

**Law on Alteration and Amendment of the Law on Copyright and Related Rights
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Article 1

Article 141 paragraph 1 from the Law on Copyright and Related Rights ("Official Gazette of the Republic of Macedonia" No. 47/96, 3/98, 98/02 и 4/05) shall be substituted as follows:

„Collecting management shall be carried out by associations of authors, i.e. associations of holders of related rights established for that purpose, as an association of authors in accordance with the Law on Associations of Citizens and Foundations i.e. economic interested associations in accordance with the Law on Trade societies /companies (hereafter associations). стопански интересни заедници во согласност со Законот за трговски друштва

Article 2

Article 155 paragraph 1 shall be substituted as follows:

„The administrative supervision over the collective management associations /organizations shall be carried out by the Ministry of Culture ".

In the paragraph 2 words, it may perform inspection supervision "shall be deleted.

In the paragraph 2 words „two months "shall be substituted with words „30 days“.

Article 3

Article 162 paragraph 4 shall be substituted as follows:

„ For the proceedings upon provisional measures, provisions of the law regulated measures of securing claims i.e. of provisional measures shall be applied, unless otherwise determined by this Law”.

Article 4

After Article 163 new Article 163-a shall be inserted as follows:

„Article 163-a

The right of protection determined in this Law shall not lapse, unless otherwise provided in this Law.

The claims provided in this Law that according to their character are obligatory regulations (legislative) relations for which particular term of elapsing is not provided, shall lapse according to the general rules on limitation/expiration of the claims.

Article 5

In Section 4 title „Penal Provisions " shall be substituted with following title „Misdemeanor Provisions "

Article 6

In Article 168 paragraph 1 introductory sentence shall be substituted as follows:
„Fine in amount from 2.500 to 5.000 euros calculated in MKD counter value shall be issued assentance for the misdemeanor to the legal entity who:".

After indent 7 a new indent 8 shall be inserted, as follows:

„- without the authorization of and without payment of the remuneration of the publisher photocopying its written work for private and other personal use (Article 131);".

Indents 8, 9, 10, 11, 12, 13, 14, 15, 16 и 17 change numeration into indent 9, 10, 11, 12, 13, 14, 15, 16, 17 и 18.

Paragraph 2 shall be substituted as follows:

„ A fine into the amount from 1.000 to 3.000 euros calculated in MKD counter value shall be imposed on the institutional legal representative of a legal entity and a self-employed individual and individual itself who conducting his activities (execute self-employed activities) or profession for a misdemeanor of this Article, paragraph 1".

Paragraph 3 shall be substituted as follows:

„„, A fine into the amount from 1.500 to 3.000 euros calculated in MKD counter value shall be imposed on the physical person for a misdemeanor of this Article, paragraph 1"

Paragraph 4 shall be substitute as follows:

„ For the misdemeanors stipulated in paragraph 1 of this Article for the purposes of creating cupidity or use which caused larger material damage, the legal entity from paragraphs 2 and 3 d of this Law shall be penalized with a fine up to 10.000 euros calculated in MKD counter value, and the physical person shall be penalized with a fine up to 6.000 euros calculated in MKD counter value ".

Paragraph 5 shall be substitute as follows:

„For the misdemeanor of this Article, paragraph 1, a legal entity, i.e. a self-employed individual and individual who conduce his activities or profession shall be issued assentance (pronounced) additional sanction- a provisional measure - prohibition on conducting his activities within a time period of maximum five years, calculated from the day of becoming a final dictum of the court decision “.

Paragraph 6 shall be substitute as follows:

„„,For the misdemeanor of this Article, paragraph 1, a legal entity, i.e. a self-employed individual and individual who conduce his activities or profession an physical person temporary as a provisional measure shall be seized - the copies of a copyright work of item 1, the copies of a computer program of item 6, the performance or stage work fixations as well as the phonograms and videograms of item 7, the broadcast

program fixations of item 9 as well as the means of items 17 and 19 of this Article, as well as the other means used or intended for performance of the misdemeanor stipulated in this article.”

Paragraph 7 shall be substitute as follows:

„ The seized objects as the other means used or intended for performance of the misdemeanor stipulated in this article and other object obtained by the misdemeanor stipulated in this article, the state market inspector (hereinafter inspector) shall be obliged to submit promptly to the competent court , i.e. to inform promptly for the temporary seizure executed of the objects and to take care about its storage till the misdemeanor proceeding shall be initiated”.

After paragraph 7 a new paragraph 8 shall be inserted as follows>

„ The temporary seized objects obtained by the misdemeanor stipulated in this article, shall be destroyed after the final court decision is enacted.”.

Article 7

Article 169 shall be substituted as follows:

„The misdemeanors from Article 168 of this Law shall not be subject to commence of the procedure nor can not be leaded after the expiration of five years from the day the misdemeanor was performed and final prescribed fine for performed. Misdemeanor nor can not be executed after the expiration of two years following the day of legal final decision for the misdemeanor”.

Article 8

Article 170 shall be substituted as follows:

“The inspection supervision on the implementation of the provisions of this Law in respect of distribution and communication to the public of the copyright and related rights i.2. Copyrighted works and subject matters of related rights shall be governed by State market inspectorate.

When an inspector in the course of his supervisory activity well founded suspects that a misdemeanor has been committed, as a provisional measure, he shall, temporarily seize the goods i.e. the copies of the copyright works or copies of the objects of the related rights which have been or are intended to be used for the commission of a misdemeanor, or have been created by such or misdemeanor, as well means, devises and document in relation with them, for which is obligated to issue a receipt with accurate description and quantity of the seized objects.

Inspector from the paragraph 2 of this Article is obliged not later than 15 days from the date of seizure of the objects, as well as other means which have been or are intended to be used for the commission of a misdemeanor from this Article to submit requirement for initiation for misdemeanor proceeding, in contrary he is obliged to give back object to the person from which were seized.

In request for initiating for misdemeanor proceeding, inspector is obliged to indicate performed. exceminated measure from the paragraph 3 of this Article.

If Inspector makes statement that together with the performed misdemeanor illegal economical (material) gain has take place (утврди) he is obliged in the request fro initiation of misdemeanor proceeding to indicate the amount of such gain ant to require to be seized from the infringer од сторителот.

The inspection supervision on the implementation of the provisions of this Law in respect of manufacture, production, storage, disclosure and fixation of computer programs, musical and audiovisual works embodied on of sound and of sound and image carriers, in accordance with the law, shall be govern by the Ministry of Internal affairs."

Article 9

Article 170–a shall be deleted.

Transitional and Final provisions

Article 10

After Article 184-*f* two new Articles -184-g и 184-h, shall be inserted, as follows:

„Article 184-g

The procedures for inspection supervision/control and misdemeanor commenced until the day of entrance into force of this Law shall be finished in accordance with the legislative being into forces until the day of effectuation of this Law.

Article 184-h

Inspectors, employees, equipment, inventory and other object, the archive, documentations, means for the labor and other means from the Ministry of Culture-Inspection for copyright and related rights shall be transferred to the State Market inspectorate in a period of up to 30 days calculated from the day of entrance into force of this Law."

Article 11

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