; the provisions of Article 104a(2) and (3) shall apply mutatis mutandis. If the rightholder excludes the effects of a collective agreement,

the use of the subject matter under the previously concluded collective agreement shall be terminated within a reasonable time after the user becomes aware of the exclusion of the effects of the collective agreement. The collective management organisation shall inform the user within a reasonable period of time in an appropriate manner of the exclusion of the effects of the collective agreement by the rightholder."

52. In Article 97e(3), the words "not by contract" shall be inserted after the words "pursuant to paragraph 1" and the words "pursuant to paragraph 2" shall be inserted after the words "to exclude the effects of a collective agreement".

53. Article 97e(4) letter (c) reads as follows:

"(c) the use of the work by radio or television broadcasting or in the provision of an ancillary online service pursuant to Article 21a(1)(a),".

54. In Article 97e(4)(h), the words "by this library" are deleted.

55. In Article 97e(4)(i), the words "and making available such a reproduction of the work" are replaced by "under Article 97f and distributing or communicating such a reproduction of the work to the public".

56. In Article 97e, at the end of paragraph 4, there is a full stop that shall be replaced with a comma and letters m) and n) shall be added and shall read as follows:

"(m) the making of a reproduction of a work and the distribution or communication to the public of a reproduction of an out-of-commerce work not referred to in subparagraph (i) and of another out-of-commerce subject matter in the collections of a cultural heritage institution in the manner referred to in Article 37b(1),

n) the rights of use by the retransmission of radio or television broadcasts of works, live broadcasts of artistic performances and artistic performances recorded on a phonogram or an audiovisual recording, except such performances the phonogram of which has been released for commercial purposes, and the rights of use in the retransmission of phonograms other than those released for commercial purposes and audiovisual recordings; and, furthermore, except where the right of retransmission is exercised by the broadcaster for its own broadcast, whether the rights are its own or are exercised under a licence agreement with the rightholder, where

1. the original broadcast is made via an internet access service, or
2. the retransmission of the broadcast takes place via an internet access service in an unmanaged environment".

57. In Article 97e, a new paragraph (6) is inserted to read as follows:

"(6) The collective management organisation shall inform about the functioning of the mechanism referred to in paragraphs 1 to 5 on its website.".

58. After Article 97e new Article 97ea is added, which reads:

"Article 97ea

(1) Where a collective management organisation grants, by a collective agreement pursuant to Article 98a(2), an authorisation to exercise the rights of use of the subject matter of protection referred to in Article 97e(4)(i) or (m), unless otherwise agreed, the authorisation so granted shall extend to the territory of all Member States of the European Union and the States of the European Economic Area.

(2) The authorisation to exercise the rights to use the subject matter of protection pursuant to Article 97e(4)(i) or (m) under the conditions referred to in paragraphs 1, 3 and 4 shall be granted to a cultural heritage institution established in the territory of the Czech Republic by a collective management organisation which has

obtained an authorisation to exercise collective rights management pursuant to this Act.

(3) The provisions of paragraph 1 shall apply only to a work, artistic performance or phonogram or audiovisual recording, a database protected by a sui generis right of the maker of the database or a press publication if information identifying the subject matter and the rightholder and the manner and extent of use referred to in paragraph 1 and information on the possibility for the rightholder to exclude the effects of a collective agreement pursuant to Article 97e(2) has been published in a permanent manner on the Portal of Out-of-commerce Works established and maintained by the European Union Intellectual Property Office¹⁴) and on the website of that institution at least 6 months before they have been used by the cultural heritage institution pursuant to paragraphs 1 and 2 and Article 97e (4) (i) or (m).

(4) Article 97e(4)(m) shall not apply to collections of out-of-commerce works and other subject matter if it has been established, after reasonable efforts have been made, that such collections predominantly consist of

a) works other than cinematographic or audiovisual

which have been first published or, in the absence of publication, first broadcast in a third country,

b) cinematographic or audiovisual works, of which the producers have their headquarters or habitual residence in a third country, or

c) works or other subject matter of third country nationals, where it has not been possible, even after reasonable efforts have been made, to identify a Member State of the European Union or of the European Economic Area or a third country in accordance with points (a) and (b).

(5) The provisions of paragraph 4 shall not apply where the number of rightholders who are nationals of third countries or who have their headquarters or habitual residence in a third country, whose rights are managed by the collective management organisation under a contract pursuant to Article 97g, is sufficiently representative in terms of the type and number of registered subject matter and, in the case of works, the types of works."

59. In Article 97f(1), the words "of the Czech Republic (hereinafter referred to as "the National Library")" shall be inserted after the word "library".

60. In Article 97f(3)(a), after the word "expression" the words ", which is in particular the subsequent publication of the work or publication in electronic form," are inserted and the words "network and" are replaced by the word "network,".

61. In Article 97f (3) a new letter b) is to be inserted after the letter a) which shall read:

"(b) the year of publication of the work precedes by at least 20 years the year in which the proposal for inclusion of the work in the list was made; and".

The existing letter (b) shall become letter (c).

62. In Article 97f(5), the words "or the publisher" are inserted after the words "rightholder".

63. In Article 98, a new paragraph (8) is inserted to read as follows:

"(8) The provisions of the Civil Code on the right to a proportionate and fair additional remuneration for the grant of a licence and on the obligation of the licensee or sub-licensee to provide the author with regular, up-to-date, relevant and complete information on the use of the work³⁹) shall not apply to the contracts referred to in paragraph 1."

64. In Article 98c(4), the last sentence is replaced by "The provisions of the first, second and third sentences shall not apply to operators of live public production and suppliers of live public production if there will be or have been performed only traditional culture expressions of a musical nature within the meaning of Article 3(b),

where the true name of the author is not generally known, or where all the rightholders of the work are suppliers of the production in question and at the same time do not have a contract with the collective management organisation for the management of the right of the live performance of the work, or only works in public domain will be performed."

65. In Article 98f(1), the words "Article 101 et seq." shall be replaced by "Article 53 et seq. and 101." and the text "Article101f(1)" shall be replaced by "Article 57(1)".

66. In Article 98f paragraph 4 is repealed.

67. In Article 99e(3), the words "and Article 87(2)" are inserted after "Article 37(2)", the words "75 %" are replaced by "45 %", the words "and 25 %" are replaced by "15 %" and the words "and 40 % to publishers of published works" are added at the end of the paragraph.

68. In Part One, Title IV, Volume 4, the words "in the exercise of collective management" are added at the end of the heading of Section 9.

69. Article 101, including its title, reads:

"Article 101

Use of a mediator in collective management

Interested parties may use one or more mediators from the list of mediators to mediate the negotiation of a collective agreement, a collective contract, an agreement under Article 97g, the negotiation of a tariff or the settlement of disputes arising in the exercise of collective management."

70. Articles 101a to 101f, including the headings, are deleted.

71. In Article 104a, the text "Article 98(2)" is replaced by "Article 98(2) and (8)" and the words "Article 99f(1)(a) to (c) and (f) to (h)" are replaced by "Article 99f(1)(a) to (d) and (f) to (h)".

72. In Article 104a the existing text is designated as paragraph (1) and paragraphs (2) and (3) shall be inserted, which shall read as follows:

"(2) Within 15 days from the date of receipt of the information on the registration number assigned pursuant to Article 104b(3), the independent rights manager shall provide a list of rightholders and subject matter and demonstrate the management of those rights to the collective management organisation which performs collective management of the same rights in relation to the same subject matter and, in the case of a work, to the same type of work. The provision of the list and the demonstration of the rights managed under the first sentence shall be upon receipt by the respective collective management organisation deemed to be an expression of the will of all rightholders whose rights are managed by the independent rights manager to exclude the effects of a collective contract under Article 97e. The provisions of paragraph 3, second and last sentence, shall apply mutatis mutandis.

(3) The independent rights manager shall be obliged to notify in writing to the collective management organisation which exercises collective management of the same rights in relation to the same subject matter and, in the case of a work, to the same type of work, any changes to the list provided to the collective management organisation pursuant to paragraph 2. Unless otherwise agreed between the collective management organisation and the independent rights manager, the scope and technical format of the information and the time period for which the independent rights manager has to provide the information referred to in the first sentence to the collective management organisation shall be determined by the collective management organisation. When deciding on the technical format for the provision of this information, the collective management organisation and the independent rights manager shall take industry rules into account, as far as possible.

73. In Article 104b paragraph 4 is repealed.

Former paragraphs 5 and 6 are hereby designated as paragraphs 4 and 5.

74. In Article 105a(1)(a) and Article 105b(1)(a), the words ", a press publication" shall be inserted after the word "broadcast".

75. In Article 105b(1)(e), the words "Article 101f(2)" shall be replaced by "Article 56(3)" and the word "or" shall be deleted.

76. In Article 105b, at the end of paragraph 1, the full stop shall be replaced with a comma and letters g) and h) shall be added and shall read as follows:

"(g) as an information society service provider³⁶) fails to negotiate an authorisation to exercise the right to use a press publication in accordance with Article 87b(9) or breaches the obligation set out in Article 87b(14); or

(h) as an information society service provider³⁶) or as a publisher of a press publication, fails to provide data pursuant to Article 87b(11)."

77. In Article 105b(2), the words "For an offence under paragraph 1(d)" shall be replaced by "For an offence under paragraph 1(g) or (h), a fine of up to CZK 500,000 or up to 1% of the total annual worldwide turnover in the previous financial year of the person who committed the offence, whichever is higher, may be imposed for an offence under paragraph 1(d)".

78. In Article 105bb(1)(a), the words "Article 104b(4) and (5)" shall be replaced by "Article 104a(2) and (3) or Article 104b(4)".

79. In Article 105bb(1)(b), the words "99f(1)(a) to (c), (f) to (h)" shall be replaced by the words "Article 99f(1)(a) to (d) and (f) to (h)".

80. In Article 105c(1), the words "or (g)" are added at the end of letter (a).

81. In Annex 1, point 9, the words "and in Article 87(2)" shall be inserted after "Article 37(1)".

82. In Annex 1, point 10, the amount "CZK 0.50" shall be replaced by "CZK 1.70".

Art. II

Transitional Provisions

1. Legal relations established before the date of entry into force of this Act and the rights and obligations arising therefrom, as well as rights arising from liability for breach of contracts concluded before the date of entry into force of this Act, shall be governed by the existing legal provisions.

2. The provisions of Article 21a of Act No. 121/2000 Coll., as in force from the date of entry into force of this Act, shall apply to contracts in force on 7 June 2021, which grant a licence to use the subject matter in the ways referred to in Article 21a(1), as from 7 June 2023 if they expire after that date.

3. The right provided for in Article 87b of Act No. 121/2000 Coll., as amended as of the effective date of this Act, shall not apply to a press publication first published before 6 June 2019.

4. The provisions of Article 97d(1)(c) and Article 97e(4)(c) of Act No. 121/2000 Coll., as in force from the date of entry into force of this Act, shall apply to contracts in force on 7 June 2021 granting a licence for the use of the subject matter by radio or television broadcasting or its retransmission, in the case where the broadcaster supplies programme signals to the retransmission operator in the manner referred to in the second sentence of Article 21(1) of Act No. 121/2000 Coll., in the version being in force from the date of entry into force of this Act, as of 7 June 2025, provided that they do not expire after that date.

5. Mediators registered by the Ministry of Culture in the list of mediators pursuant to Article 101a of Act No. 121/2000 Coll., as in force before the date of entry into force of this Act, shall be deemed to be mediators registered in the list of mediators pursuant to Article 54 of Act No. 121/2000 Coll., as in force from the date of entry into force of this Act.

PART TWO

Amendment of the Trade Licensing Act

Art. III

In Article 3 of Act No. 455/1991 Coll., on Trade Enterprise (Trade Licensing Act), as amended by Act No. 273/1993 Coll., Act No. 38/1994 Coll., Act No. 42/1994 Coll., Act No. 200/1994 Coll., Act No. 237/1995 Coll., Act No. 286/1995 Coll., Act No. 147/1996 Coll., Act No. 19/1997 Coll., Act No. 49/1997 Coll., Act No. 217/1997 Coll., Act No. 15/1998 Coll., Act No. 167/1998 Coll., Act No. 356/1999 Coll., Act No. 360/1999 Coll., Act No. 363/1999 Coll., Act No. 122/2000 Coll., Act No. 123/2000 Coll., Act No. 151/2000 Coll., Act No. 158/2000 Coll., Act No. 362/2000 Coll., Act No. 256/2001 Coll., Act No. 477/2001 Coll., Act No. 162/2003 Coll., Act No. 224/2003 Coll., Act No. 38/2004 Coll., Act No. 167/2004 Coll., Act No. 257/2004 Coll., Act No. 499/2004 Coll., Act No. 127/2005 Coll., Act No. 253/2005 Coll., Act No. 62/2006 Coll., Act No. 109/2006 Coll., Act No. 179/2006 Coll., Act No. 130/2008 Coll., Act No. 189/2008 Coll., Act No. 230/2008 Coll., Act No. 254/2008 Coll., Act No. 285/2009 Coll., Act No. 155/2010 Coll., Act No. 160/2010 Coll., Act No. 152/2011 Coll., Act No. 375/2011 Coll., Act No. 428/2011 Coll., Act No. 53/2012 Coll., Act No. 199/2012 Coll., Act No. 202/2012 Coll., Act No. 221/2012 Coll., Act No. 241/2013 Coll., Act No. 303/2013 Coll., Act No. 127/2014 Coll., Act No. 91/2016 Coll., Act No. 188/2016 Coll., Act No. 258/2016 Coll., Act No. 304/2016 Coll., Act No. 204/2017 Coll., Act No. 261/2017 Coll., Act No. 171/2018 Coll., Act No. 255/2019 Coll., Act No. 336/2020 Coll., and Act No. 543/2020 Coll., the following comma shall be replaced by the full stop at the end of paragraph 2 and the following point (m) shall be added:

"(m) mediators registered under the Copyright Act."

PART THREE

Amendment to the Act on the Right to Environmental Information.

Art. IV

In Article 11c (1) of Act No. 123/1998 Coll., on the right to environmental information, as amended by Act No. 380/2009 Coll., Act No. 83/2015 Coll., Act No. 241/2022 Coll., the words "re-utilisation and extraction" shall be replaced by the word "use".

PART FOUR

Amendment to the Criminal Code

Art. V

In Article 270(1) of Act No. 40/2009 Coll., the Criminal Code, as amended by Act No. 86/2015 Coll., the words ", press publication" are inserted after the word "broadcast".

PART FIVE

Amendment to the Act on Basic Registers

Art. VI

Act No. 111/2009 Coll., on Basic Registers, as amended by Act No. 100/2010 Coll., Act No. 424/2010 Coll., Act No. 263/2011 Coll., Act No. 167/2012 Coll., Act No. 303/2013 Coll., Act No. 312/2013 Coll., Act No. 192/2016 Coll., Act No. 298/2016 Coll., Act No. 456/2016 Coll., Act No. 460/2016 Coll., Act No. 251/2017 Coll., Act No. 303/2017 Coll., Act No. 279/2019 Coll., Act No. 12/2020 Coll., Act No. 33/2020 Coll., Act No. 47/2020 Coll., Act No. 51/2020 Coll., Act No. 36/2021 Coll., Act No. 88/2021 Coll., Act No. 261/2021 Coll., and Act No. 284/2021 Coll., is amended as follows:

1. In Article 62(1), the words "the extraction⁵⁰⁾ of its contents" are replaced by "the making of a permanent or temporary direct or indirect reproduction of all or a substantial part of its contents by any means or in any manner⁵⁰⁾".

2. Article 69(1)(h) shall read as follows:

"(h) operating conditions and description of the interface for access in a way that enables remote access to the data of the register of territorial identification and real estate and to make a permanent or temporary direct or indirect reproduction of the entire content of the database or its essential part, by any means or in any way.

PART SIX

Amendment to the Civil Code

Art. VII

Act No. 89/2012 Coll., the Civil Code, as amended by Act No. 460/2016 Coll., Act No. 303/2017 Coll., Act No. 111/2018 Coll., Act No. 171/2018 Coll., Act No. 33/2020 Coll., Act No. 163/2020 Coll., and Act No. 192/2021 Coll., is hereby amended as follows:

1. Article 2374 reads as follows:

"Article 2374

(1) When negotiating the remuneration for the grant of the licence, account shall be taken in particular of the purpose of the licence, the manner and circumstances of use of the work, the extent of the author's creative contribution and the territorial, temporal and quantitative scope of the licence. The remuneration may be agreed as a fixed amount only in justified cases and with regard to the specificities of each sector.

(2) Where the negotiated remuneration for the granting of a licence is so low that it is clearly disproportionate to the profits from the use of the licence and the relevance of the subject of the licence for gaining such profit, the author has the right to a proportionate and fair additional remuneration. Arrangements excluding or limiting the author's right to additional remuneration shall not be taken into account; this shall also apply if the author waives this right.

(3) In the absence of agreement between the parties on the amount of the additional remuneration, the court shall determine the amount of the additional remuneration, taking into account particularly the amount of the original remuneration, the revenue obtained from the exploitation of the licence, the importance of the work for the obtaining of such revenue and the usual remuneration in comparable cases.

2. After Article 2374, new Article 2374a is inserted, which reads:

“Article 2374a

(1) The licensee to whom the licence has been granted for remuneration shall submit to the author, on a regular basis, at least once a year, while maintaining a high level of transparency in each sector and taking into account the specificities of each sector, an up to-date, relevant and comprehensive information about the use of the copyright work. The information shall be provided to the extent reasonable in the circumstances, taking into account particularly the costs in relation to the revenue derived from the use of the copyright work. If such disclosure is unproportionate, the licensee shall provide information about the use of the copyright work at least of the type and level of detail that can reasonably be expected in such a case.

(2) If the author's contribution to the work as a whole is not significant, the author may request information about the use of the work if he proves that he requires it in order to exercise the right to additional remuneration.

(3) If a sub-licence has been granted for the use of the copyright work, the licensee shall provide the author, at his request, with information about the use of the copyright work on the basis of the sub-licence granted; if the licensee does not have information about the use of the copyright work on the basis of the sub-licence granted, or if such information cannot be obtained from the licensee for any other reason, the sub-licensee shall provide such information to the licensee at his request.

(4) Arrangements excluding or limiting the author's right under paragraphs 1 to 3 shall be disregarded. This also applies if the author waives this right."

3. The heading of Article 2378 shall read as follows:

"Withdrawal from the licence agreement and limitation of the licence due to inactivity of the licensee".

4. Article 2378 reads as follows:

"Article 2378

(1) If the licensee does not use the exclusive licence at all, the author may withdraw from the licence agreement or limit the licence as to the ways of using the work or the scope of the ways of use. This does not apply if the non-use of the licence is caused by circumstances predominantly attributable to the author.

(2) If a work contains contributions from multiple authors, only all authors may withdraw from the licence agreement or limit the licence by mutual agreement. If they fail to agree, the court shall, on the application of any of the other authors, substitute a declaration of intent by the dissenting author, if there is good reason to do so and if the dissenting author can fairly be required to do so.

(3) The author may withdraw from the licence agreement or limit the licence for the reasons set out in paragraph 1 only after he invites the licensee to make use of the licence within a reasonable period of time from the delivery of the invitation and the licensee fails to make use of the licence despite the invitation. The author must notify the licensee in the notice of the possibility to withdraw from the contract or to limit the licence after the expiry of the time limit. No notification is required if the use of the licence by the licensee is not possible or

if the licensee declares that he will not use the licence. Upon the expiration of the time limit, the author may choose to terminate the exclusive nature of the licence instead of withdrawing from the contract or limiting the licence."

5. In Article 2379(1), the words "or limitation of the licence" shall be inserted after the word "licence agreement".

6. In Articles 2379(2) and 2380, the word "sufficient" is deleted.

7. Article 2381 reads as follows:

"Article 2381

(1) If the licence has not been used at all, the author shall reimburse the licensee the remuneration received from him under the licence agreement from which he has withdrawn; if the author has limited the licence or terminated the exclusive nature of the licence, the part of the sentence before the semicolon shall apply *mutatis mutandis*. The remuneration for the use made after the time of limitation of the licence or termination of its exclusive nature shall be adjusted *mutatis mutandis*.

(2) If the licensee was obliged to use the licence and has breached this obligation, the author's right to remuneration remains unaffected by the termination of the licence agreement or the limitation of the licence due to the licensee's inactivity. If the remuneration was agreed on the basis of the proceeds from the use of the copyright work, the author shall be deemed to have acquired the right to remuneration in the amount which would have accrued to him if the licensee had used the licence at the time before the termination of the licence agreement or the limitation of the licence."

8. In Articles 2388 and 2389, the words "the right provided for in Article 2374" are replaced by "the rights provided for in Articles 2374 and 2374a".

9. At the end of footnote 1, the sentence "Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the digital single market and amending Directives 96/9/EC and 2001/29/EC" shall be added on a separate line.

PART SEVEN

FORCE

Art. VIII

This Act shall enter into force on the fifteenth day after it is announced.

Pekarová Adamová signed

Zeman, signed

by proxy **Jurečka** signed