

REGULATIONS ON
THE PROFESSIONAL CRITERIA
AND PROCEDURES FOR
GRANTING AUTHORIZATIONS
FOR PERFORMING
COLLECTIVE MANAGEMENT
OF RIGHTS AND ON
REMUNERATIONS
FOR THE WORK DONE BY
THE COUNCIL OF EXPERTS

REGULATIONS
ON AMENDMENTS
TO THE REGULATIONS
ON THE PROFESSIONAL CRITERIA
AND PROCEDURES
FOR GRANTING AUTHORIZATIONS
FOR PERFORMING COLLECTIVE
MANAGEMENT OF RIGHTS
AND ON REMUNERATIONS
FOR THE WORK DONE
BY THE COUNCIL OF EXPERTS*/**

NN 72/2004 - in force from July 1, 2004

*NN 151/2008 - in force from December 23, 2008

**NN 90/20013 - in force from July 12, 2013

Zagreb, August 2013

REGULATIONS ON THE PROFESSIONAL CRITERIA AND PROCEDURES FOR GRANTING AUTHORIZATIONS FOR PERFORMING COLLECTIVE MANAGEMENT OF RIGHTS AND ON REMUNERATIONS FOR THE WORK DONE BY THE COUNCIL OF EXPERTS

SUBJECT MATTER OF THE REGULATIONS

Article 1

These Regulations shall prescribe the professional criteria, which shall be fulfilled by the Associations for Collective Management of Copyright and Related Rights (hereinafter: the Association), and the procedure carried out by the State Intellectual Property Office (hereinafter: the Office) for granting authorizations to the Associations for performing such activity, as well as, the criteria for establishing remunerations for the work done by Council of Experts.

PROFESSIONAL CRITERIA

Article 2

To perform the collective management of copyright, and related rights respectively, the Association shall have:

1. its principle place of business in the Republic of Croatia;
2. adequate premises;
3. a technical service, in which a knowledge of domestic and international copyright and related rights, the techniques of exercising the respective rights and a knowledge of foreign languages have been ensured;
4. a technical service in which a knowledge of accounting and financial regulations have been ensured.

Article 3

It will be considered that the criteria referred to in Article 2 are fulfilled if the Association has:

1. premises equipped with standard communication and IT equipments;
2. an employee with a degree of the Faculty of Law, and at least two years of professional experience in the field of management of copyright and related rights, and a knowledge of the English, or French or German language.
3. an employee complying with the regulations concerning the accountancy, and having at least two years of professional experience in the organization and administration of the accountancy.

Article 4

The professional qualifications and a knowledge of foreign languages referred to in Article 3 shall be proven by the relevant documents, and the professional experience by the documentation showing where and doing which jobs the experience has been gained.

Article 5

The Association may entrust specific administrative, technical or auxiliary works to another natural or legal person, in which case such person must fulfil the criteria prescribed by law for performing such works, and shall have an employee who fulfils the criteria set out in these Regulations.

Article 6

It shall be considered that the Association fulfils the criteria concerning its technical service, if specific works within the scope of its activities related to the management of respective rights are performed by the technical service of another Association, which has the authorization for the management of particular rights. All the rights and obligations between the Associations shall be established by a contract.

APPLICATION FOR THE GRANT OF THE AUTHORIZATION

Article 7

- (1) An application for the grant of the authorization for performing activities referred to in Article 1 of these Regulations shall contain:
 1. the name and the principle place of business of the Association;
 2. an excerpt from the Register of Associations;
 3. an indication of the category of the holder of copyright, respectively, related right, whose rights it intends to manage, and the indication of the type of rights which it intends to manage on behalf of the respective holders;
 4. the Statute of the Association;
 5. for the employees referred to in Article 3, items 2 and 3 of these Regulations:

- employment contracts, documentation which proves their professional qualifications, professional experience, and a knowledge of foreign languages;
- (2) The application referred to in paragraph (1) of this Article shall be accompanied by:
 1. a list of members based on the received powers of attorney;
 2. contracts on mutual representation concluded with foreign Associations.
 - (3) In the case referred to in Article 5 of these Regulations the application shall be accompanied by the contract with a natural or a legal person, and the documentation, which proves that the person fulfils the criteria set out in these Regulations.
 - (4) In the case referred to in Article 6 of these Regulations, the application shall be accompanied by the contract with the other Association which has the authorization for performing collective management of particular rights already granted.
 - (5) The attachments to the application referred to in paragraph (2) of this Article may be filed in electronic form.

Article 8

- (1) The Associations that perform collective management of rights shall, within a period of 12 months from the date on which the Copyright and Related Rights Act enters into force, file with the Office their application for the grant of the authorization to perform such activities.
- (2) If the Association does not file the application within the period referred to in paragraph (1) of this Article, it shall be deemed that it does not fulfil the criteria prescribed by these Regulations.

Article 9

The Office shall grant authorizations to the Associations for Collective Management of Rights on the basis of Article 159 of the Copyright and Related Rights Act, in accordance with the professional criteria set out in these Regulations within the period prescribed by law.

Article 10

- (1) The Office shall keep the records of the Associations for Collective Management of Rights .
- (2) The records referred to in paragraph (1) of this Article shall contain the documentation referred to in Article 7 of these Regulations, and the Office decision

concerning the application filed by the Association.

- (3) The Office decision concerning the application filed by the Association, a list of the Association members based on the received powers of attorney, and a list of contracts on mutual representation concluded by the Association with foreign associations shall be available to interested domestic and foreign natural and legal persons.

REMUNERATIONS FOR THE WORK DONE BY OF THE COUNCIL OF EXPERTS

Article 11

- (1) The president, members of the Council of Experts, and invited experts shall be entitled to a remuneration for their work.
- (2) The remuneration shall be paid by the parties involved in the procedure before the Council of Experts, as a rule, in equal shares, unless otherwise decided by the Council of Experts.
- (3) The amount of the remuneration referred to in paragraph (1) of this Article shall be prescribed by the Minister in a special act.

Article 12

- (1) On the date these Regulations enter into force, the Regulations on the Professional Criteria for Performing Collective Management of Copyright and Rights of Performers (OG no. 37/2000), shall cease to be valid.
- (2) The previously granted authorizations for collective management of rights shall cease to be valid, upon the expiration of the period referred to in Article 8, paragraph (1) of these Regulations.

Article 13

These Regulations shall enter into force on the eight day following its publication in "Narodne Novine" – the Official Gazette of the Republic of Croatia.

REGULATIONS ON AMENDMENTS TO THE REGULATIONS ON THE PROFESSIONAL CRITERIA AND PROCEDURES FOR GRANTING AUTHORIZATIONS FOR PERFORMING COLLECTIVE MANAGEMENT OF RIGHTS AND ON REMUNERATIONS FOR THE WORK DONE BY THE COUNCIL OF EXPERTS*

Article 1

In the Regulations on the Professional Criteria and Procedures for Granting Authorizations for Performing Collective Management of Rights and on Remunerations for the Work Done by the Council of Experts ("Official Gazette" No. 72/04), in Article 7, a new paragraph 6 is added to read:

"The documents and documentary evidence referred to in items 1 – 5 of paragraph 1 of this Article concerning which official records are kept by the state administration bodies, the bodies of local and regional self-government units or legal entities with public authority shall be obtained by the Office ex officio".

Article 2

These Regulations shall enter into force on the day of the publication thereof in the "Official Gazette".

REGULATIONS ON AMENDMENTS TO THE REGULATIONS ON THE PROFESSIONAL CRITERIA AND PROCEDURES FOR GRANTING AUTHORIZATIONS FOR PERFORMING COLLECTIVE MANAGEMENT OF RIGHTS AND ON REMUNERATIONS FOR THE WORK DONE BY THE COUNCIL OF EXPERTS**

Article 1

In the Regulations on the Professional Criteria and Procedures for Granting Authorizations for Performing Collective Management of Rights and on Remunerations for the Work Done by the Council of Experts ("Official Gazette" No. 72/04 and 151/08), after Article 1, Articles 1a and 1b are added to read:

"Article 1a

The provisions of these Regulations are in accordance with Directive 2006/123/EC on services in the internal market.

Article 1b

The expressions used in these Regulations, having a gender meaning, irrespective of whether they are used in the male or female gender, shall include equally the male and female gender."

Article 2

In Article 2 item 1 the words "Republic of Croatia" are replaced by the words "European Union".

Article 2

These Regulations shall enter into force on the first day following the day of the publication thereof in the "Official Gazette".