

## **REGULATION OF THE MINISTER OF CULTURE AND ART of 22 December, 1994**

on the level of fees to be paid to the Fund for Promotion of Creative Activity from sales of works whose protection period in relation to author's economic rights has elapsed, along with detailed rules of disbursements from the Fund and granting of scholarships and social assistance.

By virtue of **article 40 paragraph 3** and **article 114** of the Act of 4 February 1994 on Copyright and Neighbouring Rights Act (official gazette *Dziennik Ustaw* No. 24, item 83 and No. 43, item 170) it is hereby ordered as follows:

§ 1. Producers or publishers of copies of such literary and musical works, artistic works, photographic and cartographic works whose protection period in relation to author's economic rights has elapsed, shall be obliged to remit fees from gross revenues, without taking into account goods and services tax, obtained from the sales of copies of the said works, at the following levels:

1) 8 per cent of proceeds from the retail sales of copies of the works made by entities other than the publisher;

2) 6 per cent of proceeds from the retail sales made directly by the publisher, subject to [item 4](#) below;

3) 6 per cent of proceeds from the retail sales of copies of protected works derived from works whose protection period in relation to author's economic rights has elapsed, or the retail sales of unprotected works derived from protected works;

4) 5 per cent of proceeds from retail sales of classical literary works recommended as school readings, editions designed for the blind and limited editions of scientific monographs.

§ 2. 1. In the case of publications also containing, in addition to works for which a fee is provided in [§ 1](#) above, works protected by copyright law, the fee specified in the preceding paragraph shall be reduced proportionally — in relation to the volume calculated in author's sheets of the works referred to in [§ 1](#) above — to the volume of works still enjoying the protection of author's economic rights.

2. The amount of the fee referred to in [subparagraph 1](#), shall be rounded up to the tenth part of the volume calculated separately as regards a work or works from which a fee shall be due.

3. The proportional reduction of the fee, as referred to in [subparagraph 1](#), shall not be applicable to works which are components of a graphic composition of the edited works referred to in § 1, in particular illustrations, book jackets, book covers, layouts, unless such works are of an equal value, e.g. in illustrated books for children and in albums.

§ 3. 1. Applications for grants from the Fund can be submitted by interested authors, publishers and producers, other cultural institutions, organizations for the collective administration of copyright or neighbouring rights, as well as associations of authors.

2. The applications referred to in [subparagraph 1](#), must be submitted by 30th January of each calendar year. This time limit shall not apply to applications for social assistance.

§ 4. An application for financing an edition in full or in part must contain the following particulars:

1) forename and surname (name) and address (office) of the applicant;

2) the purposes of the funding, dates of beginning and finishing the work, as well as the degree of preparedness of the work for which the funding is sought;

- 3) an amount of the funding sought in the application with preliminary calculations;
- 4) proposed dates for payments.

§ 5. If proceeds to the publisher from an edition financed in full or in part by the Fund exceed expenses incurred by him for that edition, the surplus in excess of expenses — up to the level of the grant obtained from the Fund — shall be returned.

§ 6. An application for a scholarship must contain:

- 1) the personal particulars of a candidate;
- 2) particulars of his creative achievements;
- 3) a programme for the scholarship, including a plan of the candidate's work within the scholarship period (scholarship programme);
- 4) the proposed duration and amount of the scholarship,
- 5) a declaration of income earned by the candidate within the previous 12 months.

§ 7. Scholarships shall be granted for periods of three months, six months or one year. In suitably justified cases a single scholarship may be granted.

§ 8. An application for social assistance must contain:

- 1) the personal particulars of the author;
- 2) particulars of his creative achievements;
- 3) a statement of the financial situation of the author including a declaration on income earned within the previous twelve months,
- 4) the proposed period for which the assistance is to be granted.

§ 9. Disbursements from the Fund are designated for specific purposes and cannot be applied for any other purposes.

§ 10. Grants from the Fund shall not be subject to revaluation.

§ 11. 1. Associations of authors and organizations for collective administration of copyright or neighbouring rights can inspect the submitted applications referred to in [§ 3](#) within two weeks following expiry of the time limit set for their submission. The organizations can also make comments on applications submitted within two weeks following the time limit provided for their inspection.

2. The Minister of Culture and Art shall decide upon disbursements from the Fund after examination of the applications submitted.

§ 12. The Minister of Culture and Art shall appoint a commission for financing editions, granting authors' scholarships and social assistance, and whose duty shall be to provide opinions on applications for grants from the Fund.

§ 13. The Regulation shall come into force on 1st January, 1995.

Minister of Culture and Art: *K. Dejmek*