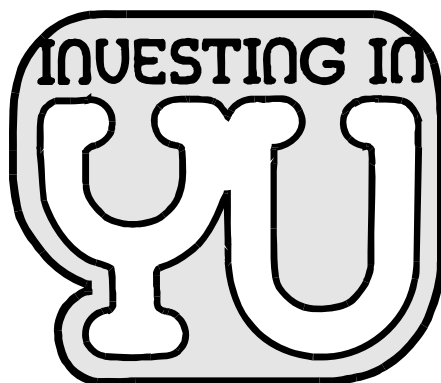


FEDERAL REPUBLIC OF YUGOSLAVIA



**COPYRIGHT AND RELATED
RIGHTS LAW**



JUGOSLOVENSKI PREGLED

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COPYRIGHT AND RELATED RIGHTS LAW

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ZAKON O AUTORSKIM PRAVIMA

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COPYRIGHT AND RELATED RIGHTS LAW*

I. SCOPE OF THE LAW

Article 1

This Law shall regulate the rights of the authors of literary, scientific and artistic works (hereinafter: the copyright), rights of performers, producers of phonograms, videograms, broadcasts and databases, as rights related to the copyright (hereinafter: the related rights), the way of exercising the copyright and related rights and the judicial protection of such rights.

II. COPYRIGHT

1. *Work of Authorship*

Article 2

(1) A work of authorship is an author's original intellectual creation, expressed in a certain form, regardless of its artistic, scientific or some other value, its purpose, size, contents and way of manifestation, as well as the permissibility of public communication of its contents.

(2) The following shall be deemed works of authorship in particular:

- 1) Written works (books, brochures, articles, etc.);
- 2) Spoken works (lectures, speeches, orations, etc.);
- 3) Dramatic, dramatico-musical, choreographic and pantomime works, as well as works originating from folklore;
- 4) Works of music, with or without words;
- 5) Films (cinema and television);
- 6) Fine art works (paintings, drawings, sketches, graphics, sculptures, etc.);
- 7) Works of architecture, applied art and industrial design;
- 8) Cartographic works (geographic and topographic maps);
- 9) Drawings, sketches, dummies and photographs;
- 10) Computer programmes (in source, object and executive codes);

Article 3

(1) An unfinished work of authorship, parts of a work of authorship, as well as the title of a work of authorship, shall be deemed a work of authorship, subject to meeting the requirements set out in Article 2, Paragraph 1, of the present Law.

(2) Notwithstanding the provision of Paragraph 1 of this Article, the protection of a work of authorship shall also apply to the title of that work.

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Article 4

(1) Theatrical direction and choreography, translations, adaptations, musical arrangements, as well as modifications of the works of authorship, shall be deemed works of authorship, subject to meeting the requirements referred to in Article 2, Paragraph 1, of the present Law.

(2) A work of modification shall be a work in which the characteristic elements of the modified (original) work are recognisable.

(3) The protection of a copyright referred to in Paragraph 1 of this Article shall in no way limit the rights of the author of the original work.

Article 5

(1) A collection of the works of authorship, which in view of the selection and arrangement of its integral parts, meets the requirements referred to in Article 2, Paragraph 1, of the present Law (an encyclopaedia, collection of works, anthology, selected works, music collection, photograph collection, graphic map and the like), shall also be deemed a work of authorship.

(2) A collection of folk literary and artistic creations, as well as a collection of documents, court decisions and similar materials, which in view of their selection and arrangement, meets the requirements referred to in Article 2, Paragraph 1, of the present Law, shall also be deemed a work of authorship.

(3) A collection shall also be understood to mean a database, regardless of whether it is in a mechanically or otherwise legible form, which in view of the selection and arrangement of its integral parts, meets the requirements referred to in Article 2, Paragraph 1, of the present Law.

(4) The protection of a collection shall in no way restrict the rights of authors of the works constituting an integral of the collection.

Article 6

(1) The protection of copyright shall not apply to general ideas, principles and instructions included in a work of authorship.

(2) The following shall not be deemed works of authorship:

- 1) Laws, decrees and other regulations;
- 2) Official materials of government agencies and agencies discharging public functions;
- 3) Official translations of regulations and official materials of government agencies and agencies discharging public functions;
- 4) Submissions and other documents presented in the administrative or court proceedings.

Article 7

(1) A work of authorship shall be deemed disclosed once it is communicated to the public for the first time by its author or a person duly authorised by him/her, in any way and anywhere in the world.

(2) A work of authorship shall be deemed published once the copies of it are released by its author or a person duly authorised by him/her, in a number, which in view of the kind and nature of the work, can satisfy the needs of the public.

(3) A work of fine arts shall be deemed published when the original or at least a copy of that work is made accessible to the public on a permanent basis by its author or a person permitted to do so by the latter.

2. Commencement of Rights

Article 8

Any author shall enjoy moral and pecuniary rights with regard to his/her work of authorship from the moment it comes into being.

3. Holder of Copyright

Article 9

- (1) An author is an individual who has created a work of authorship (hereinafter: the work).
- (2) An author shall be understood to mean a person whose name, pseudonym or mark exists on copies of the work or is referred to on the occasion of publication of the work, until proven to the contrary.
- (3) The author of the work shall be the holder of copyright.
- (4) Besides the author, the holder of copyright may also be a person who is not its author and has acquired the copyright in conformity with the present Law.

Article 10

- (1) A co-author is an individual who creates a work on the basis of creative work with another person.
- (2) Co-authors shall be joint holders of the copyright on a work of authorship, unless otherwise provided by the present Law or a contract governing their mutual relations.
- (3) The consent of all co-authors shall be necessary for the exercise of a copyright and its assignment. A co-author may not withhold his/her consent contrary to the principle of scrupulousness and honesty, or do anything that is harmful or could be harmful to the interests of other co-authors.
- (4) Each co-author shall be authorised to sue for the protection of copyright on a work of co-authorship, in which case he/she may file suit only in his/her own name and for his/her own account.
- (5) Co-authors shall share the economic benefit from exploiting a work of co-authorship in proportion to the actual contribution made by each of them to the creation of that work, unless otherwise agreed on among them.

Article 11

- (1) The scriptwriter, director and chief cameraman shall be regarded as co-authors of a film.
- (2) If music makes up an essential component of a film (musical film) and it has been composed for that film, then also the composer shall be regarded as a co-author of that film.
- (3) If a cartoon and/or animated cartoon is involved or drawings and animation make up essential components of that cartoon and/or animated cartoon, then also the chief drawer and chief animator shall be regarded as its co-authors.

Article 12

- (1) If two or more authors combine their works for the sake of joint exploitation, each author shall reserve his/her right on his/her work.
- (2) The relations between the authors of combined works shall be determined by contract.

Article 13

- (1) The copyright on a work of authorship, the author of which is unknown (an anonymous work or a work under pseudonym), may be held by the following:
 - 1) If published, by its publisher;
 - 2) If disclosed, but not published, by the person who has disclosed it.
- (2) In case of doubt, the persons referred to in Paragraph 1 of this Article shall have to prove that they have acquired their right to publish and/or disclosed that work from its author or his/her successor.
- (3) Once the identity of the author of a work referred to in Paragraph 1 of this Article is established, the rights of the publisher and/or the person who has disclosed it shall cease to run.

4. Scope of Copyright

4.1. Author's Moral Rights

4.1.1. Right of Authorship

Article 14

Any author shall have the exclusive right to be recognised as the author of his work.

4.1.2 Right to be Named

Article 15

(1) Any author shall have the exclusive right to his/her name, pseudonym or mark being put on each copy of his work or be quoted at each public communication of that work.

(2) In certain cases, the author may explicitly waive the rights referred to in Paragraph 1 of this Article.

4.1.3. Right of Disclosure

Article 16

(1) Any author shall have the exclusive right to disclose his/her work and set the way in which it is to be disclosed.

(2) Pending the disclosure of a work, only its author shall have the exclusive right to give information in public about the contents of his/her work or to describe it.

4.1.4. Right of Protection of the Work's Integrity

Article 17

Any author shall have the exclusive right to protect the integrity of his/her work, particularly by doing the following:

- 1) Opposing the making of alterations to his/her work by unauthorised persons;
- 2) Opposing the communication of his/her work to the public in an altered or incomplete form;
- 3) Giving permission for his work to be modified.

4.1.5. Right to Oppose Unbecoming Exploitation of the Work

Article 18

Any author shall have the exclusive right to oppose the exploitation of his/her work in a manner that is posing or could pose a threat to his honour or reputation.

4.2. Author's Pecuniary rights

Article 19

(1) Any author shall have the right to commercial exploitation of his/her work, as well as of a work resulting from the modification of his/her work.

(2) Any author shall be entitled to remuneration for the exploitation of his work by another person, unless otherwise provided by the present Law or contract.

4.2.1. Right of Exploiting a Work in Tangible Form

4.2.1.1. Right of Recording and Reproduction

Article 20

(1) Any author shall have the exclusive right to prohibit somebody else from or permit the latter to make a recording of his/her work on a tangible carrier (paper, magnetic tape, vinyl disc, compact disc, film tape, cassette and the like) or reproduce his/her work.

(2) Reproduction may be carried out particularly by printing, drawing, engraving, photographing, casting and other artistic graphic and plastic methods, and mechanical or magnetic recording.

(3) Besides the acts referred to in Paragraph 1 of this Article, the reproduction of the works of architecture shall also be understood to mean the construction of buildings in accordance with drawings and/or designs.

(4) The reproduction of works shall be deemed existent regardless of the number of copies of the work, method of reproduction and durability of the copies.

(5) If the work of authorship is a computer programme, reproduction shall also be understood to mean the storage of the programme wholly or partly in the computer memory and running the programme in the computer.

4.2.1.2. Right of Putting Copies on the Market

Article 21

(1) Any author shall have the exclusive right to prohibit somebody from putting copies of his work on the market or to permit him/her to do so.

(2) The putting of copies of a work on the market shall also include the following:

- 1) Offering copies of the work for sale;
- 2) Storing copies of the work for the purpose of their being put on the market;
- 3) Importing copies of the work.

(3) The right of an author to put copies of the work on the market shall not affect any owner of a copy of the work who has legally acquired that copy from the author or persons duly authorised by the latter (exhausted right). Any owner of the copy of a work, who has legally obtained it from its author, may carry on putting it on the market without any restrictions.

4.2.1.3. Right of Renting Copies of Work

Article 22

(1) Any author shall have the exclusive right to prohibit somebody from renting copies of his/her work or permit the latter to do so.

(2) Should an author licence his/her right referred to in Paragraph 1 of this Article to a producer of phonograms and/or videograms, he/she may reserve the right to a share in the profits resulting from renting copies of the author's work (recorded on a video cassette, audio cassette, compact disc and the like).

(3) No author may waive the right to a share in the profit referred to in Paragraph 2 of this Article.

Article 23

Any author shall not enjoy the right referred to in Article 22, Paragraph 1, of the present Law, if any of the following is involved:

- 1) A built work of architecture;
- 2) A work of applied art materialised in the form of an industrial or artisan product;

3) A work that came into being or was reproduced for the purpose of being rented as the exclusive form of the exploited work agreed upon between the author and owner of a copy of the work.

4.2.2. Right of Exploiting a Work in Intangible Form

4.2.2.1. Right of Performance

Article 24

(1) Any author shall have the exclusive right to prohibit anybody from performing his/her work or permit him/her to do so.

(2) For the purposes of Paragraph 1 of this Article, performance shall be understood to mean public communication of non-stage works (speech, music) live to the audience.

4.2.2.2. Right of Presentation

Article 25

(1) Any author shall have the exclusive right to prohibit anybody from presenting his/her work or permit him/her to do so.

(2) For the purposes of Paragraph 1 of this Article, presentation shall be understood to mean public communication of stage works (dramatic, dramatico-musical, choreographic, pantomimic) live to the audience.

4.2.2.3. Right of Transmission of Performance or Presentation

Article 26

(1) Any author shall have the exclusive right to prohibit anybody from transmitting the performance or presentation of his/her work or permit him/her to do so.

(2) For the purposes of Paragraph 1 of this Article, transmission shall be understood to mean the simultaneous public communication of a work that is being performed or presented to the audience present outside the premises on which the work is being performed or presented live, with the means of technical devices, such as a loudspeaker or a screen and loudspeaker.

4.2.2.4. Right of Broadcasting

Article 27

(1) Any author shall have the exclusive right to prohibit anybody from broadcasting his/her work or permit him/her to do so.

(2) For the purposes of Paragraph 1 of this Article, broadcasting shall be understood to mean public communication of a work by wire or wireless transmission of electromagnetic, electric or other signals at long distance (radio broadcasting and cable broadcasting).

(3) The wireless and wire broadcasting are two different ways of exploiting a work and they make up the subject matter of two different copyright authorisations, except in the following cases:

1) If the re-broadcasting of a work by wire is a technically essential condition for the reception of a broadcast;

2) If the re-broadcasting by wire of a work that is broadcast wireless supplies less than a hundred receivers with signal on a non-commercial basis.

(4) For the purposes of Paragraph 2 of this Article, broadcasting shall be deemed existent also when signals intended for public reception are transmitted in an uninterrupted communication chain to a satellite and back to the ground, under the control of a broadcaster (hereinafter: the broadcasting enterprise), which shall be answerable therefor.

(5) If the signals are coded, transmission via satellite shall be deemed existent on condition that the signal decoding devices are accessible to the public through a broadcasting enterprise referred to in Paragraph 4 of this Article or through a third party duly authorised by the broadcasting enterprise.

(6) For the purposes of Paragraph 2 of this Article, broadcasting shall also be understood to mean the public communication of a work by wire or wireless, in a way that allows any individual access to the work at the place and time of his/her own choice.

4.2.2.5. Right of Public Communication of the Work being Broadcast

Article 28

Any author shall have the exclusive right to prohibit anybody from simultaneously communicating his/her work that is being broadcast to audience at public places, such as means of public transport, restaurants, waiting rooms and the like, with the means of such devices as radio receivers or television sets, or permit him/her to do so.

4.2.2.6. Right of Public Communication of a Work from a Sound or Picture Carrier

Article 29

Any author shall have the exclusive right to prohibit anybody from communicating in public his/her work recorded on a sound carrier or picture carrier (a record, compact disc, audio cassette, video cassette, film tape, optic disc, slide) with the means of technical devices for the reproduction of sound and/or picture.

4.3. Author's Rights in Relation to the Owner of a Work of Authorship

4.3.1. Right of Access to a Copy of the Work

Article 30

(1) Any author shall have the right to request an owner of a copy of his work to allow him/her access to that copy, if so is necessary for the reproduction of that work and if that does not pose a threat to justified interests of the owner or the person keeping the work in his/her possession.

(2) The owner of a work referred to in Paragraph 1 of this Article or the person keeping it in his/her possession, shall not be bound to hand over a copy of that work to its author.

4.3.2. Right of Sequence

Article 31

(1) Any author of a work of fine arts and any author of a literary, scientific or musical work with regard to his/her original manuscript, shall have the right to be notified by the owner of the original copy or manuscript of his/her work, who has sold it, of the name and address of the work's new owner, and claim 3% of the sale price, within 30 days from the date of sale.

(2) No author may waive the right referred to in Paragraph 1 of this Article or dispose of it.

(3) The right referred to in Paragraph 1 of this Article shall be inheritable.

(4) The right referred to in Paragraph 1 of this Article shall be deemed non-existent in the case of works relating to architecture and films.

Article 32

(1) Any art gallery keeper or organiser of the public sale of original copies of the works of fine arts and/or original manuscripts shall notify the author or his/her successor of the following within the term set in Article 31, Paragraph 1, of this Article:

- 1) Effected sale of his/her work;
- 2) Price for which the work was sold;
- 3) Name and address of seller of the work;
- 4) Name and address of new owner of the work.

(2) An art gallery keeper or an organiser of the public sale of original copies of works of fine arts and/or original manuscripts may be released from the duty to disclose to the author the name and address of the seller, if he/she pays to the author the amount referred to in Article 31, Paragraph 1, of the present Law.

(3) If there is a good reason for doubting the correctness and completeness of the information obtained from an art gallery keeper or organiser of the public sale of original copies of works of fine arts, the author shall have the right to seek the appropriate documents from that person. Should it be found that the information includes incorrect or incomplete data, the costs incurred in connection with inspection shall be borne by the art gallery keeper or organiser of the public sale of the original copy of a work of fine arts or original manuscript.

4.3.3. Right to Prohibit the Exhibition of Original Copy of a Work of Fine Arts

Article 33

(1) The owner of the original copy of a painting, sculpture and photograph shall have the right to exhibit that copy, regardless of whether that copy has been disclosed, unless the author has expressly prohibited that in writing when that original copy was disposed of.

(2) No author may prohibit the displaying of the original copy of a work belonging to a museum, art gallery or a similar public institution.

4.3.4. Author's Right of Priority in the Modification of a Work of Architecture

Article 34

(1) If the owner of a building, which is a materialised work of architecture, intends to make certain alterations in that building, he/she shall first offer the making of such alteration to the author, if he/she is accessible.

(2) The author's moral rights shall be observed if alterations in a building are not made in accordance with the modification of the work made by the author.

4.4. Authors' Right to Special Remuneration

Article 35

(1) The authors of works, which in view of their nature, can be expected to be reproduced without their permission on sound, picture and text carriers, shall have the right to a remuneration on the basis of sale of technical devices and sound, picture and text carriers, which are suitable for such reproduction.

(2) The joint and several debtors for the remuneration referred to in Paragraph 1 of this Article shall be the producer, importer and seller of the technical device or sound, picture and text carrier.

(3) In the case of works of authorship that are reproduced by photocopying or by a similar method, besides the right to the remuneration referred to in Paragraph 1 of this Article, the author shall also be entitled to remuneration from the legal entity or individual who provides photocopying services against payment.

(4) The parties referred to in Paragraph 2 of this Article need not pay remuneration for technical devices or sound, picture and text carriers, if they are intended to be exported.

(5) Authors may exercise their right to the remuneration referred to in Paragraphs 1 and 3 of this Article only through an organisation for the collective exercise of copyright and related rights.

5. Limitations on Copyright

5.1. Common Provision

Article 36

In the cases in which a work of authorship is exploited pursuant to the provisions of the present Law dealing with limitations on copyright, the name of that work's author and the source from which the work was taken (publisher of the work, year and place of publication, periodical, newspaper, television or radio station where the work or a part of it was originally published or directly taken from, and the like), shall be quoted.

5.2. Suspension of Exclusive Rights and Right to Remuneration

Article 37

A work of authorship may be reproduced and communicated to the public without its author's permission and without paying remuneration for the purpose of conducting an official procedure before a court or some other authorities.

Article 38

(1) It shall be permissible to make copies of a work, as well as to communicate the work in all other forms to the public without its author's permission and without paying remuneration, in the scope of informing the public on current events with the means of the press, radio and television, on the following conditions:

- 1) That the work has been disclosed;
- 2) That the work is appearing as an integral part of a current event about which the public is being informed;
- 3) That the reproduction of copies of the work and other forms of communicating it to the public are done only to the extent corresponding to the purpose and mode of informing on the current event.

(2) If the subject matter of informing is a speech, oration or some other work of the same kind, the work involved may be reproduced and communicated to the public wholly, without its author's permission and without paying remuneration.

Article 39

A work may be performed or presented and its performance or presentation may be transmitted, as well as communicated to the public, from a sound and picture carrier, without its author's permission and without paying remuneration, for teaching purposes, as well as at events staged in educational establishments, establishments of religious communities, health care and social welfare establishments, penitentiaries and reform establishments, on the following conditions:

- 1) That the work has been disclosed;
- 2) That the work is not used for the benefit of organisers or third parties;

- 3) That the public has free access;
- 4) That the performers of the work receive no remuneration for performing or presenting that work..

Article 40

Short excerpts from disclosed works to be used for teaching or examination purposes may be made without their authors' permission and without paying remuneration.

Article 41

(1) Copies of a disclosed work may be made for personal education and similar purposes without its author's permission and without paying remuneration.

(2) The copies made of a work referred to in Paragraph 1 of this Article may not be put on the market or be used for any other form of public communication of that work.

(3) The provisions of Paragraph 1 of this Article shall not apply to the following:

- 1) Recording of the performance, presentation or showing the work;
- 2) Three-dimensional realisation of drawings for works of fine arts;
- 3) Constructed works of architecture;
- 4) Construction of a new building after an existing building, which is a work of authorship;
- 5) Computer programmes.

Article 42

(1) If a work of authorship is a computer programme, the person who has legitimately obtained a copy of that computer programme for his/her own usual use, may do the following without its author's permission and without paying remuneration:

- 1) Store the programme in the computer memory and run the programme;
- 2) Eliminate errors in the programme, as well as make any other necessary changes in it, unless otherwise provided by contract;
- 3) Make a spare copy of the programme on a lasting tangible carrier;
- 4) Decompile the programme exclusively for the purpose of obtaining the data necessary for making that programme inter-operational with some other independently developed programme or some hardware, on condition that such data were not accessible in some other way.

(2) The data obtained in the way referred to in Paragraph 1, Item 4, of this Article may not be communicated to others or be used for other purposes, particularly for the purpose of developing or selling another computer programme that would infringe on the copyright on the original one.

(3) Any person who has legitimately obtained the copy of a computer programme may act as determined by Paragraph 1 of this Article, either directly or through some other qualified person acting on his/her instructions.

Article 43

Short excerpts of a work of authorship may be reproduced or be communicated to the public (right of quotation), without the author's permission and without paying remuneration, on the following conditions:

- 1) That the work has been disclosed;
- 2) That the mentioned parts are integrated into another work, without alterations, if so is necessary for the sake of illustration, confirmation or reference, with a clear indication that a reference is involved;
- 3) That the name of the quoted author, the title of the quoted work and when and where the quoted work was disclosed or published are noted in a suitable place.

Article 44

(1) A broadcasting enterprise possessing the permission to broadcast a work may record that work on a sound carrier or picture carrier and/or a sound and picture carrier, for broadcasting purposes, without its author's permission and without paying remuneration.

(2) The recording of the work referred to in Paragraph 1 of this Article shall be deleted no later than within three months from the date on which that work was broadcast.

(3) The recording referred to in Paragraph 1 of this Article may be retained in the archives of the broadcasting enterprise, if it has a documentary value.

(4) Any work recorded pursuant to Paragraph 1 of this Article may not be rebroadcast without its author's permission.

Article 45

Any work that is permanently displayed in a street, a square or some other public place may be reproduced in two dimensions and its copies thus made may be put on the market, as well as communicated to the public in some other way, without its author's permission and without paying remuneration.

Article 46

Displayed works may be reproduced in a suitable way and their copies thus made may be put on the market, for the purpose of making public exhibition catalogues or conducting public sales, without their authors' permission and without paying remuneration.

Article 47

(1) Works may be reproduced in shops, at trade fairs and other places where the operation of the sound and picture recording reproducing and transmitting devices is demonstrated, on a sound and picture carrier and communicated to public therefrom, without their authors' permission and without paying remuneration, though only to the extent necessary to demonstrate the operation of such devices.

(2) Any recording made pursuant to the provision of Paragraph 1 of this Article shall be deleted without any delay.

5.3. Statutory Licence

Article 48

(1) Disclosed copies of works or parts thereof may be reproduced and put on the market in the form of a collection containing the contributions of several authors, which according to its contents, systematisation and covers or jacket, is intended for teaching purposes, without their authors' permission, though with the obligation to pay remuneration.

(2) Any author and/or holder of copyright on a work shall be notified of the intention to use his/her work pursuant to the provision of Paragraph 1 of this Article before its reproduction begins.

Article 49

(1) Articles and photographs published in other mass media may be reproduced in the mass media, put on the market or communicated to the public in some other way, without their authors' permission, though with the obligation to pay remuneration, on condition that such articles and photographs relate to current social issues and that the author concerned has not forbidden that expressly.

(2) The obligation to pay remuneration shall be non-existent if only small parts of commentaries or articles are used in the way referred to in Paragraph 1 of this Article in the form of a summary of several different commentaries or articles.

Article 50

Three-dimensional reproduction of works permanently displayed in streets, squares and other open public places may be made and such copies may be put on the market, without their authors' permission, though with the obligation to pay remuneration, except in the following cases:

- 1) If the copy of a sculpture is obtained as a casting from the original mould, from which also the copy permanently displayed at an open public place or from a mould made by casting the sculpture;
- 2) If a building is built after an existing building;
- 3) If the product is formed after a work of applied arts.

Article 51

(1) A work may be broadcast from published phonograms without its author's permission, though with the obligation to pay remuneration.

(2) Any broadcasting enterprise shall contract the amount and the method of and term for the payment of remuneration with an organisation for the collective exercise of copyright and related rights referred to in Article 144 of this Law, or with the author who is not a member of that organisation, prior to broadcasting the work.

6. Assignment of Copyright

6.1. Assignment by Succession

Article 52

(1) Any author's successors may exercise all authorisations concerning the author's moral rights other than the right to publish an undisclosed work, the disclosure of which was prohibited by the author, and the right to modify the work.

(2) Besides his/her successors, associations of authors, as well as institutions in the fields of science and arts, may also protect an author's rights relating to authorship, integrity of the work and prohibition of unbecoming exploitation of the work.

Article 53

The pecuniary rights of any author shall be inheritable.

6.2. Assignment on the Basis of Contract

6.2.1. Author's Moral Rights

Article 54

The moral rights of any author may not be assigned by contract.

6.2.2. Author's Pecuniary Rights

Article 55

Any author and/or his/her legal successor may licence to another person some or all of the pecuniary rights on his/her work.

Article 56

(1) The licensing of pecuniary rights may be either exclusive or non-exclusive.

(2) In the case of exclusive licensing of pecuniary rights, only the assignee shall be authorised to exploit the work of authorship in the way stipulated by contract, as well as to assign such rights to somebody else, with the author's or his/her successor's special permission. The right an assignee licences to others shall be a non-exclusive right, unless otherwise provided by contract.

(3) In the case of non-exclusive licensing of pecuniary rights, the assignee shall not be authorised to prohibit somebody else from exercising the copyright or assign his/her right to somebody else.

(4) If it is not stated in the contract whether exclusive or non-exclusive licensing is involved, it shall be deemed that non-exclusive licensing of pecuniary rights is involved.

Article 57

(1) The licensing of pecuniary rights may be limited in terms of subject matter, space and time.

(2) In the case of limitation relating to subject matter, the assignee of rights shall be authorised to perform one or several specified operations towards exploiting the work of authorship.

(3) In the case of spatial limitation, the assignee of rights shall be authorised to exploit the work of authorship in a specified territory that is smaller than that in which the right of authorship exists.

(4) In the case of temporal limitation, the assignee of the right shall be authorised to exploit the work of authorship within a specified period, which is shorter than the period of validity of the copyright on that law.

Article 58

(1) Any person who has acquired a pecuniary right from an author or his/her successor on the basis of licensing, may assign that right wholly to another person, subject to the permission of that author or his/her successor.

(2) The permission of the author or his/her successor shall not be needed in the event of assignment of the enterprise holding the pecuniary right.

Article 59

The assignment of the right of ownership to the copy of a work of authorship shall not imply the acquisition of copyright on that work.

Article 60

(1) The licensing of pecuniary right on a work which has not been created yet shall be permissible on condition that the kind of the future work and ways of exploiting it are determined.

(2) Any licensing of pecuniary rights on all future works of an author, as well as on still unknown forms of exploiting a work, shall be null and void.

6.2.3. *Copyright Contract*

Article 61

(1) Copyrights may be licensed or assigned wholly under copyright contracts.

(2) The provisions of the federal law dealing with contracts and torts shall apply to copyright contracts, unless otherwise provided by the present Law.

(3) Copyright contracts shall be made in writing, unless otherwise provided by the present Law.

Article 62

(1) In the event of doubt as to the contents and scope of the rights being licensed or assigned under a copyright contract, it shall be deemed that less rights have been licensed and/or assigned.

(2) The licence for the publication of a work, as well as for the licensing and/or assignment of the right to record a work on a sound or picture carrier, and the licence for broadcasting, shall be contracted expressly, unless otherwise provided by the present Law.

(3) The licensing and/or assignment of a right to exploitation of a work shall not also be understood to mean the licensing and/or assignment of the right to remuneration in the case of exploitation of a work of authorship on the basis of a statutory licence.

(4) The licensing and/or assignment of a right to exploit a work shall also be understood to mean the issuance of licence for making such changes in the work as are technically inevitable or usual for that kind of exploitation of the work.

Article 63

A copyright contract shall include the following: names of contracting parties, title and/or identification of the work of authorship, rights constituting the subject matter of licensing or assignment, amount of remuneration and method of and terms for its payment and content-related, spatial and temporal limitations, if any.

Article 64

(1) If the profit made by exploiting a work of authorship is evidently disproportionate to the contracted remuneration, the author or his/her successor shall have the right to make a request for the contract to be amended for the purpose of eliminating such disproportion.

(2) The right referred to in paragraph 1 of this Article shall become unenforceable two years from the date on which the existence of such disproportion became known and not more than six years from the end of the year in which the disproportion had arisen.

(3) The author or his/her successor may not waive in advance the right referred to in Paragraph 1 of this Article.

Article 65

(1) The author or his/her successor may withhold the permission he/she had given or revoke a licensed pecuniary right, if the acquirer of permission or right is not exercising the right he/she had acquired or is exercising it to a smaller extent than contracted, whereby he/she is posing a threat to the interests of the author or his/her successor.

(2) The author or his/her successor may not withhold the permission that he/she had given if the acquirer is not exercising the right or is doing so inadequately for reasons for which the author or his/her successor is responsible.

(3) The author or his/her successor may not exercise the right referred to in Paragraph 1 of this Article prior to the expiration of two years from the date of the copyright contract, or the hand over of the copy of the work to the acquirer of the right, if such hand over had taken place after the conclusion of contract.

(4) If a contribution (article, illustration and the like) intended to be disclosed and/or published in a newspaper or periodical is involved, the term referred to in Paragraph 3 shall be six months.

(5) Prior to withholding the permission or revoking the right, the author or his/her successor shall notify the acquirer of the permission or right accordingly, giving him a reasonable term within which the acquirer is to start exercising the right he/she had acquired or start doing so to the contracted extent.

(6) The author or his/her successor may not waive in advance his/her right referred to in Paragraph 1 of this Article.

Article 66

(1) The author may withhold the permission he/she had given or revoke the relinquished pecuniary right, if he/she is of the opinion that the exploitation of his/her work could be detrimental to his/her creative or personal reputation, for reasons arisen following the conclusion of the copyright contract, for which the acquirer of the right is not responsible.

(2) The author shall indemnify the acquirer of the right for the real damage sustained.

(3) The statement of withholding the permission or right referred to in Paragraph 1 of this Article shall be effective as of the date on which the author deposits a surety for the indemnity referred to in Paragraph 2 of this Article.

(4) At the author's request, the acquirer of the right shall notify the author of the amount of uncovered costs he/she has had in connection with preparations for the exploitation of the work until the date of the notice of withholding the permission or right, within three months from receipt of the statement of withholding the permission or right referred to in Paragraph 1 of this Article. Should the acquirer fail to perform his/her duty referred to in this paragraph, the statement of withholding the permission or right shall be effective as of the expiration of the term referred to in this Paragraph.

(5) The author may not waive in advance his/her right referred to in Paragraph 1 of this Article.

6.2.3.1. Publishing Contract

Article 67

(1) A publishing contract shall be a contract under which an author or some other holder of copyright licences or assigns to a publisher the right to reproduce a work of authorship by printing and put the thus reproduced copies on the market, and the publisher undertakes to reproduce that work and put copies of it on the market, as well as to remunerate the author or some other holder of copyright therefor.

(2) If the work of authorship referred to in Paragraph 1 of this Article has not been disclosed, the publisher shall be permitted under the publishing contract, to disclose that work.

(3) The author or some other holder of copyright may licence or assign to the publisher, under a publishing contract, the right to have his/her work translated, as well as the authority to reproduce the translated work and put it on the market.

Article 68

A publishing contract, the subject matter of which is the publication of articles, drawings and other authorship contributions in newspapers and periodicals, need not be concluded in writing.

Article 69

(1) The licensing of rights on the basis of publishing contracts shall be exclusive, unless otherwise agreed upon.

(2) The provision of Paragraph 1 of this Article shall not apply to the publishing of articles, drawings and other authorship contributions in newspapers and periodicals.

Article 70

(1) Besides the particulars referred to in Article 67 of the present Law, a publishing contract shall also include the following:

1) Term within which the author or some other holder of copyright shall hand over to the publisher a proper manuscript or some other original copy of the work, so as to make it possible for the publisher to reproduce the work. That term shall be a year from the date of contract, unless otherwise agreed upon;

2) Term within which the publisher shall start putting copies of the work on the market. That term shall be a year from receipt of a proper manuscript or some other original copy of the work, unless otherwise agreed upon;

3) Number of editions the publisher is authorised to publish. The publisher shall have the right to publish only one edition of the work, unless otherwise agreed upon;

4) Number of copies of one edition. If the number of copies has not been stipulated, it shall be 500, unless business practices and other circumstances evidently call for it to be different;

5) Term within which the publisher has to start putting on the market copies of the next edition upon depletion of the previous one, if so has been stipulated. That term shall be a year from the date on which the author had made a request to that effect, unless otherwise agreed upon.

6) Appearance and design of copies of the work.

(2) In the event of a breach of the contractual duty referred to in Paragraph 1, Items 1, 2 and 5, of this article, the other party to the contract shall have the right to break the contract and to be indemnified for the non-performance of contract.

Article 71

The duties of the publisher shall be as follows:

1) Seeing to the sale of copies of the work and notifying the author or some other holder of copyright accordingly from time to time, at his/her request;

2) Making it possible for the author or some other holder of copyright, at his/her request, to read proofs in a suitable phase of reproduction;

3) Making it possible for the author to make suitable changes in the preparation of each subsequent edition, on condition that this does not alter the work's character and that in view of the publishing contract as a whole, it does not make up a disproportionately big obligation for the publisher.

Article 72

A manuscript or some other original copy of a work of authorship that has been handed over to the publisher shall not become the latter's property, with the exception of articles, drawings and other contributions in newspapers and periodicals or unless otherwise provided by contract.

Article 73

If the sole existing copy of a work of authorship perishes because of force majeure after it was handed over to the publisher for the purpose of being published, the author or some other holder of copyright shall have the right to a fair compensation, which would have been due to him/her had the work been published.

Article 74

(1) A publisher who has acquired the right to publish a work in the form of a book shall have priority in the acquisition of the right to reproduce the work and put copies of it on the market in the form of an electronic recording, within three years from the date of the publishing contract.

(2) The priority referred to in Paragraph 1 of this Article shall expire if the publisher, having received the offer made in writing by the author or some other holder of copyright, does not accept that offer, as of the date of its presentation.

Article 75

If the publisher intends to sell the unsold copies of a work as scrap paper, it shall offer the author or some other holder of copyright, if accessible, beforehand to buy such copies at the price payable for scrap paper.

6.2.3.2. Contract of Presentation and Contract of Performance

Article 76

Based on a contract of presentation or a contract of performance, the author or some other holder of copyright licences a user the right to present or the right to perform of a work of authorship, and the user undertakes to present or perform that work within a specified term, in the way and under the conditions determined by contract.

Article 77

If the author or some other holder of copyright fails to hand over the work (manuscript, score and the like) to the user within the contracted term or if the user fails to present or perform it within the contracted term, the author or some other holder of copyright or the user may opt for rescission of the contract of presentation or the contract of performance and claim damages.

Article 78

The manuscript, score or some other original of the work constituting the subject matter of a contract of presentation or a contract of performance shall carry on being the author's property, unless otherwise provided by the contract.

Article 79

The user of a contract of presentation or a contract of performance shall make it possible for the author or some other holder of copyright to see the presentation or performance of the work, send him/her the programme and notify him/her of the proceeds of the presentation or performance of the work, from time to time.

6.2.3.3. Contract of Modification of a Work of Authorship

Article 80

Under a contract of modification of a work of authorship, the author or some other holder of copyright gives some other person the permission to modify the work in order to present or perform it on the stage, make a film or for other purposes.

Article 81

(1) Unless otherwise provided by the contract of modification of a work of authorship for the purpose of making a film, the author or some other holder of copyright licences under such contract the exclusive rights relating to the following:

- 1) Modification of the work for the purpose of making a film;
- 2) Reproduction of copies of the thus made film and putting them on the market;
- 3) Showing the film;
- 4) Broadcasting the film;
- 5) Subtitling and dubbing the film in other languages.

(2) The contract referred to in Paragraph 1 of this Article authorises the acquirer of the right to only one modification and one shooting, unless otherwise provided by the contract.

(3) The provisions of Paragraphs 1 and 2 of this Article shall also apply accordingly to a contract of modification of a work of authorship for the purpose of shooting a television work.

6.2.3.4. Contract of Film Production

Article 82

Under a contract of film production, one or several persons undertake to creatively co-operate with a film producer in the production of a film and they licence to it the pecuniary rights on that film.

Article 83

(1) Unless otherwise expressly provided by the contract of film production, the co-authors of the film or authors of some contributions to the film shall licence to the film producer the exclusive right of shooting, reproducing, putting on the market, public showing and other forms of exploiting a film.

(2) Notwithstanding the provision of Paragraph 1 of this Article, the scriptwriter and composer of film music, as film co-authors pursuant to Article 11 of the Present Law, may reserve the right to exploit their work independently, separately from the film, unless otherwise provided by the contract of film production.

Article 84

(1) A film shall be deemed completed once an agreement is reached on its final version between the co-authors and film producer (first standard copy of the film).

(2) The destruction of the first standard copies of film shall be prohibited.

Article 85

If a film producer intends to exploit the film in a version that differs from that on the first standard copy of the film, it shall obtain the consent of the majority of the film's co-authors, including the chief director.

Article 86

(1) The provisions on the distribution of remuneration according to the form and extent of exploitation of a film, make up an important section of the film production contracts.

(2) The contracted remuneration for shooting a film shall not include remuneration for the reproduction and public showing of the film.

(3) The film producer shall exploit the completed film.

(4) The film producer shall notify the film co-authors, as well as the authors of some contributions to the film, of the actual revenue from time to time, and make it possible for them to inspect the books of account.

Article 87

(1) The co-authors of a film shall have the right to break contracts, as well as the right to retain the contracted remuneration, if the film producer fails to complete the first standard copy of the film within three years from the date of the film production contract, unless otherwise agreed upon.

(2) Besides the rights referred to in Paragraph 1 of this Article, the co-authors of a film shall have the right to damages, if the film producer fails to start exploiting the film within a year from completion of its first standard copy, unless some other term is provided by the contract.

Article 88

(1) Should a co-author of a film or an author of some contributions to the film refuse to cooperate in the production of the film or if due to force majeure is unable to carry on co-operating, he/she may not object to the result of his/her creative work being used towards completing the film.

(2) The co-author of a film or the author of some contribution to a film referred to in Paragraph 1 of this Article, may enjoy appropriate copyright on his/her contribution to the film.

6.2.3.5. Contract of Commissioning a Work of Authorship

Article 89

(1) Under a contract of commissioning a work of authorship, the author undertakes to produce a work of authorship and hand a copy of it over to the commissioning party, and the latter undertakes to remunerate the author.

(2) The commissioning party shall have the right to disclose the work and put on the market the copy of the work handed over by its author and the author shall reserve other copyrights, unless otherwise provided by the contract of commissioning.

(3) If a computer programme was produced on the basis of a contract of commissioning a work of authorship, the commissioning party shall acquire all rights to the exploitation of that computer programme, unless otherwise provided by the contract.

Article 90

The party commissioning a work of authorship shall have the right to direct and check the production of that work, though without substantially restricting the author's freedom of artistic, technical or scientific expression by doing so.

Article 91

(1) A work of authorship that was created by putting together the contributions of a large number of authors (an encyclopaedia, anthology, computer programme, database and the like) shall be regarded as a collective work of authorship.

(2) The authors of contributions to a collective work of authorship shall licence their pecuniary rights to the organiser of the production of that collective work, unless otherwise provided by the contract.

(3) The organiser of the production of a collective work of authorship shall have the right to disclose and exploit that work under its own name, on condition that the authors whose contributions are contained in the collective work are listed on each copy of the work.

7. Work of Authorship Created in the Capacity of Employee

Article 92

(1) If an author has created a work in the capacity of an employee in the performance of his/her job duties, his/her employer shall be authorised to disclose that work and be the holder of exclusive pecuniary rights on its exploitation in the scope of the employer's registered business for five years from completion of that work, unless otherwise provided by a general regulation or employment contract. The author shall have the right to special remuneration, depending on the proceeds of that work's exploitation.

(2) The author of a work produced on job shall reserve all copyrights on that work, other than the rights referred to in Paragraph 1 of this Article.

(3) Upon the expiration of the term referred to in Paragraph 1 of this Article, the author shall acquire the exclusive pecuniary rights on the work.

(4) If the work of authorship is a computer programme, the holder of exclusive pecuniary rights shall be the employer.

Article 93

The criteria for setting the amount and way paying the remuneration referred to in Article 92, Paragraph 1, of the present Law, shall be determined by a general regulation or employment contract.

Article 94

(1) In the case of publication of a collection of works, the author shall have the right to disclose his/her work that was produced on job even before the expiration of the term referred to in Article 92, Paragraph 1, of the present Law.

(2) The employer's permission shall not be needed for the disclosure of the work referred to in Paragraph 1 of this Article.

Article 95

When using a work created in the capacity of employee, the employer shall quote its author's name, pseudonym or mark.

8. Duration of Copyright

Article 96

- (1) Pecuniary rights of an author shall last for his/her life and 50 years after his/her death.
- (2) Moral rights of an author shall last even after the expiration of his/her pecuniary rights.

Article 97

(1) Co-authors' pecuniary rights shall expire after 50 years from the death of the last-deceased author.

(2) Pecuniary rights on a work whose author is unknown (anonymous work or work under a pseudonym) shall expire after 50 years from the date of its disclosure. Should its author reveal his/her identity before the expiration of the mentioned term, the pecuniary right shall last the same as if its author's identity has been known since the date of its disclosure.

Article 98

If the validity of a copyright runs from disclosure of the work and the work was disclosed in instalments, such work shall be deemed published on publication of its last instalment.

Article 99

The terms needed for determining the date of expiration of pecuniary rights of an author shall be counted from 1 January of the year following the one in which the event relevant for the beginning of the term had occurred.

Article 100

(1) Upon the expiration of the authors' pecuniary rights, their moral rights shall be looked after by the associations of authors and institutions in the fields of science and arts.

(2) Besides the parties referred to in Paragraph 1 of this Article, any person shall have the right to protect the right of authorship and integrity of works, as well as to oppose any form of unbecoming exploitation of the works of authorship.

9. Persons to which the Law Applies

Article 101

(1) Foreign citizens may hold copyright in the Federal Republic of Yugoslavia on following conditions:

1) That the author is a person who holding copyrights on the basis of an international agreement ratified by the Federal Republic of Yugoslavia, or

2) That reciprocity exists between the Federal Republic of Yugoslavia and the country to which the author belongs.

(2) In the event of doubt as to the existence of reciprocity with regard to the law of the country to which the author belongs, explanation shall be given by the competent federal authority or the federal organisation competent for copyright (hereinafter: the competent federal authority).

Article 102

The right of notification and compensation referred to in Article 31 may be enjoyed by a foreign citizen exclusively on the basis of reciprocity.

Article 103

A foreign citizen may enjoy an author's moral rights regardless of whether the requirements referred to in Article 101, paragraph 1, of the present Law have been met or not.

III. RELATED RIGHTS

1. Performers' Rights

1.1. Establishment of Rights

Article 104

A performer shall enjoy moral rights and pecuniary rights in conformity with the present Law for his/her performance of a work of authorship.

1.2. Performance

Article 105

(1) For the purposes of this Law, a performance is an intellectual creation resulting from a performer's personal effort made towards communicating a work in the form of sound, visually or audio-visually to the public.

(2) The work being performed need not be a protected work of authorship.

1.3 Performer

Article 106

(1) For the purposes of the present Law, a performer is an individual who engages in a creative way in the performance of works (a musician, actor, dancer, pantomimist, singer, conductor).

(2) Persons making a technical contribution to the performance of works are not performers.

(3) The relationships between two or more performers participating in the performance of one work shall be regulated by applying appropriately the provisions of the present Law relating to co-authors.

1.4. Scope of the Rights

1.4.1. Performer's Moral Rights

Article 107

(1) A performer shall have the following exclusive rights:

- 1) To be recognised as the creator of his/her performance;
- 2) To his/her name being put on each copy of the recording, in the programme or being shown in some other suitable way each time his/her performance is exploited;
- 3) To oppose the making of alterations to his/her performance or any exploitation of his performance in an altered form, should that pose a threat to his/her creative or professional reputation;
- 4) To oppose the putting on the market of a recordings of his/her performance, if that recording has technical deficiencies that pose a threat to the integrity of performance, and thereby also the performer's reputation;

5) To oppose the exploitation of his/her performance in a way that poses or could pose a threat to his/her honour or reputation.

(2) If a group of performers gives a performance, the right referred to in Paragraph 1, Item 2, of this Article shall be enjoyed by the group as a whole and the soloists.

Article 108

If several performers participate in the performance of one work, the exercise of moral rights may not be detrimental to the interests of others.

1.4.2. Performer's Pecuniary Rights

Article 109

(1) A performer shall have the exclusive right to prohibit somebody else from doing or permit him/her to do the following:

- 1) Recording his/her performance and reproduction of copies of the performance;
- 2) Putting the recordings of his/her performance on the market;
- 3) Renting the recordings of his/her performance;
- 4) Simultaneous transmission of the performance by technical devices, such as loudspeaker and screen, to audience outside the premises on which the performance is given live;
- 5) Live broadcasting of his/her performance;
- 6) Public communication of his/her recorded performance, as referred to in Article 27, Paragraph 6, of the present Law.

(2) A performer shall not have the exclusive right on broadcasting of his/her performance that is recorded and published on a sound carrier or a performance that was recorded on a sound and picture carrier with the performer's permission.

(3) Should a performer licence to a producer of phonograms and/or videograms his/her right referred to in Paragraph 1, Item 3, of this Article, he/she may reserve the right to a share in the profit accruing from the leasing of copies of the recording of the performance.

Article 110

A performer shall have the right to be remunerated by a producer of phonograms for the following:

- 1) Broadcasting of his/her performance from a published recording on a sound carrier;
- 2) Public communication of his/her performance, which is broadcast from a published recording on a sound carrier;
- 3) Public communication of his/her performance from a published recording on a sound carrier.

1.5. Assignment of Rights

Article 111

(1) A performer may licence or assign his/her pecuniary rights referred to in Article 109 of the present Law to another person under a performance contract.

(2) The person to whom the right referred to in Paragraph 1 of this Article has been licensed may not licence that right to a third party without the performer's consent, unless otherwise provided by the performance contract.

Article 112

(1) If besides the conductor and soloists, more than five other performers participate in the performance of a work, it shall be deemed that the performance is given by an ensemble (a choir, orchestra, drama ensemble, ballet ensemble, opera ensemble).

(2) In the exercise of the rights referred to in the present Law, an ensemble shall be represented by a person duly authorised by the majority of members of that ensemble.

(3) If besides the ensemble, also the director, soloists and players of chief roles, who are not members of that ensemble, participate in the performance of a work, the exercise of the rights determined by the present Law is also subject to the consent of these persons, unless otherwise agreed upon between them and the ensemble.

Article 113

(1) A performance contract shall include the following particulars: names of contracting parties, kind and mode of exploiting the performance, name of author and name of the work of authorship performed and amount of remuneration and mode of and terms for its payment.

(2) Besides the particulars referred to in paragraph 1 of this Article, a performance contract relating to the broadcasting of a performance shall also include the number of broadcasts and the period in which the broadcasting may be done, and a performance contract relating to the recording and reproduction of copies of the recording of a performance, shall also include the number of copies that may be made.

(3) Performance contracts shall be concluded in writing.

Article 114

The person to whom the right referred to in Article 109 of the present Law has been licensed shall forward to the performer full data on the exploitation of the performance.

1.6. Employment Rights of Performers

Article 115

The rights of the performers who have given their performance on the basis of employment contracts shall be regulated by appropriate application of the provisions of the present Law affecting the relations between authors and employers.

2. Phonogram Producer's Rights

2.1. Establishment of Rights

Article 116

A phonogram producer shall have the pecuniary rights determined by the present Law for its phonogram.

2.2. Phonogram

Article 117

(1) A phonogram is a sound or a series of sounds recorded on a sound carrier.

(2) A phonogram producer shall have the rights determined by the present Law for the first recording.

2.3. Producer of Phonogram

Article 118

The producer of a phonogram is an individual or legal entity which has arranged and paid for the production of the phonogram.

2.4. Scope of Rights

Article 119

A producer of a phonogram shall have the exclusive right to prohibit others from or permit them to do the following:

- 1) Reproducing its phonogram and putting the thus reproduced copies of the phonogram on the market;
- 2) Renting out copies of the phonogram;
- 3) Public communication of its phonogram, pursuant to Article 27, Paragraph 6, of the present Law.

Article 120

(1) The producer of a published phonogram shall have the right to be remunerated for the following:

- 1) Broadcasting of the phonogram;
- 2) Public communication of the phonogram;
- 3) Public communication of the phonogram being broadcast.

(2) The producer of a phonogram shall pay a half of the remuneration referred to in Paragraph 1 of this Article to the performers whose performances are on its phonograph, unless otherwise provided by the contract between the producer of the phonograph and the performers.

3. Rights of a Videogram Producer

3.1. Establishment of Right

Article 121

A producer of a videogram shall have the pecuniary rights determined by the present Law for its videogram.

3.2. Videogram

Article 122

(1) A videogram is a recorded series of pictures with or without accompanying sound on a picture carrier or picture and sound carrier.

(2) The producer of a videogram shall have the rights determined by the present Law only for the first recording.

3.3. Videogram Producer

Article 123

The producer of a videogram is an individual or legal entity which has arranged and paid for the production of the videogram.

3.4. Scope of Rights

Article 124

The producer of a videogram shall have the exclusive right to prohibit others from or permit them to do the following:

- 1) Reproduce his videogram or put the thus reproduced copies on the market;
- 2) Communicate his videogram to the public from a picture carrier or picture and sound carrier (presentation);
- 3) Renting copies of his videogram.

Article 125

The producer of a videogram shall have the right to oppose the exploitation of his videogram in altered form, if such exploitation can pose a threat to his justified property interests.

4. Rights of a Broadcast Producer

4.1. Establishment of Rights

Article 126

The producer of a broadcast shall have pecuniary rights in accordance with the present Law.

4.2. Broadcast

Article 127

A broadcast is an electrical, electromagnetic or some other signal converted into sound, visual or sound and visual matter that is broadcast for the purpose of being communicated to the public.

4.3. Producer of Broadcast

Article 128

- (1) The producer of a broadcast is an individual or legal entity, which has arranged and paid for the production of the broadcast.
- (2) The person who only broadcasts or re-broadcasts is not a producer of broadcast.

4.4. Scope of Rights

Article 129

The producer of a broadcast shall have the exclusive right to prohibit others from or permit them to do the following:

- 1) Re-broadcast his broadcast;
- 2) Record his broadcast on a sound or picture or a sound and picture carrier;
- 3) Reproduce that recording and put on the market the thus reproduced copies of the recording;
- 4) Rent copies of the broadcast recording.

5. Rights of a Database Producer

5.1. Establishment of Rights

Article 130

Any database producer shall have pecuniary rights in conformity with the present Law.

5.2. Database

Article 131

(1) A database is a collection of electronically arranged and recorded data, works and other materials to which access is electronic and materials necessary for its operation, such a dictionary, index or system for the provision or presentation of information.

(2) A computer programme used for its development or operation shall not be regarded as a database.

5.3. Producer of Database

Article 132

The producer of a database is an individual or legal entity, which has arranged and paid for the production (design) of that database.

5.4. Scope of Right

Article 133

(1) The producer of a database shall have the exclusive right to prohibit others from or permit them to do the following:

- 1) Occasional or permanent reproduction of a database wholly or in parts, for any purpose and in any form;
- 2) Translation, adaptation, arrangement and any other alteration of the database;
- 3) Reproduction of the results obtained in the ways referred to in Item 2 of this Paragraph;
- 4) Putting copies of the database on the market.

(2) The right referred to in Paragraph 1, Item 1, of this Article shall also include the database producer's right to oppose the following:

- 1) Unauthorised separation of the entirety or a part of the basic contents of the database;
- 2) Unauthorised exploitation of the separated entirety or a part of the basic contents of the database.

6. Provisions Common to Related Rights

6.1. Relationship between Copyrights and Related Rights

Article 134

Related rights shall in no way affect the copyrights of authors with regard to the works.

6.2. Limitations on Related Rights, Exhaustion of Related Rights and Broadcasting

Article 135

The provisions of the present Law dealing with limitations on and exhaustion of copyright, as well as the provision dealing with broadcasting in Article 27 of the present Law, shall accordingly apply to related rights.

6.3. Assignment of Related Rights

Article 136

Related rights shall be assignable, with the exception of the performers' personal rights.

6.4. Right to Special Remuneration

Article 137

All holders of related rights, other than producers of databases, shall have the right to a special remuneration determined by Article 35 of the present Law, under the same conditions as those valid for authors.

6.5. Duration of Rights

Article 138

(1) Pecuniary rights of a performer shall last for 50 years from the date of publication of the recording of the performance, and in the case of an unpublished performance, from the date of recording of that performance. A performer's moral rights shall last even after the expiration of his/her pecuniary rights.

(2) The rights of the producer of a phonogram and/or the producer of a videogram shall last for 50 years from the publication of the phonogram and/or videogram, and if the phonogram and/or videogram has not been published, that right shall last for 50 years from the date of production of the phonogram and/or videogram.

(3) The rights of the producer of a broadcast shall last for 20 years from the date of the protected broadcast's first broadcasting.

(4) The rights of the producer of a database shall last for 15 years from the date of the database's production.

(5) If substantial changes occur in the selection or arrangement of the contents of a database, the term referred to in Paragraph 4 of this Article shall be extended by 15 more years. Substantial changes in the selection or arrangement of the contents of a database shall be understood to mean addition, deletion or improvement of a database wholly or partly that results in a new version of that database.

(6) The term publication used in Paragraphs 1 and 2 of this Article is determined in compliance with Article 7, Paragraph 2, of the present Law.

(7) As for the calculation of the terms referred to in this Article, the provisions of Article 99 of the present Law shall apply accordingly.

6.6. Persons to which the Law Applies

Article 139

(1) A performer or producer of phonograms, who is a foreign person, shall be accorded the rights determined by the present Law on the basis of international agreements ratified by the Federal Republic of Yugoslavia.

(2) A performer, who is foreign person, shall be accorded the rights determined by the present Law, if one of the following requirements has been met:

- 1) That the performer resides in the Federal Republic of Yugoslavia;
- 2) That the performance was given in the territory of the Federal Republic of Yugoslavia;
- 3) That the performance was recorded on a phonogram that is protected under the present Law;
- 4) That the unrecorded performance is included in a broadcast that is protected under the present Law.

(3) A producer of phonograms, who is a foreign person, shall be accorded the rights determined by the present Law, if that phonogram was produced for the first time in the territory of the Federal Republic of Yugoslavia.

Article 140

A performer who is a foreign citizen shall be accorded the moral rights, regardless of whether the requirements referred to in Article 139 have been met.

Article 141

(1) The producer of a videogram, producer of a programme and producer of a database, who is a foreign person, shall be accorded the rights determined by the present Law on the basis of international agreements ratified by the Federal Republic of Yugoslavia or on the basis of reciprocity.

(2) In case of doubt as to the existence of reciprocity with regard to the laws of the country to which the producer of a videogram, producer of a programme and producer of a database belongs, the explanation shall be given by the competent federal authority.

(3) The producer of a videogram and producer of a database, who is a foreign person, shall be accorded the rights determined by the present Law, if the videogram and/or database was produced in the territory of the Federal Republic of Yugoslavia for the first time.

(4) The producer of a broadcast, who is a foreign person, shall be accorded the rights determined by the present Law, if the broadcast was broadcast or re-broadcast in the territory of the Federal Republic of Yugoslavia.

IV. EXERCISE OF COPYRIGHT AND RELATED RIGHTS

Article 143

A holder of copyright or a related right may exercise his/her right individually or collectively.

1. Individual Exercise

Article 143

(1) Copyright and related rights may be exercised individually directly or through a duly authorised representative.

(2) Individuals or legal entities (copyright agencies) may act as representatives in the exercise of copyrights and related rights.

2. Collective Exercise

2.1. Organisation for Collective Exercise of Copyright and Related Rights

Article 144

- (1) Copyright and related rights may be collectively exercised through organisations for the collective exercise of such rights (hereinafter: the organisation).
- (2) The organisation shall not be established for the purpose of earning profit.
- (3) The organisation shall specialise in the exercise of certain kinds of rights in connection with certain subjects of protection, in conformity with its statute.

Article 145

- (1) Holders of copyright and/or related rights may collectively exercise the exclusive pecuniary copyright and related rights, as well as the right to claim remuneration, through the organisation.
- (2) In the case of exercising exclusive pecuniary rights, the holders of copyrights and/or related rights shall licence their rights to the organisation by contract exclusively, instructing it to conclude contracts, in its own name and for their account, with the users of works of authorship and subject matter of related rights (hereinafter: the users) on the non-exclusive licensing of such rights.
- (3) In the case of exercise of the right to remuneration, the holders of copyrights and/or related rights shall instruct the organisation to collect that remuneration, in its own name and for their account, from the users.
- (4) The organisation shall have the right to protect before courts and other authorities the rights, the collective exercise of which the holders of copyrights and/or related rights have entrusted to it.

2.2. Foundation of the Organisation

Article 146

The organisation may be founded by authors and/or holders of copyright or related rights and their associations (hereinafter: the founders).

Article 147

- (1) Memorandum of association shall be the founding document of the organisation.
- (2) The founding decision shall be the founding document of an organisation founded by one association.

Article 148

The organisation may not engage in any other activities than those referred to in Article 145 of the present Law.

Article 149

- (1) The founders of the organisation shall obtain from the competent authority the organisation's business licence;
- (2) The founders shall attach to the application for the business licence, the organisation's founding document, draft statute and proof that the fee determined by the federal law dealing with federal administrative fees has been paid.

Article 150

The business licence may be issued to an organisation that meets the following requirements:

- 1) That its registered office is in the Federal Republic of Yugoslavia;

2) That its founders make up the majority of holders of copyrights and/or related rights in the field to which the organisation's business relates and that their residence is in the Federal Republic of Yugoslavia or that they are its citizens;

3) That in terms of staff, finances, equipment and organisation, it is capable of efficiently exercising the rights of domestic and foreign holders of copyrights and/or related rights in the Federal Republic of Yugoslavia or the rights of domestic holders of copyrights and/related rights abroad in the fields to which its business relates.

Article 151

(1) The competent federal authority shall render a decision issuing the business licence or rejecting the application therefor, within 30 days from the filing date of the application for the business licence.

(2) Based on the decision issuing the business licence, the organisation shall acquire the right to engage in the collective exercise of copyrights and/or related rights in the duration of five years from the decision rendering date.

(3) The organisation shall have the right to apply for the renewal of its business licence an unlimited number of times.

Article 152

(1) The organisation shall acquire the status of a legal entity once it is entered in the court register.

(2) The founders of the organisation shall attach the decision of the competent federal authority on the issuance of its business licence to the application for entry in the court register.

(3) An organisation that does not renew its business licence before the expiration of the term referred to in Article 151, Paragraph 2, of the present Law, or whose business licence is revoked pursuant to Article 153 of the present Law, shall be deleted from the court register.

Article 153

(1) The competent federal authority shall revoke the organisation's business licence on establishing the following:

1) That the business licence was issued on the basis of false data;

2) That the organisation has failed to apply the measures set by the competent federal authority towards eliminating the deficiencies in its operation, within the term set by the competent federal authority;

3) That the organisation has failed, within a year from the date of its foundation, to provide for the collective exploitation of the subject of protection of domestic holders of rights abroad, as well as of the foreign holders of rights in the Federal Republic of Yugoslavia.

(2) The decision revoking the business licence referred to in Paragraph 1 of this Article shall be final.

(3) The competent federal authority shall notify the competent court with which the organisation is registered of the decision referred to in Paragraph 1 of this Article.

(4) The decision issuing, renewing and revoking a business licence shall be published in the *Slu`beni list Savezne Republike Jugoslavije*.

Article 154

(1) The organisation shall be entered in the register of organisations for the collective exercise of copyrights and related rights kept by the competent federal authority.

(2) The following shall be entered in the register of organisations for the collective exercise of copyrights and related rights referred to in Paragraph 1 of this Article: name and registered office of the organisation, business of the organisation, date of entry, renewal of entry and deletion of the organisation from the register, agreements on co-operation with foreign organisations and reference to membership of international organisations.

(3) The organisation shall notify the competent federal authority of any change in the facts entered in the register of organisations for the collective exercise of copyrights and other rights, within fifteen days from the occurrence of change.

(4) The changes referred to in Paragraph 3 of this Article shall be entered in the register of organisations for the collective exercise of copyrights and related rights.

2.3. Bodies of the Organisation

Article 153

(1) The organisation shall be controlled by its founders in accordance with the organisation's statute.

(2) The organisation's bodies shall be its general meeting, board of directors, managing director and supervisory board.

2.4. General Acts of the Organisation

Article 156

(1) The organisation's general acts shall be its statute, tariff, distribution plan and other general acts dealing with certain matters concerning the business of the organisation.

(2) The statute shall be the organisation's basic act and other general acts shall be consistent with it.

(3) The individual acts adopted by the organisation's bodies and duly authorised individuals in the organisations shall be consistent with the organisation's general act.

Article 157

(1) The organisation's statute shall include clauses about the kind and subject matter of the rights collectively exercised through the organisation.

(2) The organisation's statute shall be adopted by the organisation's general meeting.

Article 158

(1) The tariff shall include the rates at which the organisation charges the users for the various forms of exploiting the individual subjects of protection.

(2) The tariff is set as a percentage of the income earned by the user by exploiting the subject of protection. That percentage shall be proportional to the importance of the subject matter of protection from the organisation's repertoire for the user's income, but shall not be higher than 10% of that income.

(3) If the user is not earning any income or if the exploitation of the subject of protection is not directly associated with the income earned by the user, the tariff shall be set as a percentage of the cost of exploiting the subject matter of protection.

(4) If a subject matter of protection is exploited together with another subject matter of protection and if there are several holders of rights for one exploitation, the tariff shall be set proportionately.

(5) The organisation's board of directors shall adopt the tariff.

(6) The tariff shall be published in the Slu'beni list Savezne Republike Jugoslavije.

Article 159

(1) The distribution plan includes the criteria on the basis of which the organisation distributes to the holders of copyrights and/or related rights the income it has collected from the users in the form of remuneration for exploitation of the subject matter of protection.

(2) The principles of the distribution plan shall be as follows: proportionality, suitability and fairness, depending on the kind of subject of protection, mode of exploiting the subject of protection, extent to which the subject of protection is exploited and other objectives laid down in the organisation's acts.

- (3) The distribution plan shall be adopted by the organisation's general meeting.

Article 160

The organisation shall set aside a part of the income collected from beneficiaries towards covering the cost of its operation.

2.5. Appropriate Application of Other Federal Laws

Article 161

The provisions of the federal law dealing with the legal status of enterprises shall apply appropriately to the organisation, unless otherwise provided by the present Law.

2.6. Duties of the Organisation

Article 162

(1) In the conduct of the organisation's business, it shall be assumed that it is authorised to act for account of all holders copyright and/or related rights with regard to such rights and such kinds of subject matter of protection as are in the scope of its business.

(2) A holder of a copyright or related right who has not concluded with the organisation the contract referred to in Article 145 of the present Law, may notify the organisation of his/her intention to exercise his/her rights alone.

(3) The organisation shall notify the users of the names of the holders of copyright and/or related rights referred to in Paragraph 2 of this Article.

(4) In the distribution of remuneration, the organisation shall treat the holders of copyright and/or related rights who have not notified the organisation of their intention to exercise their rights alone the same as the holders of copyrights and related rights who have concluded with the organisation the contract referred to in Article 145 of the present Law.

Article 163

(1) The organisation shall conclude with each interested user or association of users a contract of non-exclusive licensing of the right of exploiting the subject matter of protection from its repertoire, on equal and appropriate terms.

(2) The contract referred to in Paragraph 1 of this Article shall include the following in particular: kind of the subject matter of protection, mode of exploiting the subject matter of protection, amount of remuneration and mode of its payment to the organisation and contract period.

Article 164

The organisation shall distribute to the holders of copyrights and/or related rights who have concluded with it the contract referred to in Article 145 of the present Law and the holders of copyrights and related rights referred to in Article 162, Paragraph 4, of the present Law, the income from the remuneration collected from beneficiaries, though with the exception of the funds earmarked for the purposes referred to in Article 160 of the present Law, in accordance with the distribution plan.

Article 165

(1) The distribution referred to in Article 164 of the present Law shall be based on accurate data.

(2) If accurate data are not available or if the collection of accurate data would create an unacceptable organisational and financial burden for the organisation, the distribution plan may be based on estimates stemming from relevant and verifiable facts.

Article 166

(1) The organisation shall provide for the collective exercise of copyrights and related rights of domestic holders abroad, as well as those of foreign holders in the Federal Republic of Yugoslavia, on the basis of contracts concluded with appropriate foreign organisations.

(2) The organisation shall perform the duty referred to in Paragraph 1 of this Article within a year from the date of foundation.

2.7. Duties of the Users

Article 167

(1) The beneficiaries shall notify the organisation of the name of the subject of protection, frequency and extent of its exploitation, as well as of other circumstances of relevance for the calculation of the remuneration payable in accordance with the tariff.

(2) The data referred to in Paragraph 1 of this Article shall be forwarded to the organisation within 15 days from the commencing date of exploitation of the subject of protection.

(3) The beneficiaries who are authorised under the present Law to exploit subjects of protection without permission of the holders of rights, though with the duty to pay royalties, shall forward monthly the data referred to in Paragraph 1 of this Article.

2.8. Supervision over the Organisation's Activity

Article 168

(1) The competent federal authority shall supervise the organisation's activity.

(2) For supervisory purposes, the organisation shall forward the following to the competent federal authority:

1) Annual business report and annual account;

2) Amendments to the statute, tariff and amendments thereto, remuneration distribution plan and amendments thereto, contracts with appropriate foreign organisations and court and administrative decisions to which the organisation is one of the parties.

3) The organisation shall forward the documents and data referred to in Paragraph 1 of this Article within 15 days from their adoption and/or the date of change.

Article 169

(1) The competent federal authority shall have the right to its representatives being present at the sessions of the organisation's bodies, as well as the right to inspect books.

(2) The competent federal authority shall point at irregularities in the organisation's activity, issue an order for the application of measures for the elimination of irregularities and set a term for their elimination.

V. RECORDS OF WORKS OF AUTHORSHIP AND SUBJECT MATTER OF RELATED RIGHTS

Article 170

(1) For the purpose of presenting proof, the holders of copyright and related rights may deposit copies of their works and subject matter of related rights with the competent federal authority.

(2) The copies of works and subject matter of related rights to be deposited shall be in the form of a written document (manuscript, printed text, score), visual or audio-visual recording or in digital form.

(3) The competent federal agency shall keep a record of each kind of works of authorship and subject matter of related rights.

(4) When a work of authorship or subject matter of related rights is being deposited and entered in records, the holder of copyright or related right concerned shall give true and full particulars about his/her work of authorship or subject matter of related right.

(5) The data entered in the records shall be deemed true until proven to the contrary.

(6) A bona fide person, who has infringed on somebody else's copyright or related right in reliance on the accuracy of the data entered in the records, shall not be liable for damages for such infringement.

(7) The entry in records and depositing of the copies of works of authorship and subjects of related rights, shall in no way affect the onset and duration of the rights determined by the present Law.

(8) The contents of the records referred to in Paragraph 3 of this Article and the requirements to be met by the copies of works and subject matter of related rights that are being deposited shall be determined by the regulation enacted towards enforcement of the present Law.

Article 171

The prescribed fee shall be paid for entering the copies of authorship in the records and depositing them.

VI. PROTECTION OF COPYRIGHTS AND RELATED RIGHTS

1. Judicial Protection

Article 172

(1) A holder of copyright, performer, producer of a phonogram, producer of a videogram, producer of a programme, producer of a database and acquirer of exclusive licence for copyright and related rights, may file a suit demanding the following:

- 1) Determination of the infringement on a right;
- 2) Termination of the infringement on a right;
- 3) Destruction or alteration of the objects instrumental to an infringement on rights, including copies of the subject matter of protection, their packaging, stencils, negatives and the like;
- 4) Destruction or alteration of the tools and equipment, with the aid of which the objects instrumental to the infringement on rights were produced, if so is necessary for the protection of rights;
- 5) Indemnity for material damage;
- 6) Publication of the verdict at the defendant's expense.

(2) An author and/or performer shall have the right to claim indemnity for consequential damage for infringement on his/her moral rights.

(3) The provision of Paragraph 1, Item 3, of this Article shall not apply to the following:

- 1) Constructed works of architecture;
- 2) Separable parts of the object which was instrumental to the infringement on rights, if the production of such parts and their being put on the market are not illegal.

(4) Instead of filing a request for the destruction or alteration of the objects that were instrumental to the infringement on a right (Paragraph 1, Item 3, of this Article), the claimant may request the infringer to hand over such objects to him/her.

Article 173

Suits filed for the infringement on copyright and related rights shall be dealt with by emergency procedure.

Article 174

(1) The exploitation of any subject matter of protection involving the use of copies of that subject matter of protection that were made without authorisation, shall be deemed an infringement on rights.

(2) The following shall also be regarded as infringement on rights:

1) Unauthorised removal or alteration of any electronic information on the management of rights;

2) Unauthorised putting on the market, import for the purpose of being put on the market, broadcasting or communication to the public of copies of the subject matter of protection of copyright or related rights, knowing that the electronic information on the management of rights has been removed or altered without authorisation;

3) Possession or putting on the market of the means, the exclusive purpose of which is to facilitate the removal or incapacitation of technical protection of a computer programme or other kinds of subject matter of protection against unauthorised exploitation.

(3) For the purposes of Paragraph 2 of this Article, the expression “information on the management of rights” shall be understood to mean any information instrumental to the identification of a work, its author, holder of some right on a work or information about the period and conditions for the exploitation of a work, as well as the numbers and codes representing that information, when the information is put on the copy of a work or is shown when the work is communicated to the public.

Article 175

(1) Copyright and performers’ rights may not be the subject matter of forced execution.

(2) Only certain property claims stemming from the rights referred to in Paragraph 1 of this Article may be the subject matter of forced execution.

(3) Unfinished works and unpublished manuscripts may not be the subject matter of forced execution.

Article 176

(1) At the request of a holder of rights, who makes it credible that his/her copyright or related right has been infringed on or will be infringed on, the competent court may apply an interim measure involving the seizure or removal from the market of the object with which the infringement is made or an interim measure involving a prohibition against the acts under way, which could be conducive to infringement.

(2) In the case of a request filed because of non-payment of remuneration on the copyrights and related rights referred to in Article 51, Paragraph 1, and Article 120, Paragraph 1, Item 1, of the present Law, the court shall apply an interim measure involving a prohibition against broadcasting the work from published phonograms or prohibition against broadcasting of phonograms.

Article 177

(1) At the request of the holder of a right who makes it credible that his/her copyright or related right has been infringed on, as well as a reasonable suspicion that evidence of that will be destroyed or that it will not be possible to obtain it later on, the court may go ahead with securing evidence without giving prior notice to or hearing the person from which evidence is to be collected.

(2) For the purposes of Paragraph 1 of this Article, the securing of evidence shall be understood to mean the inspection of premises, books, documents, databases, etc., as well as the seizure of documents and interrogation of witnesses and court experts.

(3) The court order for securing evidence shall be served to the person from which evidence is to be collected, on the occasion of the collection of evidence and to an absent person, as soon as that becomes possible.

Article 178

(1) The interim measures referred to in Article 176 and the securing of evidence referred to in Article 177 of the present Law may be requested even before filing a suit, on condition that suit is to be filed within 15 days from the date of filing the request for the application of interim measures or the request for securing evidence.

(2) An appeal filed against a court decision setting the interim measure referred to in Article 176 shall not stay the execution of that decision.

Article 179

(1) The court may order a person which is associated with infringement on somebody's copyright or related right (a printer, producer, importer, supplier, owner of a copy of the subject of protection and the like) to furnish information or hand over documents relating to the infringement.

(2) The duty referred to in Paragraph 1 of this Article shall not apply to persons who are exempt from serving as witnesses by law.

(3) The person that fails to perform its duty referred to in Paragraph 1 of this Article shall be liable for the damage thus incurred.

Article 180

In the event of a suit being filed for the determination of rights of a publisher and/or a person who has disclosed a work whose author is unknown (Article 13, Paragraph 2), the court shall provide for the author's anonymity to be preserved.

2. Arbitration

Article 181

Any dispute in the field of copyright and related rights between the organisation and a user which is a legal entity may be brought to the permanent court for intellectual property (arbitration) attached to the Yugoslav Chamber of Industry and Commerce.

VII. PENAL PROVISIONS

1. Criminal Acts

INFRINGEMENT ON THE MORAL RIGHTS OF AUTHORS AND PERFORMERS

Article 182

(1) Whoever discloses, performs, presents, transmits a performance or presentation or broadcasts somebody else's work of authorship or exploits somebody else's performance (by recording, reproducing, transmitting or broadcasting), wholly or partly, under his own or somebody else's name, shall be punished by three months to three years in prison for a criminal act.

(2) Whoever alters or modifies somebody else's work of authorship or alters somebody else's recorded performance without authorisation, shall be fined or punished by up to one year in prison.

(3) Whoever exploits somebody else's work of authorship or somebody else's performance in a way that poses a threat or could pose a threat to the author's or performer's honour or reputation, shall be fined or punished by up to six months in prison.

UNAUTHORISED EXPLOITATION OF WORKS OF AUTHORSHIP OR SUBJECTS OF RELATED RIGHTS

Article 183

(1) Whoever discloses, performs, presents, transmits the performance or presentation, records, reproduces, puts on the market, broadcasts, rents or exploits in some other way a work of authorship or subject matter of related rights, wholly or partly, without the permission of the holder of copyright and/or related right, shall be fined or punished by up to one year in prison for a criminal act.

(2) Whoever puts on the market or rents copies of a work of authorship, recordings of a performance, somebody else's programme or copies of phonograms, videograms or databases, for the purpose of deriving pecuniary benefit for itself or somebody else, though knowing that they have been disclosed, recorded or reproduced without authorisation, shall be punished by up to three years in prison for a criminal act.

DESTRUCTION OF OR DAMAGE TO THE FIRST STANDARD COPY OF A FILM

Article 184

Whoever destroys, damages or renders useless the first standard copy of a film shall be fined or punished by up to one year in prison for a criminal act.

UNTRUTHFUL REGISTRATION OF A WORK OF AUTHORSHIP OR SUBJECT OF RELATED RIGHT

Article 185

The holder of a copyright or related right who gives a false datum or covers up a true datum about his/her work of authorship or subject matter of related rights when his/her work of authorship or subject matter of related rights is being entered in the records and deposited in the public register of the competent federal authority, shall be fined or punished by up to one year in prison for a criminal act.

Article 186

The prosecution for the criminal acts referred to in Article 182 through 185 of the present Law shall be instituted on the basis of private action.

2. Economic Offences

Article 187

(1) Any enterprise or some other legal entity shall be fined 45,000 to 450,000 new dinars for economic offence in the following cases:

1) If it discloses, performs, presents, transmits a performance or presentation, records, reproduces, puts on the market, broadcasts, rents or exploits in some other way a work of authorship or subject matter of related rights, wholly or partly, without permission of the holder of copyright or related right (Articles 16, 20, 21, 22, 24, 25, 26, 27, 109, 119, 124, 129 and 133);

2) If it exploits, puts on the market or rents copies of a work of authorship, recordings of a performance, somebody else's programme or copies of a phonogram, videogram or database for the purpose of deriving pecuniary benefit for itself or somebody else, though knowing that they were recorded or reproduced without authorisation (Article 21 and 22, Article 109, Paragraph 1, Items 2 and 3, Article 119, Article 124, Items 1 and 3, Article 129, Items 3 and 4, and Article 133, Paragraph 1, Item 4);

- 3) If it destroys the first standard copy of a film (Article 84, Paragraph 2);
- 4) If it makes certain changes in a building which is a materialised work of architecture, without offering its author to make changes (Article 34);
- 5) If it engages in transactions relating to the collective exercise of copyrights or related rights, without being permitted to do so by the competent federal authority (Article 151, Paragraph 2);
- 6) If it fails to notify the organisation of the name of the subject matter of protection and extent of its exploitation, within 15 days from the date of commencement of exploitation of the subject matter of protection or within 30 days from the date of commencement of exploitation of the subject matter of protection, if exploitation without permission of the holder of right is involved (Article 167).

(2) The responsible person in the enterprise or some other legal entity concerned shall also be fined 3,000 to 30,000 new dinars for any of the acts referred to in Paragraph 1 of this Article.

3. Infarctions

Article 188

(1) Any enterprise or some other legal entity shall be fined 15,000 to 150,000 new dinars for infarction in the following cases:

- 1) If it discloses, performs, presents, transmits the performance or presentation or broadcasts somebody else's work of authorship or exploits somebody else's performance, wholly or partly, without quoting the author's or performer's name or does so under somebody else's name (Article 15 and Article 107, Paragraph 1, Item 2);
- 2) If it alters or modifies somebody else's work of authorship or somebody else's recorded performance without its author's permission (Article 17, and Article 107, Paragraph 1, Item 3);
- 3) If in the capacity of an art gallery keeper or organiser of public sale of an original work of fine arts or original manuscript, it fails to notify its author of the name and address of the seller of his/her work, name and address of the new owner of the work and the price for which the work was sold or fails to pay 3% of the sale price to the author of the work (Article 32, Paragraph 32, Paragraphs 1 and 2);
- 4) If on the occasion of recording and depositing with the competent federal authority of a work of authorship or a subject matter of related rights, it gives a false datum or covers up a true datum about its work of authorship or subject matter of related rights (Article 170, Paragraph 4);
- 5) If in the capacity of publisher, it sells the unsold copies of a work as scrap paper without offering them for sale to the author or his/her successor beforehand (Article 75).

(2) The responsible persons in the enterprise or other legal entity concerned shall also be fined 900 to 9,000 new dinars for any of the acts referred to in Paragraph 1 of this Article.

(3) Any entrepreneur without the status of legal entity, who commits any of the acts referred to in Paragraph 1 of this Article, shall be fined 900 to 9,000 new dinars for infarction.

(4) Any individual who in the capacity of a building's owner makes certain changes in that building, which is a materialised work of architecture, without offering the making of such changes to the author beforehand, shall be fined 900 to 9,000 dinars for infarction (Article 34).

(5) Any individual who fails within 30 days from the sale of the original copy of a work of fine arts or original manuscript, to notify the author of that work of the name and address of the new owner and pay 3% of the work's sale price, shall be fined 900 to 9,000 new dinars (Article 31, Paragraph 1).

VIII. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 189

A performer whose right has expired prior to the effective date of the present Law may not file a request for the determination of right under the present Law.

Article 190

Existing organisations for the collective exercise of copyrights and related rights shall set themselves up in conformity with and adjust their general acts to the provisions of the present Law within a year from the effective date of the present Law.

Article 191

All contracts concluded prior to the effective date of the present Law shall be performed in conformity with the law that was in force at the time of conclusion of such contracts.

Article 192

The present Law shall supersede on its effective date the Copyright Law (*Službeni list SFRJ*, Nos. 19/78, 24/86 and 21/90).

Article 193

The present Law shall come into force on the eighth day upon its publication in the *Službeni list SRJ*.
