



Copyright Law (Official Consolidated Text)

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PART ONE
RIGHTS OF AUTHORS

Chapter I
Introductory Provisions

1. Authors of literary, scientific and artistic works shall enjoy copyright as provided for in this Law in respect of their creations (authors' works).

2. The authors' works of nationals of the Republic of Croatia, or of persons who are not nationals of the Republic of Croatia but have their usual residence in the Republic of Croatia, published in the Republic of Croatia or abroad, as well as authors' works which have not been published, shall enjoy protection pursuant to this Law.

The unpublished authors' works of foreign nationals and stateless persons first published in the Republic of Croatia shall enjoy, pursuant to this Law, the same protection as the authors' works of nationals of the Republic of Croatia.

The authors' works of foreign nationals not first published in the Republic of Croatia shall enjoy, pursuant to this Law, protection within the framework of the obligations which the Republic of Croatia has assumed under international treaties or on the basis of the *de facto* reciprocity.

Chapter II
The Author's Work and the Author

1. THE AUTHOR'S WORK

3. Unless otherwise provided in this Law, a creation in the literary, scientific or artistic field or in any other field of creation, whatever may be the kind, method or form of expression thereof, shall be considered an author's work.

The following, in particular, shall be considered authors' works:

- written works (books, pamphlets, articles and other writings);
- oral works (lectures, addresses and other works of the same nature);
- dramatic and dramatico-musical works;
- choreographic works and entertainments in dumb show the acting form of which is fixed in writing or otherwise, as well as works derived from folklore;
- musical works, with or without words;
- cinematographic works and works created by a process analogous to cinematographic creation;
- works of painting, sculpture, architecture and graphic art, whatever may be the material of which they are made, as well as other works of fine art;



- works of all branches of applied art and industrial designing;
- photographic works and works produced by a process analogous to photography;
- cartographic works (geographical maps, topographical maps, and the like);
- plans, sketches and three-dimensional works related to geography, topography, architecture and any other scientific or artistic field;
- computer programs.

4. Authors' works shall also include collections of authors' works, such as encyclopedias, compilations, anthologies, musical and photographic collections, and the like, which, by reason of the selection and arrangement of material, constitute independent creations.

Authors' works shall also include collections of creations of folk literature and art, of documents, of court decisions or of other similar material which do not, of themselves, constitute protected authors' works, if such collections, by reason of the selection, arrangement and method of presentation of material, constitute independent creations.

The provisions of the first and second paragraphs of this Article shall not affect the rights of the authors of the individual works making up the collections referred to therein.

5. Translations, adaptations, musical arrangements and other alterations of authors' works shall be protected as original works.

The protection provided for in the first paragraph of this Article shall also be granted to translations of official texts of a legislative, administrative or judicial nature, if these translations are not made for the purpose of official publication and are not published as such.

The provision of the first paragraph of this Article shall not affect the rights of the author of the original work.

6. The use of creations of folk literature and art for the purpose of a literary, artistic or scientific arrangement shall be free.

7. The title of the author's work shall enjoy the same protection pursuant to this Law as the work itself.

It shall be unlawful to give the author's work a title which has already been used for the author's work of the same kind, if such title is likely to cause confusion regarding the author of the work.

2. THE AUTHOR

8. The author of a work is the person who created the work.

The person whose full name or pseudonym appears on the work shall be regarded as the author, unless proved to the contrary.



9. The author of a collection of authors' works is the person who made the collection. The author of a translation, as well as the author of a work which has been adapted, musically arranged, or altered in another way, is the person who translated, adapted or musically arranged such work or who altered it in another way.

The person who created a literary, artistic or scientific work by using creations of folk literature or art is the author of the work so created.

10. Where an author's work created jointly by two or more persons constitutes an indivisible entity, copyright in such work shall belong indivisibly to all those who contributed to its creation.

If the mutual relationships between co-authors are not otherwise settled by a contract, the share of each co-author shall be fixed in proportion to the actual contribution of each of them towards the creation of the author's work.

Where an author's work created jointly by two or more persons does not constitute an indivisible entity, each co-author shall be vested with copyright in his contribution.

11. Copyright in anonymous works, as well as in works published under a pseudonym, the author of which is unknown shall be exercised by the publisher.

Copyright in unpublished works the author of which is unknown shall be exercised by the corresponding organization of authors.

The provisions of the first and second paragraphs of this Article shall cease to apply as from the time when the identity of the author is established.

12. In addition to the author, the owner of copyright may also be the person to whom any or all legal prerogatives of authors which may be transferred under this Law shall belong, by operation of law, will or a contract.

The prerogatives granted to the author by this Law shall belong to a copyright owner other than the author within such limits as they are vested in him by law, or to the extent that they have been transferred to such copyright owner by will or a contract.

The author may not exercise economic rights which he has transferred to another person.

The copyright owner shall be responsible for any prejudice caused to third parties by the non-authorized transfer of authors' property-right prerogatives.

Unless otherwise provided in this Law, the provisions of the Law concerning the author shall also apply to other copyright owners.

3. SPECIAL PROVISIONS CONCERNING THE AUTHOR'S WORK AND THE AUTHOR

The Cinematographic Work

13. The author of the scenario, the director and the director of photography, as well as the principal cartoonist in the case of an animated cartoon film, shall be considered the authors of the completed cinematographic work.

If music is the essential element of a cinematographic work, the composer of the music for that work shall also be considered the author of such cinematographic work.

The composer of film music who is not considered the author of the cinematographic work within the meaning of the second paragraph of this Article, the designer of the sets, the costume designer and the make-up artist shall have copyright in their contributions and may transfer them to the maker of the cinematographic work only by a contract.

14. The authors of the cinematographic work shall have the exclusive right to film their creations and to reproduce, distribute, perform and broadcast, translate and alter them.

15. The relationship between the maker of the cinematographic work and the authors thereof, as well as the mutual relationships between the authors of the cinematographic work, shall be governed by a contract made in writing.

The contract referred to in the first paragraph of this Article shall, *inter alia*, determine the rights transferred to the maker and the remuneration due to the authors of the cinematographic work.

The rights not transferred to the maker by a contract shall be reserved to the authors of the cinematographic work.

The maker of the cinematographic work shall, within the meaning of this Law, be considered the person who or legal entity or group of citizens which produces a cinematographic work, whether on the basis of a contract or on his or its own initiative.

16. Unless otherwise agreed, the author of the scenario and the composer may publish or separately utilize in another way the contributions they have made to the cinematographic work, provided that this is without prejudice to the rights transferred to the makers of the cinematographic work.

17. The cinematographic work shall be regarded as completed when the first master print of the film has been produced in compliance with the agreement between the authors and the maker of the cinematographic work.

18. If the maker does not complete the cinematographic work within three years of the date of the conclusion of the contract pertaining to the making of such work, or if he does not distribute the cinematographic work so completed within one year of the date of the completion thereof, the authors of the cinematographic work, while reserving their right to remuneration, may request rescission of the contract unless another time limit is agreed upon.



If any of the authors refuses to complete his contribution to the cinematographic work or if, by force majeure, he is unable to do so, he may not object to the use, for the purpose of completing the cinematographic work, of the contribution he has already made. Such an author shall have the corresponding copyright in the contribution already made to the creation of the cinematographic work.

The Copyright Work Created in the Course of Employment or Pursuant to a Commission

19. The relations concerning authors' works created in the course of employment, shall be governed by general acts and collective agreements or employment contracts, in accordance with this Law.

20. A legal entity, or the employer, shall have the exclusive right to use, within the framework of their regular activity and within a period of five years, authors' works created by a worker in the fulfillment of his work obligations in that legal entity, or on the premises of that employer (work created in the course of employment), without requesting the authorization of the worker who is the author of the work in question.

The worker-author shall have the right, for the use of the author's work created in the course of employment within the meaning of the first paragraph of this Article, to a separate remuneration in accordance with collective agreements or employment contracts, in proportion to the extent to which the use of the work has contributed to the increase in revenues or profit, or to the exercise of the activities and the achievement of the tasks of that legal entity.

The worker-author of the work created in the course of employment shall retain all other copyrights in his work.

Other copyrights in works created in the course of employment may not be limited by collective agreements or employment contracts or by a contract (Article 19).

Subject to the provisions of this Article, the owner of the author's economic right in a computer program created in an enterprise or other legal entity, or on the premises of an employer, shall be that legal entity or that employer.

21. The right of publication of the author's work created in the course of employment shall include the right to publish a single bibliographic edition, that is, the right to a single multiplication.

When a work created in the course of employment is published, a legal entity, or the employer, shall be obliged to indicate the full name of the author or his pseudonym.

If the legal entity, or the employer, does not publish the work created in the course of employment before the expiration of the time limit provided for in the general act, in a collective agreement or an employment contract, the right to publish the work shall revert to the author.

The legal entity, or the employer, may, even before the expiration of the time limit referred to in the third paragraph of this Article, permit the author to publish the work created in the course of employment.

When publishing his complete works the author may, even without the permission of the legal entity, or of the employer, publish the work created in the course of employment without regard to the fact that the said work has already been published.

After the expiration of a period of five years from the date of completion of a work created in the course of employment, the right to publish the work shall revert to the author.

The right of publication of the work created in the course of employment shall revert to the author even before the expiration of the period provided for in the sixth paragraph of this Article if the significance of the work is limited to a shorter period.

22. The worker employed within a legal entity, or on the premises of an employer, who, in the fulfillment of his work obligations, draws up an account of technical matters, a report, an official record or any other similar work shall not acquire any copyright in such works.

23. Unless otherwise agreed, all copyrights in works created pursuant to a work-by-contract agreement shall belong to the author who created the work.

Subject to the provisions of the first paragraph of this Article, the owner of the author's economic right in a computer program created pursuant to a work-by-contract agreement shall be the person who ordered it, unless otherwise specified in the said agreement.

24. Where one or more persons have organized the work on the creation of an author's work (hereinafter referred to as "the person commissioning the work") in which several contributors not having employment relationships with the person commissioning the work have participated, the copyright in the whole work shall, unless otherwise stipulated in the contract, belong to the person who commissioned it.

Each of the persons who have contributed to the creation of the work referred to in the first paragraph of this Article shall retain his copyright in his own contribution.

The person commissioning the work referred to in this Article shall not republish it or use it for any other purpose without the authorization of all the contributors.

Chapter III

Content and Exploitation of Copyright

25. Copyright shall include property-right prerogatives (hereinafter referred to as "authors' economic rights") and prerogatives of a personal nature (hereinafter referred to as "authors' moral rights").

26. The author's economic rights shall consist of the rights of the author to the exploitation of his work.



The exploitation of an author's work is effected, in particular, through publication, reproduction or multiplication, distribution, presentation, performance, transmission or other communication to the public, translation, adaptation and arrangement of the work.

Unless otherwise provided in this Law, exploitation of an author's work by another person may take place only with the authorization of the author.

Unless otherwise provided in this Law or by a contract, the author shall have the right to a remuneration for each and every exploitation of his work by another person.

27. The author's moral rights shall consist of the right to be recognized and indicated as the author of the work, his right to object to any distortion, mutilation or other modification of the work, and his right to object to any use of the work which would be prejudicial to his honor or reputation.

28. Any person who publishes, alters, arranges, performs, translates or records an author's work and any other person who exploits such work in public shall be required to indicate the full name of the author of the work for each and every exploitation, if the author does not want the work to be anonymous or pseudonymous.

29. The author may at any time, after having compensated the damages to the owner of the copies thereof, withdraw his published author's work from circulation or buy all copies thereof, as well as prohibit the latter from being further exploited in any form whatsoever, if the use of the said work might prejudice the scientific or artistic reputation of the author.

If the author's work referred to in the first paragraph of this Article is put back into circulation, the former owner of the copies of the work shall have priority as regards the right to use the work, that is, the rights to pre-emption within 30 days from the date on which he was informed about it, but not later than one year from the date on which the work was put back into circulation.

The prerogatives provided for in the first paragraph of this Article shall not belong to other copyright owners.

30. The author shall have the exclusive right to publish, reproduce or multiply, distribute, present, perform, adapt or exploit it in any other way, unless otherwise provided in this Law.

31. Authors of dramatic, dramatico-musical and musical works shall have the exclusive right to authorize:

1. the public performance of such works;
2. the communication to the public of the performance of such works by any means.

The rights referred to in the first paragraph of this Article shall also be granted to the authors of dramatic and dramatico-musical works with respect to translations of such works.

32. The author shall have the exclusive right to authorize:



1. the broadcasting of his work or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images;

2. any communication to the public, whether by wire or not, of the broadcast of his work, where such communication is made by an organization other than the one which originally broadcast it;

3. the communication to the public by loudspeaker or any other similar instrument transmitting, by signs, sounds or images, the broadcast of his work.

33. Authors of literary, scientific and musical works shall have the exclusive right to authorize:

1. the recording of such works by instruments for mechanical reproduction;

2. the public performance of such works recorded by instruments for mechanical reproduction.

34. Authorization granted in respect of public presentation and public performance, public transmission of a presentation and performance, broadcasting to the public or any other communication to the public shall not imply permission to record the work by means of instruments recording sounds or images.

Unless otherwise agreed, the broadcasting organization may, by means of its own facilities and solely for its own needs, record the protected work it has received the authorization to broadcast, and may rebroadcast such recordings upon the payment of a remuneration and without seeking further authorization from the author.

The recordings referred to in the second paragraph of this Article may be placed in public archives as documentation material.

35. Broadcasting organizations may broadcast, even without the authorization of the authors, works recorded in a permissible way by instruments for mechanical reproduction, such as phonograms, tape, video tape and similar recordings, but they shall be required to respect all other rights of authors.

36. The author of a literary work shall have the exclusive right to authorize the public recitation and reading of his work.

37. The author shall have the exclusive right to authorize adaptations, arrangements or other alterations of his work.

38. Authors of literary, musical, scientific and artistic works shall have the exclusive right to authorize:

1. the cinematographic adaptation or reproduction of these works and the distribution of the works thus adapted or reproduced;

2. the public performance and presentation of the works thus adapted or reproduced.



Without prejudice to the rights of the author of the work adapted or reproduced, a cinematographic work created by the adaptation or reproduction of literary, musical, scientific or artistic works shall be protected as an original work.

The adaptation, in any artistic form, of cinematographic works derived from literary, musical, scientific or artistic works shall not be effected without the authorization of the authors of such works or without the authorization of the authors of the cinematographic works, unless that right has been granted by them to the maker by a contract.

The provisions of this Article shall also apply to the reproduction or production effected by any other process analogous to cinematography.

39. Authors of original works of fine art, with respect to such works, and authors of literary, scientific and musical works, with respect to their original manuscripts, are entitled to be informed by the owners or users of such works and/or manuscripts of the identity of the new owner.

If the original of a work of fine art or an original manuscript is resold, the seller shall enable the author thereof to have the share of five per cent of the selling price (*droit de suite*).

The owner of works of fine art and the owner of literary, scientific and musical manuscripts referred to in the first paragraph of this Article shall be required to inform the author, at his request, of the identity of the new owner.

The author may not renounce in advance his *droit de suite*.

The *droit de suite* cannot be transferred by legal acts during the author's life, but can be inherited. After the author's death, it passes on to his heirs, either by operation of law or by will.

The *droit de suite* cannot be the subject of compulsory execution or any distraint.

The provisions of this Article shall not apply to architectural works or works of applied art.

40. Authors of works of fine art, photographic works and similar works may prohibit the exhibition of their particular works if they have a moral interest therein.

The author may not prohibit the exhibition of works belonging to museums, galleries and similar organizations.

41. The author shall have the exclusive right to authorize the translation of his work.

42. Where the author of a work published in a foreign language and protected under the provisions of the Berne Convention for the Protection of Literary and Artistic Works does not translate that work into the Croatian language within a period of ten years from the date of publication of the work, or does not authorize another person to translate it within the same period of time, such work may be translated into the Croatian language without the authorization of the author.



The author of a work translated pursuant to the provision of the first paragraph of this Article shall retain the right to a remuneration and all other copyrights in the translated work.

43. An author's work published in a foreign language and protected under the provisions of the Universal Copyright Convention, but not under those of the Berne Convention for the Protection of Literary and Artistic Works, may be translated, without the authorization of the author, into the Croatian language under the conditions prescribed in Articles 44 and 46 of this Law.

44. The author's work referred to in Article 43 of this Law may be translated, without the authorization of the author, into the Croatian language:

1. if, until the expiration of the period of seven years from the date of the first publication of the work, such work has not been translated or the translation thereof has not been published in the language concerned, or the editions already published are out of print;
2. if the interested national of the Republic of Croatia obtains, from the Ministry of Culture, the authorization to translate such work and publish it in the Croatian language.

45. The Ministry of Culture shall grant the authorization referred to in Article 44 of this Law only if the applicant proves that he has requested authorization from the author to translate the work and publish the translation but has been unable to reach him or to obtain his authorization.

If the applicant for the authorization has been unable to reach the author of the work, he shall send a copy of the application by which he has requested the authorization to the publisher whose name appears on the work and, if the nationality of the author is known, to the diplomatic or consular representative of the State of which the author of the work is a national or to the authority designated by the Government of that State.

The Ministry of Culture shall not grant the requested authorization for the translation before the expiration of a period of two months from the date of the dispatch, to the publisher and to the authority referred to in the second paragraph of this Article, of the copy of the request by which the applicant has requested the authorization.

46. The authorization for the translation may be granted to several persons. The granted authorization may not be transferred to a third party.

The applicant for the authorization shall be required to pay remuneration to the author for the use of his work and to respect other rights of the author of the translated work.

The Ministry of Culture shall not grant the authorization if the author has withdrawn from circulation or bought all copies of the work for the translation of which the authorization was requested.

47. The following shall be permissible in the territory of the Republic of Croatia without the authorization of the author:

1. the publication and reproduction of excerpts from a literary, scientific or artistic work for teaching purposes;



2. the reprinting in periodical publications of articles dealing with current matters of general public interest, provided that the reproduction of such articles has not been expressly prohibited by the author;

3. the reproduction in newspapers and periodical publications of single photographs of current events, illustrations, technical sketches, and the like, published in other newspapers and periodical publications;

4. the reproduction of artistic works exhibited in streets and squares, unless the reproduction of a work of sculpture has been obtained by means of a mould;

5. the reproduction, by means of photography, of works of sculpture and painting and works of architecture in newspapers and reviews, unless the author has expressly prohibited it.

The provisions of the first paragraph of this Article shall, *mutatis mutandis*, apply to publication and reproduction in the daily and periodical press, in films, in newsreels and by means of broadcasting.

In all the cases referred to in the first paragraph of this Article, the author's full name, the original work and the origin of the borrowing must be clearly indicated.

In the cases referred to in the first paragraph of this Article, the author shall have the right to a remuneration and all other rights vested in him under this Law.

48. The following shall be permissible in the territory of the Republic of Croatia without the authorization of the author and without the payment of a remuneration for use:

1. the performance of a literary or artistic work for the purposes of teaching or in the form thereof, provided that such performance involves no entrance fee or other form of payment or is given on the occasion of school celebrations where attendance is free of charge;

2. the publication of reviews of published literary, artistic or scientific works, wherein the content of such works is reproduced in an original and abridged manner;

3. the public exhibition of works, except those the exhibition of which is prohibited by the author, provided that he has not renounced this right by a contract;

4. the reproduction of works already published, effected for purposes of improving one's personal knowledge, provided that such reproduction is neither intended for nor accessible to the public;

5. the reproduction of works of painting by means of sculpture and *vice versa*, as well as the reproduction of works of architecture by means of painting or sculpture;

6. the faithful quotation of excerpts from a work that in a lawful way became available to the public, under the condition that it is in compliance with customary usage and in the measure justified by the purpose to be achieved, and that in the quotation, the source and the name of the author, if available in the source, are indicated.



7. the reproduction or adaptation, by the user, of copies of a computer program with a view to use for the purposes for which the program has been acquired, for archiving and for replacement of a lost, damaged or worn-out copy.

In the cases referred to in the first paragraph of this Article, the author shall retain all other rights vested in him by this Law.

49. Speeches intended for the public and made in the Parliament of the Republic of Croatia and in the bodies of local government and self-government, before courts and other State authorities, in scientific, artistic and other organizations, as well as at public meetings and official celebrations, may, without the authorization of the author and without the payment of remuneration for their use, be made public by the press and radio or television for purposes of reporting current events.

Other lectures, addresses and other works of the same nature may, without the authorization of the author and without the payment of remuneration for their use, only be reported briefly in the daily and periodical publications and by broadcasting.

A collection of the works mentioned in the first and second paragraphs of this Article may not be compiled without the authorization of the author.

In the cases provided for in the first and second paragraphs of this Article, the author shall retain all other rights vested in him by this Law.

50. Remuneration shall be paid for the exploitation of creations of folk literature and art by means of a public performance as for a public performance of authors' works. The remuneration shall be the revenue of the government budget.

The exploitation of creations of folk literature and art in any other form shall be free.

Persons who exploit creations of folk literature and art must indicate the origin of the work and abstain from any mutilation or any unworthy use thereof.

The corresponding organizations of authors and the Croatian Academy of Arts and Sciences shall be entrusted with the safeguarding of the rights referred to in the third paragraph of this Article.

Chapter IV Transfer of Copyright

1. SCOPE OF THE TRANSFER

51. The right of the author to the exploitation of his work may be transferred wholly or in part, with the payment of a remuneration or without it, to individual persons or to legal entities for the entire term of copyright or for a specific period of time.

The person to whom the right of exploitation of an author's work has been transferred may not, unless otherwise agreed, transfer that right to a third party without the consent of the owner of the right.



52. When using the author's work, the person to whom the right of exploitation of that work has been transferred shall not be authorized to make any modifications thereof, unless otherwise agreed or provided in this Law.

53. The author has the exclusive right to transfer the right of exploitation of his work to another person and to allow the user to modify the work or to alter it in the respects and within the limits specified.

2. TRANSFER BY AUTHORS' CONTRACTS

(1) Common Provisions Concerning Authors' Contracts

54. The author may transfer the right of exploitation of his work to another person through authors' contracts, such as a publishing contract, a performance contract, a contract for a cinematographic work, a contract for radio and television broadcasting, a contract for the recording of his work by means of instruments recording sounds and images, a contract for the alteration (adaptation) of his work, a contract for the transfer of the right of translation of his work, and the like.

55. Authors' contracts shall be concluded in writing.

An author's contract not concluded in writing shall have no legal effect, unless otherwise provided by the Law.

56. An author's contract shall contain in particular: the names of the contracting parties, the title of the author's work which is the subject of the contract, the type of use of the author's work, the amount, terms and time limits for the payment of a remuneration where the work is used in consideration of remuneration.

The remuneration for the use of the author's work shall, in so far as this is possible, be fixed by taking into account the quality of the work, the sales possibilities thereof, the economic benefits which the other contracting party derive from using the work, as well as other conditions permitting an evaluation of the results achieved by the author's work as regards meeting social needs.

57. If the revenue derived from the use of the author's work is evidently disproportionate to the author's agreed remuneration, the author shall be entitled to request that a more equitable participation in the revenue so derived be fixed and/or ensured by an amendment of the contract for the use of the work.

58. The author's contract may also concern a work not yet created.

Any contract in which the author transfers the right of exploitation in respect of his future works shall be null and void.

59. The author shall be required, during the period of validity of the contract, to abstain from acts which might disturb the user in the exercise of the transferred copyright.

60. The provisions of the laws governing contractual relations shall apply to authors' contracts, unless otherwise provided in this Law.

(2) Publishing Contract

61. By a publishing contract, the author transfers to the publisher the right of publication of his author's work by means of printing or multiplication.

The publisher shall be required to publish the author's work, to indicate the author's full name, if the author does not want the work to be anonymous or pseudonymous, visibly on each copy, to pay a remuneration to the author if the work is used in consideration of remuneration, to ensure effective distribution of copies of the work, and to supply the author periodically, at his request, with information concerning the distribution of copies of the author's work.

By a publishing contract, the author may also transfer to the publisher the right of translation of his work for the purpose of the publication thereof in other languages, both in the Republic of Croatia and abroad.

62. The author's agent may conclude a publishing contract only for the works specified in his power of attorney.

The agent of the author with limited business capacity may not conclude a publishing contract without the author's consent to the publication of the work.

63. The publishing contract shall specify in particular the scope and duration of the use of the right transferred to the publisher by the author, the time limit within which the publisher is required to publish the work and the amount of the remuneration.

Where the remuneration for the use of the work is fixed as a percentage of the retail price of the selling copies, the publishing contract shall likewise specify the minimum amount of the remuneration which is payable by the publisher regardless of the number of copies sold, as well as the time limit for paying that amount.

64. During the period of validity of the publishing contract, the author may not, unless otherwise stipulated in the contract, assign to a third party the right of publication or of multiplication of the author's work in the same language.

The right of publication of newspaper articles may, unless otherwise stipulated in the contract, be assigned by the author simultaneously to several users.

65. Unless otherwise stipulated in the publishing contract, it shall be considered that the author has transferred to the publisher, by that contract, only the right of publication for a single bibliographic edition, that is, the right to a single multiplication.

66. The manuscript or any other original of the author's work which is the subject of the publishing contract shall, unless otherwise stipulated in the contract, remain the property of the author.

67. Unless otherwise stipulated in the publishing contract, the publisher shall be required, if new editions of the author's work are printed, to allow the author to include improvements or modifications in his work, provided that these do not involve excessive expense for the publisher and do not alter the character of the work.



68. When a work is destroyed by force majeure after its remittance to the publisher with a view to its publication, the author is entitled to the remuneration which would have been due to him if the work had been published.

When a prepared edition is destroyed by force majeure before its distribution, the publisher is entitled to prepare a new edition, and the author shall have the right to the remuneration for the destroyed edition but not for the identical new edition.

In the case of partial destruction of a prepared edition by force majeure before its distribution, the publisher is entitled to reproduce, without paying remuneration to the author, only as many copies as were destroyed.

69. The following shall cause the publishing contract to terminate: the death of the author before the completion of the author's work, the fact that all editions provided for in the contract are out of print and the termination of the contract.

Unless otherwise stipulated in the contract, the author may request the rescission of the publishing contract if, after one edition being out of print, the publisher has not, within one year from the date on which the author requested him to do so, proceeded with publishing a new edition as stipulated in the contract.

If, within the time limits provided for in the contract, the author has not delivered the author's work to the publisher or the publisher has not published the work, the publisher or the author, as the case may be, may demand the rescission of the contract and claim damages for non-fulfillment of the contract; in addition, the author shall have the right to keep the remuneration received or, as the case may be, to request the payment of the remuneration stipulated in the contract.

If the time limit for publication of the work has not been fixed in the contract, the publisher shall be required to publish the work within a reasonable period of time, and at the latest within one year from the date of the remittance of the manuscript or other original work.

70. A contract for the publication of articles, drawings and notes in newspapers, reviews and other periodicals need not be concluded in writing.

71. If the publisher, during the period of validity of the publishing contract and at the latest on expiration of three years from the date of publication of the work unless a longer period is stipulated in the contract, intends to sell unsold copies of the work for pulping, he is bound to offer them first to the author at the price which he would obtain if he sold them for pulping.

If the author does not purchase the offered copies of the work, or purchases only a part thereof, the publisher may sell the remaining copies of the work for pulping.

(3) Presentation Contract and Performance Contract

72. By a performance contract or a presentation contract respectively, the author of the work shall transfer the right of public presentation or performance of the author's work to the

user, and the user shall undertake to present or perform, as the case may be, the said work within the fixed time limit, and in the manner and under conditions set forth in the contract.

73. The author may simultaneously transfer the right of presentation or performance respectively of a given author's work to a larger number of users, unless he has renounced that right by a contract.

74. The presentation contract or the performance contract respectively shall specify in particular the type of presentation or performance, as the case may be, of the author's work and the territory in which the work may be used.

75. If, within the time limits provided for in the contract, the author has not delivered the work (manuscript, score, or the like) to the user, or the user has not presented or performed the work respectively, the author or the user, as the case may be, may demand the rescission of the presentation contract or the performance contract respectively, and claim damages for non-fulfillment of the contract.

Where the rescission of the contract is due to a fault on the part of the user, the author shall also have the right to keep the remuneration received or, as the case may be, to request payment of the remuneration stipulated in the contract.

The manuscript, score or other original of the author's work which is the subject of the presentation contract or the performance contract respectively, shall, unless otherwise stipulated in the contract, remain the property of the author.

76. The beneficiary of the presentation contract or performance contract respectively shall be required to allow the author to inspect the presentation or, as the case may be the performance of the work, to ensure that the work is presented or performed under technical conditions guaranteeing that the moral rights of the author will be respected, as well as to supply the author or his agent with the program and to inform him periodically of the receipts derived from the performance of the work.

Relationships between the authors and organizations for radio and television in the capacity of users of the author's work within the meaning of the first paragraph of this Article shall be governed by a contract.

(4) Contract for a Cinematographic Work

77. Contracts for cinematographic works include both the contracts concluded by the authors of the cinematographic work (contracts concerning the scenario, the direction of the film and the film music, the contract concluded with the principal cartoonist) and the contracts concerning individual contributions to the cinematographic work made by other authors.

The authors of the cinematographic work transfer to the maker, by a contract, the right to film, reproduce, distribute and publicly perform the cinematographic work.

The maker shall be required to distribute the cinematographic work and to provide the authors thereof, at their request, with information concerning the results of such distribution.



The remuneration stipulated in the contract for filming the cinematographic work shall not include the remuneration for reproduction and public performance of the cinematographic work.

78. During the period of validity of the contract for the cinematographic work, the authors of that work may not, unless otherwise stipulated in the contract, transfer to a third party the right of filming, reproduction, distribution or public performance.

Where the maker to whom the authors have transferred the right to film the work does not do so within a period of three years from the date of conclusion of the contract, the authors may demand rescission of the contract and claim damages for non-fulfillment of the contract, as well as keep the remuneration received or, as the case may be, request the payment of the remuneration stipulated in the contract.

(5) Transfer by Inheritance

79. The provisions of the laws on inheritance shall apply to the inheritance of copyright, unless otherwise provided in this Law.

(6) The Care for the Respect and Protection of Authors' Moral Rights After the Author's Death

80. After the death of the author, the respect for the authors' moral rights, unless the author otherwise determined while his economic rights were still in effect, shall be vested in his heirs, in the organization of authors the deceased author belonged to or would have belonged to according to the type of the author's work, in other organizations referred to in Article 90, paragraph 1 of this Law and in the Croatian Academy of Arts and Sciences.

After the expiration of the author's economic rights, the author's moral rights shall be safeguarded by the organizations listed in the previous paragraph and the Croatian Academy of Arts and Sciences.

Chapter V Term of Copyright Protection

81. The term of the authors' economic rights shall be the life of the author and 50 years after his death, unless otherwise provided in this Law for special categories of authors' economic rights.

Where the owner of the authors' economic rights is a legal entity within the meaning of Article 24 of this Law, the copyright shall expire 50 years after publication of the work, or 50 years after the making of the computer program.

82. Authors' economic rights in a cinematographic work shall expire 50 years after the death of the last surviving author.

Authors' economic rights in a cinematographic work having the character of a photographic work shall expire 25 years after the completion of the work.



83. Authors' economic rights in a photographic work, in a work produced by an analogous process and a work of applied art shall expire 25 years after the publication of the work.

84. Authors' economic rights in an anonymous author's work and a work published under a pseudonym shall expire 50 years or, in the case of the works referred to in Article 82, second paragraph, and Article 83 of this Law, 25 years after the publication of such works.

Where the pseudonym leaves no doubt as to the identity of the author, or if the author reveals his identity, the term of his economic rights shall be the same as if the author's work had been published under the author's full name.

85. The term of authors' economic rights belonging in common to co-authors of an author's work shall start to run from the death of the last surviving co-author.

86. Authors' moral rights shall subsist also after the termination of their economic rights.

87. The terms indicated in Articles 81 to 85 of this Law shall begin on the first of January of the year immediately following that, in which the author died or, where applicable, in which the work was published.

88. After the termination of authors' economic rights, a special remuneration shall be payable for the use of the author's work if so provided by a separate law.

Chapter VI Administration of Copyright

89. The author may exercise his author's rights by himself or through an agent.

90. Organizations of authors and other copyright owners, as well as other specialized organizations for the administration of copyrights (e.g. Croatian Copyright Agency), are authorized to administer the copyrights, with the authorization of the Ministry of Culture.

In order to administer copyright, an organization referred to in paragraph 1 of this Article, except for the rights in paragraph 3 of this Article, needs a power of attorney received from the author or other copyright owner.

Organizations of authors may administer copyrights of public performance of non-scenic musical and literary works ("*petits droits*"), including the rights referred to in Article 32 and 36 of this Law, even without a power of attorney from the author or other copyright owner.

The Ministry of Culture shall give the authorization provided for in paragraph 1 of this Article to the organization that fulfills the professional criteria for the administration of copyrights.

The professional criteria referred to in paragraph 4 of this Article shall be determined by the Minister of Culture and Education in a general act.



91. If there is no copyright contract for a public performance of non-scenic literary and musical works or if the contract doesn't stipulate the amount of the remuneration, the organizations of authors may obtain a remuneration for the authors of these works in the amount that they have determined in their general act. If the Croatian Radio and Television broadcasting is concerned, the amount of the remuneration determined in the general act of the authors' organization shall be authorized by the Ministry of Culture.

92. To act as representative before courts and other bodies, the organization of authors or the organization referred to in Article 90 of this Law must possess a special power of attorney from the author whose copyright is concerned in the litigation.

93. To act as representative before courts and other bodies with a view of enforcing copyrights referred to in Article 90 paragraph 3 of this Law, the organization of authors or the organization referred to in Article 90 of this Law, shall not need a special power of attorney from the author.

The organization of authors or the organization referred to in Article 90 of this Law may initiate and conduct in its own name the court actions referred to in the first paragraph of this Article, but it shall be required to report to the author the rights thus enforced.

94. The impresarios of cultural and artistic entertainments and other users of authors' works shall be required to obtain authorization for the performance of such works in cases where such authorization is required under the provisions of this Law, and to supply without delay, and at the latest within 15 days from the date of performance, the organization of authors or the organization referred to in Article 90 of this Law with the programs of the works performed and to pay them royalties for the exploitation of such works.

At the request of the author or an organization referred to in Article 90, paragraph 1 of this Law, as the case may be, the competent police administration or police station shall prohibit the entertainment, or the second use of the author's work respectively, if the entertainment impresario, or other user of the author's work, does not have authorization for the performance from the author or the organization referred to in Article 90, paragraph 1 of this Law.

The users of authors' works shall provide all the information relevant for the administration of a copyright to the organization which administers it and shall make the corresponding documentation available for inspection.

At the request of the organization which administers copyrights, the financial police shall provide the necessary assistance in the administration of copyrights.

Chapter VII Copyright Protection

95. Any person whose authors' rights, whether economic or moral, have been infringed may demand the protection of such rights and claim damages for the harm suffered by the infringement.

96. At the request of the plaintiff, the court may order in its decision:



1. that the defendant be prohibited to continue his infringement of copyright;
2. that the objects by means of which the infringement of the copyright was committed be destroyed or modified;
3. that the judgement be published at the expense of the defendant.

97. At the request of the plaintiff who furnishes evidence that his copyright has probably been infringed, the court may, even before taking a decision on the merits of the case, order the provisional seizure and withdrawal from circulation of objects capable of infringing copyright, or the prohibiting of the continuation of any works commenced by which the infringement of copyright could be caused.

98. Where a person who publicly exploits an author's work does not indicate the author's full name in connection with such exploitation, the author may claim appropriate compensation for damages from such person, the subsequent publication of the author's full name in a suitable form, as well as an interdiction prohibiting that person from repeating such infringements.

99. Copyright cannot be the subject of compulsory execution.

Compulsory execution may be exercised on the economic benefit derived from the author's work.

Unfinished works and unpublished manuscripts cannot be the subject of compulsory execution.

PART TWO RIGHTS OF PERFORMERS

Chapter I Introductory Provisions

100. Performers who perform literary or musical works or other artistic works shall enjoy the rights laid down in this Law in respect of their performances.

The rights of performers shall in no way affect the rights of the authors of the works mentioned in the first paragraph of this Article.

101. For the purposes of this Law, performers are individuals and groups that in an artistic manner present, recite, declaim, sing, play, dance or in any other way perform literary or musical and other artistic works.

102. The performer who is a national of the Republic of Croatia, or a foreign national who has a usual residence in the Republic of Croatia, shall enjoy the rights provided by this Law in respect of his performances given or used in the Republic of Croatia or abroad.

The performer who is a foreign national or stateless shall enjoy the rights in respect of his performances given or used in the Republic of Croatia, pursuant to this Law within the

framework of the obligations which the Republic of Croatia has assumed under international treaties or on the basis of *de facto* reciprocity.

Chapter II Content of the Rights of Performers

103. The performer shall enjoy the economic and moral rights provided by this Law.

The economic rights referred to in the first paragraph of this Article shall be understood to be the rights of the performer in relation to the exploitation of his performance.

The moral rights referred to in the first paragraph of this Article shall be understood to be the performer's right to have his name or pseudonym mentioned on any communication of his performance to the public, and also on any recording or on the cover of any recording thereof, and his right to object to any distortion, mutilation or other alteration of his performance, to the use and distribution of his recorded performance if the recording has technical or other defects, and also to improper use of recordings that are prejudicial to his honor and reputation.

104. Unless otherwise provided by this Law, the performance of the performer may not be subjected to the following without his consent:

1. radio or television broadcasting;
2. sound or visual or audiovisual recording;
3. reproduction of such recordings;
4. distribution of such recordings (copies of such recordings);
5. direct communication to the public by loudspeaker or other technical systems outside of the room or place in which the performance is given.

In the cases referred to in the first paragraph of this Article, the performer shall be entitled to remuneration, except where otherwise provided by this Law or by a contract.

Except where otherwise agreed, all performers shall be entitled to remuneration.

Any member of a group of performers who leaves the group shall be entitled to a share in the remuneration for the performance in which he participated.

105. The organizations for broadcasting may also, without the authorization of the performer, broadcast performances recorded in a permitted way by instruments for mechanical reproduction, but they are obligated to respect all other rights of the performer.

If for the exercise of right referred to in paragraph 1 of this Article, the performance remuneration is not provided for by a contract, the organization of the performers may determine the performance remuneration in its general act.

If the broadcasting by the Croatian Radio and Television Company is concerned, the remuneration provided in a general act of the performers' organization, must be approved by the Ministry of Culture.

106. The following shall be permitted without the authorization of the performer and without the payment of remuneration:

1. use of the performance for the purposes of teaching and scientific research;
2. use of short fragments of the performance in the reporting of current events;
3. recording of the performance by the organization for broadcasting, by means of its own facilities and for its own broadcasts (ephemeral recordings), provided that the said organization has been authorized to broadcast the performance.

The recordings referred to in the first paragraph of this Article, subparagraph 3, may after broadcasting be entrusted to public archives as documentary material or be rebroadcast against the payment of a remuneration.

107. When a recorded performance that had been placed on sale is used for communication to the public other than by radio or television broadcasting (secondary use), the user shall pay a special remuneration to the organizations of performers.

A special remuneration referred to in the previous paragraph shall be paid by the user in the amount determined by the organization of performers in its general act. The amount cannot be higher than 40 % of the author's remuneration provided for such uses in Article 91 of this Law.

108. The rights of the performer who is the employee of an organization shall be governed by the general act of that organization, in accordance with this Law.

The moral rights of the performer, as recognized by this Law, may not be limited by the general act referred to in the first paragraph of this Article.

The organization of which the performer is the employee may use the said employee's performance without his authorization provided that the performance formed part of his work obligations.

109. If the performance of the performer who is an employee goes beyond the bounds of his work obligations, or if it is transferred to another organization, the performer shall be entitled to a remuneration.

Chapter III **Transfer of the Rights of Performers**

110. The performer may, during the term of the right of exploitation that is granted to him in relation to his performance, transfer that right by contract to another person (performer's contract), either wholly or in part, with or without the remuneration.

The person to whom the right to exploit a performance has been transferred may not, without the consent of the performer, transfer that right to a third party unless otherwise provided by the performer's contract.

111. The performer's contract shall be concluded in writing.

The performer's contract that is not concluded in writing shall have no legal effect.

112. The performer's contract shall contain the following: the names of the contracting parties, the medium and manner in which the performance is to be used, the name of the author, the title of the work performed, the amount of remuneration and also the mode of payment and time limits therefor.

In addition to the particulars mentioned in the first paragraph of this Article, the performer's contract relating to the recording of the performance and to the broadcasting of the said recording by radio or television shall also state the number of broadcasts and the period during which broadcasting may take place, while the performer's contract relating to the reproduction of the recording shall state the number of copies that may be made.

Chapter IV Term of the Rights of Performers

113. The term of the economic rights of performers provided for in this Law shall be 20 years, counted,

1. for recorded performances, from the end of the year in which they were recorded;
2. for unrecorded performances, from the end of the year in which they were given;
3. for broadcasts, from the end of the year in which they were broadcast.

114. The moral rights of the performer shall subsist even after the termination of his economic rights.

Chapter V Administration of the Rights of Performers

115. The performer may exercise his rights directly or through an agent.

116. The organizations of performers and other specialized organizations for the administration of the rights of performers may carry out such activities with the authorization of the Ministry of Culture.

In order to administer the rights of performers, the organizations referred to in paragraph 1 of this Article need to have the performer's power of attorney.

The Ministry of Culture shall issue the authorization referred to in paragraph 1 of this Article to such institution, association or other organization that fulfills the professional criteria for the administration of copyrights.

The professional criteria referred to in paragraph 4 of this Article shall be determined by the Minister of Culture in his act.

117. Broadcasting organizations and other users shall be obliged to provide the organization representing the performer with detailed information concerning the use of his performance.



The users referred to in the first paragraph of this Article shall also be obliged to submit to the organization representing the performer a copy of the performer's contract.

118. Groups of performers shall exercise their rights through the persons authorized by them.

When, in addition to the group of performers, a conductor, soloists and leading actors who are not members of the group take part in the performance of a musical work or the presentation of any other artistic work, the right of authorization referred to in Article 104 of this Law shall belong also to those additional performers, in the absence of any agreement to the contrary between them and the group.

Chapter VI Protection of the Rights of Performers

119. A performer whose economic or moral right has been infringed, may demand the protection of that right and claim the damage for the harm suffered by the infringement.

At the request of the plaintiff whose performers' right has been infringed, the court may order in its decision:

1. that the defendant be prohibited to continue his infringement of the right;
2. that the objects by means of which the infringement of the right was committed be destroyed or modified;
3. that the judgment be published at the expense of the defendant.

At the request of the plaintiff who has claimed the possible infringement of the right, the court may, before ruling on the merits of the case, order that the objects by means of which a right has been infringed be temporarily seized or withdrawn from circulation, and that a ban be placed on any continuation of the activities undertaken by which an infringement of the right of performer could be committed.

120. When the user of a performance, at the time of use, fails to mention the name or pseudonym of the performer as provided in Article 103 of this Law, the performer in question may require the prohibition of any further infringements of the same kind, the subsequent publication, in an appropriate manner, of the said name or pseudonym, and the compensation for damages.

PART THREE PENAL PROVISIONS

121. Any person who, under his own name or the name of another person, publishes, presents, performs or transmits the work of another, or permits such acts, shall be guilty of a criminal offense and punished by imprisonment of up to five years.

Any person who without an indication of the author's name or pseudonym publishes, presents or transmits another person's author's work containing the author's name or



pseudonym, or permits such acts, shall be guilty of a criminal offense and punished by a fine or imprisonment of up to a year.

Any person who unlawfully inserts excerpts from the work of another into his own author's work, shall be guilty of a criminal offense and punished by a fine or imprisonment of up to a year.

Any person who distorts, mutilates or otherwise modifies the author's work of another, shall be guilty of a criminal offense and punished by a fine or imprisonment of up to six months.

122. Any person who, without the permission of the author or other copyright owner or an organization referred to in Article 90, paragraph 1 of this Law, if such organization is authorized to give such permission, required by the provisions of this Law, publishes, alters, adapts, reproduces, presents, performs, transmits, translates, records, puts into unauthorized circulation, publicly displays, broadcasts or publishes in the media, or in any other way uses a author's work protected by this Law in order to have pecuniary gains, shall be guilty of a criminal offense and punished by a fine or imprisonment of up to five years.

In cases referred to in paragraph 1 of this Article, when the offender has committed these acts for illegal pecuniary gains for himself or for another person, he or she shall be guilty of a criminal offense and punished by imprisonment of up to five years.

123. Any person who transmits a performance by radio or television, records it, reproduces the recorded performance or distributes or publicly communicates the recording without the authorization of the performer, the group of performers, the conductor, the soloists or the leading actors, where such authorization is required under the provisions of this Law, commits a criminal offense punishable by a fine.

124. Prosecution for the offenses referred to in Article 121, paragraph 3 and 4 of this Law shall be instituted upon a private suit.

125. An organization, an employer or an individual shall be punished by a fine of DM 500 to 1.000, expressed in kunas, if they:

1. publish, adapt, arrange, reproduce, present, perform, transmit, translate, record, put into unauthorized circulation, broadcast or publish in the media or in any other way use an author's work protected by this Law without the permission of the author or other copyright owner, or organization referred to in Article 90, paragraph 1 of this Law, if this organization is authorized to give such permission and it is required by the provisions of this Law.

2. without indicating the author's name or pseudonym or under another name, publish, present, perform, transmit, or in any other way use a copyright work on which the author's name or pseudonym is indicated, or distort, mutilate or in any other way alter the copyright work or allow such activities, or use it in a way that harms the dignity and reputation of the author.

For the activity referred to in paragraph 1 of this Article, the responsible person within the organization or on the premises of the employer shall also be punished by a fine of DM 200 expressed in kunas.



126. The enterprise or other legal entity, or the employer, which/who broadcasts the performance by radio and television, records it, reproduces the recorded performance or communicate it to the public without the authorization of the performer, the group of performers, the conductor, the soloists or the leading actors, when such authorization is required according to the provisions of this Law, shall be punished by a fine amounting from 4,50 to 45 kunas (Article 104).

For the acts referred to in the first paragraph of this Article, the responsible person within the enterprise or other legal entity, or on the premises of the employer, shall also be punished for an offense with a fine of 1,00 to 10,00 kunas.

127. The objects that were used, or were meant to be used for the commitment of a criminal offense referred to in Article 121 and Article 122, paragraph 1 and 2 of this Law, or that are the result of a criminal offense, or objects that were used or meant to be used for the commitment of an offense referred to in Article 125 and Article 126, paragraph 1 of this Law, shall be seized.

128. An organization, an employer or an individual who acts contrary to Article 94, paragraph 1 or does not deliver to the organization referred to in Article 90, paragraph 1 the programme of the performed, presented or broadcast works with the exact data, or present incorrect data on the performed or presented author's work, shall be punished with a fine of DM 200 to 500, expressed in kunas.

The responsible person within the legal entity and such on the premises of the employer shall be punished by a fine of DM 100, expressed in kunas, for an offense from paragraph 1 of this Article.

129. An organization, an employer or an individual shall be punished for an offense by a fine of DM 300 to 500, expressed in kunas, if they do not provide the organization for the administration of performer's rights with the following:

1. complete data on the use of the performance (Article 117, paragraph 1.),
2. a copy of the performers' contract (Article 117, paragraph 2.)

For an activity referred to in paragraph 1 of this Article, the responsible person in the organization and on the premises of the employer shall be punished for an offense with a fine of DM 100, expressed in kunas.

PART FOUR TRANSITIONAL AND FINAL PROVISIONS

130. As from the date of entry into force of this Law (Official Gazette of SFRY No. 19/78) the Copyright Law (Official Gazette of SRRY No 30/86) shall cease to be in effect, except for the provisions of Articles 94, 95, 96, and 104 which will cease to be in force on the day of coming to effect of the corresponding republic provisions, but one year at the latest from the date of coming into force of the Copyright Law (Official Gazette SFRY No 19/78).



131. The existing organizations administering copyrights or performers' rights respectively, shall continue to work and are obligated to submit to the Ministry of Culture, within 6 months from the date of entry into force of this Law, a request for the issuance of a permit to carry out the activity of administering copyrights, or to carry out the activity of administering performers' rights.

The Ministry of Culture shall make a decision regarding the request for a permit for carrying out the activity of administering copyrights pursuant to Article 90, paragraph 1 and 4 of this Law, or the activity of administering the performers' rights pursuant to Article 116, paragraph 1 of this Law, within 60 days from the date of the submission of the request.

The organization referred to in paragraph 1 of this Article which is not granted a permit according to the provision of Article 90, paragraph 1 and 4 and Article 116, paragraph 1 of this Law shall cease to be operative when the decision becomes final.

132. As from the date of entry into force of this Law (Official Gazette of the Republic of Croatia No. 58/93), the Law on Remuneration for Performance of Folk Literary and Artistic Creations (Official Gazette R.H. No. 1/73) and the provision of Article 5 of the Law on the Adoption of Federal Laws from the Field of Education and Culture which in the Republic of Croatia applied as the Laws of the Republic (Official Gazette R.H. No. 53/91) shall ceased to be in force.

133. The Legislative Committee of the House of Representatives of the Parliament of the Republic of Croatia shall be authorized to establish and issue the final draft of the Copyright Law (Official Gazette R.H. No. 58/93).