

LAW ON CHANGING AND AMENDING THE LAW ON COPYRIGHT AND RELATED RIGHTS

("Official Gazette of Republic of Macedonia" no. 51 from 13.04.2011)

Article 1

In the Law on Copyright and Related Rights ("Official Gazette of the Republic of Macedonia" no. 115/10), after article 151, a new article 151-a shall be added, with the following wording:

“Procedure in the case of failure to adopt a decision

Article 151-a

(1) If the Ministry of Culture shall fail to adopt a decision to issue a license, i.e., if it fails to reject the application for issuing of a license within the period laid down by article 149 of the present law, the applicant shall be entitled, within a period of three business days, to request from the Minister of culture to adopt the decision by filing an application to the clerk's office.

(2) The form and the contents of the application form referred to in paragraph (1) of the present article shall be laid down by the Minister of culture.

(3) The Minister of culture shall be obligated, within a period of five business days upon the submission of the application referred to in paragraph (1) of the present article to the clerk's office, to adopt a decision accepting or rejecting that application. If there is no specific clerk's office of the Minister, the application shall be filed to the clerk's office of the Ministry of Culture.

(4) The applicant shall attach a copy of the application under article 149 of the present law to the application for adoption of a decision referred to in paragraph (1) of the present article.

(5) If the Minister of culture shall fail to adopt a decision within the period referred to in paragraph (3) of the present article, the applicant shall have the right to notify the State Administrative Inspectorate within a period of five business days.

(6) The State Administrative Inspectorate shall be obligated, within a period of 10 days upon the receipt of the notification referred to in paragraph (5) of the present article, to carry out a supervision in the Ministry of Culture in order to establish whether the procedure has been carried out in accordance with the law, and, within a period of three business days upon the day of the supervision, to notify the applicant.

(7) The inspector, upon the completion of the supervision and in accordance with the law, shall adopt a decision obligating the Minister of culture to decide upon the filed application within a period of ten days, i.e., to accept or reject the application and to notify the State Administrative Inspectorate about the adopted act. A copy of the act containing the decision on the filed application shall be attached to the notification.

(8) If the Minister of culture shall fail to adopt a decision within the period referred to in paragraph (7) of the present article, the inspector shall file a motion for initiation of a misdemeanor proceedings for a misdemeanor laid down by the Law on

Administrative Inspection, and shall set forth an additional period of five business days within which the Minister of culture shall decide upon the filed application and notify the inspector about the adopted decision. A copy of the act containing the decision on the filed application shall be attached to the notification. Within a period of three business days, the inspector shall notify the applicant about the actions taken.

(9) If the Minister of culture fails to decide in the additional period referred to in paragraph (8) of the present article, the Inspector shall file charges to the competent public prosecutor within a period of three days, and notify the applicant about the actions taken within the same period.

(10) If the inspector shall fail to act upon the notification referred to in paragraph (5) of the present article, the applicant shall have the right to lodge a complaint to the clerk's office of the Director of the State Administrative Inspectorate within a period of five business days. If the Director does not have a clerk's office, the complaint shall be filed to the clerk's office at the head office of the State Administrative Inspectorate.

(11) The Director of the State Administrative Inspectorate shall be obligated to review the complaint referred to in paragraph (10) of the present article within a period of three business days, and, if he finds that the inspector failed to act upon the notification sent by the applicant under paragraphs (6) and (7) of the present article, or failed to file charges in accordance with paragraphs (8) and (9) of the present article, the Director of the State Administrative Inspectorate shall file a motion for initiation of a misdemeanor proceedings for a misdemeanor laid down by the Law on Administrative Inspection against the relevant inspector, and shall prescribe an additional period of five business days within which the inspector shall carry out a supervision in the Ministry of Culture in order to establish whether the procedure has been carried out in accordance with the law, and, within a period of three days upon the completion of the supervision, to inform the applicant for the actions taken.

(12) If the inspector fails to decide in the additional period referred to in paragraph (11) of the present article, the Director of the State Administrative Inspectorate shall file charges against the relevant inspector to the competent public prosecutor, and shall notify the applicant about the actions taken within a period of three days.

(13) In the case referred to in paragraph (12) of the present article, the Director of the State Administrative Inspectorate shall forthwith, and no later than one business day after, authorize another inspector to carry out the supervision immediately.

(14) In the cases referred to in paragraph (13) of the present article, the Director of the State Administrative Inspectorate shall notify the applicant about the actions taken within a period of three business days.

(15) If the Director of the State Administrative Inspectorate fails to act in accordance with paragraph (11) of the present article, the applicant shall be entitled to file charges to the competent public prosecutor within a period of eight business days.

(16) If the Minister of culture fails to take a decision within the period referred to in paragraph (9) of the present article, the applicant shall be entitled to initiate an administrative dispute before the competent court.

(17) The procedure before the administrative court shall be urgent.“

Article 2

The implementing act, as laid down by the present law, shall be enacted within a period of 15 days upon the entry into force of the present law.

Upon the publication of the implementing act under paragraph 1 of the present article in the "Official Gazette of the Republic of Macedonia", it shall be forthwith, and no later than 24 hours after, published at the webpage of the Ministry of Culture.

Article 3

The procedures for obtaining a license for collective administration that have been initiated prior to the date of the entry into force of the present law shall be completed in accordance with the Law on Copyright and Related Rights ("Official Gazette of the Republic of Macedonia" no. 115/10 and 140/10).

Article 4

This Law shall enter into force on the eight day following its publication in the „Official Gazette of Republic of Macedonia“.