

# **The Slovak Republic**

## **Copyright Act**

Act No. 383/1997 of 5th December 1997  
as Changed and Amended by Act No. 234/2000  
of 20th June 2000.

**Translation Version 1.2 (13. 9. 2001)**

*Translated by Slavomír Olšovský*

**Chairman  
of the National Council of the Slovak Republic  
hereby proclaims**

**Complete Wording of Act No. 383/ 1997 - Copyright Act and Act on Changes and Amendments  
of Customs Act (of the Wording Thereof as Changed and Amended by Subsequent Legislation),  
as Resulting From the Changes and Amendments done by Act No. 234/ 2000**

## **C O P Y R I G H T   A C T**

The National Council of the Slovak Republic has adopted the following Act:

### **PART ONE INTRODUCTORY PROVISIONS**

#### **§ 1**

Subject Matter of Legislation

This Act shall govern the relations arising in connection with creation, use and dissemination of literary works, scientific works and artistic works in such a way as to protect the rights and legitimate interests of authors of works, including the authors of computer programs and **authors and makers of databases**, performing artists, phonogram producers, producers of audiovisual fixations, radio broadcasters and television broadcasters.

Scope of the Act

#### **§ 2**

(1) The provisions of this Act shall apply to

a) works of authors, who are nationals of the Slovak Republic or who have their permanent residence within the territory of the Slovak Republic; it shall likewise apply to the works of authors, to whom the relevant legislation<sup>1)</sup> has accorded the legal status of refugee on the territory of the Slovak Republic,

b) works first disclosed in the Slovak Republic, regardless of the nationality or permanent residence of the authors thereof, including works first disclosed in another country but simultaneously published in the Slovak Republic within a period of 30 days.

(2) The provisions of this Act shall also apply to works to which protection in the Slovak Republic is accorded under an international treaty or agreement binding on the Slovak Republic.

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

(3) The term of the copyright in works of foreign nationals may not be longer than in the country of origin of the work.

(4) The provisions of international treaties binding on the Slovak Republic shall not be affected by this Act.

### § 3

(1) The provisions of this Act shall apply to

- a) performing artists who are nationals of the Slovak Republic,
- b) performing artists who are not nationals of the Slovak Republic but whose performances took place on the territory of the Slovak Republic or which are incorporated in phonograms that are protected under this Act, or performances that have not been fixed in phonograms, but which were communicated in the form of broadcast or original programs communicated by wire, as a result of which they fulfill 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 the Slovak Republic or who have their permanent residence or seat in the Slovak Republic,
- b) phonograms the first fixation of which was made in the Slovak Republic,
- c) phonograms first disclosed in the Slovak Republic.

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

(4) The provisions of this Act shall apply to

- a) radio broadcast and television broadcast of broadcasters and programs of organisations communicating their own programs to the public, provided that their seat is on the territory of the 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 the Slovak Republic.

### § 4

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

(2) The provisions of this Act shall also 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 undisclosed works who or which are protected by virtue of international treaties or agreements binding on the Slovak Republic.

## § 5

### Definitions of Certain Concepts

(1) A work of architecture is an entirely general architectural projection of the creative idea of an author, in particular the graphic and three-dimensional projection of an architectural solution for a building or urban arrangement of territory, and also the work of garden, interior and stage architecture and the work of a building design.

(2) An audiovisual work is a work that consists of sequences of fixed related images, with or without accompanying sound, capable of visual perception and of aural perception as the case may be, designed for use and dissemination by means of a technical device. *Inter alios* the main director, the author of the scenario, the author of the dialogues and author of the music specially created for the work shall be considered to be the co-authors of such a work.

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

(4) A photographic work is a fixing of light or other rays on any medium where an image is produced, regardless of the method by which the fixing is done; a still picture from an audiovisual work shall not be considered a photographic work but part of the audiovisual work.

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

(6) Rental of a work is the transfer, against payment, of the original of the work or of a copy thereof or of the subject matter of related rights, for a limited period of time.

**(7) Reproduction is the making of one or more copies of a work or of a subject matter of related rights in any form, directly or indirectly, including any permanent or temporary storage in electronic form; the direct reproduction is the making of one or more copies from the original of the work and the indirect reproduction is the making of one or more copies from a copy of the work.**

(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 the showing of the original of the work or of a copy thereof directly or indirectly by means of a slide, television image or by a similar means on a screen; in the case of an audiovisual work the showing of an individual still image non-sequentially.

(10) Communication to the public is a dissemination by means of wire or without wire by technical equipment or in any other way, of the images or sounds of fixations, of the images or sounds of the work or of a subject matter of related rights, the said images or sounds being perceivable by persons in places where it would not be possible to perceive such images or sounds without such communication.

(11) A performing artist is a singer, musician, actor, dancer or other person who sings, acts, plays, delivers or otherwise performs the literary work, artistic work or work of folklore.

**(12) An artistic performance is playing, delivering or other creative performing of the literary work, artistic work or work of folklore by action such as singing, acting, dancing or in another way.**

(13) The lending of the work is the transfer, without the payment, of the original of the work or of a copy thereof or of a subject matter of related rights by facilities accessible to public for a limited period of time.

(14) Broadcasting is the communication of a work or of a subject matter of related rights by a radio broadcaster or television broadcaster by wire or wireless means, including that by satellite.

(15) The producer of an audiovisual work or of any other audiovisual fixation or of a phonogram is the physical person who, or legal entity which, initiated or otherwise facilitated the final making of the work or fixation.

(16) A phonogram is an exclusively aural fixation of sounds, regardless of the method or of the medium by which or on which these sounds are fixed.

(17) An audiovisual fixation is the fixation of sounds and images which are perceivable in aural and visual manner, regardless of the method or of the medium by which or on which these sounds and images are fixed.

(18) A computer program is a set of orders and instructions used directly or indirectly in a computer. Orders and instructions may be written or expressed in source code or machine code. The preparatory material necessary for the preparation of the computer program also forms an integral part thereof; it shall be protected as a literary work if it conforms to the conceptual characteristics set forth § 6 Subs. 1 and § 15 Subs. 1.

(19) A database is a collection of works, data, information or any other material (such as texts, images, sounds, numbers or facts) that is arranged systematically or by system and which is capable of being individually accessed by electronic or any other means.

**(20) The maker of a database is the physical person or legal entity on initiative, account and responsibility of whose or of which the database was created.**

**(21) A satellite is any technical device operating on frequency bands which under the relevant legislation<sup>1a)</sup> are reserved for the broadcast of signals for reception by the public or which are reserved for closed, point-to-point communication. In the case of point-to-point communication the circumstances in which individual reception of signal takes place must be comparable to those which apply in the case of reception of the signals for reception by public.**

**(22) The Rights Management Information is data which identify the work, the author of the work, the holder of any right in the work, information about the terms and conditions of use of the work and any numbers or codes that represent such information, when any of these information items is attached to a copy of a work or appears in connection with the communication of a work to the public.**

**(23) A reprographic or other technical apparatus is a device using the electromagnetic radiation for the making of a copies of work or that makes copies in another way, in particular photocopying machine, scanner, fax machine and computer.**

**(24) The making available to the public is the communication to the public of a work or of a subject matter of related rights in such a way that an individual may access them from a place and at a time individually chosen by him/her.**

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<sup>1a)</sup> Act No. 195/2000 on Telecommunications.

## PART TWO

### COPYRIGHT

#### § 6

##### A Work

(1) The subject matter of copyright is constituted by literary work, scientific work and artistic work that are the result of creative intellectual activity of the author, in particular

- a) literary work and computer program,
- b) work delivered orally or declaimed, or literary work performed in another way, in particular the speech and the lecture,
- c) theatrical work, in particular dramatic work, dramatico-musical work, pantomimic work and choreographic work as well as any other work created with a view to their being made public or publicly performed,
- d) musical work with or without lyrics,
- e) audiovisual work, in particular cinematographic work,
- f) work of painting and drawing, sketch, illustration, sculpture and other work of visual art,
- g) photographic work,
- h) architectural works, **in particular** the buildings and works of urban planning, and work of garden and interior architecture and the work of building design,
- i) work of applied art,
- j) cartographic work in analogue or any other form<sup>2)</sup>.

(2) **Database** is also eligible for copyright, irrespective of its form, subject only to their being original in terms of the creative selection or arrangement of its content.

(3) No protection shall extend to

- a) any idea, procedure, system, method, concept, principle, discovery or mere information that has been expressed, described, explained, illustrated or embodied in a work,
- b) any text of legislation, or of a decision of administrative and legal nature, public document, official document, mere news of the day and speeches delivered in the course of a public events and the translations thereof; however, the publication of a collection of such speeches or their inclusion into a chronicle requires the consent of the person who delivered them.

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

## § 7

### A Work of Joint Authorship

A work of joint authorship is a work that has been created by creative intellectual activity of two or more authors as a single work, the rights in which belong jointly and inseparably to all the authors.

## § 8

### A Composite Work

A composite work is a work that has been created by combining several single works for an agreed purpose with the permission of their authors. A composite work is disposed of by all the authors jointly. The rights of the authors to dispose of works so combined in any manner other than disposal of the whole composite work shall be without prejudice thereto. In the case of performance of a musical work with lyrics, this shall require the permission of author of the musical part only.

## § 9

### A Collective Work

**(1) A collective work is a work that has been created by the joint activity of two authors or more authors who have agreed on the use of their own creative intellectual activity for the creation thereof under the direction of the physical person who, or legal entity which,**

**a) has initiated the creation of the work,**

**b) has directed or facilitated the creation of the work,**

**c) took the obligation to prepare the work for publication and to publish the work.**

**(2) A collective work may be disseminated under the name of physical person or legal entity mentioned in subsection 1.**

## § 10

### A Collection

(1) A collection is a chronicle, periodical, review, exhibition or any other compilation insofar as its arrangement is the result of the author's own creative intellectual activity. A work may be included into a collection only with the prior permission of its author.

(2) The copyright in a collection as a whole shall belong to the person who arranged it; this shall be without prejudice to the rights of the authors of the works included in the collection.

(3) The copyright in a published chronicle, cartographic work and periodical shall be exercised by the publisher.

## § 11

### A Transformation and Translation of the Work

- (1) A new original work created by original creative transformation of another work shall also be eligible for copyright.
- (2) The translation of a work into another language and the adaptation of the work shall likewise be eligible for copyright.
- (3) A work may be transformed, translated into another language or adapted only with the permission of its author. The permission of the author for translation into another language shall not be required in the case of the works listed in § 6 Subs. 3 (b).

## § 12

### An Anonymous and Pseudonymous Work

- (1) An anonymous work is a work made public without any mention of the name of the author; the name of the author may be disclosed only with his/her permission.
- (2) A pseudonymous work is a work made public under a pseudonym; the true name of the author may be disclosed only with his/her permission.
- (3) Until such time as the identity of the author is revealed to the public, the copyright in the work may be claimed by the person who or which has lawfully published it for the first time or, if it was not published, by the person who or which made it public. The revelation of the identity of the author on the public is not required if his/her true name is widely known.

## § 13

### Disclosure and Publication of Work

- (1) The work shall be considered disclosed on the day on which it is first lawfully performed or displayed in public, published or otherwise made known to public.
- (2) The work shall be considered published on the day on which copies of it start to be lawfully distributed to the public.

## § 14

### Country of Origin of the Work

- (1) The country of origin of the work shall be
  - a) the country of which the author is a national in the case of an unpublished work,



b) the country in which the first lawful publication of the work occurred in the case of a published work.

(2) A work published simultaneously on the territory of the Slovak Republic and elsewhere shall be considered a work published in the Slovak Republic, provided that only publication within a period of 30 days shall be considered simultaneous publication.

## § 15

### Establishment of Copyright in a Work

(1) Copyright in a work is established as soon as the work is expressed in a form perceivable by the senses, regardless of its form, content, quality, purpose or form of expression.

(2) The copyright in a work relates to the work as a whole and also to parts thereof.

## § 16

### Content of Copyright

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

a) to sign his/her work by his/her name; his/her name shall be indicated in an appropriate manner on all copies of the work, and in connection with any public use thereof, the manner of the indication being determined by the nature of the use,

b) to sign his/her work with a pseudonym; his/her pseudonym shall be indicated in an appropriate manner on all copies of the work, and in connection with any public use thereof depending on the nature of this use.

c) not to sign his/her work,

d) to the inviolability of his/her work, and in particular to protection against interference with the work or against any derogatory use thereof that would be detrimental to his/her honour or reputation,

e) to decide on the disclosure of his/her work.

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

a) reproduction of the work,

b) translation of the work,

c) adaptation, arrangement or other transformation of the work,

d) use of all or part of the work for the creation of another work,

**e) distribution of the original of the work or of a copy thereof to the public by sale, rental, lending or by any form of transfer of ownership or of possession,**

f) public display of the work or of the copy thereof,

- 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 the right to make corrections in the proofs of his/her work. In the case of works of architecture, supervision of author of the construction of the building shall be equivalent to checking the proofs.

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

(5) The author has the right to remuneration for any use of his/her work; **this right may not be waived in advance. The materialisation of the architectural work in the form of the project documentation or territory planning documentation or in the form of realisation of the building, garden, interior or scene shall be considered as being the use of the work.**

**(6) The provision of Subs. 2 (e) shall not apply to the architectural works and works of applied art.**

**(7) The rights of author may not be restricted or excluded by contract.**

## § 17

### Original Holder of the Right to Use the Work

- (1) The author shall be the original holder of the right to use the work.
- (2) In the case of a work of joint authorship, all the authors shall be original holders of the right to use the work.
- (3) In the case of a collective work, **the physical person or legal entity under the direction of which the work has been created and which has initiated the creation of the work, has directed or facilitated the creation of the work and which took the obligation to prepare the work for publication and to publish the work shall be the original holder of the right to use the work.**
- (4) In the case of respect of a collection, the original holder of the right to use the work shall be the author who arranged it, without prejudice to the rights of authors of the works included into the collection.
- (5) In the case of a work created by an employee in the course of his/her duties and on instructions of the employer, the original holder of the right to use the work shall be, unless otherwise provided by, the author; however, the right to use the work shall be deemed transferred to the employer to the extent necessary for his/her/its customary activities.
- (6) In the case of a computer program created by an employee in the course of his/her duties arising from his/her employment relations or any other similar relations and on instructions of his/her employer, the holder of the right to use the work shall be the employer unless otherwise provided by contract.

**(7) The co-authors of an audiovisual work may not prevent the producer of the audiovisual work from effecting any reproduction, distribution to the public, public performance, broadcasting and cable retransmission of the audiovisual work fixed in audiovisual fixation, or any modification of the work by subtitling or dubbing; the conditions of such use of that work shall be governed by contract.**

#### Duration of Copyright

##### § 18

- (1) The copyright shall last throughout the lifetime of author and 70 years after his/her death.
- (2) In the case of a work of joint authorship or composite work created for use in that form, the copyright shall last throughout the lifetime of the last surviving author and 70 years after his/her death.
- (3) In the case of a collective work, the copyright shall last 70 years from the time at which 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 the case of an audiovisual work the copyright shall last throughout the lifetime of the co-authors and 70 years after the death of the last one of them.
- (5) In the case of a work disclosed under a pseudonym or an anonymous work the copyright shall last 70 years after the first publication of the work; however, when there is no doubt as to the identity of the author, it shall last 70 years after his/her death.
- (6) In the case the time when the work was made available to the public determines the duration of copyright in work published in volumes, parts, instalments or episodes, the duration of copyright shall run for each such volume, part, instalment or episode separately from the from the moment when the item was made public.**
- (7) In the case of a database the copyright shall last 70 years from the time at which it was made.
- (8) In the case of work for which the duration of copyright is not calculated from the death of the author and which has not been lawfully made available to the public within 70 years from its creation, the protection shall terminate.**

##### § 19

**The duration of copyright shall be calculated from the first day of the year following the event which gives rise thereto.**

##### § 20

#### **The Distribution of the Original of the Work or of a Copy Thereof to the Public After the First Sale**

- (1) The right of the author or other holder of rights to authorise the distribution of the original of the work or of a copy thereof to the public under the § 16 Subs. 2 (e) shall be exhausted for the territory of the Slovak Republic on the first lawful sale or on any other act of transfer of**

**ownership of the original of the work or of a copy thereof realised on the territory of the Slovak Republic, this in respect of the original of the work and any copies thereof that were subject to said sale or to any other act of transfer of ownership; the right of the author or other holder of rights to authorise the distribution of the original of the work or of a copy thereof to the public by rental and the right of the author or other holder of rights to authorise the distribution of the original of the work or of a copy thereof to the public by the lending shall not be affected thereby.**

**(2) The subsection 1 shall not apply to architectural work and work of applied art.**

## § 21

### Reproduction of Work for Personal Purposes

(1) A physical person may make a copy of a disclosed work for his/her personal purposes without the authorisation of author thereof. The said physical person is not obliged to pay remuneration to the author for such reproduction.

(2) A physical person may not make a copy of a disclosed work for his/her personal purposes without the authorisation of the author in the case

a) of an architectural work in the form of **project documentation** of a building or other structure,

b) of a copy of an **entire** literary work, cartographic work or musical work in written form, or of a substantial part thereof by means of reprographic equipment,

c) of a computer program, subject to the exceptions provided for in § 26 and § 27,

d) of a work the reproduction of which would conflict with the fair exploitation of the work or otherwise interfere with the interests of the author of the work or other holder of rights therein.

**(3) The authors or other holders of rights are entitled to compensatory remuneration for the reproduction of the work embodied in a phonogram or audiovisual fixation.**

**(4) The authors of the works that can, on account of their nature, be reproduced by printing or copying, or by transfer onto another medium with the aid of reprographic or other technical apparatus, shall have the right to compensatory remuneration.**

**(5) Compensatory remuneration shall be paid to the author or other rightholders through the collective administration organisation<sup>2a)</sup> by**

**a) the manufacturer or importer of blank recording material (“the carrier” hereinafter) generally used for reproduction of the work for personal purposes as provided in the subsection 3; in amount of 6 % from the sale price of the carrier,**

**b) the manufacturer or importer of a equipment capable of reproducing the phonograms or audiovisual fixations (“the equipment” hereinafter); in amount of 3 % from the sale price of the said equipment,**

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<sup>2a)</sup> Act No. 283/1997 on Collective Administration of Rights under Copyright Act and on Changes and Amendments to Certain Acts, as Changed and Amended by Act No. 234/2000.

**c) the manufacturer or importer of a reprographic device or other technical apparatus capable of reproducing the work (“the apparatus” hereinafter); in amount of 3 % from the sale price of the said apparatus.**

**d) the physical person who, or legal entity which, provides the reproduction services against the payment; in amount of 3 % from the total incomes due to said services,**

**e) the vendor of the carrier, device or apparatus instead of persons liable under (a) to (c), shall the vendor fail to provide the data necessary for the identification of the importer of manufacturer upon the written request from the collective administration organisation<sup>2a)</sup>; in amounts as provided for in (a) to (c).**

**(6) Compensatory remuneration shall not be payable where the carrier, device or apparatus mentioned in subsection 5 (a) to (c), is exported for further sale; compensatory remuneration shall not be payable also where the carrier is imported for the personal purposes of the importer.**

**(7) Persons mentioned in subsection 5 are obliged to pay compensatory remuneration in prescribed amounts to respective collective administration organisation quarterly, however, not later then at the end of following month.**

**(8) Persons mentioned in subsection 5 are obliged to present to respective collective administration organisation<sup>2a)</sup> the information on the type and number of the imported carriers, devices and apparatuses and information on the sale prices thereof. In the case these duties are not fulfilled even in the additional term, specified by the respective collective administration organisation, the rate of the compensatory remuneration is doubled.**

## § 22

### Quotation from the Work

A short part of a disclosed work may be used in the form of a quotation in another work without the authorisation of the author, provided that the reproduction constitutes fair use and its extent does not exceed that justified by the purpose of the quotation. The quotation shall be accompanied by a mention of the source and the name of author if a disclosed work features them. *There shall be no obligation to pay remuneration to the author for such use.*

## § 23

### Reproduction for Teaching Purposes

(1) The authorisation of the author shall not be required for

a) reproduction of a short excerpt from a work that has been disclosed and set down in writing or fixed in the form of sound or visual recording, provided that such reproduction constitutes fair use and its extent does not exceed that justified by the teaching purpose<sup>3)</sup>,

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

b) reproduction by means of reprographic apparatus of an disclosed article or other short work or short extract with or without illustrations which are made public, if done for teaching purposes in education establishments<sup>3)</sup>,

(2) The name of the author or his/her pseudonym shall be mentioned on any copy produced under the subsection 1.

(3) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.

### **§ 23a**

#### **Reproduction of the Work by Special Method to Cater for the Needs of the Visually Handicapped**

**The authorisation of the author shall not be required for reproduction of a disclosed work by special method to cater the needs of the visually handicapped. There shall be no obligation to pay remuneration to the author for such use.**

### **§ 24**

#### **Reprographic Reproduction by Libraries or Archives**

**(1) A library<sup>4)</sup> or archive<sup>5)</sup> may, by means of reprographic apparatus and without the authorisation of the author, make**

**a) a copy of a disclosed article or other short work or short extract with or without illustrations, if the purpose of that act of reproduction is to satisfy the request of a physical person who will use that copy for the purpose of education or research,**

**b) a copy of any disclosed work, if the purpose of that act of reproduction is replacement, archiving or preservation for the cases of the loss or destruction or damage, or where the permanent collection is being constituted.**

**(2) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.**

### **§ 25**

#### **Use of Work for Information Purposes**

**(1) The authorisation of the author is not required in the following cases if the source and the name of author or the pseudonym thereof are mentioned:**

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<sup>4)</sup> § 1 to 3 of Act No. 53/1959 on Uniform System of Libraries (“The Libraries Act”), as changed and amended by Act No. 222/1996 of the National Council of the Slovak Republic and Act of National Council of the Slovak Republic No. 296/1996.

<sup>5)</sup> § 15 and 16 of Act No. 149/1975 of the Slovak National Council on Archiving, as changed and amended by Act No. 571/1991 and by Act No. 222/1996 of the National Council of the Slovak Republic.

**a) reproduction of an article disclosed in a newspaper or other information medium on current economic, political or religious events or topics, broadcasting or rebroadcasting, cable retransmission or other communication of such subject matter; this shall not apply where the author of the work or other holder of rights in the work has reserved the right to authorise any reproduction, broadcasting, rebroadcasting and cable retransmission or other communication thereof,**

**b) reproduction, broadcasting, rebroadcasting, cable retransmission or other communication of short excerpts from works perceivable in the course of current events being the subject of the news reporting,**

**c) reproduction of a lecture, speech or other work of similar nature delivered in public.**

**(2) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.**

## § 26

### Reproduction and **Modification** of a Computer Program

(1) The lawful acquirer of a copy of a computer program may, without the authorisation of the author or other holder of rights, make a copy of that copy of the computer program or of an adaptation or translation thereof, provided that the copying, adaptation or translation is necessary

a) for the conjunction of the computer program with the computer according to the purpose and extent for which the program has been acquired, including the corrections of errors in the computer program,

b) for archiving and back-up purposes or for the replacement of a lawfully acquired copy of the computer program in the event of the copy of the computer program having been lost, destroyed or damaged.

(2) The lawful acquirer of a copy of a computer program may, without the authorisation of the author or other holder of rights, observe, study or test the functionality of the program to determine the ideas or principles underlying any part thereof in the course of the downloading, display or transmission, functionality test and storage of the program into computer memory that he/she has been authorised to do.

(3) Any such copy, adaptation or translation shall be destroyed where further use of the copy of the computer program provided for in the subsection 1 ceases to be lawful.

(4) The right provided for in subsection 1 (b) and subsection 2 may not be withheld by contract.

(5) There shall be no obligation to pay remuneration to the author in the cases provided for in subsections 1 and 2.

## § 27

### Decompilation of Computer Programs

(1) The authorisation of the author or other holder of rights shall not be required for reproduction of the code of a computer program or translation of the form of that code if that is necessary for obtaining

the information required to achieve interoperability between independently created computer programs and other computer programs, provided that

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

(2) The information obtained **by acts** provided for in the subsection 1 shall not be used

- a) to pursue any aim other than the achievement of interoperability of the independently created computer programs,
- b) so that the information may be passed on to other persons, except where its use is necessary to achieve the interoperability between independently created computer programs,
- c) to facilitate the development or production, and for trade with a computer program that is similar in its expression,
- d) for any activity by means of which the right of author or other holder of rights could be violated.

(3) The authorisation of the author or other holder of rights for the acts provided for in subsection 1 shall be required where the reproduction of a computer programs would conflict with the fair exploitation of the computer program or otherwise unreasonably interfere with the legitimate interests of the author of the computer program or the other holder of rights in this program.

(4) Neither reproduction of the machine code of the computer program nor translation of its form may be prevented by contract.

(5) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.

## § 28

### Display of the Work in Public

(1) The direct display to the public<sup>6)</sup> of the original of the work or a copy thereof shall not require authorisation by the author in the following cases:

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

(2) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.

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



## § 28a

**Disposal of the work provided for in § 21 to 28 may not conflict with a normal exploitation of the work and may not unreasonably prejudice the legitimate interests of the author.**

## § 29

### Transfer of Copyright

- (1) The author may transfer only the right to use the work.
- (2) The acquirer may transfer the right acquired to another person only with the permission of the author.
- (3) If a legal entity or a physical person to which or whom the right to use the work has been transferred ceases to exist or dies without a successor in title, the author shall recover the right to decide on the further use of the work.

## § 30

### Inheritance of Copyright

- (1) Copyright shall pass on to author's heirs. The provisions of this Act concerning the author shall then apply to his/her heirs except where the nature thereof implies otherwise.
- (2) Where a co-author has no heirs, his/her share shall accrue to the other co-authors.

## § 31

### Transfer of the Original of the Work or of a Copy Thereof

- (1) Any person who acquires the original of the work or a copy thereof does not thereby acquire any right to use the work, unless otherwise agreed by contract.
- (2) The author who has transferred the original of his/her work consideration may demand a reasonable settlement from any lawful acquirer who has secured a large material benefit from further transfer of ownership; that right may not be waived in advance.

## **Contracts for the Dissemination of Work**

## § 32

- (1) The author may licence a physical person or legal entity, against remuneration, to disseminate his/her work under a contract for the dissemination of the work; the conditions governing the dissemination of the work may also be written into general contracts.**
- (2) The contract for the dissemination of a work shall typically be a publishing contract, a contract for the public performance of the work, a contract for the distribution of the work by lending or rental of a copy thereof, a contract for the distribution of a copy of a sound recording**

**of the work or an audiovisual recording of the work, and a contract for the broadcasting of the work by radio or television.**

**(3) The contract for the dissemination of a work shall comprise the method and extent of the dissemination of the work, the period for such dissemination, the remuneration payable to the author, the author's co-operation, the term for which the contract is concluded and the lawfully authorised user's undertaking that dissemination will take place at his/her/its expense.**

**(4) In the case of general contracts for the use of protected subject matter<sup>6a)</sup> by cable retransmission, concluded between users and organisations for the collective administration of the rights of authors, performing artists and producers of phonograms and audiovisual fixations authorised for this particular area and field under the relevant legislation,<sup>2a)</sup> the total remuneration shall be not less than 10 % of all income earned by users in connection with the dissemination of protected subject matter in that way.**

**(5) The total remuneration provided for in subsection 4 itemised as per one cable network connected household per calendar year, shall not be less for any individual user, than one half of the average remuneration itemised in said way and paid by cable network operators in the Slovak Republic during the previous calendar year.**

**(6) In the case of general contracts for the use of protected subject matter by radio broadcasting and television broadcasting, the remuneration shall belong to the authors of musical works and shall be no less than a proportional share from the one tenth of all income of the broadcaster arising from the creation and broadcasting of the programs.<sup>8)</sup>**

**(7) The proportional share provided for in subsection 6 shall be calculated as the ratio of time span of the musical works to the total broadcasting time.**

**(8) Contract for the dissemination of work shall be concluded in writing, otherwise it is null and void.**

## § 33

(1) The author is obliged to submit his/her work to the authorised user in due time and in such a condition as to allow it to be **disseminated** in the agreed manner.

(2) The authorised user may withdraw from the contract if the author has failed, without a legitimate reason, to submit the work to him/her/it in due form, even within an additional period granted him/her by the user; the additional period need not be granted if the contract or the nature of the subject matter indicates that the user has no interest in a delayed performance. In the latter case the authorised user may demand the return of whatever he/she/it has already performed to the author.

(3) The author may withdraw from the contract and demand the return of his/her work if dissemination has not occurred within the term agreed upon in the contract; this shall be without prejudice to the entitlement to the amount of remuneration agreed upon in the contract.

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<sup>6a)</sup> § 2 (b) of Act No. 283/1997, as changed and amended by the Act No. 234/2000

<sup>8)</sup> Act No. 468/1991 on Operation of Radio and Television Broadcasting, as changed and amended by the subsequent legislation.

Act No. 254/1991 of the Slovak National Council on the Slovak Television, as changed and amended by the subsequent legislation.

Act No. 255/1991 of the Slovak National Council on the Slovak Radio, as changed and amended by the subsequent legislation.

## Publishing Contract

### § 34

(1) Under a publishing contract the author licenses the publisher to publish a literary work, dramatico-musical work or musical work, work of visual art, photographic or cartographic work, and the publisher undertakes to publish the work at his/her/its own expense, arrange for its dissemination and pay the remuneration to the author.

(2) The author may not, for as long as the relations established by the publishing contract last, license another publisher to publish his/her work without the consent of the publisher already licensed, except in the case of publication of his/her collected works or a publication of his/her work in a periodical.

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

### § 35

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

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

### § 36

#### Contract for the Public Performance of a Work

Under a contract for the public performance of a work the author licenses the performance of the dramatic work or musical work and the other party to the contract undertakes to perform the work at his/her/its own expense and pay the agreed remuneration to the author.

### § 37

#### Contract for the Distribution of Work by the Lending or Rental of Copies of Work

(1) Under a contract for the distribution of a work by the lending of copies of work the author licenses the lender to transfer copies of the work to other persons for their use without payment and for a period specified in the contract<sup>9)</sup>. The lender undertakes to act at his/her/its own expense.

(2) Under a contract for the distribution of a work by rental of copies of work the author licenses the lessor to transfer copies of the work to other persons for their use against payment and for term

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

specified in the contract<sup>10)</sup>. The lessor undertakes to act at his/her/its own expense and pay the remuneration to author.

## § 38

### Contract for the Creation of a Work

(1) Under a contract for the creation of a work the author undertakes to create a work for his/her client against remuneration, and licenses that client to use the work for the purpose specified in the contract.

(2) The author is obliged to create the work himself and within the term specified. Unless otherwise agreed, the author shall become entitled to the agreed remuneration on submission of his/her work.

(3) Where the work has defects that prevent it from being used for the purpose agreed upon in the contract, the client may withdraw from the contract. Where the defects are removable, the client may withdraw from the contract only if the author has failed to remove them within a reasonable period, allowed him/her by the client for this purpose.

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

## § 39

### Contract for Other Use of Work

(1) The provisions of § 32 Subs. 3 and § 33 shall apply *mutatis mutandis* to the contracts for other use of work.

(2) In the case of use of a musical work by production and distribution of sound and audiovisual carriers on which the work has been fixed, the amount of the author's remuneration shall be determined by agreement between the user and the author in the form of a share from sale price of said carriers. The remuneration for all authors of musical works shall not be less than 10 % of the price of the carriers.

## § 40

### Work in the Public Domain

(1) If the author has no heirs or his/her heirs refuse to accept their inheritance, his/her work shall pass into the public domain, subject to the exception provided for in § 30 Subs. 2, even before expiry of the term provided for in § 18.

(2) If the duration of copyright expires or if the work passes into the public domain for another reason, the user is not obliged to apply for a licence to use the work or to pay remuneration to the author. However, a work in the public domain may only be used in a manner that befits its value and its author, if he/she is known, shall be mentioned. Compliance with this prerequisite shall be ensured by the authors' unions and legal entities licensed to perform collective administration in a particular area of creative activity.

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

## § 41

### Rights in Previously Unpublished Work

- (1) Any person who first discloses or communicates to the public a previously unpublished work after the expiry of the duration of copyright shall have the copyright provided for in § 16 Subs. 2 and 5.
- (2) The right provided for in the subsection 1 shall last for 25 years from publication or communication to the public.

## § 42

### Presumption of Authorship

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

## § 43

### International Registration of Audiovisual Work

An entry concerning the work in an International Register of Audiovisual Works<sup>11)</sup> shall be considered true until the contrary is proved, except

- a) where the entry does not meet the conditions provided for in this Act,
- b) where the entry is contradicted by another entry in the International Register.

## § 44

### Imperilment and Violation of Copyright

(1) An author whose copyright has been violated may demand in particular that further violation be prohibited, that the consequences of the violation be removed and that he/she be given an appropriate compensation. Where considerable prejudice of a non-material character has resulted from the violation of his/her copyright, the author has the right to monetary compensation provided that other form of compensation appears insufficient; the amount of the monetary compensation shall be determined by the court, which shall in particular take the extent of the prejudice sustained and also the circumstances of the violation into consideration.

(2) The provisions of the Civil Code shall apply to the author's claim for compensation for damages sustained on account of the violation.

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<sup>11)</sup> Art. 2 of the Treaty on the International Registration of Audiovisual Works (Notification No.365/1992 of the Federal Ministry of Foreign Affairs)

(3) The author may make the same claims of imperilment or violation of his/her rights against persons who import, manufacture or operate equipment designed exclusively or partly for removal, disablement or inhibition of the operation of **effective technological measures that are used by author in connection with the exercise of his/her rights under this Act, or that restrict acts of use of the work, which are not authorised by him/her or permitted by this Act.**

(4) The author may make the same claims of imperilment or violation of his/her rights against persons, who induce, enable, facilitate or conceal the violation of his/her rights under this Act by performing any of the following acts

a) removal or alteration of any electronic rights management information without authority,

b) distribution, importation for distribution, broadcasting, communication to the public of works or copies of works, without authority, knowing that electronic rights management information has been removed or altered without the authorisation of the author.

(5) An author, whose copyright has been violated, may demand that all the copies of his/her works unlawfully manufactured, distributed or intended for distribution that are being in the possession of the person who violated his/her rights, be destroyed; he may also demand that all the equipment said person used, or could use, for the unlawful reproduction of his/her work, be destroyed. This destruction shall be realised on the expense of the person, who violated the rights of the author. The author has right to obtain information on the origin and distribution network of illegally manufactured copies, which were or are being possessed by the person, who violated his rights.

### **PART THREE**

#### Rights Related to Copyright

#### § 45

#### Rights of Performing Artists

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

#### § 46

#### **Content of the Right of Performing Artists**

(1) The provisions of § 16 Subs. 1 shall apply *mutatis mutandis* to the performing artists and their artistic performances.

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

a) the broadcasting or other communication to the public of his/her artistic performance; the performing artist's authorisation shall not be required for the broadcasting of the artistic performance that has itself already been broadcast, for the broadcasting of the fixation of the artistic performance, for the communication to the public of the artistic performance that has

itself been broadcast and for the communication to the public of the fixation of the artistic performance,

b) the fixation of his/her unfixed performance,

c) the reproduction of the fixations of his/her artistic performance,

d) the distribution of a fixation of his/her artistic performance or of a copy thereof to the public by sale, rental, lending or by any form of transfer of ownership or of possession,

e) the making available to the public of a fixation of his/her artistic performance.

(3) The performing artist has the right to equitable remuneration for any use of his/her artistic performance; this right may not be waived in advance.

(4) The right of the performing artist to authorise the distribution of a fixation of his/her artistic performance or of a copy thereof to the public provided for in subsection 2 (d) shall be exhausted for the territory of the Slovak Republic on the first lawful sale or on any other act of transfer of ownership of a fixation of artistic performance or of a copy thereof realised on the territory of the Slovak Republic, this in respect of a fixation of artistic performance and any copies thereof that were subject to sale or to any other act of transfer of ownership; the right of the performing artist to authorise the distribution of a fixation of his/her artistic performance or of a copy thereof to the public by rental and the right of the performing artist to authorise the distribution of a fixation of his/her artistic performance or of a copy thereof to the public by the lending shall not be affected thereby.

(5) Where the performing artist has authorised the incorporation of his/her artistic performance in an audiovisual fixation, the provisions of the subsection 2 (a) shall no longer apply. Where a contract for the production of an audiovisual fixation is concluded between the performing artist and the producer, it shall be presumed, unless otherwise provided by contract, that the performing artist has transferred his/her right provided for in subsection 2 (d) to the producer; notwithstanding that, the right to the equitable compensation of remuneration for those acts of use shall not be affected thereby.

(6) The rights of the performing artist shall last for 50 years from the moment in which the performance takes place. However, where a fixation of an artistic performance is disclosed within this period, the rights of the performing artist shall last for 50 years from the moment of that disclosure.

## § 47

### Content of the Right of Producers of Phonograms

(1) The subject matter of the rights of producers of phonograms is aural fixations of the performances of performing artists or other sounds, regardless of the method by which or the medium in which the performances or sounds are fixed.

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

a) reproduction of the phonogram,

b) the distribution of the phonogram or of a copy thereof to the public by sale, rental, lending or by any form of transfer of ownership or of possession,

- c) broadcasting of phonograms or of a copy thereof by radio or television,
- d) communication of the phonogram or of a copy thereof to the public by means of a technical device.
- e) the making available to the public of the phonogram.**

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

**(4) The right of the producer to authorise the distribution of the phonogram or of a copy thereof to the public provided for in subsection 2 (b) shall be exhausted for the territory of the Slovak Republic on the first lawful sale or on any other act of transfer of ownership of the phonogram or of a copy thereof realised on the territory of the Slovak Republic, this in respect of the phonogram and any copies thereof that were subject to sale or to any other act of transfer of ownership; the right of the producer to authorise the distribution of the phonogram or of a copy thereof to the public by rental and the right of the producer to authorise the distribution of the phonogram or of a copy thereof to the public by the lending shall not be affected thereby.**

**(5) The rights of the phonogram producer shall last for 50 years from the moment in which the phonogram was produced. However, where the phonogram is disclosed within this period, the rights of the phonogram producer shall last for 50 years from the moment of that disclosure.**

#### § 48

**(1) The equitable remuneration shall be paid by the person who or which uses the phonogram or a copy thereof by broadcasting, rebroadcasting, cable retransmission, public performance or other communication to the public. This remuneration shall be shared by the performing artists and phonogram producers.**

**(2) The right to equitable remuneration provided for in subsection 1 shall subsist for the duration of rights provided for in § 46 Subs. 6 and § 47 Subs. 5**

#### § 49

##### Content of the Rights of Producers of Audiovisual Fixations

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

- a) reproduction of the audiovisual fixation,**
- b) the distribution of the audiovisual fixation or of a copy thereof to the public by sale, rental, lending or by any form of transfer of ownership or of possession,**
- c) broadcasting of the audiovisual fixation or of a copy thereof by radio and television,
- d) communication of the audiovisual fixation or of a copy thereof by means of a technical device,
- e) the making available to the public of the audiovisual fixation.**



(2) The producer has the right to equitable remuneration for any use of audiovisual fixation or of a copy thereof.

**(3) The right of the producer to authorise the distribution of the audiovisual fixation or of a copy thereof to the public provided for in subsection 1 (b) shall be exhausted for the territory of the Slovak Republic on the first lawful sale or on any other act of transfer of ownership of the audiovisual fixation or of a copy thereof realised on the territory of the Slovak Republic, this in respect of the audiovisual fixation and any copies thereof that were subject to sale or to any other act of transfer of ownership; the right of the producer to authorise the distribution of the audiovisual fixation or of a copy thereof to the public by rental and the right of the producer to authorise the distribution of the audiovisual fixation or of a copy thereof to the public by the lending shall not be affected thereby.**

**(4) The rights of the producer of the audiovisual fixation shall last for 50 years from the moment in which the audiovisual fixation was produced. However, where the audiovisual fixation is disclosed within this period, the rights of the producer of the audiovisual fixation shall last for 50 years from the moment of that disclosure.**

## § 50

### Content of the Rights of Radio Broadcasters and Television Broadcasters

**(1) The broadcaster or a person who communicates its own program to the public by wire shall have the exclusive right to authorise any of the following acts :**

**a) rebroadcasting of its broadcast, broadcasting or rebroadcasting of its program communicated by wire,**

**b) cable retransmission of its broadcast or its program communicated by wire,**

**c) fixation of its broadcast or its program communicated by wire,**

**d) reproduction of a fixation of its broadcast or its program communicated by wire,**

**e) distribution of a fixation of its broadcast or its program communicated by wire to the public by sale, rental, lending or by any form of transfer of ownership or of possession,**

**f) communication to the public of its broadcast or its program communicated by wire if this communication to the public is made on places being accessible to the public against an entrance fee.**

**(2) The right of the broadcaster to authorise the distribution of a fixation of its broadcast or of a fixation of its program or of the copies thereof to the public provided for in subsection 1 (e) shall be exhausted for the territory of the Slovak Republic on the first lawful sale or on any other act of transfer of ownership of a fixation of the broadcast or of a fixation of the program or of the copies thereof realised on the territory of the Slovak Republic, this in respect of a fixation of the broadcast or of a fixation of the program and any copies thereof that were subject to sale or to any other act of transfer of ownership; the right of the broadcaster to authorise the distribution of a fixation of the broadcast or of a fixation of the program or of any copies thereof to the public by rental and the right of the broadcaster to authorise the distribution of a fixation of the broadcast or of a fixation of the program or of any copies thereof to the public by the lending shall not be affected thereby.**

**(3) The rights of the broadcaster shall last for 50 years from the moment in which its broadcast or its program communicated by wire is disclosed.**

(4) The broadcaster shall have the right to remuneration for the grant of authorisation under subsection 1.

(5) The right to equitable remuneration shall subsist for the duration of the rights provided for in subsection 3.

## § 51

### Limitation of the Protection of Related Rights

(1) The provisions of § 45 to 50 shall not apply where the acts referred to in those sections concern

a) use by a physical person for his/her own private purposes,

b) use, to the extent justified, of a short excerpt for news reporting,

c) use for the purposes of teaching and scientific research,

d) cases in which a work may be used without authorisation from the author as provided in § 21 to 28,

**e) ephemeral fixation by a broadcaster or by a person who communicates its own program to the public by wire, done by means of its own facilities and for its own broadcast or communication of program to the public by wire.**

**(2) Performing artists, phonogram producers, producers of audiovisual fixations, broadcasters, persons communicating their own programs to the public by wire and their successors-in-title have the right to compensatory remuneration for reproduction of the fixations of performances, phonograms, audiovisual fixations, broadcast and programs in the case of use in accordance with subsection 1 (a). The provisions of § 21 shall apply *mutatis mutandis* to this right.**

## § 51a

### Calculation of the Duration of Related Rights

**The duration of rights of performing artists (§ 46 Subs. 6), phonogram producers (§ 47 Subs. 5), producers of audiovisual fixations (§ 49 Subs. 4) and broadcasters (§ 50 Subs. 3) shall be calculated from the first day of the year following the event which gives rise thereto.**

## § 52

(1) The provisions of § 17, 28a, 29, 30, 32 to 40, § 42 and 44 shall apply *mutatis mutandis* to performing artists and their performances.

(2) The provisions of § 32, 39 and § 44 Subs. 3 and 5 shall apply *mutatis mutandis* to phonogram producers and their phonograms.

(3) The provisions of § 44 shall apply *mutatis mutandis* to producers of audiovisual fixations and their audiovisual fixations.

(4) The provisions of § 44 shall apply *mutatis mutandis* to broadcasters and their programs.

## **PART FOUR**

### **Sui Generis Rights in a Database**

#### **§ 52a**

**The maker of a database which shows qualitatively or quantitatively a substantial investment in either the obtaining, verification or presentation of the contents thereof shall have sui generis rights in database, irrespective of the protection of that database or the contents thereof by copyright or by other rights.**

#### **§ 52b**

### **Sui Generis Rights of the Maker of Database**

**(1) The maker of a database shall have the right to authorise any extraction and re-utilisation of all contents of a database or, evaluated qualitatively or quantitatively, of a substantial part thereof.**

**(2) The extraction under Subsection 1 shall be the permanent or temporary transfer of all or a substantial part of the contents of a database to another medium by any means or in any form.**

**(3) The re-utilisation under Subsection 1 shall be any form of making available all or a substantial part of the contents of a database by the distribution of copies, by renting, by on-line transmission or other form of transmission.**

**(4) The lending of a database is neither the extraction under Subsection 2 nor the re-utilisation under Subsection 3.**

**(5) The repeated and systematic extraction, re-utilisation of insubstantial parts of the contents of a database and other act of use that is not normal or reasonable and that is prejudicial to legitimate interests of the maker of the database shall be prohibited.**

**(6) The rights of the maker of a database shall be transferable.**

#### **§ 52c**

### **Rights and Obligations of User of a Database**

**(1) The maker of a database which is made available in whatever manner may not prohibit a user of a database or of a part thereof the extraction, re-utilisation of qualitatively and quantitatively insubstantial part of the contents thereof, for any purposes whatsoever.**

**(2) The user of a database which is made available in whatever manner may not use it otherwise than in normal and reasonable way and without prejudice to the legitimate interests of the maker of a database.**

**(3) The user of a database which is made available in whatever manner may not cause prejudice to the author or other person to which belong the rights under this Act in respect of works or other protected subject matter contained in the database.**

#### **§ 52d**

##### **Limitation of Sui Generis Rights in a Database**

**(1) The lawful user of a database which is made available in whatever manner may, without the authorisation of the maker thereof, extract, re-utilise a substantial part of its contents**

**a) in the case of extraction for private purposes of the contents of a non-electronic database,**

**b) in the case of extraction for the purposes of illustration within teaching or scientific research, as long as the source is indicated and as long as the extent of extraction is justified by the non-commercial purpose to be achieved,**

**c) in the case of extraction and re-utilisation for the purposes of public security and within the administrative or judicial procedure.**

#### **§ 52e**

##### **Duration of Sui Generis Rights of the Maker of a Database**

**(1) The sui generis rights of the maker of a database shall last for 15 years.**

**(2) The duration of sui generis rights of the maker of a database shall be calculated from the first day of the year following the year when the making of a database was completed. However, where the database is for the first time made available within this period, the duration of sui generis rights of the maker of a database shall be calculated from the first day of the year following the year in which the database was for the first time made available.**

**(3) Any new qualitatively or quantitatively substantial contribution to the database consisting of the addition, deletion or other alteration shall result into the constitution of a new database.**

### **PART FIVE**

#### **§ 53**

##### **Collective Administration of Rights**

**(1) The rights under this Act may also be administered collectively.**

**(2) The collective administration of rights provided for in this Act shall be performed by organisations authorised to perform that activity under the relevant legislation<sup>2a)</sup>.**

## PART SIX

### Transitional and Final Provisions

#### § 54

(1) The duration of rights shall be governed by this Act even where it started prior to the entry into force thereof. Where this Act provides for a longer term, any prolongation shall apply only to works the rights in which have not ceased to exist before the entry into force of this Act.

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

#### § 54a

**Persons mentioned in § 21 Subs. 5 are obliged to pay compensatory remuneration for the period since 1st August 2000 to 31st December 2000 in prescribed amount and to respective collective administration organisation until 30th January 2001 at the latest.**

#### § 55

The following legislation is repealed:

1. Act No. 35/1965 on Literary, Scientific and Artistic Works (Copyright Act) as changed and amended by Act No. 89/1990, Act No.468/1991 and Act No. 13/1993 of the National Council of the Slovak Republic.
2. Regulation No. 81/1978 of the Ministry of Culture of the Slovak Socialist Republic Under Which the Exceptions Were Made from the Obligation to Conclude Contracts on the Dissemination of Literary, Scientific and Artistic Works in Writing.

#### § 55a

**Regulation No. 488/1991 of the Ministry of Culture of the Slovak Republic on the Implementation of Certain Provisions of the Copyright Act is hereby repealed.**

#### § 56

Act No. 383/1997 - Copyright Act and Act on Changes and Amendments of Customs Act (of the Wording Thereof as Changed and Amended by Subsequent Legislation) had entered into force on 1st January 1998.

Act No. 234/2000 on Changes and Amendments of Act No. 383/1997 - Copyright Act and Act on Changes and Amendments of Customs Act (of the Wording Thereof as Changed and Amended by Subsequent Legislation) and Act on Changes and Amendments of Act No. 283/1997 on Collective Administration of Rights under Copyright Act and on Changes and Amendments of Certain Acts has entered into force on 1st August 2001.

Hand-written signature :

**Jozef Migaš**