

**Copyright Act**  
**Act of 5th December 1997 (No.383/1997)**

383

Act of 5th December 1997

**Copyright Act and Act by which the Customs Act is Changed and Amended in Its  
Subsequent Legislation Wording**

National Council of Slovak Republic has agreed upon following Act:

**Art. 1**

**PART ONE**

*Introductory Provisions*

**§ 1 Subject Matter of Regulation**

The subject of this Act is regulation of relations arising in connection with creation, use and dissemination of literary works, scientific works and artistic works in a manner to protect the rights and legitimate interests of authors of works, including the authors of computer programs and databases, performing artists, phonogram producers, producers of audiovisual fixations, radio broadcasters and television broadcasters.

*The Scope of the Act*

**§ 2**

(1) The provisions of this Act shall apply to

- a) works of authors, who are nationals of Slovak Republic or who have their permanent residence within the territory of Slovak Republic; the same shall apply for the works of authors, to whom the legal status of refugee, according to the respective legislation<sup>1</sup>, is granted on the territory of Slovak Republic,
- b) works made public for the first time in Slovak Republic, irrespective of nationality or permanent residence of their authors, including works made public for the first time in another country but simultaneously published in Slovak Republic within the term of 30 days.

Translated by Slavomir Olšovský. Translation Consultants Michal Krištúfek and Juraj Krištúfek

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<sup>1</sup> § 7 of the Act of National Council of Slovak Republic No.283/1995 on Refugees

(2) The provisions of this Act shall also apply to works, to which the protection in Slovak Republic is granted by virtue of international agreement or convention, by which Slovak Republic is binded.

(3) The duration of copyright relating to work of foreign nationals can not be longer than in the country of origin of work.

(4) The provisions of international agreements by which Slovak Republic is binded shall not be affected by this Act.

### § 3

(1) The provisions of this Act shall apply to

- a) performing artists who are nationals of Slovak Republic,
- b) performing artists who are not nationals of Slovak Republic but whose performances took place on the territory of Slovak Republic or which are incorporated in phonograms that are protected under this Act, or performances which have not been fixed in phonograms, but which were communicated by broadcast or by original programs communicated by wire and due to this they fulfil the conditions for protection under this Act.

(2) The provisions of this Act shall apply to

- a) phonograms of the phonogram producers who are nationals of Slovak Republic or who have their permanent residence or seat in Slovak Republic,
- b) phonograms the first fixation of which was made in Slovak Republic,
- c) phonograms, that were made public for the first time Slovak Republic.

(3) The provisions of the [subsection 2](#) shall apply *mutatis mutandis* to the audiovisual fixations.

(4) The provisions of this Act shall apply to

- a) radio broadcast and television broadcast of broadcasters and programs of organisations communicating to the public their own programs, if their seat is on the territory of Slovak Republic,
- b) radio broadcast and television broadcast realised by broadcasters and to original programs communicated to the public from the place within the territory of Slovak Republic.

### § 4

(1) The provisions of this Act on protection of publishers of previously unpublicated works shall apply to publishers who are nationals of Slovak Republic or who have their permanent residence or their seat within the territory of Slovak Republic.

(2) The provisions of this Act shall apply to performing artists, phonogram producers, producers of audiovisual fixations, radio broadcasters and television broadcasters, broadcasters communicating their own programs by wire and publishers of

previously unpublished works who or which are protected by virtue of international agreements or conventions by which Slovak Republic is binded.

## **§ 5 Definitions of Certain Notions**

(1) Work of architecture is a most general architectural projection of the creative idea of author, in particular the graphic and plastic projection of architectural solution of building or urbanistic arrangement of territory as well as the work of garden, interior and scenic architecture and the work of a building design.

(2) Audiovisual work is a work that consists of series of fixated related images, with or without accompanying sound, capable of visual perception and of aural perception as the case may be, if designed for use and dissemination by means of technological equipment. The main director, author of scenario, author of dialogues and author of music specially created for this work shall be considered to be the co-authors of this work.

(3) Work of applied art is a work, which is an artistic creation with utilitarian functions or which is incorporated in a utility article notwithstanding whether made by hand or industrially or by other technological method.

(4) Photographic work is a recording of light or other radiation at any medium on which an image is produced irrespective of the method by which this recording was made: a still picture from the audiovisual work shall not be considered as a photographic work but as a part of the audiovisual work.

(5) Cable retransmission is a simultaneous, unaltered and unabridged transmission of already broadcasted programs, realised by means of a cable or microwave system for reception of initial broadcast.

(6) To rent the work is to cede the original of the work or its copy or object of neighbouring rights for payment for limited period of time.

(7) Reproduction is a making of one or more copies of work or an object of neighbouring rights in any form including any permanent or temporary storage in electronic form.

(8) Public performance is a performance of any other work; different from audiovisual work, in particular by its recitation, playing, dancing or by any other manner.

(9) Public display is a showing of original of work or its copy directly or indirectly by means of a slide, television image or by similar means on a screen; in a case of an audiovisual work the showing of individual still image nonsequentially.

(10) Communication to the public is a dissemination by means of wire or without wire by means of technological equipment or by any other means, of the images or sounds of fixations, of the images or sounds of the work or an object of neighbouring rights. Mentioned images or sounds can be perceived by persons at the places where it would not be possible without such a transmission to perceive such images or sounds.

(11) Performing artist is a singer, musician, actor, dancer and other person who sings, acts, interprets, delivers or otherwise performs the literary, artistic or folklor works.

(12) To lend the work is to cede without any payment the original of the work or its copy or an object of neighbouring rights by facilities accessible by public for limited period of time.

(13) Broadcasting is a communication of a work or an object of neighbouring rights by radio broadcaster or television broadcaster by wire or wireless means, including that by satellite.

(14) Producer of audiovisual work, any other audiovisual fixation or phonogram, is the physical person who or legal entity which initiated or otherwise facilitated the final making of work or fixation.

(15) Phonogram is an exclusively aural fixation of the sounds irrespective the method or the medium by which or on which these sounds are fixed.

(16) Audiovisual fixation is the fixation of sounds and images which are perceivable in aural and visual manner irrespective of the method or the medium by which or on which these sounds and images are fixed.

(17) Computer program is a set of orders and instructions used directly or indirectly in computer. Orders and instructions can be written or expressed in source code or machine code. Inseparable part of the computer program is also the preparatory material necessary to its preparation; it is protected as a literary work if it complies with the notional characteristics set under [§ 6 Subs. 1](#) and [§ 15 Subs. 1](#).

(18) Database is a collection of works, data, information or any other material (for example texts, images, sounds, numbers, facts) which are arranged systematically or by system and which are capable of being individually accessed by electronic or any other means.

## PART II

### *Copyright*

#### **§ 6 Work**

(1) The subject of copyright is literary work, scientific work and artistic work which is the result of the author's own creative intellectual activity, in particular

- a) literary work and computer program,
- b) work delivered orally, declaimed or otherwise performed literary work, in particular the speech and the lecture,
- c) theatre work, in particular dramatic work, dramatico-musical work, pantomimic work and choreographic work as well as any other work created for its making public or public performance,
- d) musical work with or without lyrics,
- e) audiovisual work, in particular film work,
- f) painting, drawing, sketch, illustration, sculpture and other work of visual art,

- g) photographic work,
- h) work of architecture, work of building architecture and urbanism, work of garden and interior architecture and the work of building design,
- i) work of applied art,
- j) work of cartography in analogue or any other form<sup>2</sup>.

(2) Database is also a subject of copyright, irrespective of its form, under the sole condition that it is original from the point of view of creative selection or arrangement of its contents.

(3) No protection shall extend to

- a) any idea, procedure, system, method, concept, principle, discovery or information, which was expressed, described, explained, illustrated or embodied in a work,
- b) any text of legislation, decision of administration and legal nature, public document, official document, daily news and speeches delivered in the course of public events and their translation: however, the publication of a collection of such speeches or their inclusion into annals requires a consent of the person who delivered them.

## **§ 7 Work of Co-authors**

The work of co-authors is a work which was created by own creative intellectual activity of two or more authors as a single work, rights to which belong to all authors jointly and inseparably.

## **§ 8 Combined Work**

The combined work is a work which was created by combination of several single works with the permission of their authors for the agreed purpose. Combined work is disposed of by all the authors jointly. The rights of authors to dispose of works which were combined in that manner in any other manner different from the disposes in such combination shall be without prejudice. In a case of performance of musical work with lyrics this requires only the permission of author of the musical part alone.

## **§ 9 Collective Work**

Collective work is a work which was created by the joint activity of two or more authors who agreed with the use of their own creative intellectual activity for its creation. The work thus created can be distributed under the name of physical person or legal entity who or which undertook the initiative for the creation of the work or otherwise facilitated the creation of that work.

## **§ 10 Collected Work**

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<sup>2</sup> § 2 Subs. 8 of the Act of National Council of Slovak Republic No. 215/1995 on Geodesy and Cartography

(1) Collected works is a annals, periodical, review, exhibition or another collected work, provided that their arrangement is a result of the own creative intellectual activity of author. A work can be included into a collected work only with the preceding permission of author.

(2) Copyright to collected work as a whole shall belong to the person who arranged it; this shall not prejudice the rights of authors of works included into the collection.

(3) Copyright to published annals, cartography work and periodical is exercised by the publisher.

### **§ 11 Transformation and Translation of the Work**

(1) New original work which is created by original creative transformation of another work shall also be a subject of copyright.

(2) Furthermore, the translation of work into another language and the adaptation of the work shall also be subjects of copyright.

(3) A work can be transformed, translated into another language or adapted only with the permission of its author. The permission of the author for the translation into another language is not required in a case of works listed under [§ 6 Subs. 3 litra \(b\)](#).

### **§ 12 Anonymous and Pseudo-anonymous Work**

(1) The anonymous work is a work made public without indicating the name of the author: name of the author can be disclosed only with his/her permission.

(2) The pseudo-anonymous work is a work made public under the pseudonym: the name of the author can be disclosed only with his/her permission.

(3) Until the identity of author is disclosed on the public, the copyright to the work can be claimed by the person who or which has lawfully published it for the first time or, if it had not been published, by the person who or which made it public. The disclosure of the author on the public is not required if his/her true name is generally known to public.

### **§ 13 Making Public and Publishing of Work**

(1) The work is made public on a day on which it was for the first time lawfully performed or displayed on public, published or otherwise introduced onto public.

(2) The work shall be considered published on a day when the lawful circulation on a public of its copies has began.

### **§ 14 Country of Origin of Work**

(1) As a country of origin of work shall be considered

- a) the country whose national the author is in a case of unpublished work,
- b) the country where the first lawful publication of the work took place in a case of published work.

(2) A work published simultaneously on the territory of Slovak Republic and elsewhere shall be considered as a work published in Slovak Republic: only the publication within 30 days time term shall be considered as a simultaneous publication.

### **§ 15 Establishment of Copyright to Work**

(1) Copyright to a work is established in the moment the work is expressed in a form perceptible by senses, irrespective of its form, content, quality, purpose or form of its expression.

(2) Copyright to a work relates to the work as a whole as well as to its parts.

### **§ 16 The Content of Copyright**

(1) The author shall have right to protect his/her authorship, in particular the right to

- a) sign his/her work by his/her name; his/her name shall be indicated on all copies of work in appropriate manner, within any public use of that work, the manner of this indication depending on the nature of this use,
- b) sign his/her work by the pseudonym: his/her pseudonym shall be indicated on all copies of work in appropriate manner, within any public use, depending on the nature of this use.
- c) not to sign his/her work,
- d) inviolability of his/her work, in particular to protection against any interference into a work or against any derogatory disposal with his/her work which would cause the distortion of his/her honour or good reputation,
- e) to decide on making public of his/her work.

(2) The author of the work shall have an exclusive right to authorise any use of the work, in particular to authorise

- a) any reproduction of the work,
- b) translation of the work,
- c) adaptation, arrangement or other transformation of the work,
- d) use of the work or its part for creation of another work,
- e) distribution of the work or its copy onto the public by sale, rental, lending or any other form of distribution of work or transfer of ownership,
- f) public display of the work or its copy,
- g) public performance of the work,
- h) broadcasting of the work,
- i) cable retransmission of the work,
- j) communication of the work by any other method.

(3) The author has right to make corrections in the proofs of his/her work. In a case of works of architecture the supervision of author over the construction of building is a form of checking the proofs.

(4) The rights of author under the [subsections 1](#) and [3](#) are untransferable and unlimited in time.

(5) The author has right to remuneration for any use of his/her work.

## **§ 17 Original Holder of the Right to Use the Work**

(1) The original holder of the right to use the work shall be the author.

(2) In respect of a work of co-authors, all co-authors shall be original holders of the right to use the work.

(3) In respect of a collective work the physical person or legal entity who or which was initiator of creation of work or who or which otherwise facilitated the creation of work or, as the case maybe, under a name of whose or which the work is distributed, shall be the original holder of the right to use the work.

(4) In respect of a collected work the original holder of the right to use the work shall be author who arranged that work. The rights of authors of the works included into collected work shall not be prejudiced.

(5) In respect of a work created by an employee on execution of his/her duties and following the instructions of the employer, the original holder of the right to use the work shall be, unless provided otherwise by a contract, the author; however, the right to use the work shall be deemed transferred to employer to the extend necessary for his/her/its customary activities.

(6) In respect of a computer program created by an employee as the execution of his/her duties arising from the employment relation or any other similar relation and following the instructions of his/her employer, the holder of the right to use the work shall be employer, unless provided otherwise by a contract.

(7) In respect of an audiovisual work the holders of the right to use the work shall be the co-authors of an audiovisual work.

(8) The co-authors of an audiovisual work can not forbid the producer of the audiovisual work any reproduction, distribution to the public, public performance, broadcasting and cable retransmission of that audiovisual work as well as the modification of the work by subtitling or dubbing; the conditions of such use of the audiovisual work shall be governed by contract.

(9) The co-authors of an audiovisual work shall have the right to equitable remuneration for rental of the original of work or its copy and for its satellite broadcasting and cable retransmission. The right set under the [§ 21 Subs. 3](#) is untransferable.

## *Duration of Copyright*

## **§ 18**



(1) The copyright shall last throughout the life of author and 70 years after his/her death.

(2) In a case of a work of co-authors and combined work created for purpose of use of that work in that combination, the copyright shall last throughout the life of last of the authors and 70 years after his/her death.

(3) In a case of a collective work, other than work of applied art the copyright shall last 70 years from the moment when the work was first time lawfully presented on public. In a case the work has been signed by the names of authors who created the work the copyright shall last throughout the life of the last of the authors and 70 years after his/her death.

(4) In a case of an audiovisual work the copyright shall last throughout the life of the co-authors and 70 years after the death of the last one of them.

(5) In a case of a work made public under a pseudonym or anonymous work the copyright shall last 70 years after first publication of such work; however, when there are no doubts as to an identity of the author, it shall last 70 years after his/her death.

(6) In a case of work published in volumes the duration of copyright shall be calculated from the moment when the work was made public; it shall be calculated for each volume separately.

(7) In a case of a database the copyright shall last 70 years from the moment of its making.

(8) In a case of a work of applied art the copyright shall last 25 years from the making of the work.

## **§ 19**

The calculation of duration of copyright shall start from the first day of the year following the year in which the event decisive for the calculation occurred.

## **§ 20 Distribution of Work After First Sale**

(1) The right of author or other holder of rights to authorise the distribution of original of work or its copy set under the [§ 16 Subs. 2 litra \(e\)](#) shall cease to exist after first sale or any other act of distribution of that original of work or its copy by the author or other holder of rights, or with his/her authorisation on the territory of Slovak Republic.

(2) The right of author or other holder of the rights to authorise a rental of the original of work or its copy shall not cease to exist by the sale or by any other act of distribution of the work or its copy on the territory of Slovak Republic.

(3) The right of author or other holder of the rights to authorise a lending of the original of work or its copy shall not cease to exist by sale or any other act of distribution of the work or its copy on the territory of Slovak Republic.

(4) Sound carriers and carriers of audiovisual fixations in the sale to final customer within the territory of Slovak Republic shall bear a control label.

(5) Conditions and mode of labelling by the control label of sound carriers and carriers of audiovisual fixations shall be established by generally binding legislation which shall be issued by Ministry of Culture of Slovak Republic.

(6) The provisions of the [subsections 2](#) and [3](#) shall not apply to a works of architecture and works of applied art.

## **§ 21 Reproduction of Work for Personal Purposes**

(1) Physical person can make without the authorisation of author a copy of a his/her work which is made public for his/her personal purposes. The physical person shall not be obliged to provide the remuneration to author for such reproduction.

(2) Physical person can make a copy of work which is made public for his/her personal purposes only with the authorisation of author in a case

- a) of a work of architecture in the form of building or construction,
- b) of a copy of literary work, cartographic work or musical work in written form or a substantial part thereof by means of reprographic equipment,
- c) of a computer program with exceptions set under [§ 26](#) and [§ 27](#),
- d) of work reproduction of which would conflict with fair exploitation of work or would otherwise interfere into the interests of author of the work or other holder of rights to this work.

(3) In a case of copies of audiovisual work or work embodied in a phonogram or audiovisual fixation the authors or other holders of rights along with the performing artists and producers of phonograms and audiovisual fixations or their successors-in-title as provided in [§ 51 Subs. 2](#) shall be entitled to the compensation of remuneration.

(4) Authors of the works which can be, due to their nature, reproduced on the basis of printings or its copies, by their transfer by means of reprographic or other technological device onto other material carrier, shall have the right to compensation of remuneration from the producer or importer of such devices, as the case may be.

(5) Compensation of remuneration shall be paid by

- a) the manufacturer of blank carrier of a recording usually used for reproduction of the work for personal purposes as set under the [subsection 3](#); the compensation of remuneration shall not be paid for the blank carriers of recording destined for export,
- b) the importer of blank carrier of a recording; the compensation of remuneration shall not be paid in a case the blank carrier of a recording is imported for personal purposes of importer,
- c) by the manufacturer of a reprographic device or other technological device capable of reproducing the work; the compensation of remuneration shall not be paid for the devices destined for export,
- d) the importer of a reprographic device or any other technological device for reproduction of the work.

## § 22 Quotation from the Work

A short part of a work made public can be used in form of quotation in another work without the authorisation of author, provided that such reproduction is compatible with fair use and its extent does not exceed the extent justified by purpose of such quotation. The quotation shall be accompanied by the indication of the source and the name of author, if a part of work already made public is presented in it. No obligation to pay remuneration to author shall arise for such use.

## § 23 Reproduction for Teaching Purposes

(1) The authorisation of author is not required for

- a) the reproduction of a short part of a work which is made public and which is recorded in writings or by sound or image, provided that such reproduction is compatible with fair use and its extent does not exceed the extent justified by the teaching purpose<sup>3</sup>,
- b) reproduction by reprographic device of the article or other short work or short extract with or without illustrations which are made public, if done for teaching purposes in education facilities<sup>3</sup>,
- c) reproduction of published work by special method for needs of sightless.

(2) The name of the author or his/her pseudonym shall be indicated on any copy set under the [subsection 1](#).

(3) No obligation to pay the remuneration to author shall arise in cases set under [subsection 1](#).

## § 24 Reprographic Reproduction by Libraries or Archives

(1) The Library<sup>4</sup> or Archive<sup>5</sup> can make by means of reprographic device, without authorisation of the author, a copy of the article, other short work or short extract with or without illustrations which are made public

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<sup>3</sup> For example § 1 and 2 of the Act No. 172/1990 on Universities in wording of subsequent legislation, § 5, § 7, § 9 a 9a of the Act No. 29/1984 on System of the Basic and Secondary Schools (School Act) in wording of subsequent legislation, § 4, § 5, § 7 to 9 of the Act of National Council of Slovak Republic No. 279/1993 on School Facilities in wording of Act of National Council of Slovak Republic No. 222/1996.

<sup>3</sup> For example § 1 and 2 of the Act No. 172/1990 on Universities in wording of subsequent legislation, § 5, § 7, § 9 a 9a of the Act No. 29/1984 on System of the Basic and Secondary Schools (School Act) in wording of subsequent legislation, § 4, § 5, § 7 to 9 of the Act of National Council of Slovak Republic No. 279/1993 on School Facilities in wording of Act of National Council of Slovak Republic No. 222/1996.

<sup>4</sup> § 1 to 3 of the Act No. 53/1959 on Uniform System of Libraries (Libraries Act) in the wording of the Act of National Council of Slovak Republic No. 222/1996 and Act of National Council of Slovak Republic No. 296/1996.

- a) if the purpose of that reproduction is the satisfaction of the request of a physical person who will use that copy for purpose of study or research,
- b) if the purpose of that reproduction is replacement, archiving of another copy or preserving in a cases it is lost, destroyed or damaged or in a case of permanent collection.

(2) No obligation to pay the remuneration to author shall arise in cases set under [subsection 1](#).

### **§ 25 Use of Work for Informatory Purposes**

(1) The authorisation of author is not required if the source and the name of author or his/her pseudonym is indicated, in following cases:

- a) the reproduction of the article made public in a newspaper or another information media on current economic, political or religious events or topics, in the broadcasting of such content or rebroadcasting, cable retransmission or other communication; this shall not apply where the author of the work or other holder of rights to work has reserved the right to authorise any reproduction, broadcasting, rebroadcasting and cable retransmission or other communication of the work,
- b) the reproduction, broadcasting, rebroadcasting, communication by cable retransmission or other communication of short parts of the works perceptible in the course of the current events which are the subject of reporting,
- c) reproduction of the lecture, speech or another work of similar nature, delivered in public.

(2) No obligation to pay the remuneration to author shall arise in cases set under [subsection 1](#).

### **§ 26 Reproduction and Adaptation of Computer Program**

(1) The lawful acquirer of a copy of a computer program can make, without the authorisation of author or other holder of rights, a copy of that copy of computer program or its adaptation or translation, provided that such copy, adaptation or translation is necessary

- a) for the conjunction of the computer program with computer for the purpose and to the extent for which the program has been acquired, including corrections of errors in the computer program,
- b) for archiving, back-up purposes or replacing of the lawfully acquired copy of the computer program in the event that the copy of the computer program has been lost, destroyed or otherwise damaged.

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<sup>5</sup> § 15 and 16 of the Act of Slovak National Council No. 149/1975 on Archivation Work in wording of the Act No. 571/1991 and of Act of National Council of Slovak Republic No. 222/1996.

(2) The lawful acquirer of a copy of the computer program can observe, study or test, without the authorisation of author or other holder of rights, the functioning of the program in order to determine the ideas or principles which underlie any part of the program during download, display, transmission or test of the functioning and storage of the program into memory, to which he/she has been entitled.

(3) Any such copy, adaptation or translation shall be destroyed in the event any further use of the copy of the computer program set under the subsection 1 ceases to be lawful.

(4) The right set under [subsection 1 litra \(b\)](#) and [subsection 2](#) can not be prevented by a contract.

(5) No obligation to pay the remuneration to author shall arise in cases set under [subsections 1](#) and [2](#).

### **§ 27 Decompilation of Computer Programs**

(1) The authorisation of author or other holder of rights shall not be required for the reproduction of the code of a computer program or the translation of its form if it is necessary for obtaining the information needed to achieve the interoperability of independently created computer programs with other computer programs, provided that

- a) this activity is performed by the lawful acquirer entitled to use the copy of the computer program,
- b) the information necessary to achieve interoperability has not been previously commonly available to the persons entitled to reproduce or translate,
- c) these activities are confined only to parts of original computer program and are necessary to achieve interoperability of the independently created computer programs.

(2) The information obtained according to the [subsection 1](#) shall not be used

- a) for reaching any goal other than to achieve the interoperability of independently created computer programs,
- b) for providing this information to other persons, except of a use necessary to achieve the interoperability of independently created computer programs,
- c) for facilitating the development, production or for marketing of a computer program which is similar in its expression,
- d) for activity by which the right of author or other holder of rights could be violated.

(3) The authorisation of author or other holder of rights for the activities under [subsection 1](#) shall be required for the reproduction of computer programs in a case such reproduction would conflict with a fair exploitation of the computer program or would otherwise unreasonably interfere into the legitimate interests of author of computer program or other holder of rights to this program.

(4) The reproduction of the machine code of computer program and translation of its form can not be prevented by contract.

(5) No obligation to pay the remuneration to author shall arise in cases set under [subsection 1](#).

### **§ 28 Public Display of Work**

(1) The authorisation of author for the direct public display<sup>6</sup> of the original of work or its copy shall not be required in following cases:

- a) the public display of original of work, which has been sold or ownership to which has been otherwise transferred to a physical person or legal entity, about whom or which the author or other holder of rights knew that this activity is a part of his/her/its customary activities,
- b) in a case the public display does not conflict with a fair exploitation of original of work or its copy and does not otherwise interfere into the rights of author or other holder of rights.

(2) No obligation to pay the remuneration to author shall arise in cases under [subsection 1](#).

### **§ 29 Transfer of Copyright**

(1) The author can transfer only the right to use the work.

(2) The acquirer can transfer acquired right to another person only with the permission of author.

(3) If a legal entity or a physical person to which or whom the right to use the work has been transferred ceased to exist or dies without a successor-in-title, the author shall re-acquire the right to decide on further use of work.

### **§ 30 Passage of Copyright**

(1) The copyright shall pass onto heirs. The provisions of this Act concerning the author shall apply to his/her heirs, unless the nature of this provisions implies otherwise.

(2) If the co-author has no heirs, his/her share shall accrue to other co-authors.

### **§ 31 Transfer of Original of Work or Its Copy**

(1) Whoever acquires the original of the work or its copy he/she/it acquires by that transfer no right to use the work, unless otherwise agreed in the contract.

(2) The author who transferred the original of his/her work for payment can demand a reasonable settlement from any lawful acquirer who has obtained a property benefit of a large amount from a further transfer of the ownership; this right can not be waived in advance.

### *Contracts on Dissemination of Work*

### **§ 32**

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<sup>6</sup> § 1 Subs. 1 litra (c) of the Act of Slovak National Council No. 96/1991 on Public Events of Culture.

(1) The author grants the licence for remuneration to the legal entity or physical person to disseminate his/her work by virtue of a contract on the dissemination of a work; the conditions of dissemination of work can also be contained in general contracts.

(2) The contract on the dissemination of a work is in particular a publishing contract, a contract on public performance of work, a contract on distribution of work by lending or rental of the copy of work, a contract on distribution of a copy of sound recording of work, audiovisual recording of work and a contract on broadcasting of work by radio or television.

(3) The contract on dissemination of a work shall determine a method and extent of dissemination of work, time of such dissemination, remuneration of author, co-operation of author, term for which the contract is concluded, the undertaking of lawful authorised user that dissemination will be done on his/her/its own costs.

(4) In a case of general contracts on use of subjects of protection by cable retransmission concluded between users and organisations of collective administration of rights of authors, performing artists and producers of phonograms and audiovisual fixations to which the licence for this field was granted in accordance with respective legislation<sup>7</sup> the total remuneration shall be no less than 10% of all incomes reached by users in connection with the dissemination of subjects of protection in such manner.

(5) The total remuneration set under [subsection 4](#) itemised on cable network participant per calendar year shall be no less for any individual user than one half of average remuneration itemised in such manner paid by the cable network operators in Slovak Republic in passed calendar year.

(6) In a case of general contracts on use of subjects of protection by radio and television broadcasting the remuneration shall belong to the authors of musical works which shall be no less than proportionate part of one tenth of all broadcasting related incomes of operator who or which obtained a right to broadcast by a licence granted to him in accordance with respective legislation.<sup>8</sup>

(7) In a case of general contracts on use of subjects of protection by radio and television broadcasting the remuneration shall belong to the authors of musical works which shall be no less then proportionate part of one tenth of broadcasting expenses budget of operator who or which obtained a right for broadcasting by the law.<sup>8</sup>

(8) Proportionate part set under [subsections 6](#) and [7](#) shall be calculated as a share of musical works in total volume of works used in broadcasting.

(9) The contract on dissemination of work shall be concluded in writing.

### § 33

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<sup>7</sup> Act No. 283/1997 on Collective Administration of Rights under the Copyright Act and on Change and Amendment of Certain Acts.

<sup>8</sup> Act No. 468/1991 on Operation of Radio and Television Broadcasting in wording of subsequent legislation.

<sup>8</sup> Act No. 468/1991 on Operation of Radio and Television Broadcasting in wording of subsequent legislation.

(1) The author is obliged to submit his/her work to the authorised user in due time and in such state it could be disseminated in the agreed manner.

(2) The authorised user can withdraw from the contract if the author has failed without a serious reason to submit to it his/her work in a due manner even within a supplementary term granted to him/her by the user; the supplementary term need not to be granted if the contract or the nature of the matter indicates the user can have no interest in delayed performance. In such case the authorised user can demand the return of whatever he has already performed to the author.

(3) The author can withdraw from the contract and demand the return of his/her work if the dissemination has not taken place within the term agreed on in the contract; this shall be without prejudice to his/her title to remuneration in amount agreed in the contract.

### *Publishing Contract*

#### **§ 34**

(1) By virtue of the publishing contract the author grants to the publisher the licence to publish a literary work, dramatico-musical work or musical work, visual art work, photographic or cartographic work and publisher undertakes to publish a work at its own costs, to take measures for its distribution and to pay the remuneration to author.

(2) On the basis of agreement with the author of the literary and musical work the publisher determines in the publishing contract a percentage as a form of remuneration of author. This percentage shall be calculated from total financial expenses of the publication of work and it can not fall under 13% of that expenses. The publisher is obliged to pay to the author this minimum remuneration set by a percentage irrespective of the number of the sold copies of the work.

(3) As long as the relationship established by virtue of the publishing contract lasts the author can not grant a licence to publish his/her work to another publisher without consent of the licensed publisher, except for it is a publication of his/her collected works or a publication of his/her work in periodical.

(4) In a case the work is sold out before the term for which the contract has been concluded expires the author may demand another edition of his/her work from the publisher, even no further edition has been agreed. If no contract on a new edition of work is concluded within six months the author shall be free to negotiate the contract with another publisher.

#### **§ 35**

(1) The author shall have the right to correct the proofs of the work.

(2) The author can withdraw from the contract and demand the return of his/her work if he was not given the possibility of making the corrections in the proofs of his/her work or if the work has been used in a manner detracting from its value: this shall be without prejudice to his/her title to remuneration in amount agreed in a contract.

#### **§ 36 Contract on Public Performance of Work**



By virtue of the contract on public performance of work the author grants the licence to perform dramatic work or musical work and other party to the contract undertakes to perform the work on his/her/its own costs and to pay the remuneration to author.

### **§ 37 Contract on Distribution of Work by Lending or Rental of Copies of Work**

(1) By virtue of the contract on distribution of work by lending of the copies of work the author grants a licence to the lender to code the copies of the work for use to other persons without payment and for period determined in the contract<sup>9</sup>. The lender undertakes to act at its own costs.

(2) By virtue of the contract on distribution of work by rental of the copies of work the author grants the licence to the lessor to code the copies of the work for use to other persons for payment and for period determined in the contract<sup>10</sup>. The lessor undertakes to act at its own costs and to pay the remuneration to author.

### **§ 38 The Contract on Creation of Work**

(1) By virtue of the contract on creation of work the author undertakes to create a work for a customer for remuneration and grants a licence to the customer to use the work for the purpose specified in the contract.

(2) The author is obliged to create the work personally and in the determined term. Unless agreed otherwise, the author shall acquire the title to agreed remuneration by submission of his/her work.

(3) If the work has defects which prevent the use of that work for the purpose agreed in the contract, the customer can withdraw from the contract. If the defects are removable the customer can cancel the contract only if the author has failed to remove them in an appropriate term granted to him for this purpose by the customer.

(4) The provision of [§ 33 Subs.2](#) shall apply *mutatis mutandis* to the contract on creation of work.

### **§ 39 Contract on Other Use of Work**

(1) The provisions of [§ 32 Subs.3](#) and [§ 33](#) shall apply *mutatis mutandis* to the contract on other use of work.

(2) In a case of the use of musical work by production and distribution of sound and audiovisual carriers on which the work is fixed the amount of remuneration of author shall be determined by agreement of user and author as a share from sale price of these carriers. This remuneration for all authors of musical works shall be no less than 10% of the price of carriers.

### **§ 40 Public Domain Work**

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<sup>9</sup> § 659 to § 662 of Civil Code

<sup>10</sup> § 663 to 670 of Civil Code

(1) If the author has no heirs or his/her heirs refuse to accept the inheritance, his/her work shall become public domain, with the exception set under [§ 30 Subs.2](#), even before the expiry of the term set under [§ 18](#)

(2) If the duration of copyright expires or if a work becomes public domain for another reason the user is not obliged to request the licence to use the work or to pay the remuneration to the author. However, public domain work can be used only in a manner corresponding to its value and its author, if he/she is known, shall be indicated. The observation of this condition shall be attended by the authors' unions and legal entities to which the licence for the performance of collective administration within particular field of creative activity has been granted<sup>(7)</sup>

#### **§ 41 Rights to Previously Unpublished Work**

(1) Any person who, after the expiry of the duration of copyright, for the first time makes public or communicates to the public a previously unpublished work shall have the copyright set under [§ 16 Subs.2](#) and [5](#).

(2) The right set under the [subsection 1](#) shall last for 25 years from the publication or communication to the public.

#### **§ 42 Presumption of Authorship**

The physical person whose name is indicated on a work in usual manner as the name of author shall, in the absence of proof of the contrary, be presumed to be author of the work. This provision shall also be applicable if the pseudonym is indicated on the work, if there are no doubts as to identity of the author.

#### **§ 43 International Registration of Audiovisual Work**

A statement concerning the work, recorded in an international register of audiovisual works<sup>(11)</sup> shall be considered true until the contrary is proved, except for

- a) where the statement does not fulfil the conditions set under this Act,
- b) where the statement is contradicted by another statement recorded in the international register.

#### **§ 44 Imperilment and Violation of Copyright**

(1) Author whose copyright has been violated may demand in particular that this further violation be prohibited, the consequences of the violation be removed and that he/she be given an appropriate satisfaction. If a considerable detriment of non-proprietary nature has resulted from a violation of copyright, the author has right to satisfaction in money provided that other satisfaction appears insufficient; the amount of the satisfaction in money shall be determined by the court which, in particular takes the extent of the suffered detriment as well as the circumstances of the violation on account.

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<sup>(7)</sup> Act No. 283/1997 on Collective Administration of Rights under the Copyright Act and on Change and Amendment of Certain Acts.

<sup>(11)</sup> Art. II of the Agreement on International Registration of Audiovisual Works (Notification of Federal Ministry of Foreign Affairs No. 365/1992)

(2) The provisions of Civil Code shall apply to claim of the author for coverage of damages suffered by the violation.

(3) The author can make the same claims also in a case of imperilment or violation of his/her rights against persons who or which import, manufacture or exploit the equipment exclusively or partly designed for removal, termination of operation or limitation of the functioning of technological devices used for protection of work against the unauthorised use.

## PART III

### *Neighbouring Rights*

#### **§ 45 Rights of Performing Artists**

(1) The subject of the rights of performing artists are their artistic performances, in particular the performances of the actors, singers, musicians, dancers and other persons who perform, sing, act, recite or otherwise interpret a literary, musical or other artistic works.

#### **§ 46 The Content of Right of Performing Artists**

(1) The provisions of [§ 16 Subs. 1](#) and [5](#) shall apply *mutatis mutandis* to rights of performing artists.

(2) Performing artist shall have the exclusive right to authorise any of the following acts

- a) the broadcasting or other communication of his/her performance: the authorisation of performing artist is not required if it is made from the fixation of the performance produced with his/her permission or if the subject of broadcasting or other communication to the public is the performance which is performed by the performing artist for that broadcasting or other communication to the public,
- b) the fixation of his/her unfixed performance,
- c) the reproduction of a fixations of his/her performances,
- d) the distribution to the public of the fixations of his/her performances or copies thereof to the public by rental, lending or sale or by any other form of transfer or right.

(3) The performing artist shall have the right to equitable remuneration for any use of his/her performance.

(4) The right of performing artist to authorise the distribution of the fixation set under [subsection 2 litra \(d\)](#) except for rental of fixation or its copies, shall cease to exist by first sale or any other act of distribution of the fixation or its copy on the territory of the Slovak Republic or with authorisation of performing artist. The right of performing artist to authorise the rental of the fixation of his/her performance or its copy shall last also after the sale of that fixation or its copy.

(5) If the performing artist has authorised the incorporation of his/her performance into the audiovisual fixation, the provisions of the [subsection 2 litra \(a\)](#) shall have no further application. When a contract concerning the production of an audiovisual fixation is concluded between performing artist and producer it shall be presumed, unless otherwise provided by contract, that performing artist has transferred his/her right of distribution set under [subsection 2 litra \(d\)](#) to the producer, however, he/she shall retain the right to compensation of equitable remuneration for the rental or sale of the fixation of his performance or its copy.

(6) The duration of rights of performing artists shall be 50 years and it shall start from the first day of the year following the year in which the fixation of the artistic performance has been made. However, if the fixation of the performance is made public or communicated to the public within this term the protection shall last 50 years from the first day of the year following the year when the fixation has been made or the communication to the public took place; this term shall be calculated from the earlier event.

#### **§ 47 The Content of Rights of Producers of Phonograms**

(1) The subject of rights of producers of phonograms are aural fixations of performances of performing artists or other sounds irrespective of the method by which or medium on which these performances or sounds are fixed.

(2) The producer of phonogram shall have the right to authorise any of the following acts:

- a) direct or indirect reproduction of the phonogram,
- b) the distribution of the phonogram or its copy to the public by rental, lending, sale or by any other form of transfer of rights.
- c) broadcasting of phonograms or its copy by radio or television
- d) communication of phonogram or its copy to the public by means of technological device.

(3) The producer shall have the right to equitable remuneration for any use of phonograms or its copy.

(4) The right of producer to authorise the distribution of phonogram set under [subsection 2 litra \(b\)](#), except for the rental of phonogram or its copy, shall cease to exist by first sale of phonogram on the territory of the Slovak Republic or with authorisation of producer.

(5) The duration of rights of phonogram producers shall be 50 years and it shall start on the first day of the year following the year in which the phonogram has been produced. However, if a phonogram has been made public or communicated within this term the right of producer shall last for 50 years and it shall start on the first day of the year following the year in which it has been made public or in which communication of the phonogram took place; this term shall be calculated from the earlier event.

#### **§ 48**

(1) The equitable remuneration shall be paid by a person who or which uses or further disseminates the phonogram or its copy within the broadcasting, rebroadcasting, cable retransmission or other communication to the public. This remuneration shall be divided between the performing artists and phonogram producers.

(2) The right to equitable remuneration to performing artists and producers shall last throughout the duration of rights set under [§ 46 Subs. 6](#) and [§ 47 Subs. 5](#)

#### **§ 49 Content of Rights of Producers of Audiovisual Fixations**

(1) The producer of audiovisual fixations shall have the exclusive right to authorise

- a) any direct or indirect reproduction of original or copy of the audiovisual fixation,
- b) the distribution to the public of the original or copy of the audiovisual fixation by rental, lending or sale or any other form of transfer of right.
- c) broadcasting of audiovisual fixation or its copy by radio and television
- d) communication to the public of audiovisual fixation or its copy by means of technological device.

(2) The producer shall have right to equitable remuneration for any use of audiovisual fixation or its copy.

(3) The right of producer to authorise the distribution of audiovisual fixations set under [subsection 1 litra \(b\)](#), except for the rental of audiovisual fixation or its copy, shall cease to exist by first sale of the fixation or any other act of distribution on the territory of Slovak Republic or with authorisation of producer. The right of producer to authorise the rental of audiovisual fixation or its copy shall last also after the sale of audiovisual fixation or its copy.

(4) Duration of the rights set under [subsection 1](#) shall be 50 years and it shall start on the first day of the year following the year in which the audiovisual fixation has been made. However, if the fixation has been made public or communicated within this term the right of producer shall last 50 years and it shall start on the first day of the year following the year in which it has been made public or in which communication took place; this term shall be calculated from the earlier event.

(5) The equitable remuneration shall be paid by the person who or which uses or further disseminates the audiovisual fixation or its copy in the broadcasting, rebroadcasting, cable retransmission or in any other communication to the public.

(6) The right to equitable remuneration shall last throughout the duration of rights set under [subsection 4](#).

#### **§ 50 Content of Rights of Radio Broadcasters and Television Broadcasters**

(1) The broadcaster which broadcasts its program or communicates its own program by wire shall have the exclusive right to authorise any of the following acts:

- a) rebroadcasting of its broadcast, the broadcasting or rebroadcasting of its programs communicated by wire,

- b) the cable retransmission of its programs or its programs communicated by wire,
- c) the fixation of its broadcast or its program communicated by wire,
- d) the reproduction of a fixation of its broadcast or its program communicated by wire,
- e) the distribution to the public of its broadcasting or its program communicated by wire, by rental, lending, sale or any other form of transfer of right.

(2) The right of distribution set under the [subsection 1 litra \(e\)](#) except for the rental of fixation or its copies, shall cease to exist after first sale or other distribution by the broadcaster, broadcaster communicating the program by wire or its successor-in-title or with his authorisation on the territory of Slovak Republic. The right of broadcaster or broadcaster communicating the program by wire to authorise the rental of its broadcast, program or copy of its program shall last also after the sale of a fixation or its copy.

(3) The duration of rights set under [subsection 1](#) shall be 50 years and it shall start on the first day of the year following the year in which the first broadcasting or communication by wire took place.

(4) The broadcaster shall have the right to remuneration for granting the authorisation set under [subsection 1](#).

(5) The right to equitable remuneration shall last throughout the duration of rights set under the [subsection 3](#).

### **§ 51 Limitation of Protection of Neighbouring Rights**

(1) The provisions of the [§ 45 to 50](#) shall not apply where the acts referred to in those sections are related to

- a) use by a physical person for his/her own personal purposes
- b) use in justified extend of a short excerpt for news reporting
- c) use for the purposes of teaching and scientific research
- d) cases where a work can be used without the authorisation of author as set by the [§ 21 to 28](#).

(2) The performing artists, phonogram producers and their successors-in-title shall have the right to equitable remuneration for reproduction of the performances fixed in phonograms, audiovisual works, for reproduction of phonograms and for the use according to the [subsection 1 litra \(a\)](#). The provisions of the [§ 21](#) shall apply *mutatis mutandis* to this right.

### **§ 52**

The provisions of the [§ 17](#), [29](#), [30](#), [32 to 40](#), [§ 42](#) and [44](#) shall apply *mutatis mutandis* on the performing artists and their performances.

## **PART FOUR**

## **§ 53 Collective Administration of Rights**

(1) The rights under this Act can also be administered in a collective manner.

(2) The collective administration of rights set under this Act shall be performed by the organisations to which the licence to perform this activity has been granted in accordance with the respective legislation<sup>(7)</sup>.

## **PART FIVE**

### *Transitional and Final Provisions*

## **§ 54**

(1) The duration of rights shall be governed by this Act also in a cases when it started before the entry into force of this Act. If this Act provides for longer term, this prolongation shall be applied only to the works rights to which have not ceased to exist before entry into force of this Act.

(2) The same shall apply to rights of performing artists, phonogram producers, radio broadcasters and television broadcasters.

## **§ 55**

Following Acts shall be revoked:

1. Act No.35/1965 on Literary, Scientific and Artistic Works (Copyright Act) in wording of the Act No.89/1990, Act No.468/1991 and the Act of National Council of Slovak Republic No.13/1993.

2. Regulation of the Ministry of Culture of Slovak Socialist Republic No.81/1978 by virtue of which the Exceptions are Established from the Obligation to Conclude in Writing the Contracts on the Dissemination of the Literary, Scientific and Artistic Works.

## **Art. II**

Act of National Council of Slovak Republic No.180/1996 Customs Act in wording of Act of National Council of Slovak Republic No.386/1996 shall be changed and amended as follows:

[§ 10](#) a shall be added after [§ 10](#) and it shall read, including footnotes, as follows:

### **§ 10a**

(1) The original holder of the right to use the work<sup>7a</sup> or a person authorised to perform his/her right to use the work<sup>7b</sup> may request from the customs authorities the

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<sup>(7)</sup> Act No. 283/1997 on Collective Administration of Rights under the Copyright Act and on Change and Amendment of Certain Acts.

<sup>7a</sup> § 17 of the Act. No.383/1997 Copyright Act and Act by which the Customs Act is Changed and Amended in its Subsequent Legislation Wording.

information on content and volume of the import of commodity which has the nature of copy of a work or its sound recording, visual fixation, audiovisual fixation, or a product which can be used as a carrier for making of such fixation (blank carrier) and to examine the custom documentation in order to determine whether the import of such commodity for the purposes of its distribution on market is in accordance with respective legislation<sup>7c</sup>.

(2) Custom authority shall interrupt for maximum of 10 working days the custom procedure on release of commodity to free circulation on the basis of the written request of the person authorised according to the [subsection 1](#), providing that there is a reasonable suspicion that the right set under respective legislation<sup>7c</sup> have been violated by the import of such commodity. This term can be prolonged by further 10 working days in reasonable cases.

(3) Custom authority shall not release the commodity to free circulation if the importer of the commodity mentioned in [subsection 1](#) does not prove within the term mentioned in [subsection 2](#) that the import of such commodity is in accordance with respective legislation<sup>7c</sup>.

(4) The provision of [subsections 1](#) to [3](#) shall apply *mutatis mutandis* in cases of the export of the commodity mentioned in [subsection 1](#).

### **Art. III**

This Act shall enter into force on January the 1st, 1998.

Hand-written signatures:

Michal Kováč

Ivan Gašparovič

Vladimir Mečiar

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<sup>7b</sup> Act No.283/1997 on Collective Administration of Rights under the Copyright Act and on Change and Amendment of Certain Acts

<sup>7c</sup> Act No.383/1997.

<sup>7c</sup> Act No.383/1997.

<sup>7c</sup> Act No.383/1997.