

Pursuant to Article 181, Par. (6) of the Copyright and Related Rights Act ('Official Gazette of Montenegro' no. 37/2011) the Ministry of Economy passed the

**REGULATION
ON THE DEPOSIT AND REGISTER
OF COPYRIGHT WORKS AND SUBJECT MATTER OF RELATED
RIGHTS**

('Official Gazette of Montenegro', No.30/12)

Subject matter

Article 1

This Regulation regulates in detail the conditions, which copies of copyright works and of subject matter of related rights (hereinafter: *protected matter*) must meet, which are deposited with the state administration authority competent for matters of intellectual property (hereinafter: *Competent authority*) and the contents of the register of deposited protected matter (hereinafter: *the Register*).

Depositing of protected matter

Article 2

Protected matter shall be deposited under the condition, that it is filed in a suitable form and that it can be clearly identified.

As a suitable form under Par 1 of this Article shall be deemed in particular:

- 1) a copy of the protected matter in entirety;
- 2) a copy of essential elements of the protected matter;
- 3) a detailed description of the contents of the protected matter;
- 4) evidence on the existence of the protected matter (drawing, photograph, video recording of the matter or a similar evidence).

If by one drawing, photograph, or a similar evidence all essential elements of the protected matter cannot be presented, a corresponding number of that evidence marked with consecutive numbers, necessary to clearly identify the protected matter, shall be submitted.

Submitting of protected matter

Article 3

Protected matter which is submitted for depositing, shall be fixed on a carrier (paper, optical disc and similar).

Protected matter, which is fixed on paper, foil or another carrier, shall be submitted in a format not bigger than format A4 or transposed to that format, if not otherwise provided by this Regulation.

The competent authority may ask the submitter of the claim to transpose the protected matter into digital format, if such transposition is simple and does not require larger additional costs.

Submitting of published protected matter

Article 4

Published protected matter shall be submitted for depositing in the form of copies of such publication.

Conditions for single categories of protected matter

Article 5

Besides the provisions in Articles 2 to 4 of this Regulation, single categories of protected matter must fulfill also the following conditions:

- 1) computer programs shall be submitted in source or machine code or in another suitable form;
- 2) musical works with or without words shall be submitted in the form of sheet music, piano score, recording or in another suitable form;
- 3) choreographic works and works of pantomime shall be submitted in a transcript, which is generally accepted in professional circles, in the form of a detailed description, recording or in another suitable form;
- 4) threedimensional works (sculptures, architectural works, works of applied art and similar) and copyright works of a larger size shall be submitted in the form of evidence on the existence of such works - a drawing, photograph, video recording or a similar evidence;
- 5) cartographic works, technical drawings, plans and similar works shall be submitted in the form of a technical drawing for the relevant field, and exceptionally in a format larger than format A4, if through a smaller format the protected matter could not be identified;
- 6) protected matter in a foreign language shall be submitted in that language.

Condition of identification

Article 6

The condition of identification in Article 2 of this Regulation shall be deemed fulfilled if the protected matter can be perceived through a computer, projector or other device held by the Competent authority.

Contents of the Register

Article 7

The Register comprises:

- 1) the claim for the deposit and entering into the Register (hereinafter: *claim*);
- 2) the annexes in Article 8 Par 3 of this Regulation;
- 3) the certificate in Article 12 Par 1 of this Regulation;
- 4) files, correspondence and other documents in connection with a specific protected matter.

The Register is kept separately for each copyright work and each subject matter of related rights.

The claim

Article 8

The claim may be submitted by the autor, the holder of an exclusive copyright and the holder of an exclusive related right.

The claim shall be submitted on Form A for copyright works or on Form S for subject matter of related rights, in two copies.

The claim shall be enclosed with:

- 1) a copy or other form of the protected matter as prescribed under Articles 2 to 5 of this Regulation, with the signature of the right holder;
- 2) the power of attorney, if the claim is submitted by a proxy;
- 3) the mandate of the collective representative of performers, who collectively participate in the performance (members of the orchestra, choir, dance ensemble, theatre group etc.);
- 4) a proof of the payment of the administrative tax.

Form A and Form S of Par 2 of this Article constitute a part of this Regulation.

Contents of the forms

Article 9

Form A comprises:

- 1) the title of the copyright work and the alternative title, if it exists, by which the copyright work can be identified;
- 2) data on the category of the copyright work (written work, computer program, musical work etc.);
- 3) data on the form of the deposited copyright work (printed text, digital copy etc.);
- 4) data if the copyright work was created in an employment relationship;
- 5) data on the author, co-authors or authors of joined works, i.e.: surname, name, pseudonym or mark, address, citizenship, year of decease and contact data (telephone number, fax or e-mail address)(hereinafter: contact data); a note if it is a work of an anonymous author;
- 6) data on the author and on the title of the original work, if a copyright work of adaptation is at stake;
- 7) data on the right holder, i.e.: surname, name, address and citizenship (natural person), or the firm and seat (legal person) and contact data;
- 8) data on the proxy of the submitter of the claim, i.e.: surname, name, address (natural person), or the firm and seat (legal person) and contact data;
- 9) reference to the enclosures which are submitted with the claim, i.e.: copies or other forms of the copyright work, powers of attorney and proof of the payment of the administrative tax;
- 10) date of submission, and
- 11) signature and stamp (if it exists) of the submitter of the claim or his proxy, if there is one.

Form S comprises:

- 1) the title of the subject matter of related rights and the alternative title, if it exists, by which the subject matter of related rights can be identified;
- 2) data on the category of subject matter of related rights (phonogram, videogram, database etc.);
- 3) data on the form of the deposited subject matter of related rights (optical disc, video tape etc.);
- 4) data if the subject matter of related rights was created in an employment relationship;

- 5) data on the right holder, i.e.: surname, name, address and citizenship (natural person), or the firm and seat (legal person) and contact data;
- 6) data on the performer, i.e.: surname, name, pseudonym or mark, address and citizenship; year of decease and contact data;
- 7) data on the collective representative of performers, who collectively participate in the performance (members of the orchestra, choir, dance ensemble, theatre group etc.), i.e.: surname, name, address (natural person), or the firm and seat (legal person) and contact data;
- 8) data on the proxy of the submitter of the claim, i.e.: surname, name, address (natural person), or the firm and seat (legal person) and contact data;
- 9) reference to the enclosures which are submitted with the claim, i.e.: copies or other forms of subject matter of related rights, mandate of the collective representative of performers, powers of attorney and proof of the payment of the administrative tax;
- 10) date of submission, and
- 11) signature and stamp (if it exists) of the submitters of the claim or their representative or proxy, if they exist.

Marking of the claim

Article 10

The claim is marked with a number and the date of receipt.

The number of the claim constitutes the capital letter A for copyright works or S for subject matter of related rights, a regular number of the claim and a four digit mark of the year of submitting the claim.

Presumption of correctness of data

Article 11

The correctness of the data stated in the claim and the contents of the protected matter, which is submitted for deposit and entering into the Register shall not be verified.

Certificate

Article 12

The Competent authority implements the depositing of protected matter and its entering into the Register simultaneously and issues to the submitter a certificate thereon.

The date of receipt of the claim shall be considered as the date of depositing and entering into the Register.

The certificate under Par, 1) of this Article shall be issued separately for each copyright work and each subject matter of related rights.

Contents of the certificate

Article 13

The certificate of Article 12 Par 1 of this Regulation comprises:

- 1) the number and date of the depositing and entering into the Register;
- 2) the title of the copyright work or subject matter of related rights and the alternative title, if it exists;
- 3) data on the category of the copyright work or subject matter of related rights (written work, computer program, musical work, phonogram, videogram etc.);

- 4) data on the form of the deposited copyright work or subject matter of related rights, with a note on the number of the delivered copies (printed text, photographs, optical discs etc.);
- 5) surname and name of the holder of copyright or subject matter of related rights (natural person), or the firm and seat (legal person);
- 6) data on the author, co-authors or authors of joined works or on the performer, i.e.: surname, name, pseudonym or mark, note if it is a work of an anonymous author.

Change of the contents of a deposited protected matter

Article 14

The change of the contents of a deposited protected matter demands the filing of a new claim.

Accessibility of protected matter

Article 15

The copy or other form of the protected matter of Article 8 Par 3 it. 1 of this Regulation and the certificate of Article 12 Par 1 of this Regulation are public and are accessible for insight to third persons on the premisses of the competent authority.

Keeping of the Register

Article 16

The contents of the Register shall be kept for 10 years after the date of entering into the Register.

The term in Par 1) of this Article may be extended upon application by the submitter of the claim, but no longer than until the expiry of the terms of protection of copyright and related rights.

The claim for extension of the term in Par. 1) of this Article must be submitted before the expiry of that term.

Article 17

This Regulation shall enter into force on the eighth day following its publication in the “Official Gazette of Montenegro”.

No: 0901-374/9

Podgorica, June 4th 2012.

The Minister
Dr Vladimir Kavarić

*Intellectual Property Office of Montenegro
Rimski Trg 46, 81000 Podgorica*

Claim for the deposit and entering into the Register of Copyright works

To be completed by the Office

No. of claim	A-
Date of receipt	

To be completed by the submitter

1) Title of the copyright work (the alternative title if it exists)
2) Category of the copyright work
3) Form of the deposited copyright work
4) Was the copyright work created in an employment relationship
<p>5) Data on the author of the copyright work</p> <p style="margin-left: 20px;">Surname, name, pseudonym or mark, address and citizenship; year of decease</p> <p style="margin-left: 20px;">Contact-data (Tel Fax e-mail)</p> <p>Data on co-authors</p> <p style="margin-left: 20px;">Surname, name, pseudonym or mark, address and citizenship; year of decease</p> <p style="margin-left: 20px;">Contact-data (Tel Fax e-mail)</p>

<p>Data on authors of joined works</p> <p>Surname, name, pseudonym or mark, address and citizenship; year of decease</p> <p>Contact-data (Tel Fax e-mail)</p> <p>Reference to the work of an anonymous author</p>
<p>6) Data on the author and title of the original work (if a work of adaptation is at stake)</p>
<p>7) Data on the holder of copyright</p> <p>Surname, name, address and citizenship (natural person)</p> <p>Firm and seat (legal person)</p> <p>Contact-data (Tel Fax e-mail)</p>
<p>8) Data on the proxy of the submitter of the claim</p> <p>Surname, name, address (natural person)</p> <p>Firm and seat (legal person)</p> <p>Contact-data (Tel Fax e-mail)</p>
<p>Enclosures to the claim</p> <ul style="list-style-type: none"> - copy or other form of the copyright work - power of attorney - proof of payment of the administrative tax

Date of delivery: _____

Submitter of the claim: Author _____ Proxy _____
(signature and stamp)

Right holder _____ Proxy _____

*Intellectual Property Office of Montenegro
Rimski Trg 46, 81000 Podgorica*

Claim for the deposit and entering into the Register of subject matter of related rights

To be completed by the Office

No. of claim	S -
Date of receipt	

To be completed by the submitter

1) Title of the subject matter of related rights (the alternative title if it exists)
2) Category of the subject matter of related rights
3) Form of the deposited subject matter of related rights
4) Was the subject matter of related rights created in an employment relationship
5) Data on the holder of related rights Surname, name, address and citizenship (natural person) Firm and seat (legal person) Contact-data (Tel Fax e-mail)
6) Data on the performer Surname, name, pseudonym or mark, address and citizenship; year of decease

Contact-data (Tel Fax e-mail)

7) Data on the collective representative of performers, who collectively participate in the performance (members of the orchestra, choir, dance ensemble, theatre group etc.)

Surname, name, address (natural person)

Firm and seat (legal person)

Contact-data (Tel Fax e-mail)

8) Data on the proxy of the submitter of the claim

Surname, name, address (natural person)

Firm and seat (legal person)

Contact-data (Tel Fax e-mail)

Enclosures to the claim

- copy or other form of the protected matter
- mandate of the collective representative of performers
- power of attorney of the proxy
- proof of payment of the administrative tax

Date of delivery: _____

Submitter of the claim: Right holder _____ Proxy _____
(signature and stamp)

Performer _____ Representative _____ Proxy _____