

185/2015

ACT

of 1 July 2015

Copyright Act

The National Council of the Slovak Republic has adopted the act as follows:

PART ONE

BASIC PROVISIONS

Section 1

(1) This Act governs relations arising from creating and using of a copyright work (hereinafter referred to as “work”) or an artistic performance, in connection with creating and using of a sound recording, audiovisual recording or broadcast and in connection with production or generating and using of a computer program or a database, in order to provide protection to rights and legitimate interests of author, performing artist, producer of sound recording, producer of audiovisual recording, radio broadcaster and television broadcaster (hereinafter referred to as “broadcaster”), author of computer program, author of database and maker of database.

(2) This Act also governs management of rights.

Section 2

(1) Provisions of this Act apply to:

- a) author and person publishing a hitherto unpublished work after expiration of economic rights to such work, with respect to a work published at the territory of the Slovak Republic or from its territory,
- b) performing artist with respect to artistic performance which was performed, lawfully recorded for the first time or lawfully broadcasted for the first time at the territory of the Slovak Republic or from its territory,
- c) producer of sound recording with respect to sound recording and producer of audiovisual recording with respect to audiovisual recording produced or published at the territory of the Slovak Republic or from its territory,
- d) broadcaster with respect to a broadcast performed by the broadcaster from the territory of the Slovak Republic,
- e) author of database and maker of database with respect to database published or created at the territory of the Slovak Republic or from its territory.

(2) In case a reciprocal treatment is accorded by international treaties and conventions which the Slovak Republic is bounded by, provisions of this Act apply also to

- a) author and person publishing a hitherto unpublished work after expiration of economic rights to such work, with respect to a work published at the territory of a country other than the Slovak Republic (hereinafter referred to as “other country”) or from the territory of other country and used at the territory of the Slovak Republic or from its territory,
- b) performing artist with respect to artistic performance which was performed, lawfully recorded for the first time or lawfully broadcasted for the first time at the territory of other country or from territory of other country and used at the territory of the Slovak Republic or from its territory,
- c) producer of sound recording with respect to a sound recording and producer of audiovisual recording with respect to an audiovisual recording produced or published at the territory of other country or from the territory of other country and used at the territory of the Slovak Republic or from its territory,

d) broadcaster with respect to a broadcast made by the broadcaster from the territory of other country and used at the territory of the Slovak Republic,

e) author of database and maker of database with respect to database published or created at the territory of other country or from territory of other country and used at the territory of the Slovak Republic or from its territory.

PART TWO

COPYRIGHT

CHAPTER ONE

SUBJECT OF COPYRIGHT

Section 3

Work

(1) Subject of copyright is a work in the area of literature, arts or science which is a unique result of creative and artistic activity of author, perceivable by senses, irrespective of its shape, content, quality, purpose, form of expression or level of completion.

(2) Work means a literary work, (...), a theatrical work, musical work, audiovisual work, work of fine art, architectural work, work of applied arts, cartographic work¹⁾ or other type of artistic work or scientific work, provided that it meets requirements under paragraph 1.

(3) Theatrical work is in particular a staged dramatic work with or without music, a pantomimic work and staged dance choreography or other type of choreographic work; in which cases an author is primarily a director who created the work by own creative and artistic activity.

(4) Artistic work is a painting, a drawing, a collage, a tapestry, an engraving, a lithography or other graphic work, a sculpture, pottery, a jewel or other work of fine art and a photographic work.

(5) Photographic work means a fixation of picture through photographic technical device, provided that it is a result of creative and artistic activity of author; where no other requirements under paragraph 1 apply.

(6) Architectural work is the most general expression of creative architectural idea of author, in particular graphical and dimensional depiction of architectural design of building or urbanistic arrangement of territory, as well as a building and a work of garden, interior or scenic architecture and a work of architectural design.

(7) Work of applied arts is an artistic creation with utilising functions or a work included into utility, regardless of whether it was hand-made, industrial-made or created by other technological process.

Section 4

Subject of copyright is also a part of work, name of work and a name of a character, provided that they meet requirements pursuant to Section 3 paragraph 1.

Section 5

The following concepts are not subject to copyright:

a) idea, manner, system, method, concept, principle, discovery or information that has been expressed, described, explained, depicted or incorporated into a work,

b) a text of legislation, a decision of public authority or a court decision, technical norm,²⁾ including draft

materials and translations thereof, irrespective of whether they meet requirements pursuant to Section 3 paragraph 1,

c) land-use planning documents,³⁾ irrespective of whether they meet requirements pursuant to Section 3 paragraph 1,

d) state symbol, municipality symbol, symbol of self-governing region; this does not apply to a work which formed ground for creating of such symbol,

e) speech presented in discussions on public affairs, irrespective of whether it meets requirements pursuant to Section 3 paragraph 1,

f) daily news; daily news is information on event or circumstance; where a work informing about daily news or a work in which daily news is included, is not considered as daily news,

g) work of traditional folk culture,

h) result of activity of expert, interpreter or translator acting under special law.⁴⁾

Section 6

Releasing and Publishing Work

(1) A work is released once it was for the first time lawfully used by its public performance, public exhibition, publication or communication to the public or otherwise lawfully published for the first time.

(2) A work is published on the day when authorised distribution of its copy commenced.

Section 7

Works Merging

(1) With authorisation of their authors two or more separate works may be merged into a single aggregate, which will be used in the manner and extent and for the time period as agreed by the authors.

(2) Authors of works merged into a single aggregate pursuant to paragraph 1 dispose with the aggregate jointly, unless otherwise agreed.

(3) Rights of authors to disposition with individual works merged pursuant to paragraph 1 remain unaffected.

Section 8

Alteration of Work

Alteration of work constitutes a new work, provided that it meets requirements pursuant to Section 3 paragraph 1. Alteration of work processing means its adaptation, translation or other modification. Rights of author of the original work subject to alteration remain unaffected.

Section 9

Public Domain Work

(1) A work becomes a public domain work once

a) a term of economic rights pursuant to Section 32 has expired,

b) author has no heirs or heirs have rejected inheritance, even prior to expiration of term of economic rights pursuant to Section 32.

(2) A work which lays within the public domain may be used freely.

(3) Provisions of paragraphs 1 and 2 do not affect provisions of Section 13 paragraph 3 and Section 60.

Orphan Work

Section 10

(1) Orphan work is a verbal work expressed in writing, in particular a book, a magazine, a newspaper, a musical work expressed in writing or an audiovisual work preserved by entity pursuant to Section 51 paragraph 1, where, despite diligent search, its author cannot be

a) identified, or

b) located, despite being identified.

(2) A diligent search pursuant to this Act means acquiring information in good faith as a result of request for providing information, which is not directly available to entity pursuant to Section 51 paragraph 1 in information sources pursuant to Annex No. 1 for category of works specified in Annex No. 1, in order to determine whether the work constitutes an orphan work. Diligent search is performed

a) at the territory of a member state of the European Union (hereinafter referred to as "Member State") or a member state of the European Economic Area Agreement (hereinafter referred to as "Agreement State") where the work was published for the first time or in case it was never published, when it was broadcasted for the first time,

b) at the territory of a Member State or an Agreement State where the producer of original audiovisual work has habitual residence or registered office,

c) at the territory of a Member State or an Agreement State where a person, who communicated the work specified in paragraph 3 to the public in a different manner with authorisation of the author, is established, provided that such work was not published or broadcasted,

d) in countries other than those specified in (a) to (c), provided that there are circumstances giving rise to possibility that information on authors may be found in such other countries.

(3) Paragraph 1 applies to work which was published for the first time or, in case it was never published, which was broadcasted for the first time in a Member State or an Agreement State. Paragraph 1 also applies to work which was neither published nor broadcasted, but was with authorisation of the author otherwise communicated to the public by an entity specified in Section 51 paragraph 1, provided that it can be reasonably presumed that the author would not object to its using pursuant to Section 51.

(4) In case there is more than one author of the work and anyone of the authors is not specified or is not located, despite diligent search, the work is considered to be an orphan work only with respect to the author who was not specified or located.

(5) Work which is considered to be an orphan work in a Member State or an Agreement State is considered to be an orphan work pursuant to paragraph 1.

(6) Author may at any time put an end to the status of the orphan work by notification sent to Slovak National Library⁵⁾ in writing, which institution informs without undue delay about this fact the person using the orphan work pursuant to Section 51 paragraph 1.

(7) Author who has put an end to the status of the orphan work pursuant to paragraph 6, has right to a fair compensation from the person who used the work pursuant to Section 51. In determination of amount of a fair compensation, regard is to be had to conditions prescribed in Section 69 paragraph 1 and 4.

(8) Work is not considered to be an orphan work in case it no longer meets requirements prescribed in paragraph 1 or in case its author put an end to the status of the orphan work pursuant to paragraph 6.

(9) Owners of information sources under Annex No. 1 or persons authorised to dispose with such sources have right to reimbursement of costs reasonably incurred in fulfilling obligations connected with diligent search pursuant to paragraphs 1 and 2.

Section 11

Sections 10 and 51 apply accordingly to the work which constitutes a part of orphan work pursuant to Section 10 or which is merged with such work.

Section 12

Out-of-commerce Work

(1) Out-of-commerce work is a published literary work expressed in written form, in particular a book, a magazine and a newspaper, provided that

- a) its copy may not be acquired by paid transfer of title; this does not apply to a purchase of a second-hand item,
- b) it is deposited in library,⁶⁾ archive⁷⁾ or museum⁸⁾ and
- c) it is registered in the publicly accessible register of out-of-commerce works ("register") administered by Slovak National Library.

(2) Paragraph 1 applies accordingly also to a photographic work or other works of fine art which are included in the work pursuant to paragraph 1 or are merged with such work.

(3) Proposal to register a work in the register may be filed by any person. Slovak National Library publishes the proposal for registration of the work at its website without undue delay.

(4) Slovak National Library registers the work in the register, provided that within three months after filing of the proposal for registration of the work

- a) according to its investigation it is not possible to acquire a copy of the work by paid transfer of title despite reasonable efforts and under usual conditions and
- b) the author has not raised objections in writing against registration of the work.

(5) Author has right to request in writing that Slovak National Library strikes out the out-of-commerce work from the register. Slovak National Library strikes out the out-of-commerce work from the register without undue delay after receiving written request from its author or after receiving a written notification of collective management organisation on excluding collective management of rights by the author pursuant to Section 79 paragraph 2.

CHAPTER TWO

AUTHORSHIP

Section 13

Author

(1) Author is a natural person who created the work.

(2) Natural person, being indicated by name, surname or name and surname⁹⁾ (hereinafter referred to as "name") in the work or in the manner common as indication of author for such work, is considered to be an author of the work, unless proved otherwise. This applies also to cases where the work is indicated by a pseudonym, provided there are no doubts about identity of the author.

(3) Person who after expiration of term for economic rights publishes hitherto unpublished work, exercises economic rights upon such publishing.

(4) Provisions of this Act on author apply accordingly to his heirs, to a person acquiring exclusive licence pursuant to Section 70 paragraph 2 in the extent of the acquired licence and to a person exercising economic rights of the author pursuant to this Act (hereinafter referred to as "rightholder"), unless otherwise applicable.

Section 14

Anonymous Work and Pseudonymous Work

(1) Work which is by a decision of its author publicly disseminated or otherwise published without any indication of identity of its author, is considered to be an anonymous work.

(2) Work which is by a decision of its author publicly disseminated or otherwise published with identification different from name of its author, is considered to be a pseudonymous work.

(3) Identity of author of an anonymous work or of a pseudonymous work may be disclosed only with authorisation of the author.

Section 15

Co-Authorship

(1) Co-authors are two or more authors who have created by their creative and artistic activities a single work in a manner making it impossible to distinguish creative inputs of each author and to use them as separate works.

(2) Rights to work specified in paragraph 1 belong to all co-authors jointly and severally, unless otherwise agreed by the co-authors in writing.

(3) Co-authors may agree that in disposition with the work specified in paragraph 1, one of the co-authors will act in their name and on their behalf. Such power of attorney must be granted in writing.

CHAPTER THREE

CREATION AND SCOPE OF COPYRIGHT

Section 16

Creation of Copyright

Copyright to a work commences once the work is objectively expressed in a form perceivable by senses.

Section 17

Content of a Copyright

Copyright includes exclusive moral rights and exclusive economic rights.

First Subchapter

Exclusive Moral Rights

Section 18

(1) Author has right to authorship to his work.

(2) Author has right

a) to decide on releasing or non-releasing of his work,

b) to be indicated as author and to decide on a manner of such indication, primarily by his name or pseudonym during every use of his work, provided that such manner of indication is possible and usual with respect to the work in question,

c) to inviolability of his work, in particular right to protection against any unauthorised alteration or other unauthorised intervention into the work, as well as any defamatory manipulation with the work which would result in decrease of value of the work or would negatively affect dignity or personal reputation of the author.

(3) Author may not waive rights pursuant to paragraphs 1 and 2, these rights are non-transferable and are terminated by the death of the author.

(4) No person can claim authorship to the work after death of its author and the work may only be used in a manner not degrading its value; name or pseudonym of the author must be indicated, unless it is an anonymous work.

(5) Author may grant a user of his work an authorisation with intervention into his moral rights. Such authorisation with intervention into moral rights must be limited in its scope and manner of intervention and unless otherwise agreed, the authorisation may be revoked.

Second Subchapter

Exclusive Economic Rights

Section 19

(1) Author has right to use his work and right to grant authorisation to using of his work.

(2) Work may only be used with authorisation of the author, unless otherwise stipulated by this Act.

(3) Author has right to remuneration for using of work, unless otherwise stipulated in Chapter Four of this Act; this does not affect of Section 65 paragraph 1, second sentence.

(4) Using of work is especially

a) alteration of work,

b) merging of work with another work,

c) including of work into database pursuant to Section 131,

d) making a copy of work,

e) public distribution of original or copy of work by means of

1. transfer of title,

2. lending,

3. rental,

f) disclosure of the work to the public by means of

1. public exhibition of original or copy of work,

2. public performance of work,

3. communication of work to the public .

Section 20

(1) Economic rights do not expire by granting authorisation to using of the work, author shall allow the

use of work by another person within the scope of granted authorisation.

(2) Economic rights are non-transferable, may not be waived and are not subject to judicial execution proceedings; this does not apply to claims arising from economic rights.

(3) Economic rights are subject to inheritance. In case a co-author has no heirs or heirs rejected inheritance, his economic rights pass to other co-authors.

Section 21

Making Copy of Work

(1) Making copy of a work means permanent or temporary physical, digital or other fixation of work or its part from the original of work or from its copy.

(2) A copy of work may be created in particular by print, painting, drawing, transcript, photography or in other similar manner, by recording or through technical devices or technological process enabling digital fixation of a work or by a building in case of an architectural work.

Section 22

Public Distribution of Original or Copy of Work by Transfer of Title

(1) Public distribution of original or copy of work by means of transfer of title is a transfer of title to an item which represents expression of work or fixation of a work as its original or its copy.

(2) Right of the author to grant authorisation to public distribution of original or copy of the work pursuant to paragraph 1 expires for the territory of a Member State or an Agreement State by a first authorised transfer of title to original or copy of the work at the territory of such Member State or Agreement State with respect to the original or the copy of the work being object of transfer of title.

(3) In case of an architectural work expressed by a building and a work of applied arts expressed as a utility, the first authorised transfer means authorised construction of a building or manufacturing of a work of applied arts expressed as a utility.

Section 23

Right to Remuneration in Case of Resale of Original of Work of Fine Art

(1) Author has right to remuneration for every resale of original of a work of fine art in case the original of a work of fine art, to which the author transferred title to a third person, is subject to resale and provided that an auctioneer, organiser of sales exhibition, operator of exhibition hall or other person conducting business in trade with artistic works (hereinafter referred to as "trader") is taking part in resale as a seller, a buyer or a broker.

(2) Right to remuneration pursuant to paragraph 1 may not be waived.

(3) Author, who is not a citizen of the Slovak Republic, has right to remuneration pursuant to paragraph 1 only in case international comity is accorded by international treaties or conventions by which the Slovak Republic is bound.

(4) Trader shall pay the author a remuneration pursuant to paragraph 1 through collective management organisation authorised to perform collective management of right remuneration pursuant to paragraph 1.

(5) Remuneration pursuant paragraph 1 from the sale price exceeding 100 euro is

a) 5% from the portion of the sale price not exceeding €3,000,

b) 4% from the portion of the sale price over €3,000 not exceeding €50,000,

- c) 3% from the portion of the sale price over €50,000 not exceeding €200,000,
- d) 1% from the portion of the sale price over €200,000 euro not exceeding €350,000,
- e) 0.5% from the portion of the sale price over €350,000 euro not exceeding €500,000,
- f) 0.25% from the portion of the sale price over 500,000 euro.

(6) Remuneration pursuant to paragraph 1 calculated in accordance with paragraph 5 may not exceed total amount of €12,500.

(7) The sum forming basis for calculation of remuneration pursuant to paragraph 5 does not include value added tax in case the original of work of fine art is being sold for sale price with value added tax.

(8) Trader shall notify a collective management organisation pursuant to paragraph 4 every arranged resale and shall pay the remuneration pursuant to paragraph 1 at latest until the end of January of calendar year following the year in which the resale was performed. Collective management organisation or the author may request from the trader to furnish information necessary for payment of remuneration pursuant to paragraph 1. Trader shall enable the collective management organisation to duly perform collective management of rights and shall furnish requested information. Collective management organisation has right to inspect accounting records or other records of the trader which may be necessary to due and timely performance of obligations under this paragraph. Collective management organisation may not use obtained information for any other purpose than collective administration of rights and shall keep the information secret.

(9) Right to remuneration pursuant to paragraph 1 applies also to original of work in form of manuscript of literary work and manuscript of musical work recorded in writing.

(10) In case copies of work are created in limited number by the author or under his authority and are numbered and signed or otherwise duly authorised by the author, they are considered as original of the work.

(11) Right to remuneration pursuant to paragraph 1 does not apply to architectural work expressed by building and work of applied arts expressed as a utility.

Section 24

Rental and Lending of Original or Copy of Work

(1) Rental of original or copy of work means temporary letting of original or copy of work or temporary making original or copy of work available for use for the purpose of direct or indirect economic benefit.

(2) Lending of original or copy of work means temporary letting of original or copy of work or temporary making original or copy of work available for use through establishments which are accessible to the public without direct or indirect economic or commercial benefit. Lending does not mean temporary letting of original or copy of work or temporary making original or copy of work available for use without direct or indirect economic benefit between two or more establishments or solely within premises of such establishments.

(3) Paragraphs 1 and 2 do not apply to architectural work expressed by construction and work of applied arts expressed as a utility.

Section 25

Public Exhibition of Original or Copy of Work

(1) Public exhibition of original or copy of work means enabling of perception of work by placing the original or the copy of work at a public place.

(2) Public exhibition of original or copy of work means also enabling of perception of work through technical device intended for communicating of copy of a work to the public, located in premises of a person performing the public exhibition.

(3) In case of audiovisual work, public exhibition means placing of copy of separately extracted picture from audiovisual work without any sequentiality at public place.

Section 26

Public Performance of Work

(1) Public performance of work means live performance of work by its recitation, singing, playing, dancing or in other manner by artistic performing artist at a public place. Public performance of work means also live performance of work through technical device for transmission of visual, acoustic or audiovisual source intended for the public present at the location of live performance of work; such transmission does not constitute communication of work to the public.

(2) Public performance of work includes also technical performance of work. Technical performance of work means performance of work through technical device for transmission of visual, acoustic or audiovisual source intended for the public present at the location of live performance of work. Technical performance does not constitute communication of work to the public.

Communication of Work to the Public

Section 27

(1) Communication of work to the public means its public dissemination by wire or wireless technical means enabling perception of the work by persons at locations where the work could not be perceived without such transmission.

(2) Broadcasting of work, retransmission of work and making work available to the public constitutes communication of work to the public. .

Section 28

Broadcasting of Work

Broadcasting of work means its public dissemination made by person within the scope of programme service,¹⁰⁾ which may be received by the public through electronic communication network,¹¹⁾ even in case it is technically arranged for by other person under an agreement with broadcaster in its name and on its behalf, including dissemination of work through satellite.

Section 29

Retransmission of Work

(1) Retransmission of work means actual, unchanged and complete dissemination of transmitted work performed by a person different from broadcaster or a person technically arranging for broadcasting pursuant to Section 28, which may be accessible to the public through electronic communication network.

(2) Cable retransmission means retransmission which may be accessible to the public through cable, satellite or microwave system.

Section 30

Making Work Available to the Public

Making work available to the public means its dissemination by means enabling access to the work at a location and in time as a person chooses.

Section 31

Right of Author to Equitable Remuneration for Rental

(1) In case an author is not solely authorised to grant authorisation to public dissemination of the work as original or a copy by means of rental with respect to audiovisual work, to work used in audiovisual manner or to audio-recorded work, the author has right to equitable remuneration from a person who will do public distribution of original or copy of audiovisual work or audio-record to the public by means of rental.

(2) Right to equitable remuneration pursuant to paragraph 1 may not be waived.

Section 32

Duration of Economic Rights

(1) Economic rights run from the moment of creation of the work for the life of the author and 70 years after his death. In case of co-authorship, economic rights run for the life of the last surviving from the co-authors and for 70 years after his death. In case an audiovisual work is created as co-authorship, work, economic rights run for the life of the last surviving from the director, script author, dialogues author and author of music created especially for this work and 70 years after his death.

(2) Rights to unpublished work pursuant to Section 13 paragraph 3 run for 25 years after releasing of the work.

(3) In case of pseudonymous work and anonymous work, economic rights run for 70 years after its lawful releasing. In case the work pursuant to the first sentence was not released within 70 years after its creation, economic rights expire after elapsing of this period. In case there are no doubts about identity of the author or in case the author of such work becomes publicly known within the period specified in first sentence, paragraph 1 applies to the economic rights.

(4) In case a work was created pursuant to Section 90 or Section 91 and was released without indication of name of the author, economic rights run for 70 years after its lawful releasing. In case a work specified in the first sentence was not released within 70 years after its creation, economic rights expire after elapsing of this period. In case a work specified in the first sentence was additionally identified by name of the author, paragraph 1 applies to duration of economic rights.

(5) In case of merging of a musical work with a literary work, which were originally created in order to be merged, economic rights with respect to these works run for the life of the last surviving author of these works and 70 years after his death.

(6) In case a work pursuant to paragraphs 1 to 4 is released in volumes, parts, instalments or episodes, economic rights run for each volume, part, instalment or episode separately.

(7) Period of protection of economic rights pursuant to paragraphs 1 to 6 expires upon the last day of the calendar year in which the period of protection of economic rights has elapsed.

(8) In case a work was released at the territory of a different country which prescribes a shorter period of protection of economic rights, the period prescribed by such country applies to the economic rights. In case a work was concurrently released in several countries, the shortest of the periods applicable in the concerned countries applies to the economic rights. Concurrent releasing of work means its releasing in other countries within 30 days after its releasing in the first country.

Section 33

Relationship of Copyright to Rights in Rem

(1) Acquisition of the ownership or other rights *in rem* with respect to an object through which a work is expressed, does not affect copyright. Ownership or other rights *in rem* to an object through which a work is expressed are not affected by a copyright, unless otherwise agreed or unless otherwise stipulated by paragraph 5.

(2) Owner or other user of an object through which a work is expressed, shall abstain from its using in a manner constituting using of a work, unless otherwise agreed or unless otherwise stipulated in Sections 90 and

91.

(3) Owner or other user of an object through which a work is expressed, is not obliged to preserve the object and prevent it from loss, damage or destruction, unless otherwise agreed or unless otherwise stipulated by the special law.12)

(4) Copyright to work does not expire upon destruction of an object through which a work was expressed.

(5) Author has right to request from an owner or other user of an object through which a work is expressed and which constitutes original of the work, to make the object available to the author, provided that the author made such request and it is necessary for the exercise of right of the author to use his work pursuant to this Act and at the same time such conduct does not violate legitimate interests of the owner or other user of the object.

(6) Author has right to request from an owner or other user of an object through which a work is expressed and which constitutes original of the work, to make a photography or other copy of the original work at the cost of the author, provided that the author made such request and at the same time such conduct does not violate legitimate interests of the owner or other user of the object.

(7) Owner or other user of a construction through which an architectural work is expressed, may execute only such alterations or repairs of the construction without authorisation of the author, which are necessary for its maintaining in good condition and which preserve functional use of the construction and at the same time do not degrade value of the architectural work or otherwise do not infringe copyright.

(8) Builder of a construction, through which an architectural work is expressed, shall enable the author of the work to supervise the building procedure, provided that the author made such request and at the same time it does not violate legitimate interests of the builder of the construction.

(9) Owner or other user of an object through which a work is expressed and which constitutes the original work situated at a public place, shall inform the author of the work in reasonable advance prior to its destruction or permanent relocation about the intention to destroy or permanently relocate the object. In case an author is unknown or cannot be identified or located, the owner or other user of the object shall inform competent collective management organisation about such intention.

CHAPTER FOUR

EXCEPTIONS AND LIMITATIONS OF ECONOMIC RIGHTS

First Subchapter

General Provisions on Exceptions and Limitations of Economic Rights

Section 34

Exceptions and limitations of economic rights of author are permitted only in cases expressly prescribed in this Chapter, provided that such disposition with work does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author.

Section 35

(1) In case of using a work pursuant to Sections 37 and 39 a name of its author or his pseudonym must be indicated, unless a work constitutes an anonymous work, or a name of a person under who's name, business name or designation the work is presented in the public, as well as name of the work and its source.

(2) Obligation pursuant to paragraph 1 applies to using of a work pursuant to Section 38 and Sections 40 to 57, provided that fulfilling of such obligation is possible with respect to nature of the work and the manner of its using.

(3) Origin of a copy of work created without authorisation of the author pursuant to Sections 42 and 43

may not infringe rights of its author.

Section 36

(1) Author has no right to remuneration in case of using of work pursuant to Sections 37 to 41 and Sections 44 to 57.

(2) In case of using of work pursuant to Sections 42 and 43, its author has right to compensation for remuneration calculated from the sum and using the calculation formula as prescribed in Annex No. 2.

(3) Compensation for remuneration pursuant to paragraph 2 must be paid by

a) manufacturer, recipient from Member State, importer from other than a Member State (hereinafter referred to as “third country”) or other person who, for the purpose of sale, places at market in the Slovak Republic including sale through internet, a technical device enabling temporary or permanent creation of copy of work or saving or preserving of a copy of work or a blank recording medium enabling saving or preserving of copy of work,

b) person providing reprographic services for remuneration.

Second Subchapter

Using of Work for the Purpose of Freedom of Expression and Right to Information

Section 37

Quotation

(1) Copyright is not infringed by a person who without authorisation of its author uses the released work or its part by means of quotation primarily for the purpose of review or critique of the work.

(2) Using of a work or its part pursuant to paragraph 1 must be in accordance with customs and its scope may not exceed the scope justified by the purpose of quotation .

Section 38

Caricature, Parody, Pastiche

Copyright is not infringed by a person who without authorisation of its author uses the work by means of caricature, parody or pastiche in the manner not giving rise to likelihood of confusion with the original work.

Section 39

Using of Work for Information Purpose

(1) Copyright is not infringed by a person who without authorisation of its author uses a literary work in a form of an article or a broadcasted work concerning current economic, political or religious topics by making a copy or communication to the public through mass media, unless such using is expressly reserved.

(2) Copyright is not infringed by a person who without authorisation of its author uses the work by making a copy, communication to the public or public distribution by transfer of title solely for the purpose of providing information on current events within the extent justified by right to information.

(3) Copyright is not infringed by a person who without authorisation of its author uses the work which is a political speech or public lecture, by making a copy, communication to the public or public distribution by transfer of title in the extent justified by right to information.

Section 40

Recording of Broadcast

Copyright is not infringed by a broadcaster who without authorisation of the author creates temporary recording of the work through his own device and for the purpose of own broadcast. Broadcaster is authorised to archive the recording created pursuant to the first sentence in a manner prescribed by the special law¹³⁾ only in case the recording has audiovisual value.¹⁴⁾

Section 41

Using of Work Situated in Public Places

(1) Copyright is not infringed by a person who without authorisation of its author uses the work permanently situated in public places by making copies, communication to the public or public distribution by transfer of title.

(2) Paragraph 1 does not apply to making a copy of architectural work by means of building.

Third Subchapter

Using of Work for Social, Educational, Scientific, Cultural, Official or Other Purpose

Section 42

Making a Copy of Work for Private Purpose

Copyright is not infringed by a natural person who without authorisation of its author uses the work by making a copy for his own private purpose which is neither directly nor indirectly commercial.

Section 43

Reprography

(1) Copyright is not infringed by a legal person acting for its own need or by a natural person who without authorisation of its author, personally or through a third person, uses the work by making a copy by means of transmitting the work to a paper or other similar base using reprographic device or other technical device with similar effect; such copy may be publicly distributed by means of free-of-charge transfer of title.

(2) Paragraph 1 does not apply to using of complete literary work or of its substantive part, to using of musical work recorded in writing and to using of graphical expression of architectural work.

Section 44

Using of Work for Educational and Scientific Purpose

Copyright is not infringed by a person who without authorisation of its author uses released work by making a copy, by public performance or communication to the public for the purpose of organising object-lesson for educational or scientific research, provided that such using of work does not result in direct or indirect economic benefit.

Section 45

Using of Work in School Performances

(1) Copyright is not infringed by a school,¹⁵⁾ educational establishment,¹⁶⁾ university, educational institution for further education¹⁷⁾ (hereinafter referred to as “school”) and by their pedagogical employee,¹⁸⁾ vocational employee,¹⁹⁾ natural person providing further education or natural person participating in socio-educational or educational process, who without authorisation of its author uses released work in school performance organised solely by the school or by its founder, having purpose other than direct or indirect economic benefit.

(2) Copyright is not infringed by a school which without authorisation of the author uses the school

work in the course of free-of-charge fulfilling of objectives of the school.

Section 46

Using of Work for the Benefit of Persons with a Disability

(1) Copyright is not infringed by a person who without authorisation of its author uses released work by making a copy, by public performance, communication to the public and public distribution by means of transfer of title or by lending, provided that such use is intended solely for the benefit of persons with a disability and to the extent required by the level of disability and having purpose other than direct or indirect commercial benefit.

(2) Copyright is not infringed by a person who without authorisation of its author supplements audiovisual work with verbal description of visual element of the work intended solely for persons with a disability and to the extent required by level of disability. Using of audiovisual work supplemented in such manner is governed by paragraph 1.

(3) Copyright is not infringed by a person who without authorisation of its author creates sound recording of literarywork intended solely for persons with a disability and in the extent required by the level of disability. Using of such sound recording is governed by paragraph 1.

Section 47

Using of Work in Religious and Official Ceremonies and Holidays

Copyright is not infringed by a person who without authorisation of the author uses released work by creating of a copy, by public performance, communication to the public or by public distribution by means of transfer of title, provided that such using is performed in the course of

a) religious ceremony or an official ceremony, or

b) event organised abroad by a central authority of state administration or with its participation as a celebration of state holiday, public holiday, memorial day²⁰⁾ or significant anniversary with all-society importance.

Section 48

Using of Work through Terminal Equipment

Copyright is not infringed by a library, an archive, a museum or a school which without authorisation of its author uses the work deposited in the library, archive, museum or a school by making a copy or its communication to the public for private purpose of a natural person through terminal equipment located in premises of library, archive, museum or a school, justified by using for education, scientific study or research, provided that such use does not violate rules of acquiring and using of such work by a library, archive, museum or school.

Section 49

Using of Work for the Purpose of its Archiving

Copyright is not infringed by a library, an archive, a museum or a school which without authorisation of its author uses the work deposited in the library, archive, museum or school by making a copy for the purpose of substituting, archiving or securing of the original of the work or its copy against loss, destruction or damage.

Section 50

Using of Work by Public Exhibition

(1) Copyright is not infringed by a person, having public exhibition of works among his regular activities, who without authorisation of its author uses a photographic work, other work of fine art or an original of literarywork by its public exhibition, provided that the concerned person acquired to the specified work

a) ownership or

b) right to its use by lending from owner of the original or copy of the work.

(2) Copyright is not infringed by a person not having public exhibition of works among his regular activities, who is owner of original or copy of photographic work or other work of fine art and who uses the work without authorisation of its author by its public exhibition without gaining direct or indirect commercial benefit, unless such usage is expressly reserved by the rightholder.

Section 51

Using of Orphan Work

(1) Orphan work may be used without authorisation of the author by a library, an archive, a school or a legal depositary pursuant to the special law²¹⁾ solely for educational or cultural purposes and for fulfilment of services in public interest by

a) making a copy of orphan work for the purposes of its digitalisation, indexing, cataloguing, preservation, restoration or for the purposes of enabling access of the public to the work,

b) making the orphan work available to the public.

(2) Person specified in paragraph 1 may not use orphan work for the purpose of gaining direct or indirect economic benefit; such person may claim compensation for reasonably incurred costs.

(3) Using of orphan work in the manner prescribed in paragraph 1 with respect to authors, who were identified, is governed by Section 35.

(4) No obligation to pay remuneration to author is connected with using of orphan work in the manner prescribed by paragraph 1, this is without prejudice to Section 10 paragraph 7.

(5) Person specified in paragraph 1 shall keep records on diligent search and to provide to Slovak National Library without undue delay in the prescribed format

a) results of diligent search leading to conclusion that the work constitutes an orphan work,

b) information on using of orphan work,

c) information on changes in status of orphan work pursuant to Section 10 paragraph 7 with respect to work used pursuant to paragraph 1,

d) contact information.

(6) Slovak National Library forwards the information specified in paragraph 5 without undue delay to the Office for Harmonisation in the Internal Market²²⁾ which administers and manages publicly accessible database of orphan works.

Section 52

Using of Architectural Work

Copyright is not infringed by a person who without authorisation of its author uses an artistic work in form of building, depiction of building or building plan for renovation of building by making a copy, by communication to the public or public distribution by free-of-charge transfer of title. Renovation means a set of specialised artistic and craftsmanship activities and other professional activities resulting in maintenance, conservation, repair or reconstruction of a building or its part with intention to preserve its artistic value and function.

Section 53

Using of Work for Official Purpose

Copyright is not infringed by a person who without authorisation of its author uses the work by making a copy, by communication to the public, technical performance or public distribution by transfer of title in the extent necessary for ensuring

- a) public security,
- b) due course of administrative proceedings, criminal proceedings or judicial proceedings or
- c) meeting of National Council of the Slovak Republic and its committees, meetings of municipal assemblies or assemblies of self-governing regions.

Fourth Subchapter

Using of Work with Minimum Economic Importance

Section 54

Transient Making a Copy of Work

(1) Copyright is not infringed by a person who without authorisation of its author makes transient copy of released work as an indivisible and substantive part of technological process, which copy is incidental or transient, for the purpose of

- a) enabling authorised using of the work or
- b) transmission of work in electronic communication network between third persons and an intermediary.

(2) Making a copy pursuant to paragraph 1 may not have a separate economic value.

Section 55

Incidental Use of Work

Copyright is not infringed by a person who without authorisation of its author uses work which was incidentally included into different context by making its copy, by communication to the public or public distribution by transfer of title; incidentally used work may only be used in connection with such context.

Section 56

Using of Work in Repair and Testing of Device

Copyright is not infringed by a person who without authorisation of the author uses released work by making a copy, by technical performance or by communication to the public by means of technical device for the purpose of repair or testing of operation and features of such device.

Fifth Subchapter

Promotion of Exhibition and Auction of Artistic Work

Section 57

(1) Copyright is not infringed by a person who without authorisation of its author uses artistic work for promotion of a public exhibition or promotion of sale of the work by making a copy, by communication to the public or public distribution by transfer of title, in the extent necessary for such promotion.

(2) Using of artistic work after termination of its public exhibition or after completing of its sale is not governed by paragraph 1.

PART FIVE
COPYRIGHT PROTECTION

Section 58

(1) Author, who's copyright was unlawfully infringed or who's copyright is under risk of infringement, may primarily claim

- a) determination of his authorship,
- b) prohibition of endangering his right, including the prohibition of repeating of such endangering, even against a provider of service through which the right is endangered,
- c) prohibition of unlawful infringement of his right, including prohibition of infringement pursuant to Sections 60 and 61, even against a provider of service through which the right has been infringed,
- d) providing of information on origin of a copy of the work or an imitation of the work, on the manner and extent of its using and on services infringing right of the author, including information on
 1. owner, publisher, manufacturer, distributor, supplier, recipient, sender, exporter or seller of copy of the work or imitation of the work or provider of services,
 2. issued, produced, supplied, provided, received, dispatched, exported or ordered amount or price of copy of work, imitation of work or service,
- e) providing of information on making the work available to the public in the manner infringing copyright of the author, including information on
 1. customers and providers of electronic communication services and services providing content²³⁾
 2. extent of using of the work,
 3. direct or indirect economic benefit arising from such infringement,
- f) remedying of consequences of infringement of copyright at the cost of the person who unlawfully infringed the copyright or threatened to infringe it, by
 1. destruction of unlawfully made copy or imitation of the work, its withdrawal from trade or from other form of its using or
 2. destruction of materials, tools and aids pursuant to Sections 60 and 61 used for the purpose of unlawful infringement or threat of unlawful infringement, their withdrawal from trade or from other form of their using,
- g) compensation for non-material damage²⁴⁾
- h) compensation for damage²⁵⁾
- i) returning of unjust enrichment.

(2) Information pursuant to paragraph 1 (d) and (e) must be provided also by person who

- a) possesses copy or imitation of work,
- b) uses services infringing copyright,
- c) provides or operates services used for infringement of copyright,
- d) was indicated by the person specified in sub-paragraphs (a) to (c) as a person participating in production, processing or distribution of copy of work, imitation of work, in providing or operation of services infringing copyright or in making the work available to the public in the manner unlawfully infringing copyright.

Section 59

(1) Author or person pursuant to Section 63 has a right, in order to obtain information necessary for claiming rights under this Act, to request from customs authorities, financial authorities and tax authorities information on content and extent of import, receipt, production or other means of placement of product at

market and from Statistical Office of the Slovak Republic information on import, receipt, production or other means of placement of product at market which product is

a) a copy of his work, or

b) technical device or blank recording medium pursuant to Section 36 paragraph 3 (a).

(2) Author or a person under Section 63 has right to inspect customs documents in order to ascertain whether import, export, receipt, dispatch, production or other means of placement of such product at the market in the Slovak Republic for its using at the territory of the Slovak Republic is lawful under this Act or to obtain information necessary for claiming of rights under this Act.

(3) Paragraph 1 applies accordingly to export and dispatch.

Section 60

(1) Copyright is infringed by a person who knowingly circumvents effective technological measures intended for protection of copyright under this Act or avoids necessity to obtain authorisation of an author for using of a work pursuant to this Act.

(2) Copyright is also infringed by a person who, for direct or indirect economic or commercial benefit, provides services or produces, imports, distributes by sale or rental, promotes such distribution or owns devices, products or components which

a) are promoted or offered for sale in order to circumvent effective technological measures or to circumvent necessity to obtain authorisation of an author for using of a work pursuant to this Act,

b) while circumventing effective technological measures or necessity to obtain authorisation for using of work pursuant to this Act, have only limited commercially significant purpose or usage, or

c) are primarily intended, produced, modified or performed in order to enable or facilitate circumvention of effective technological measures or necessity to obtain authorisation for using of work pursuant to this Act.

(3) Technological measures for the purpose of this Act mean any procedure, product or component which by their usual manner of using are designed to prevent, limit or restrict unauthorised infringement of copyright to works pursuant to this Act. Technological measures include encryption, coding or other form of adjustment of work or application of controlling mechanism on using of work.

(4) Paragraph 1 does not apply to using of work pursuant to Section 40, Sections 42 to 44, Sections 46, 49 and 53 in the extent which is necessary in order to apply the respective exception or limitation.

Section 61

(1) Copyright is unlawfully infringed also by a person who knowingly and without authorisation of its author causes, enables, facilitates or conceals infringement of copyright by

a) removing or modifying any electronic information for administration of rights,

b) distributing, importing for the purpose of distributing, broadcasting or communicating a work to the public under this Act, from which an electronic information for management of rights was unlawfully removed or modified.

(2) Information for management of rights means for the purpose of this Act any information provided by rightholder, identifying work or its author or rightholder, information on means and conditions of using of work and any digits or codes presenting such information.

Section 62

Copyright is unlawfully infringed also by a person who uses for his own work a name of the work or external amendments already lawfully used by another author for work of similar type, thereby establishing a

likelihood of confusion of both works, unless otherwise applicable with respect to nature of work or its purpose.

Section 63

(1) Claims pursuant to Section 58 paragraph 1 (a) may be asserted by any of co-authors in the name and on behalf of all co-authors.

(2) Claims pursuant to Section 58 paragraph 1 (b) to (i) and paragraph 2 may be asserted

a) also by any of co-authors in the name and on behalf of all co-authors,

b) instead of author by a rightholder,

c) instead of author by a person who released anonymous or pseudonymous work, with respect to which it was not possible to determine identity of author; this does not apply to a situation when an author of anonymous or pseudonymous work with respect to which it was not possible to determine identity of author, becomes publicly known and discloses his authorship to the work, or

d) in the name and on behalf of an author by collective management organisation.

Section 64

Claims pursuant to Section 58 paragraph 1 (a) to c), (f) and claims pursuant to paragraph 2 in case of breach of obligation pursuant to Section 18 paragraph 4 may after death of author be asserted by any close person of the author,²⁶⁾ by an heir, or by competent professional association or relevant legal person associating authors.

PART SIX

LAW OF COPYRIGHT CONTRACTS

First Subchapter

Licence Agreement

Section 65

(1) Under a licence agreement an author grants licensee an authorisation to use the work (hereinafter referred to as "licence"). Licence agreement contains in particular manner of using of work pursuant to Section 19 paragraph 4, scope of licence, term for which author grants a licence or a manner of its determination and a remuneration or manner of its calculation, unless author and licensee have agreed on free-of-charge licence.

(2) Content of licence agreement or its part may be determined also by referring to licence terms which are known or are accessible to both parties at the time of entering into licence agreement.

(3) Licence agreement must be made in writing in case of granting an exclusive licence.

(4) In case a licence agreement is not made in writing, each contractual party has right to request in writing from the other contractual party issuing of a written confirmation on concluding of a licence agreement, containing specification of work subject to licence and terms as specified in Section 19 paragraph 1 and 4 and in Sections 66 to 69 and Section 72, as agreed by the parties. In case the right pursuant to the first sentence is not asserted within 15 days after concluding of the licence agreement, right to obtain confirmation expires. In case the other contractual party to agreement fails to issue confirmation within 15 days from obtaining the request to issue confirmation, the agreement is considered not to be concluded.

Section 66

Manner of Using of Work

(1) Unless a licence agreement specifies manner of using of work pursuant to Section 19 paragraph 4, it

is deemed that the licence is granted for such manner of its using which is necessary for achieving the purpose of the agreement.

(2) Author may not grant a licence to a licensee to use a work in a manner which was not known at the time of concluding of the licence agreement.

Section 67

Scope of Licence

(1) Author may agree with licensee in the licence agreement about granting of unlimited licence or licence limited in a territorially or factually scope.

(2) In case a licence agreement does not specify the scope of a licence, it is deemed that the licence is granted in the scope necessary for achieving the purpose of the agreement.

(3) In case a licence agreement does not specify the scope of a licence and such scope cannot be determined with reference to its purpose, it means that

a) territorial scope of licence is limited to territory of the Slovak Republic,

b) factual scope of licence is limited to usual scope of licence with respect to similar type of work and similar manner of its using.

Section 68

Licence Term

(1) In case a licence agreement does not specify time period for which author grants the licence and does not specify manner of its determination, it is deemed that the licence is granted for a time period necessary to achieve purpose of the agreement.

(2) In case a licence agreement does not specify time period for which author grants the licence or a manner of its determination and in case the licence term cannot be determined from purpose of the agreement, it is deemed that the licence is granted for a period of time usual for similar type of work and similar manner of its using, however, the period may not exceed one year from granting of the licence.

Section 69

Remuneration

(1) Agreed remuneration or manner of its calculation shall correspond with particular manner of using of work, as agreed pursuant to Section 66.

(2) In case the manner of calculation of remuneration is agreed as dependant on revenues or profits from using of the licence, licensee shall submit to author a summary of revenues or profits from using of licence at least once per year, individually for each manner of using of work and at the same time shall provide the author with calculation of remuneration, unless otherwise agreed.

(3) In case the manner of calculation of remuneration is agreed as dependant on revenues or profits from using of the licence, licensee shall enable the author to inspect accounting records or other documents of the licensee in the extent necessary to calculate remuneration. In case such provided information are indicated by the licensee as confidential, the author may not disclose such information to third person or use it in contrary to the purpose for which it was provided.

(4) In case the manner of calculation of remuneration is not agreed as dependant on revenues or profits from using of the licence, it shall correspond with scope, purpose and duration of using of work.

(5) If neither remuneration nor the manner of its calculation are agreed in the licence agreement and

provided that a licence agreement does not specify that it is provided free of charge and it cannot be inferred from its purpose, it is deemed that author has right to remuneration in the amount which is usual at the time of concluding of the licence agreement for similar terms of agreement.

(6) In case licensee does not use the licence at all or does not use it partially, licensee has no right to refund for agreed remuneration or its part, unless otherwise agreed.

§ 70

Exclusive Licence and Non-Exclusive Licence

(1) Author may grant to licensee an exclusive licence or a non-exclusive licence. In case a licence agreement does not specify that author grants an exclusive licence, a non-exclusive licence is granted, unless otherwise stipulated by this Act.

(2) In case author has granted exclusive licence, he / she may not grant licence to a third person for the manner of using of work specified in the exclusive licence; and unless otherwise agreed in the licence agreement, the author shall abstain from using the work in a manner specified in the exclusive licence.

(3) Licensee is obliged to use granted exclusive licence, unless otherwise agreed.

(4) In case author has granted non-exclusive licence, it is without prejudice to right of an author to use the concerned work in the manner specified in the non-exclusive licence and to right of an author to grant licence to a third person.

(5) A non-exclusive licence acquired by a licensee prior to granting of an exclusive licence to a third person remains effective, unless the author and the licensee under such non-exclusive licence have agreed otherwise.

(6) Licence agreement granting to a third person licence to use a work in the manner specified in prior exclusive licence agreement is invalid, unless a licensee under the exclusive licence agreement has granted prior written authorisation with such further licensing.

Section 71

Passing of Licence and Termination of a Licence

(1) Upon discharging of a legal person who was granted with licence, all rights and obligations under the licence agreement pass to its legal successor, licence agreement may preclude such passing of rights and obligations under such circumstances to a legal successor.

(2) Upon death of a natural person who was granted with licence, all rights and obligation under the licence pass to his heirs, licence agreement may preclude such passing of rights and obligations under such circumstances to heirs.

(3) In case there is no legal successor under paragraph 1 or no heir under paragraph 2, licence is terminated.

Section 72

Disposition with Licence

(1) Licensee may grant third person a right to use the work in the extent of acquired licence ("sub-licence") only with prior authorisation of an author; Sections 65 to 70 apply accordingly.

(2) Licensee may assign a licence by a contract only with prior authorisation of the author. Licensee shall inform the author about assignment and about assignee without undue delay. Unless otherwise agreed an authorisation of author is not necessary in case of sale of enterprise or its part which includes the licence.

(3) In case a licence agreement is concluded in writing, granting of sub-licence must be made in

writing, unless the licence agreement stipulates otherwise.

Section 73

Withdrawing from Licence Agreement on the Grounds of Non-Using of Exclusive Licence

(1) In case a licensee does not use granted exclusive licence in the agreed manner and in the extent agreed in a licence agreement, despite being obliged to do so, an author has right to withdraw from the licence agreement with respect to its part affected by a breach of obligation to use the exclusive licence; author does not have right to withdraw from agreement provided that non-using of exclusive licence was caused by circumstances amounting to author.

(2) Right to withdraw from licence agreement pursuant to paragraph 1 may be asserted by author after elapsing of one year after granting of the exclusive licence. In case a using of exclusive licence depends on delivery of work which was delivered to licensee after concluding of licence agreement, the right of the author to withdraw from licence agreement on this ground arises no sooner than one year after delivery of the work but no later than two years after such delivery, provided that it is justified by nature of the work.

(3) Author has right to withdraw from licence agreement pursuant to paragraph 1 after sending of prior written call to the licensee urging him to use the exclusive licence within reasonable period, provided that the licensee failed to fulfil this obligation despite the call.

(4) Right to withdrawal pursuant to paragraph 1 may not be waived by author prior to its arising. However, in case there is ground for withdrawal pursuant to paragraph 1, parties to the agreement may agree on amendment of the agreement of the exclusive licence agreement by its transformation to non-exclusive licence agreement with respect to its part affected by such ground for withdrawal.

(5) Withdrawal pursuant to paragraph 1 must be made in writing. Right of the author to remuneration calculated up to the date of withdrawal pursuant to paragraph 1 remains unaffected in the extent it is connected with the withdrawal, however, unless otherwise agreed, the author may not claim compensation for loss sustained as a result of breach of obligation giving rise to withdrawal pursuant to paragraph 1.

Section 74

In case economic rights of author are exercised by another person, Sections 65 to 73 and Sections 75 and 76 apply accordingly to granting of a licence.

Section 75

Licence Agreement for Publishing of a Work

(1) Licence agreement under which an author grants licensee a licence to make copies of literary works, theatrical works, musical works, photographic works or other work of fine art or cartographic works and for public distribution of such copies or their making available to the public, constitutes licence agreement for publishing of a work.

(2) Unless a licence agreement for publishing of a work stipulates otherwise, it is considered to be an exclusive licence; this does not apply to licence agreement on publishing of work included in periodical publication.

(3) Unless a licence agreement for publishing of a work stipulates otherwise, author may prior to publishing of work within reasonable period granted by a licensee make such amendments to the work that would not result in necessity of licensee to expend unreasonable costs and would not result in change of nature of the work (hereinafter referred to as "author's revisal").

(4) Author may withdraw from an agreement for publishing of a work and may request returning of original of the work or its copies or may request destroying of copies of the work, in case the licensee refused to enable him to perform author's revisal of the work or in case the licensee used the work in a manner decreasing its value.

(5) In case several license agreements on publishing of work included in periodical publication have been concluded between the same contractual parties in other than a written form, each party may request in writing from the other party to issue written summary certificate on signing of such licence agreements up to 31 December of the respective calendar year; such summary certificate shall include specification of works subject to licence and terms pursuant to Section 19 paragraph 1 and 4 and Sections 66 to 69 and Section 72, as agreed by the parties. The other contractual party shall issue such certificate within 30 days after receiving the request for issuing of a summary certificate. In case a right for issuing of summary certificate is not asserted until 15 January of the following calendar year, the right expires. In case a certificate pursuant to the first sentence is issued, Section 65 paragraph 4 does not apply.

(6) In case there has been one licence agreement for publishing of a work included in periodical publication in the course of a calendar year concluded in other than a written form, Section 65 paragraph 4 applies.

(7) Licensee shall provide to author free of charge at least one copy of the work, provided that it may be reasonably requested from the licensee; this does not apply to licence agreement for publishing of a work in periodical publication.

Section 76

Public Licence

(1) Author may offer to grant licence also by a legal act directed to unidentified persons. A conduct from which consent with terms of licence may be inferred, constitutes acceptance of such offer.

(2) Author may grant to licensee a licence as specified in paragraph 1, which expressly prescribes a purpose of using of work which is not known at the time of concluding a licence agreement pursuant to paragraph 1.

(3) A licence pursuant to paragraph 1 may only be granted as a non-exclusive and free-of-charge licence and it cannot be revoked.

(4) Section 19 paragraphs 1 and 4 and Sections 65 to 69 apply accordingly to the licence granted pursuant to paragraph 1.

Second Subchapter

Collective Licence Agreement

Section 77

(1) Collective management organisation may conclude a collective licence agreement with a legal person associating persons pursuant to Section 165 paragraph 1. Under a collective licence agreement a collective management organisation grants authorisation with using of rightholder's work, to which rights are managed by the collective management organisation.

(2) Rights and obligations from collective licence agreement arise only to particular member of a legal person specified in paragraph 1 from the moment when the member declares consent with collective licence agreement towards the legal person in writing, where the legal person shall inform in writing the collective management organisation about this fact.

(3) Collective licence agreement must be concluded in writing and may only be concluded as a non-exclusive licence agreement.

(4) Sections 65 to 69 apply accordingly.

Third Subchapter

Mass Licence Agreement

Section 78

General Provisions

(1) Under a mass licence agreement a collective management organisation may grant to licensee authorisation for using of several works of rightholders represented pursuant to Section 164, to which rights are managed by the collective management organisation.

(2) A mass licence agreement must be concluded in writing through electronic means, including a website of collective management organisation, provided that there are no doubts about content of the agreement, identity of contractual parties and on their declaration of will. In case an offer for mass licence agreement is made through electronic means, including a website of collective management organisation, an act of licensee from which consent with terms of the proposal may be inferred, becomes effective at the moment when the declaration of consent reaches collective management organisation.

(3) In case a mass licence agreement was concluded through electronic means, including a website of collective management organisation, collective management organisation shall issue to licensee upon his written request a written confirmation on concluding of mass licence agreement, containing specification of works subject to licence and their type specification and terms pursuant to Section paragraph 1 and 4 and Sections 66 to 69, as agreed by the contractual parties. In case a right under the first sentence was not asserted within 15 days after concluding of mass licence agreement, the right expires.

(4) A mass licence agreement may only be concluded as a non-exclusive licence. Sections 65 to 69 apply to mass licence agreement accordingly.

Extended Mass Licence Agreement

Section 79

(1) Collective management organisation which represents the highest number of rightholders pursuant to Section 164 paragraph 1 at the territory of the Slovak Republic and which is indicated in this manner in the register of collective management organisations pursuant to Section 152 paragraph 4, may conclude with a licensee an extended mass licence agreement, granting authorisation to use all works of rightholders

a) represented pursuant to Section 164, who's economic rights are object to collective management;

b) not represented by the respective collective management organisation pursuant to Section 164 who have not excluded collective management of rights with respect to the works in question pursuant to paragraph 2.

(2) Rightholder pursuant to paragraph 1 (b) has right to exclude collective management of his economic rights by means of extended mass licence agreement with respect to his economic rights to all or any of his works by a written notice sent to the collective management organisation specified paragraph 1, where the organisation informs licensee about this fact without undue delay.

(3) Rightholder pursuant to paragraph 1 (b) has the same rights and obligations under the extended mass licence agreement as rightholders represented pursuant to Section 164 by collective management organisation, including using of rights and obligations towards collective management organisation within reasonable extent, concerning collection, distribution and payment of remuneration and other payments.

(4) An extended mass licence agreement may be concluded by a collective management organisation with a licensee for a maximum period of one year. Duration of extended mass licence agreement is prolonged for consecutive periods of one year unless:

a) any of the contractual parties declares in writing their intention to terminate the agreement at latest one month prior to elapsing of term of the extended mass licence agreement, or

b) collective management organisation ceased to meet requirement pursuant to paragraph 1 in the course of duration of the extended mass licence agreement.

(5) Information on eligibility of collective management organisation to conclude an extended mass

licence agreement pursuant to paragraph 1 must be indicated by Ministry of Culture of the Slovak Republic (hereinafter referred to as "Ministry") in the register of collective management organisations pursuant to Section 152 paragraph 4.

Section 80

Collective management organisation may by an extended mass licence agreement grant licensee authorisation to

- a) technical performance of work or communication to the public of work in business or other premises through technical device, with exception of broadcasting, retransmission and making the work available to the public,
- b) using of commercially unavailable work by making copies, making the work available to the public or public distribution of copies by transfer of title,
- c) live performance of literary works,
- d) broadcasting of works, including broadcasting through satellite,
- e) rental or lending of copies of work,
- f) making copies of work available to the public,
- g) retransmission of work, with exception of cable retransmission.

Section 81

Multi-Territorial Mass Licence Agreement for On-Line Using of Musical Works

(1) Under multi-territorial licence agreement for on-line using of musical works a collective management organisation grants authorisation to using of several musical works with respect to area of more than one Member State or Agreement State by on-line making copies of musical works and on-line communication to the public of musical works.

(2) Under a special authorisation pursuant to Section 184 paragraph 5 a collective management organisation may grant authorisation pursuant to paragraph 1 to use also musical works to which economic rights are administered by another collective management organisation.

(3) Licensee under the agreement pursuant to paragraph 1 (hereinafter referred to as "provider of service of on-line using of musical works") shall inform collective management organisation about actual using of musical works within the scope of the agreement pursuant to paragraph 1. Collective management organisation shall enable provider of service of on-line using of musical works to provide such information through electronic means.

(4) Collective management organisation monitors using of musical works under paragraph 1 and keeps records on such using.

(5) Agreement pursuant to paragraph 1 may not be concluded for using of musical works by their dissemination as part of the programme service through the internet which is provided simultaneously with broadcasting of such programme service by its broadcaster or by making available to the public of fixation of broadcast through the internet by its broadcaster.

PART SEVEN

SPECIAL PROVISIONS ON CERTAIN WORKS

First Subchapter

Special Provisions on Audiovisual Work

Section 82

Audiovisual Work and Original of Audiovisual Work

(1) Audiovisual work is a work created by filming creative techniques, as well as by selection and processing of works used in audiovisual form regardless of their form and manner of their processing, which are perceivable through technical device as a sequence of recorded, intentionally ordered and mutually interconnected pictures, creating impression of motion and accompanied by sound or without sound.

(2) First audiovisual recording of a work constitutes original of audiovisual work.

Section 83

Authorship to Audiovisual Work

(1) In case an audiovisual work is registered in the International Register of Audiovisual Works²⁷⁾ its author is considered to be the person indicated as author in the register, until proved otherwise; this does not apply in case such registration is contrary to paragraph 2 or to any other declaration included in the register.

(2) Director, author of script, author of dialogues and author of music which was created especially for this work and other natural persons who participated in creation of audiovisual work by their creative and artistic activity are considered to be authors of an audiovisual work.

(3) In case several natural persons specified in paragraph 2 participated in creation of audiovisual work, Section 15 applies accordingly.

(4) Rights of authors of audiovisually used works remain unaffected.

Section 84

Producer of Original of Audiovisual Work

Producer of original of audiovisual work is a person who initiated or arranged for creation of audiovisual work and is producer of the first audiovisual recording of this work.

Section 85

Audiovisually Used Work

(1) Audiovisually used work is a work which is with authorisation of its author used by an author of audiovisual work by

- a) its adaptation for creation of audiovisual work,
- b) its altering or other form of using and inserting into audiovisual work as its part or
- c) its inserting into audiovisual work as its part.

(2) Insertion of audiovisually used work into audiovisual work does not qualify as merging of such works.

Section 86

Exercise of Rights to Audiovisual Work

(1) Unless otherwise agreed, economic rights of authors to audiovisual work are exercised by producer of original of audiovisual work, provided that he acquired authorisation for making an original of audiovisual work from its authors and agreed with them on remuneration for creating of audiovisual work and on remuneration or manner of its calculation individually for each using of audiovisual work; Section 69 paragraphs 1 to 3 apply accordingly to agreement on remuneration for using of work.

(2) In case a producer of audiovisual work exercises economic rights of authors to audiovisual work pursuant to paragraph 1, it implies that the producer

a) has exclusive licence in unlimited scope for the entire period of duration of economic rights to use audiovisual work or its parts in original version, dubbed or supplemented with subtitles, including right to grant sub-licence or to assign the licence,

b) shall transfer remuneration for cable retransmission of audiovisual work paid by respective collective management organisation without undue delay after its payment in favour of authors of audiovisual work and

c) right of authors of audiovisual work to compensation for remuneration and to equitable remuneration remain unaffected.

(3) Upon termination of legal relation under paragraph 1 rights and obligations pursuant to paragraph 2 remain unaffected.

(4) Unless otherwise agreed, in case author of audiovisual work being used pursuant to Section 85 paragraph 1 (b) and (c) granted to producer of original of audiovisual work a written consent with insertion of audiovisually used work into audiovisual work and the parties have agreed on remuneration for using of audiovisually used work or on the manner of its calculation, it is considered that producer of original of audiovisual work

a) was granted authorisation for processing or other alteration of audiovisually used work for the purpose of creation of audiovisual work and its fixation through audiovisual recording in original version, dubbed or supplemented with subtitles,

b) was granted exclusive licence in unlimited scope and for the entire term of economic rights for using of audiovisually used work jointly with using of audiovisual work, including possibility to grant sub-licence or to assign the licence,

c) shall transfer to author of audiovisually used work a remuneration for cable retransmission of audiovisually used work paid by respective collective management organisation without undue delay after being paid.

(5) Agreement on remuneration for using of audiovisually used work pursuant to paragraph 4 is primarily governed by Section 69.

(6) Paragraphs 4 and 5 apply accordingly also to artistic performance, sound recording or audiovisual recording used in audiovisual work. Rights of performing artist, producer of sound recording or producer of audiovisual recording to compensation for remuneration pursuant to Section 36 paragraph 2 and to equitable remuneration pursuant to Sections 99, 110 and 119 remain unaffected.

(7) Rights of authors of audiovisually used works to compensation for remuneration and to equitable remuneration remain unaffected.

Second Subchapter

Special Provisions on Computer Program

Section 87

(1) Computer program, which is a set of orders and instructions expressed in any form used directly or indirectly through computer or through a similar technical device, is protected under this Act, provided that it is a result of creative and artistic activity of author. Orders and instructions may be written or expressed in source code or in machine code. Computer program includes also preparatory design material used for its creation. Ideas and principles, on which an element of computer program is based, including ideas and principles on which its interface is based, are not protected by this Act.

(2) Unless otherwise prescribed in paragraph 1 and in Sections 88 and 89, provisions of this Part apply accordingly to a computer program and its author.

Section 88

Right of author to grant authorisation for public distribution of original of computer program or copy of computer program by transfer of right of use, expires for a territory of a Member State or an Agreement State upon the first authorised transfer of original of computer program or copy of computer program for remuneration at the territory of the Member State or the Agreement State with respect to the original of computer program or copy of computer program subject to such transfer.

Section 89

Exceptions and Limitations of Economic Rights of Author of Computer Program

(1) Person authorised to use copy of a computer program (hereinafter referred to as "authorised user") may not use the computer program in a manner conflicting with a normal exploitation of computer program and does not unreasonably prejudice the legitimate interests of author of computer program.

(2) Right of author of computer program is not infringed by authorised user who without authorisation of author of the computer program

a) uses the computer program for the purpose of proper using of computer program, including error corrections in the programme, unless otherwise agreed,

b) creates back-up copy of computer program for the purpose of proper using of computer program,

c) observes, studies and tests the functioning of computer program in order to determine ideas or principles which underlie any element of the computer program if he does so while performing any acts of loading, displaying, transmitting, testing of functionality or storing the program into memory of a computer.

(3) Right of author of computer program is not infringed by an authorised user or licensee of computer program who makes without authorisation of author of computer program a copy of source code or machine code of computer program or its part, or translates form of source code or machine code of computer program or its part in the extent necessary for acquiring information necessary in order to achieve interoperability of the computer program with other independently created computer programs, unless this information was previously freely available. Information acquired pursuant to the first sentence may not be used for

a) reaching other goals than interoperability of independently created computer programs,

b) providing to other persons, with exception when it is necessary in order to ensure interoperability of independently created computer programs,

c) arranging for development, production or marketing of computer program which is substantially similar in its expression or for any other activity infringing of right of author of computer program.

(4) Author has no right to remuneration for using of work pursuant to paragraphs 2 and 3.

(5) Sections 37, 44, 54, 55 and Section 60 paragraph 4 apply accordingly with respect to author of computer program, authorised user and licensee.

CHAPTER EIGHT

SPECIAL MODES OF CREATIVE ACTIVITY

Section 90

Employee Works

(1) A work created by author in the course of fulfilling obligations arising from employment relationship or from other similar labour relationship constitutes an employee work.

(2) Employee work is also a work created by author who is a member of executive, controlling or supervisory body of legal person or acts as a statutory representative of a legal person or a member of statutory representative of a legal person, performed in order to fulfil obligations arising from membership in body of the legal person, which for this purpose acts as an employer.

(3) Employee work is also a work created by author who is an employee temporarily assigned to employer to work.²⁸⁾ Such employer is considered to be an employer of the temporarily assigned employee.

(4) Economic rights of author to employee work are exercised by the employer in his own name and on his own behalf, unless otherwise agreed. When exercising economic rights of author to employee work, the author may not grant third person an authorisation to use the work and the author must abstain from using economic rights to such work.

(5) Employer may assign right to exercise economic rights of author to a third person, unless otherwise agreed.

(6) In case an employer exercises economic rights of author to work created for the employer, it is deemed that the author granted authorisation also to

a) releasing of work,

b) indication of work by name, business name or designation of employer,

c) completing of work, alteration of work or any other interference with the work.

(7) Upon death or termination without legal successor of employer authorised to exercise economic rights of author to work created for the employer, such right of employer to exercise economic rights expires and economic rights to employee work are exercised by its author.

(8) By termination of legal relation pursuant to paragraphs 1 to 3 rights and obligations pursuant to paragraphs 4 to 6 remain unaffected.

(9) In case employer does not exercise economic rights to work created for the employer or exercises them insufficiently, the author has right to demand that the employer grants him a licence to use the work created for the employer under usual terms. The employer is not obliged to grant the licence pursuant to the first sentence, in case it is in conflict with its legitimate interests or in case the employer has other substantive ground for refusal to grant such licence.

Section 91

Commissioned Work

(1) Commissioned work is a work created by an author under a work agreement.²⁹⁾ Unless otherwise agreed, in case an author created a work under a commission, it is considered that the author granted authorisation for using of the work for the purpose indicated in the contract. An ordering person is authorised to use the work for a different purpose only with authorisation of an author, unless otherwise stipulated by this Act.

(2) Author has right to personally use a commissioned work and to grant authorisation for its using, unless otherwise agreed or unless it conflicts with legitimate interest of the ordering person.

(3) Paragraphs 1 and 2 apply accordingly to work created in the course of public tender.³⁰⁾

(4) Provisions on employee work apply to a computer program, to database pursuant to Section 131 and to cartographic work created entirely or partially as a commissioned work; an ordering person is for such purpose considered to be an employer and Section 90 paragraph 9 does not apply to such situation.

(5) Paragraphs 1 and 2 do not apply to audiovisual work.

Section 92

Joint Work

(1) Joint work is a work created by two or more authors upon impulse and under guidance of a person who directed and managed process of creation of the work. Creative inputs of authors included in the joint work may not be used individually.

(2) Provisions on employee work apply accordingly to exercising of rights to joint work.

(3) In case a creation of joint work was directed and managed by two or more persons, they dispose with the joint work jointly, unless otherwise agreed.

(4) Upon death of natural person or termination of legal person pursuant to paragraph 1 without legal successor, the right to exercise economic rights to joint work is terminated and economic rights to joint work are exercised by its authors; Section 15 applies accordingly.

Section 93

School Work

(1) School work is a work created by a child, pupil or a student in order to fulfil school or study assignments arising from his legal relationship with a school.

(2) Author of a school work shall conclude a non-exclusive and free-of-charge licence agreement on using of a school work with a school upon its offer, for a purpose which is neither directly nor indirectly commercial, provided that it can be reasonably demanded from author of a school work. In case an author of a school work refuses to conclude a licence agreement pursuant to the first sentence, the school may ask a court to determine content of the licence agreement.

(3) A school may claim from an author of a school work to pay from the remuneration for using the school work a reimbursement of costs of school incurred in creation of the school work, depending on circumstances even up to full amount of actual costs.

PART THREE

RIGHTS RELATED TO COPYRIGHT

CHAPTER ONE

RIGHTS OF PERFORMING ARTISTS

§ 94

Artistic Performance and Performing Artist

(1) Artistic performance means performance, recitation or other creative performance of artistic work or a work of traditional folk culture by means of singing, playing, recitation, dancing or by other means.

(2) Performing artist is a natural person who personally makes artistic performance by playing, acting, performing, reciting or otherwise creatively executing an artistic work or a work of traditional folk culture, in particular a singer, a musician, a conductor, an actor, a dancer or a kinker.

Section 95

Content of Rights of Performing Artist

Right of performing artist contains exclusive moral rights and exclusive economic rights.

Section 96

Exclusive Moral Rights of Performing Artist

Rights of performing artist and his artistic performance is governed accordingly by Section 18.

Exclusive Economic Rights of Performing Artist

Section 97

(1) Performing artist has right to use his artistic performance and right to grant authorisation for using of the artistic performance.

(2) Artistic performance may be used only with authorisation from performing artist, unless otherwise prescribed by this Act.

(3) Using of artistic performance with authorisation from performing artist pursuant to paragraph 1 means

- a) communication to the public of unfixated artistic performance with exception of broadcasting,
- b) making original recording of artistic performance,
- c) making copy of recording of artistic performance,
- d) public distribution of original recording of artistic performance or its copy by
 - 1. transfer of title,
 - 2. rental or
 - 3. lending,
- e) making available to the public of recording of artistic performance.

(4) Unless otherwise agreed, when disposing with rights to artistic performance created collectively in performing the same artistic work or work of traditional folk culture by several performing artists who are members of orchestra, choir, ensemble or other artistic body or artistic company, the performing artists are represented in their names and on their behalves by a joint representative; this does not apply to exercise of rights of soloist and conductor. A director of artistic body or artistic company acts as a joint representative, provided that he is appointed. In case a majority of members of artistic body or artistic company appoints a person different from director as a joint representative by their written authorisation, such person acts as a joint representative.

(5) Right of performing artist to grant authorisation to public distribution of original recording of artistic performance or its copy by transfer of title is governed accordingly by Section 22 paragraph 2.

Section 98

(1) Economic rights of performing artist do not expire upon granting of authorisation pursuant to Section 65, performing artist must observe using of artistic performance by another person within the extent of granted authorisation.

(2) Economic rights of performing artist are non-transferrable, may not be waived and are not subject to judicial execution proceedings; this does not apply to claims arising from economic rights of performing artist.

(3) Economic rights of performing artist are subject to inheritance.

Section 99

Right of Performing Artist to Equitable Remuneration

(1) In case a performing artist is not solely authorised to grant authorisation for public distribution of original of artistic performance or its copy by rental with respect to artistic performance which was recorded as a sound recording or was used in creation of audiovisual work, such performing artist has right to equitable

remuneration from a person who publicly distributes original of the audiovisual work, copy of the audiovisual work or of the sound recording by rental.

(2) Performing artist has right to equitable remuneration for using of

- a) fixed artistic performance by technical performance,
- b) fixed artistic performance by communication to the public with exception of its making available to the public and
- c) unfixed artistic performance by broadcasting.

(3) Equitable remuneration must correspond with scope, purpose and time of using of artistic performance.

(4) Rights pursuant to paragraphs 1 and 2 may not be waived.

Section 100

Right of Performing Artist to Additional Remuneration

(1) In case a performing artist concluded with producer of sound recording of his artistic performance a contract under which performing artist granted exclusive authorisation for using of his fixed artistic performance by every means known at the time of concluding of contract, within unlimited extent and for the entire period of duration of economic rights for a lump-sum remuneration, performing artist has right to additional remuneration for using of his fixed artistic performance for every complete year following fiftieth year

- a) after first lawful publishing of sound recording of such artistic performance or
- b) after first lawful communication to the public of sound recording of such artistic performance, in case it was never issued.

(2) Right pursuant to paragraph 1 may not be waived by a performing artist.

Section 101

In case a performing artist concluded with producer of sound recording of his artistic performance a contract under which the performing artist granted exclusive authorisation with using of his recorder artistic performance by every means known at the time of concluding of contract, within unlimited extent and for the entire period of duration of economic rights for a periodical remuneration, the producer of sound recording may not after fiftieth year

- a) after first lawful issuing of sound recording of such artistic performance or
- b) after first lawful communication to the public of sound recording of such artistic performance, deduct any sums from such remuneration, in case it was not issued.

Section 102

Term of Economic Rights of Performing artist

(1) Economic rights of performing artist pursuant to Sections 97 to 101 run for 50 years after creation of artistic performance.

(2) In case within the period specified in paragraph 1 a sound recording of artistic performance was published or a communication to the public of sound recording of artistic performance was made, economic rights run for 70 years after such first lawful publishing or first lawful communication to the public, whichever occurred first. In case within this period an audiovisual recording was published or a communication to the public of audiovisual recording of artistic performance was made, economic rights of performing artist run for 50 years after such first lawful publishing or first lawful communication to the public, whichever occurred first.

(3) Economic rights of performing artist expire upon the last day of the calendar year in which the term of economic rights elapses.

Section 103

Exceptions and Limitations of Economic Rights of Performing artist

(1) Sections 34 to 57 apply accordingly to exceptions and limitations of economic rights of performing artist.

(2) Rights of performing artist are not infringed by a person who without authorisation of performing artist makes fixation of his artistic performance in cases pursuant to Sections 39, 40 and Sections 42 to 51 under circumstances prescribed in Sections 34 to 36.

Section 104

Provisions of Chapter Six of Second Part of this Act apply accordingly to performing artist.

Section 105

Withdrawing from Licence Agreement on the Ground of Insufficient Using of Exclusive Licence

(1) In case a performing artist concluded with producer of sound recording of his artistic performance an agreement pursuant to Section 100 and after elapsing of 50 years after first lawful publishing of sound recording of such artistic performance or in case of absence of such publishing after first lawful communication to the public of sound recording of such artistic performance, producer of sound recording of such artistic performance does not publicly distribute copies of such sound recording by transfer of title for remuneration in sufficient extent and does not make it available to the public, the performing artist may withdraw from the agreement pursuant to Section 100.

(2) Right to withdraw from a licence agreement pursuant to paragraph 1 may not be waived by a performing artist.

(3) Withdrawal from agreement pursuant to paragraph 1 becomes effective after one year from servicing of declaration on withdrawal to producer of sound recording, unless the producer of sound recording uses the sound recording of artistic performance within that period by both manners of its using pursuant to paragraph 1.

Section 106

Section 3 paragraph 1, Sections 4, 6, 7, 9, 11, 13, 14, 16, Section 20 paragraphs 1 and 2, Sections 21, 22, 24, Sections 26 to 30, Section 33 paragraphs 1 to 6, Sections 58 to 64 and Sections 90 to 93 apply accordingly to performing artist and his artistic performance.

CHAPTER TWO

RIGHTS OF PRODUCER OF SOUND RECORDING

Section 107

Sound Recording and Producer of Sound Recording

(1) Sound recording is a recording of sounds perceivable by hearing, regardless of the manner of their recording or media of such recording. Recording of sound component of audiovisual recording does not constitute sound recording.

(2) Producer of sound recording is a person who initiated or arranged for its final creating.

Section 108

Content of Rights of Producer of Sound Recording

Right of producer of sound recording is composed of exclusive economic rights.

Exclusive Economic Rights of Producer of Sound Recording

Section 109

(1) Producer of sound recording has right to use his sound recording and right to grant an authorisation to using of sound recording.

(2) Sound recording may be used only with authorisation from producer of sound recording, unless otherwise prescribed by this Act.

(3) Using of sound recording for which authorisation from producer of sound recording is granted pursuant to paragraph 1 means

- a) making copy of sound recording,
- b) public distribution of original sound recording or its copy by means of
 1. transfer of title,
 2. rental or
 3. lending,
- c) broadcasting of sound recording,
- d) making available to the public of sound recording.

(4) Section 22 paragraph 2 applies accordingly to right of producer of sound recording to grant authorisation for public distribution of original sound recording or its copy by transfer of title.

(5) Economic rights of producer of sound recording are transferable.

Section 110

Right of Producer of Sound Recording to Equitable Remuneration

Producer of sound recording has right to equitable remuneration for using of sound recording by

- a) technical performance,
- b) communication to the public with exception of broadcasting and making the sound recording available to the public.

Section 111

Term of Economic Rights of Producer of Sound Recording

(1) Economic rights of producer of sound recording run for 50 years after making of sound recording. In case within this period a sound recording of artistic performance was published or a communication to the public of sound recording was made, economic rights run for 70 years after first lawful publishing or first lawful communication to the public, whichever occurred first.

(2) In case a withdrawal from agreement occurred pursuant to Section 105, economic rights of producer of sound recording expire.

(3) Economic rights of producer expire upon the last day of calendar year in which the term of economic rights elapses.

Section 112

Special Obligations of Producer of Sound Recording with Respect to Payment of Additional Remuneration to Performing artist

(1) Producer of sound recording shall pay to performing artist once per calendar year through competent collective management organisation an additional remuneration pursuant to Section 100 in amount of 20 % from total revenue acquired in the preceding calendar year for using of record of artistic performance by making copies of such sound recording, public distribution of copy of such sound recording by transfer of title and making such sound recording available to the public.

(2) Producer of sound recording shall provide information necessary to arrange for payment of additional remuneration pursuant to Section 100 paragraph 1 upon request of competent collective management organisation.

Section 113

Sections 34 to 57 apply accordingly to exceptions and limitations of economic rights of producer of sound recording.

Section 114

Provisions of Chapter Six of Second Part of this Act apply accordingly to producer of sound recording.

Section 115

Sections 4, 6, 7, Sections 9 to 11, Sections 13, 16, Section 20 paragraphs 1 and 3, Sections 21, 22, 24, Sections 26 to 30, Section 33 paragraphs 1 to 6, Sections 58 to 64 and Sections 91 to 93 apply accordingly to producer of sound recording and his sound recording.

CHAPTER THREE

RIGHTS OF PRODUCER OF AUDIOVISUAL RECORDING

Section 116

Audiovisual Recording and Producer of Audiovisual Recording

(1) Audiovisual recording is as a recording of audiovisual work recorded as a sequence of intentionally ordered and mutually interconnected pictures creating impression of motion and accompanied by sound or without sound.

(2) Audiovisual recording includes also a recording of pictures accompanied by sound or without sound, regardless of the manner of recording and of carrier on which such sound and picture is recorded.

(3) Producer of audiovisual recording is a natural person or a legal person who initiated or arranged for its final creation.

Section 117

Content of Rights of Producer of Audiovisual Recording

Right of producer of audiovisual recording is composed of exclusive economic rights.

Exclusive Economic Rights of Producer of Audiovisual Recording

Section 118

(1) Producer of audiovisual recording has right to use his audiovisual recording and to grant authorisation for using of the audiovisual recording.

(2) Audiovisual recording may be used only with authorisation from producer of audiovisual recording, unless otherwise prescribed by this Act.

(3) Using of audiovisual recording for which authorisation from producer of audiovisual recording is granted pursuant to paragraph 1 means

- a) making a copy of audiovisual recording,
- b) public distribution of original audiovisual recording or its copy by means of
 - 1. transfer of title,
 - 2. rental or
 - 3. lending,
- c) technical performance of audiovisual recording,
- d) broadcasting of audiovisual recording,
- e) making available to the public of audiovisual recording.

(4) Right of producer of audiovisual recording to grant authorisation with public distribution of original audiovisual recording or its copy by transfer of title is governed accordingly by Section 22 paragraph.

(5) Economic rights of producer of audiovisual recording are transferable.

Section 119

Right of Producer of Audiovisual Recording to Equitable Remuneration

Producer of audiovisual recording has right to equitable remuneration for using of audiovisual recording by communication to the public with exception of broadcasting and making the audiovisual recording available to the public.

Section 120

Term of Economic Rights of Producer of Audiovisual Recording

(1) Economic rights of producer of audiovisual recording run for 50 years after making audiovisual recording. In case within this period an audiovisual recording of artistic performance was published or a communication to the public of audiovisual recording was made, economic rights run for 50 years after first lawful publishing or first lawful communication to the public, whichever occurred first.

(2) Economic rights of producer of audiovisual recording expire upon the last day of calendar year in which the term of economic rights elapses.

Section 121

Sections 34 to 57 apply accordingly to exceptions and limitations of economic rights of producer of audiovisual recording.

Section 122

Provisions of Chapter Six of Second Part of this Act apply accordingly to producer of audiovisual recording

Section 123

Sections 4, 6, 7, 9, 13, 16, Section 20 paragraphs 1 and 3, Sections 21, 22, 24, Sections 26 to 30, Section 33 paragraphs 1 to 6, Sections 58 to 64 and Sections 91 to 93 apply accordingly to producer of audiovisual recording and his audiovisual recording.

CHAPTER FOUR

RIGHTS OF BROADCASTER

Section 124

Content of Rights of Broadcaster

Right of broadcaster is composed of exclusive economic rights.

Exclusive Economic Rights of Broadcaster

Section 125

(1) Broadcaster has right to use his broadcast and right to grant authorisation for using of his broadcast.

(2) Broadcast may be used only with authorisation from broadcaster, unless otherwise prescribed by this Act.

(3) Using of broadcast for which authorisation from broadcaster is granted pursuant to paragraph 1, means

a) communication to the public of broadcast, provided that it is performed in location accessible by public for entrance fee,

b) making of recording of broadcast,

c) making copy of recording of broadcast,

d) public distribution of original recording of broadcast or its copy by transfer of title,

e) retransmission of broadcast,

f) making available to the public of recording of broadcast.

(4) Right of broadcaster to grant authorisation for public distribution of record of broadcast or its copy by transfer of title is governed accordingly by Section 22 paragraph 2.

(5) Economic rights of broadcaster are transferable.

Section 126

Term of Economic Rights of Broadcaster

(1) Economic rights of broadcaster run for 50 years after first releasing of a broadcast.

(2) Economic rights of broadcaster expire upon the last day of calendar year in which the period of duration of economic rights elapses.

Section 127

(1) Sections 34 to 57 apply accordingly to exceptions and limitations of economic rights of broadcaster.

(2) Right of broadcaster is not infringed by a person who without authorisation of broadcaster makes record of broadcast according to Sections 39 and 40 and Sections 42 to 45 under conditions prescribed in Sections 34 to 36.

Section 128

Provisions of Chapter Six of Second Part of this Act apply accordingly to broadcaster.

Section 129

Sections 4, 6, 7, 9, 13, 16, Section 20 paragraphs 1 and 3, Sections 21, 22, 24, Sections 26 to 30, Section 33 paragraphs 1 to 6, Sections 58 to 64 and Section 91 apply accordingly to broadcaster and his broadcast.

PART FOUR

RIGHTS TO DATABASE

CHAPTER ONE

GENERAL PROVISIONS ON DATABASE

Section 130

(1) Database is a set of mutually independent works, data or other mutually independent materials which are systematically or methodically arranged and individually accessible through electronic or other means, irrespective of its form of expression.

(2) Rights of rightholders to individual elements of database remain unaffected.

(3) Computer program used for creation or administration of database accessible through electronic means does not constitute a database.

CHAPTER TWO

COPYRIGHT TO DATABASE

Section 131

In case a manner of selection or arrangement of content of database is a result of creative and artistic activity of author, provisions of Part two of this Act apply accordingly to such database and its author, unless otherwise prescribed in Sections 132 to 140; database means in particular an almanac, newspaper, magazine, encyclopaedia, anthology, serial or exhibition.

Section 132

In case two or more authors participated in creation of database, provisions of this Act on co-authorship apply accordingly.

Section 133

Exclusive Economic Rights to Database

(1) Author of database has right to use his database and to grant authorisation for its using.

(2) Database may be used only with authorisation from author of database, unless otherwise prescribed by this Act.

(3) Using of database for which authorisation from author of database is granted pursuant to paragraph 1 means

a) making a copy of database,

b) processing of database

c) public distribution of original of database or its copy by means of

1. transfer of title,
2. rental or
3. lending,

d) technical performance of database,

e) communication to the public of database with exception of broadcasting and retransmission.

Section 134

Limitation of Economic Right to Database

(1) Copyright to database is not infringed by a person authorised to use the database, who without authorisation of its author uses the database in order to access its content or uses it for its usual purpose.

(2) Provisions on exceptions and limitations under Sections 34 to 57 apply accordingly with exception of Section 42, which only applies to database which was not created in electronic form.

CHAPTER THREE

SUI GENERIS RIGHT TO DATABASE

Section 135

(1) In case a database includes an investment qualitatively or quantitatively substantive with respect to obtaining, verification or performing of the contents, a maker of database has exclusive right to use the database and to grant authorisation for extraction from or re-utilisation of the whole or of a substantial part, evaluated qualitatively or quantitatively, of the contents of the database.

(2) Maker of database is a person who initiated and arranged for creation of database.

(3) Extraction from database means a permanent or temporary making a copy of database by transferring all or a substantial part of the contents of a database to another medium by any means and in any form.

(4) Re-utilisation of database means any form of making available to the public of all or a substantial part of the contents of a database by the distribution of copies, by transfer of title and rental. Section 22 paragraph 2 applies accordingly to expiration of right to grant authorisation for public distribution of copy of database by transfer of title.

(5) A conduct constituting a repeated and systematic extraction or re-utilisation of insubstantial parts of the contents of database which conflicts with a normal exploitation of the database and or which unreasonably prejudices legitimate interests of maker of database, is not permitted.

(6) Rights of author of database remain unaffected.

Section 136

Any change in content of database qualitatively or quantitatively substantive or any new investment into database qualitatively or quantitatively substantive, resulting in supplementing, reduction or other alteration, constitutes creating of a new database.

Section 137

Rights of maker of database pursuant to Section 135 paragraph 1 are transferrable.

Section 138

Exceptions and Limitations of Special Right to Database

(1) User of database, which is made available to the public, may not use it in conflict with a normal exploitation of the database and may not unreasonably prejudice legitimate rights of maker of database.

(2) User of database, which is made available to the public, may not cause prejudice to rightholders to particular elements of database.

(3) A special right to database is not infringed by a user of database who without authorisation of maker of database performs extraction or re-utilisation of a part of its content non-substantive as to quantity or quality for any purpose.

(4) A special right to database, which is made available, is not infringed by user of the database who without authorisation of maker of database performs extraction or re-utilisation of a substantial part of its content, provided that it constitutes

a) an extraction of content for private purposes of the contents of a non-electronic database,

b) an extraction for the purposes of illustration in teaching or scientific research, which does not result in direct or indirect commercial benefit, provided that the maker of database and source are indicated,

c) extraction or re-utilisation in the extent necessary to ensure

1. public security,

2. due course of administrative proceedings, criminal proceedings or judicial proceedings or

3. meeting of National Council of the Slovak Republic or its committees, of municipal assemblies and assemblies of self-governing regions.

Section 139

Term of a Sui Generis Right to Database

(1) Right of maker of database under Section 135 paragraph 1 runs for 15 years after making database or after the day when the database was made available to the public, whichever of the circumstances occurred last.

(2) Right of maker of database pursuant to paragraph 1 expires upon the last day of calendar year in which the term pursuant to paragraph 1 elapses.

Section 140

Section 9, Section 20 paragraphs 1 and 3, Section 33 paragraphs 1 to 6, Sections 58 to 64 and Sections 65 to 82 and Section 91 apply accordingly to maker of database.

PART FIVE

MANAGEMENT OF RIGHTS

Section 141

(1) For the purpose of this Act a management of rights means management of economic rights to work, artistic performance, sound recording, audiovisual recording, broadcast and database pursuant to Section 131 (hereinafter referred to as "subject of protection").

(2) Management of rights is exercised in favour of rightholders by an independent management entity or by a collective management organisation pursuant to this Act, unless otherwise prescribed by Sections 146 and 147.

Section 142

Independent Management Entity

(1) Independent management entity is a legal person authorised under an agreement with rightholder to manage economic rights in the name of several rightholders and in the common interest of all such rightholders as its sole or main purpose and which is

- a) neither owned nor controlled, directly or indirectly, wholly or in part, by rightholders; and
- b) organised on for-profit basis.

(2) Independent management entity is subject to obligations under Section 165 paragraph 1 and 2, Sections 178, 180 and Section 181 (a) to c) and (f) to (h). Supervision over performance of obligations pursuant to the first sentence is provided by the Ministry; Section 155 applies accordingly.

Collective Management of Rights

Section 143

(1) Collective management of rights is management of exercise of economic rights of rightholders under this Act through collective management organisation.

(2) Performance of collective management of rights is a service provided pursuant to this Act.

Section 144

Collective Management Organisation

(1) A legal person authorised under this Act or under agreements with rightholders to manage economic rights in the name of several rightholders and in common interest of these rightholders, as its sole or main purpose is a collective management organisation, provided that

- a) its management and control is performed with participation of rightholders,
- b) performs collective management of rights on non-profit basis and
- c) has registered office at the territory of the Slovak Republic and was authorised by the Ministry to perform collective management of rights (hereinafter referred to as "authorisation").

(2) Legal person with registered office in other county performing collective management of rights may perform collective management of rights at the territory of the Slovak Republic, provided that

- a) its management and control is performed with participation of rightholders or
- b) performs collective management of rights on non-profit basis.

(3) Collective management organisation represents rightholders in its own name, at its own risk and on behalf of rightholders.

(4) Collective management of rights does not mean representation of rightholder in exercise of his economic rights acting as an intermediary or in performing of other activity in connection with using of subject of protection for profit.

(5) Legal person with registered office in the Slovak Republic may not perform collective management of rights without authorisation under Section 151 paragraph 6.

Section 145

Areas of Collective Management of Rights

(1) Areas of collective management of rights include description of subject of protection, in case of works a description of their type with specification of economic rights which are subject to collective

management.

(2) Collective management organisation performs management of economic rights primarily in the following areas of collective management of rights:

- a) using of subject of protection by making a copy,
- b) using of subject of protection by public distribution of its original or copy by transfer of title,
- c) using of subject of protection by public distribution of its original or copy by
 - 1. rental,
 - 2. lending,
- d) using of subject of protection by public disclosure through public exhibition,
- e) using of subject of protection by public disclosure through public performance in form of
 - 1. live performance of subject of protection,
 - 2. technical performance of subject of protection,
- f) using of subject of protection by its public disclosure by
 - 1. broadcasting,
 - 2. retransmission,
 - 3. making available to the public or
 - 4. other means of communication to the public,
- g) collection of remuneration in case of further resale of original of work of fine art,
- h) collection of equitable remuneration for using of subject of protection,
- i) collection of additional remuneration for using of subject of protection.

Mandatorily Collectively Managed Rights

Section 146

(1) Rightholder may not individually exercise its economic rights in areas of collective management specified in paragraph 2.

(2) Collective management organisation manages economic rights under paragraph 1 in the following areas of collective management:

- a) collection of compensation for remuneration for making a copy of subject of protection for private purposes pursuant to Section 42,
- b) collection of compensation for remuneration for making a copy of subject of protection through a reprographic device pursuant to Section 43,
- c) collection of remuneration in case of resale of original work of fine art,
- d) collection of equitable remuneration for cable retransmission of artistic performance, sound recording and audiovisual recording which constitutes an original of audiovisual work,
- e) collection of additional remuneration for using of recorded artistic performance pursuant to Section 100,
- f) using of work by its public disclosure through cable retransmission.

Section 147

(1) Collective management organisation, performing collective management of economic rights pursuant to Section 146 paragraph 2 (d) and (f), is considered as performing collective management of such

rights also with respect to rightholders who are not represented by the organisation pursuant to Section 164 paragraph 1.

(2) In case a collective management of rights in the area of using of subject of protection by its public disclosure through cable retransmission is performed by several collective management organisations, rightholder may choose which collective management organisations is considered to be managing his right to public disclosure through cable retransmission.

(3) In case a collective management organisation performs management of economic right pursuant to Section 146 paragraph 2 also with respect to rightholders not represented pursuant to Section 164 paragraph 1, such rightholders have the same rights and obligations as rightholders who are represented by collective management organisation pursuant to Section 164 paragraph 1.

Authorisation

Section 148

Application for Authorisation

(1) Ministry decides on granting of authorisation on the basis of a written application of a legal person with registered office at the territory of the Slovak Republic (hereinafter referred as "applicant").

(2) Application pursuant to paragraph 1 contains

- a) name, registered office and identification number of applicant, provided that it was assigned,
- b) indication of statutory representative of applicant, name, surname and address of permanent residence of a person who is the statutory representative or persons who are members of such body,
- c) specification of area of collective management of rights.

(3) Application pursuant to paragraph 1 must be accompanied by

- a) document proving legal subjectivity of the applicant not older than three months and document proving establishing of applicant,
- b) statute pursuant to Section 149,
- c) document proving fulfilling of conditions pursuant to paragraph 2 sub-paragraphs (a) and (b), unless they may be proved by the document under sub-paragraph (a),
- d) document containing
 1. written commitment of no less than ten foreign collective management organisations which are under the law of other county authorised to perform collective management of rights at the territory of the respective country with respect to the same area of collective management of rights, stating that the organisations will mutually represent rightholders at the territories where they perform collective management of rights in case the applicant will be granted with authorisation, or
 2. list of names of no less than 1,000 rightholders from other states who bindingly declared in writing their interest to have their rights collectively managed by the applicant, indicating their addresses of permanent residence and signatures of such rightholders, or
 3. list of names of no less than 10,000 subjects of protection of rightholders from other states who bindingly declared in writing their interest to have their rights to such subjects of protection, including specification of such subjects of protection,
- e) document containing list of names of rightholders with permanent residence at the territory of the Slovak Republic who bindingly declared their interest to have their rights collectively managed by the applicant, indicating their addresses of permanent residence and signatures of such rightholders,
- f) draft of agreement on representation of rightholder in the course collective management of rights, excluding discriminatory terms with respect to individual exercise of economic rights.

(4) Annexes specified in paragraph 3 sub-paragraphs (a) to (c) must be enclosed by the applicant as originals or certified copies. Applicant, requesting granting of authorisation for collective management of rights with respect to broadcast, does not enclose annex pursuant to paragraph 3 sub-paragraph d).

(5) Annexes pursuant to paragraph 3 sub-paragraphs (a) to (c), (e) and (f) must be submitted by the applicant in the official language. In case an original of annex pursuant to paragraph 3 sub-paragraph (d) is created in other than the official language which is not meeting requirement of basic comprehensiveness with respect to the official language, the applicant submits also an official translation of the document into the official language.

Section 149

Statute

(1) Statute is an internal document of collective management organisation adopted by an applicant, prescribing its internal organisation, mutual relations and powers of its bodies and further details about its activity.

(2) Statute contains

- a) terms of membership in the collective management organisation based on objective, transparent and non-discriminatory criteria, including terms on exercise of rights of member of collective management organisation,
- b) specification of bodies of collective management organisation and their powers,
- c) procedures on preventing of conflict of interests inside the collective management organisation, including procedures on detection, management, monitoring and disclosure of arisen or possible conflict of interests, unless such procedures are included in separate internal document of collective management organisation,
- d) controlling procedures by supervisory body, unless such procedures are included in separate internal document of collective management organisation,
- e) further requirements prescribed by decision of collective management organisation.

Section 150

Application for Amendment of Authorisation

(1) Ministry decides on amendment of authorisation upon application made in writing by a collective management organisation.

(2) Amendment of authorisation means any change in specification of areas of collective management of rights.

(3) Application pursuant to paragraph 1 contains

- a) name, registered office and identification number of applicant, provided that it was assigned,
- b) indication of statutory representative of collective management organisation, name, surname and address of permanent residence of person who acts as statutory representative or persons who are members of such body,
- c) specification of area of collective management of rights.

(4) Section 148 paragraph 3 sub-paragraphs (c) to (f) and paragraphs 4 and 5 apply accordingly to annexes to the application pursuant to paragraph 1.

Section 151

Proceedings on Granting of Authorisation and Proceedings on Amendment of Authorisation

(1) Applicant is a party to proceedings on granting of authorisation pursuant to Section 148. Collective management organisation is a party to proceedings on amendment of authorisation pursuant to Section 150.

(2) Ministry decides on application for granting of authorisation pursuant to Section 148 or on application for amendment of authorisation pursuant to Section 150 (hereinafter referred to as "application") within 90 days after serving of application.

(3) In case an application does not include requirements pursuant to Section 148 paragraph 2 or Section 150 paragraph 3 or does not include annexes pursuant to Section 148 paragraph 3 or Section 150 paragraph 4, the Ministry requests supplementing of the application within prescribed period of no less than 10 days.

(4) In case a party to proceedings does not supplement the application within the period prescribed in paragraph 3, the Ministry discontinues the proceedings. The Ministry instructs a party to proceedings about consequences of non-compliance in the request pursuant to paragraph 3. The period pursuant to paragraph 3 may not be prolonged and a delay may not be pardoned.

(5) In case an application meets requirements pursuant to Section 148 paragraph 2 or Section 150 paragraph 3 and includes annexes pursuant to Section 148 paragraph 3 or Section 150 paragraph 4, the Ministry decides on granting of authorisation or on amendment of authorisation.

(6) Based on the decision on granting of authorisation pursuant to paragraph 5, the Ministry shall without undue delay issue an authorisation to the applicant, which contains

- a) number of authorisation and date of its issuing,
- b) name, registered office and identification number of applicant, provided that it was assigned,
- c) indication of decision of Ministry on granting of authorisation,
- d) specification of area of collective management of rights.

(7) Based on the decision on amendment of authorisation pursuant to paragraph 5 the Ministry issues a revised authorisation to the collective management organisation which contains requirements pursuant to paragraph 6 as modified by the amendment.

(8) The Ministry grants authorisation for an indefinite period.

Section 152

(1) Collective management organisation is authorised to provide collective management of rights under this Act from the day of service of authorisation.

(2) Collective management organisation shall meet requirements for granting of authorisation for the entire period of providing of collective management of rights.

(3) Rights and obligations of collective management organisation arising from issued authorisation may not be transferred or passed to other person.

(4) The Ministry administers at its website a register of collective management organisations which obtained authorisation, including digital copy of their authorisations. Register contains

- a) name of collective management organisation,
- b) registered office of collective management organisation,
- c) indication of statutory representative and name and surname of person who acts as a statutory representative, or persons being members of such body, indication of management body and name and surname of person who acts as a management body or persons being members of such body, in case such body is distinct from statutory representative,

d) specification of area of collective management of rights and

e) information on whether a collective management organisation concludes extended mass licence agreement pursuant to Section 79 in the respective calendar year.

(5) Collective management organisation submits to the Ministry, for the purpose of administration of register, information pursuant to paragraph 4 (a) to (c) without undue delay after changing of such information and a list of rightholders represented pursuant to Section 164 paragraph 1 at the territory of the Slovak Republic, in order to provide information pursuant to paragraph 4 (e), at latest until 15 January of the following calendar year. Collective management organisation is responsible for stating correct and true information for the purpose of administering register pursuant to paragraph 4 (a) to (c) and (e).

Section 153

Proceedings on Withdrawal of Authorisation

(1) The Ministry initiates proceedings on withdrawal of authorisation *ex officio* as a result of exercised supervision over activity of collective management of rights pursuant to Section 155 paragraph 1 (hereinafter referred to as "supervision") or upon request of collective management organisation for withdrawal of authorisation. Collective management organisation is a party to proceedings on withdrawal of authorisation.

(2) The Ministry decides on withdrawal of authorisation in case

a) it discovers that the authorisation was issued as a result of providing of untrue information,

b) collective management organisation no longer meets requirements for granting of authorisation,

c) costs of collective management of rights have in two consecutive calendar years exceeded revenues from collective management of rights,

d) collective management organisation requested withdrawal of authorisation.

(3) The Ministry may decide on withdrawal of authorisation in case a collective management organisation breached obligation which is subject to supervision.

(4) In decision on withdrawal of authorisation the Ministry prescribes period within which the collective management organisation subject to withdrawal shall settle its commitments in order to prevent risk of infringement or actual infringement of rights and legitimate interests of rightholders and persons pursuant to Section 165 paragraph 1 represented by such organisation under an agreement; the period prescribed by the Ministry shall be no less than six months and no more than one year after the decision on withdrawal of authorisation becomes final.

(5) The Ministry publishes decision on withdrawal of authorisation in the register of collective management organisations.

Section 154

Expiration of Authorisation

Authorisation expires on the day when a decision on withdrawal of authorisation pursuant to this Act becomes final or on the day of termination of legal person which was granted with authorisation by the Ministry.

Supervision

Section 155

(1) The Ministry conducts supervision *ex officio* by controlling performing of obligations by collective management organisations pursuant to Section 152 paragraphs 2 and 3, Section 163, Section 164 paragraphs 1 and 2, Section 165 paragraphs 1 and 3, Section 169 paragraph 1, Section 170 paragraph 1, Section 171, Section

172 paragraph 1, Section 173 paragraph 1, Sections 174 to 185, unless otherwise prescribed in Section 157 paragraph 2.

(2) The Ministry may in the course of supervision request information, documents or other data necessary for due proceeding of supervision.

(3) Collective management organisation shall provide to the Ministry at its own costs true and complete information or documents and cooperation in the extent necessary for supervision within the period prescribed by the Ministry of no less than ten days.

Section 156

Sanctions

(1) In case a collective management organisation fails to fulfil obligations pursuant to Section 155 paragraph 3 and the Ministry may not proceed in supervision without their fulfilling, the Ministry imposes a procedural fine of €500 to the organisation, where such fine may be imposed repeatedly until fulfilling of obligation pursuant to Section 155 paragraph 3. Proceeding on imposing of procedural fine may be initiated within three months after breach of obligation occurred. Procedural fine may be imposed within two years after breach of obligation occurred.

(2) In case the Ministry finds out that a collective management organisation or other legal person with registered office at the territory of the Slovak Republic breached obligation pursuant to Section 144 paragraph 5, the Ministry imposes penalty €30,000. Penalty may be imposed within one year after the Ministry finds out about breach of obligation pursuant to Section 144 paragraph 5, however, at latest within two years after the breach of obligation pursuant to Section 144 paragraph 5 occurred.

(3) In case the Ministry finds out that an independent management entity breached obligation pursuant to Section 142 paragraph 2, the Ministry imposes sanction of caution for violation of this Act. The Ministry prescribes in the caution for violation of this Act a reasonable period for remedying of violation, which may not be longer than six months. Caution for violation of this Act may be imposed within one year after the Ministry finds out about the violation, however, at latest within two years after the violation occurred. In case an independent management entity fails to provide remedy within the prescribed period specified in the caution for violation of this Act, or in case within the same period the entity breaches any obligation pursuant to Section 142 paragraph 2, the Ministry imposes penalty €50,000. Penalty may be imposed within one year after the Ministry finds out about breach of obligation pursuant to Section 142 paragraph 2, however, at latest within two years after the breach of obligation pursuant to Section 142 paragraph 2 occurred.

(4) Penalty imposed by the Ministry is due within 30 days after the decision on its imposing becomes final. Penalties constitute revenue of state budget.

(5) In case the Ministry finds out that a collective management organisation breached obligation which is subject to supervision, the Ministry imposes a sanction to the collective management organisation of caution for violation of this Act. The Ministry prescribes in the caution for violation of this Act a reasonable period for remedying of violation which may not be longer than six months. Caution for violation of this Act may be imposed within one year after the Ministry finds out about the violation, however, at latest within two years after the violation occurred.

(6) In case the collective management organisation fails to provide remedy within the prescribed period specified in the caution for violation of this Act, or in case it within the same period breaches any obligation subject to supervision, the Ministry may decide on withdrawal of authorisation from such collective management organisation.

(7) In case a collective management organisation has repeatedly breached obligation subject to supervision within the period of two years after a previous caution for violation of this Act became final, where the prior violation was remedied, the Ministry may decide on withdrawal of authorisation from such collective management organisation. In case a collective management organisation repeatedly breached obligation subject to supervision after elapsing of period of two years after previous caution for violation of this Act, the Ministry proceeds pursuant to paragraph 5.

(8) Imposing of sanction does not affect existence of obligation referred to in imposing of the sanction.

Section 157

Exchange of Information between the Ministry and Competent Authorities

(1) The Ministry may request from competent authority of supervision of other Member State or Agreement State (hereinafter referred to as "competent authority") providing of information concerning activity of collective management organisation having registered office at the territory of the Slovak Republic on exercise of collective management of rights at the territory of such Member State or Agreement State.

(2) Upon a reasoned request of a competent authority, the Ministry provides without undue delay to competent authority information concerning activity of collective management organisation with registered office in such Member State or Agreement State concerning collective management of rights at the territory of the Slovak Republic.

(3) In case the Ministry is of opinion that a collective management organisation with registered office at the territory of other Member State or Agreement State, which performs collective management of rights at the territory of the Slovak Republic, violates the law regulating collective management of rights in the Member State or the Agreement State in which such organisation has registered office, the Ministry may submit all relevant information to competent authority of Member State or Agreement State in which the collective management organisation has registered office. The Ministry may at the same time request from competent authority to adopt applicable measures within its authority.

(4) The Ministry provides upon request of competent authority on providing of relevant information and on adopting of applicable measures within its authority under this Act with respect to collective management organisation having registered office at the territory of the Slovak Republic concerning collective management of rights at the territory of Member State or Agreement State of competent authority, a reasonable response to request of competent authority within three months after receiving the request.

Membership and Structure of Collective Management Organisation

Section 158

Membership in Collective Management Organisation

(1) A rightholder, legal person associating rightholders or other collective management organisation may be a member of collective management organisation.

(2) Collective management organisation shall establish objective, transparent and non-discriminatory membership conditions and terms of participation of collective management organisation's members in decision-making process within the collective management organisation. In case a collective management organisation rejects application for membership, grounds for rejection must be specified.

(3) In case a collective management organisation represents more than one category of rightholders in a single area of collective management of rights, organisation may determine categories of members.

(4) Collective management organisation shall enable its members to communicate with the organisation, including for the purposes of exercising members' rights through e-mail or through other electronic means.

Section 159

Structure of Collective Management Organisation

Collective management organisation, regardless of its legal form, has the following bodies:

- a) general assembly,
- b) management body and

c) supervisory body.

Section 160

General Assembly

(1) General assembly is the highest body in a collective management organisation and is convened at least once per calendar year.

(2) General assembly in connection with collective management of rights

a) adopts amendments to statute,

b) appoints and dismisses

1. management body and decides on its remuneration,

2. supervisory body and decides on its remuneration,

c) approves rules of collection, distribution and payment of licence remunerations, equitable remunerations, compensations for remuneration and additional remunerations to rightholders, collected by collective management organisation, including revenue from returning of unjust enrichment and compensation of damage (hereinafter referred to as "revenue from collective management of rights"),

d) adopts special rules on using licence remunerations, equitable remunerations and additional remunerations collected by collective management organisation which may not be identified with respect to an individual rightholder or such rightholder may not be found (hereinafter referred to as "non-distributable amounts") and using compensations for remuneration,

e) approves proposal for using of non-distributable amounts,

f) decides on establishing of fund for support of social, cultural and educational needs in favour of members and rightholders and on transparent and non-discriminatory terms of providing finances from such fund,

g) approves rules on collective valorisation of revenue from collective management of rights, including rules of risk management, observing valorisation solely in the interest of rightholders, with reasonable securing, liquidity and preventing dependency on a single source of profit,

h) approves rules on reimbursement of reasonably incurred costs for providing of services of collective management of rights,

i) approves acquisition or transfer of title to real property in ownership of collective management organisation,

j) approves motion for obtaining a credit or granting of a loan or providing of a guarantee for credit or loan,

k) approves proposal for merger, acquisition or division of collective management organisation,

l) approves proposal for founding and formation of other legal person or for investment of collective management organisation in other legal person,

m) upon report from supervisory body adopts annual report and annual account of collective management organisation,

n) decides on voluntary termination of providing collective management or rights pursuant to this Act,

o) acknowledges declaration pursuant to Section 161 paragraph 4 and Section 162 paragraph 4,

p) decides on further matters prescribed by the statute.

(3) General assembly may authorise supervisory body to exercise powers pursuant to paragraph 2 (b) sub-paragraph 1 and paragraph 2 (i) to (l).

(4) Each member of collective management organisation is a member of general assembly with voting rights. Rightholder represented by collective management organisation pursuant to Section 164 paragraph 1, who is not a member of collective management organisation, has right to attend general assembly and right to respond to all matters concerning collective management of rights.

(5) Details on exercise of voting rights of general assembly members are prescribed by the statute. Statute may limit exercise of voting rights on the grounds of duration of membership in the collective management organisation or on the grounds of amount of remunerations to each member of collective management organisation. Statute may not prohibit exercise of voting rights at general assembly through a proxy of member of general assembly. A proxy may represent a member of general assembly only at one meeting of general assembly.

(6) A notice on meeting of general assembly, including agenda of the meeting, must be published by collective management organisation at its website in reasonable advance prior to the meeting.

Section 161

Management Body

(1) Management Body is a managing body of collective management organisation and may also act as statutory representative of collective management organisation for the purpose of exercise of collective management of rights.

(2) Member of management body shall perform activities connected with management of collective management organisation with due professional care and in accordance with the statute and other internal regulations of collective management organisation.

(3) Member of management body may not act as a member of supervisory body.

(4) Member of management body shall declare in writing each year to general assembly his relationship to collective management organisation as its member or rightholder, including all remunerations and other pecuniary performance which was received from the collective management organisation in previous calendar year.

(5) Member of management body shall in the course of his office act impartially and avoid any conduct which would result in preference of own personal interests.

Section 162

Supervisory Body

(1) Supervisory body performs regular control of management and economy of collective management organisation, including control of due and timely payment of remunerations and other pecuniary performance to members and rightholders.

(2) In case a collective management organisation has determined several categories of members, all such categories must be proportionally represented in supervisory body.

(3) Member of supervisory body may not act as a member of management body.

(4) Member of supervisory body shall declare in writing each year to general assembly his relationship to collective member organisation as its member or rightholder, including all remunerations and other pecuniary performance which was received from by the collective management organisation in previous calendar year.

(5) Member of supervisory body shall in the course of his office act impartially and avoid any conduct which would result in preference of personal interests.

(6) Members of supervisory body may inspect all accounting, economic, financial or other documents concerning collective management of rights and economy of collective management organisation. Management

body shall provide such documents without undue delay.

(7) Supervisory body shall submit a report on its activity to general assembly at least once per year.

Performance of Collective Management of Rights

Section 163

Collective management organisation performs collective management of rights with due professional care and in case it was authorised pursuant to Section 151, organisation acts within the scope of the authorisation.

Section 164

Representation of Rightholders

(1) Collective management organisation shall represent under equal terms and regardless of membership in the collective management organisation all rightholders in exercising their economic rights, within the scope of subject of protection agreed in writing and within the area of collective management of rights pursuant to issued authorisation, provided that it was requested by a rightholder. Collective management organisation may reject representation of a rightholder only on objective and documented grounds, in particular in a situation when representation of a rightholder would be in conflict with issued authorisation or no economic rights to subject of protection have arisen. Collective management organisation shall inform a rightholder about terms of representation by collective management of rights prior to concluding of the agreement pursuant to the first sentence. Collective management organisation shall commence activities concerning collective management of rights upon concluding of the agreement pursuant to the first sentence, unless otherwise agreed.

(2) Collective management organisation shall represent each rightholder in exercising economic rights under collective management on equal terms and in accordance with issued authorisation.

(3) Collective management organisation may not condition representation of rightholder pursuant to paragraph 1 by actual using of subject of protection prior to commencing of representation.

(4) Collective management organisation may not restrict individual exercise of economic rights by rightholder represented pursuant to paragraph 1 for non-commercial purpose. Collective management organisation may specify terms of exercising of right under the first sentence, in particular obligation to inform the collective management organisation about such individual exercising of economic rights.

(5) Rightholder represented by collective management organisation pursuant to paragraph 1 may exclude in writing collective management of his economic rights with respect to all or any of his subjects of protection and within area of collective management of rights pursuant to issued authorisation to collective management organisation, unless it concerns management of rights pursuant to Section 146. Rightholder shall inform a collective management organisation in writing on excluding of collective management of his economic rights pursuant to the first sentence prior to concluding of agreement granting authorisation with using of his subject of protection; otherwise the collective management is considered not to be excluded and a rightholder is considered to be represented by collective management organisation in initially agreed scope.

(6) Rightholder has right to terminate agreement pursuant to paragraph 1 by notice at any time in its entirety or partially and without specifying grounds. Notice period is six months and commences upon service of the notice to the collective management organisation, unless otherwise specified in conditions of representation. Collective management organisation may specify in conditions of representation that notice period elapses upon ending of calendar year in which the notice was served.

Relationships with Users

Section 165

(1) Collective management organisation shall in good faith and under reasonable and non-discriminatory conditions negotiate with a person who expressed interest to use subject of protection, with a person who is authorised to use subject of protection without obligation to obtain authorisation for using of

subject of protection or with a person obliged to pay a compensation for remuneration pursuant to Section 36 paragraph 3 (hereinafter referred to as "user") on concluding of

- a) licence agreement,
- b) mass licence agreement,
- c) collective licence agreement,
- d) agreement on equitable remuneration which may be governed accordingly by Second and Third Subchapter of Chapter Six of Part Two of this Act, with exception of Section 81 or
- e) agreement on compensation for remuneration.

(2) Collective management organisation and user shall provide to each other all necessary and complete information in order to conclude agreement specified in paragraph 1.

(3) Collective management organisation shall enable a user to communicate with organisation through electronic means.

(4) Collective management organisation shall upon request, which contains true and complete information necessary to conclude an agreement, submit to a user a draft of an agreement pursuant to paragraph 1 without undue delay after being served with a request.

(5) In case a collective management organisation is not authorised to conclude an agreement pursuant to paragraph 1, organisation informs a user about this fact without undue delay.

(6) User shall provide to collective management organisation true and complete information on using of subject of protection subject to agreement pursuant to paragraph 1. Details on manner, scope and time period for providing of such information must be prescribed by agreement pursuant to paragraph 1, otherwise Section 166 applies accordingly. Collective management organisation may in the course of supervision over proper using of subject of protection create sound or audiovisual recordings of such using, even without authorisation of user or persons present at the supervision. Records obtained in such manner may be used by collective management organisation solely for the purpose of exercise of collective management of rights.

(7) In case a user is obliged under agreement pursuant to paragraph 1 to pay pecuniary performance to collective management organisation, collective management organisation shall issue fiscal document to the user, specifying particular subjects of protection or their type description which are subject to agreement pursuant to paragraph 1. In case authorisation for using of subject of protection is also provided under the agreement pursuant to paragraph 1, a fiscal document shall specify also manners of using of such subjects of protection.

(8) In case a collective management organisation does not reach agreement pursuant to paragraph 1 or in case it fails to submit to user a draft of agreement pursuant to paragraph 4, the user may request the content of such agreement, including terms on remuneration, and a declaration of concluding of contract to be supplemented by a court.³¹⁾ When determining content of agreement pursuant to paragraph 1 (a) to (c), the court takes into consideration a type of subject of protection, manner, scope and purpose of its using and a time period for which the subject of protection will be used.

(9) User may use subjects of protection which were intended to be subject to an agreement pursuant to paragraph 1 (a) to (c) from the day of filing of an action pursuant to paragraph 8, provided that

a) a user agreed with collective management organisation on depositing of pecuniary remuneration for using of such subjects of protection to a special account in a bank or a branch of foreign bank opened in favour of the collective management organisation pursuant to Section 169 paragraph 6 or

b) a user provides evidence to collective management organisation

- 1. by a warranty certificate that a bank guarantee³²⁾ has been issued in favour of performance of obligation to pay pecuniary remuneration for using of subjects of protection,
- 2. by a notarial deed that pecuniary remuneration for using of subjects of protection has been deposited into notarial deposit,³³⁾

3. by a resolution of court that pecuniary remuneration for using of subjects of protection has been deposited into a court deposit³⁴⁾ or
4. by agreement on escrow that finances in a bank account in a bank or a branch of foreign bank have been reserved for the purpose of performance of obligation to pay pecuniary remuneration for using of subjects of protection.³⁵⁾

(10) User shall comply with requirements pursuant to paragraph 9 (a) or (b) in the amount and within the period prescribed by the last prior agreement pursuant to paragraph 1 and in case of absence of such agreement, at least once per calendar quarter in the amount pursuant to valid and effective remunerations list of collective management organisation.

(11) Collective management organisation may not dispose with finances pursuant to paragraph 9 (a) until final court decision on action pursuant to paragraph 8.

(12) Right to use subjects of protection pursuant to paragraph 9 expires once the court decision on action pursuant to paragraph 8 becomes final. Right of collective management organisation to payment of remuneration for using of subjects of protection intended to be subject of agreement pursuant to paragraph 1 (a) to (c) by user for the period of their actual using pursuant to paragraph 9 remains unaffected.

Section 166

(1) Person obliged to pay compensation for remuneration pursuant to Section 36 paragraph 3 shall provide to collective management organisation information necessary for proper performing of collective management of rights.

(2) Person pursuant to paragraph 1 shall enable collective management organisation supervision over his accounting records or other documents in the extent necessary to determine compensation for remuneration.

(3) Collective management organisation may not use the information obtained in the course of collective management of rights for other purpose than collective management of rights. In case a person pursuant to paragraph 1 provides to collective management organisation information indicated as confidential, the collective management organisation may not disclose such information to a third person or use them for own benefit in conflict with purpose for which the information was provided.

(4) Paragraphs 1 to 3 apply accordingly to user of subject of protection who is obliged to pay equitable remuneration and to person who sells or acts as an intermediary in sale of entrance tickets to public cultural events.

Section 167

(1) Person obliged to pay compensation for remuneration pursuant to Section 36 paragraph 3 shall inform respective collective management organisation about type, number and import price or sale price of imported, acquired, sold or otherwise placed media, equipment or devices for the purpose of first sale at the market in the Slovak Republic, including sale through internet, or information on total revenue from copying services every calendar quarter until the tenth day of the calendar month following the respective calendar quarter; in case of failure to provide such information even within additional period prescribed by respective collective management organisation, the rate of compensation for remuneration is doubled. Rate of compensation for remuneration is doubled also in case a negative gap between the amounts of compensations for remuneration determined according to provided information and an actual amount of compensations for remuneration is determined.

(2) Person authorised to pay compensation for remuneration pursuant to Section 36 paragraph 3 pays the compensation for remuneration pursuant to Section 36 paragraph 2 to competent collective management organisation every calendar quarter until the end of first calendar month of subsequent calendar quarter.

(3) Compensation for remuneration is not paid for technical device or blank recording medium pursuant to Section 36 paragraph 3 (a) which were exported to a third country or sent to a Member State. Compensation for remuneration is not paid for technical device or blank recording medium pursuant to Section 36 paragraph 3 (a) which are documentedly intended to be used for own purposes of importer or recipient.

(4) Person having obligation to pay compensation for remuneration pursuant to Section 36 paragraph 3 provides information to competent collective management organisation on registered office of customer, type, amount, import price, export price or sale price of technical devices or blank recording media pursuant to Section 36 paragraph 3 (a) which are for the purpose of resale exported to a third country or sent to a Member State for each calendar quarter, until the end of first calendar month of subsequent calendar quarter.

(5) In case a seller, recipient or carrier of technical device or of blank recording media pursuant to Section 36 paragraph 3 (a) fails to provide to competent collective management organisation upon its written request information necessary for determination of person having obligation to pay compensation for remuneration pursuant to Section 36 paragraph 3, such persons are obliged to pay compensation for remuneration pursuant to Section 36 paragraph 2 instead of this person.

Section 168

Special Obligations of User In Case of Live Presentation of Work

(1) Organiser of public cultural event which includes live performance of protected musical work must submit at least five days prior to such cultural event a preliminary list of the works, including name of work and information on authorship to respective collective management organisation in order to fulfil obligation pursuant to Section 165 paragraph 2 prior to concluding of agreement pursuant to Section 165 paragraph 1 for the purpose of concluding of such agreement.

(2) In case an organiser of public cultural event fails to submit preliminary list pursuant to paragraph 1, it is considered that the event will include public performance of musical works with right to public performance, managed by the collective management organisation, unless the organiser proves otherwise within 15 days after the public cultural event takes place.

(3) Organiser of public cultural event shall within 15 days after a public cultural event takes place submit to respective collective management organisation a complete list of all actually live-presented protected musical works, including their names and information on authorship necessary for issuing of fiscal document.

(4) Organiser of public cultural event is for the purpose of paragraphs 1 to 3 considered to be a user of musical work.

(5) In case a provider of business premises or other premises provides such business premises or other premises to organiser of a public cultural event which includes public performance of musical works, such provider is considered to be an organiser of public cultural event, unless he provides to collective management organisation upon its written request information on identity of organiser of such public cultural event.

(6) Performing artist who makes live performance of work at a public cultural event pursuant to paragraph 1 shall upon written request of organiser of such public cultural event submit the preliminary list pursuant to paragraph 1 and the complete list pursuant to paragraph 3 in order to enable the organiser of public cultural event pursuant to paragraph 1 to fulfil obligations under paragraphs 1 and 3.

(7) Paragraphs 1, 3 and 4 apply accordingly to event which includes live performance of protected literary work, unless it is organised for individually determined participants, and to its organiser.

Collection, Management and Payment of Revenue from Collective Management of Rights

Section 169

(1) Collective management organisation shall keep a tariffs list, based on general policy on collection, distribution and payment of revenue from collective management of rights. Tariffs list contains remuneration for regular using of subjects of protection or a manner of determination of such remuneration, including criteria used for calculation of remuneration, ensuring fair and non-discriminatory terms.

(2) In determining amount of remunerations specified in tariffs list and in agreements pursuant to Section 165 paragraph 1 a collective management organisation takes into consideration scope, purpose and duration of using of subject of protection. Collective management organisation also takes into consideration economic value of using of subject of protection and economic value of services of collective management of

rights provided by collective management organisation.

(3) Prior to concluding of agreement pursuant to Section 165 paragraph 1 a collective management organisation informs users on criteria used in determination of remuneration.

(4) Collective management organisation shall

a) collect in favour of rightholders a licence remuneration, an equitable remuneration, a compensation for remuneration and an additional remuneration in accordance with this Act and with agreements under Section 165 paragraph 1 and

b) claim in its own name and on behalf of rightholders returning of unjust enrichment or a compensation for damage; unless a rightholder declared an intention to claim such rights personally or unless it is economically inefficient.

(5) Collective management organisation keeps accounting records pursuant to special legislation.³⁶⁾ Collective management organisation accounts separately

a) revenues from collective management of rights,

b) revenues from other activities, including membership fees,

c) costs of collective management of rights,

d) remunerations and other pecuniary performance paid to rightholders.

(6) Collective management organisation shall open a separate account in a bank or a branch of foreign bank for the purpose of depositing of finances pursuant to Section 165 paragraph 9 (a).

Section 170

(1) Collective management organisation shall maintain distribution rules which observes general policy on collection, distribution and payment of revenue from collective management of rights. Distribution rules contain general policy on distribution and payment of collected remuneration to rightholders under non-discriminatory terms.

(2) Collective management organisation shall distribute revenue from collective management of rights, including revenue from valorisation of revenue, to rightholders based on the distribution rules pursuant to paragraph 1.

(3) Collective management organisation may request from rightholders payment of costs reasonably incurred in the course of collective management of rights, expended in accordance with general policy on claiming reasonable costs in the course of collective management of rights and general policy on collective valorisation of revenue from collective management of rights.

(4) In case a collective management organisation established a fund for support of social, cultural and educational needs in favour of members and rightholders, the collective management organisation may deduct contribution to such fund from revenue from collective management of rights.

Section 171

(1) Collective management organisation shall duly and precisely pay revenue from collective management of rights, including payment from its valorisation, to rightholders in accordance with general policy on collection, distribution and payment of revenue from collective management of rights and to enable members and rightholders upon their request to verify correct payment of revenue.

(2) Collective management organisation pays revenue from collective management of rights to rightholders at latest until the end of ninth calendar month of the calendar year following a calendar year in

which such revenue was collected. In case a distribution and payment of revenue from collective management of rights may not be performed within the period under the first sentence as a result of obstacle amounting to user or rightholder, collective management organisation shall pay such revenue within six months after expiring of the obstacle.

Section 172

Management, Distribution and Payment of Non-Distributable Amounts

(1) Collective management organisation accounts separately revenue from non-distributable amounts.

(2) Collective management organisation shall apply necessary measures in order to identify and locate rightholders with respect to collected non-distributable amounts. Collective management organisation shall at latest within three months after the expiry of period pursuant to Section 171 paragraph 2, provide rightholders represented pursuant to Section 164 and collective management organisations with agreements on representation, all information at its disposal, in particular

a) name of work or other subject of protection with respect to which a non-distributable amount was collected,

b) name of rightholder who was identified but was not located,

c) identification of person who used the subject of protection for which a non-distributable amount was collected.

(3) In case a collective management organisation fails identify or locate rightholder even after elapsing of one calendar year after providing of information pursuant to paragraph 2, the organisation shall announce such information pursuant to paragraph 2 to the public through its website.

(4) In case a period of three years after ending of calendar year in which non-distributable amounts were collected expires, and despite measures taken pursuant to paragraphs 2 and 3, the collective management organisation was not able to identify or locate the rightholder, the collective management organisation shall decide on their using in accordance with general policy on using of non-distributable amounts.

(5) Right of rightholder to claim payment of non-distributable amount expires upon elapsing of the period pursuant to paragraph 4.

Section 173

(1) Sections 169 to 172 apply accordingly to collection, management and payment of revenue from collective management of rights to rightholders who are represented under agreements on representation concluded with different collective management organisations.

(2) Collective management organisation may claim from rightholders, represented under agreements specified in paragraph 1, payment of reasonably incurred costs for providing of services of collective management of rights. Other payments may be claimed from rightholders pursuant to the first sentence only with express authorisation of the collective management organisation being party to an agreement pursuant to paragraph 1.

Agreement on Joint Collective Management

Section 174

(1) Collective management organisation may agree with another collective management organisation on joint collective management of rights in areas of collective management in the extent of authorisations of such organisations and with respect to all subjects of protection which are under collective management of such organisations (hereinafter referred to as "agreement on joint collective management"), unless otherwise prescribed in Section 175.

(2) Agreement on joint collective management contains

- a) authority of one collective management organisation to act on behalf of all other parties to the agreement, unless otherwise agreed,
- b) amount or manner of determination of amount of reasonably incurred costs of joint collective management of rights which may not exceed the amount of costs which would be incurred by a collective management organisation for collective management of rights to subjects of protection pursuant to paragraph 1, in case such collective management of rights would be performed individually,
- c) method and criteria of distribution of revenue from joint collective management of rights between the parties to agreement on joint collective management,
- d) rules on accession of another collective management organisation to the agreement on joint collective managements,
- e) other agreed terms.

(3) Agreement on joint collective administration must be made in writing.

Section 175

(1) Collective management organisations performing collective management of rights in respective areas must conclude agreement on joint collective management, provided that subjects of protection are used

a) by technical performance of subject of protection or by communication to the public in business premises through a technical device; where broadcasting, retransmission and making available to the public are not included or

b) by making a copy pursuant to Sections 42 and 43.

(2) In case an agreement pursuant to paragraph 1 is concluded by at least two thirds of all collective management organisations performing collective management of rights in respective areas of collective management pursuant to paragraph 1, such agreement is binding also to all other such collective management organisations.

Complaints and Dispute Resolution

Section 176

(1) Collective management organisation acts in complaints handling in accordance with procedures on complaints handling and disputes resolution. Complaint concerning activity of collective management organisation in collective management of rights may be filed with the collective management organisation by a rightholder or collective management organisation which is a party to agreement on representation. Collective management organisation shall inform the complainant in writing about resolving of his complaint, including reasoning of such resolving of complaint.

(2) Collective management organisation may use procedures pursuant to special legislation 37) to resolve disputes with other collective management organisation, rightholder or user.

(3) In case of a dispute with rightholder or user, collective management organisation shall always endeavour to reach out-of-court settlement of dispute.

Providing of Information

Section 177

(1) Collective management organisation shall provide information to rightholders, other collective management organisations, users and to the public at least in the extent prescribed by this Act.

(2) Collective management organisation is responsible for the information provided pursuant to Sections 178 to 182 to be true, complete and up to date.

Section 178

Information Provided to Rightholders

Once per year a collective management organisation shall provide to every rightholder to whom remunerations were attributed or paid or other pecuniary performance was provided in the course of previous calendar year

- a) all information used by collective management organisation in order to identify and locate the rightholder,
- b) amount of attributed remunerations and other pecuniary performance,
- c) paid sums of remuneration and of other pecuniary performance according to areas of collective management of rights,
- d) amount of other attributed remunerations and other pecuniary performance which were not paid,
- e) time period for which subjects of protection were used, for which remunerations and other pecuniary performance were attributed and paid to rightholders,
- f) amount of reasonably incurred costs pursuant to Section 170 paragraph 3, in case their payment was made by deduction from remunerations and other pecuniary performance,
- g) amount of contribution pursuant to Section 170 paragraph 4.

Section 179

Information Provided to Other Collective Management Organisations

Once per year a collective management organisation shall provide through electronic means to collective management organisations, being party to agreement on representation, information on

- a) amount of attributed and paid remunerations and other pecuniary performance for using of subjects of protection to which rights are managed pursuant to the agreement on representation, categorised according to areas of collective management of rights,
- b) amount of other attributed remunerations and other pecuniary performance for using of subjects of protection to which rights are managed pursuant to the agreement on representation which were not paid,
- c) accounting of reasonably incurred costs pursuant to Section 173 paragraph 2 in case their payment was made by deduction from remunerations and other pecuniary performance,
- d) accounting of other pecuniary performance pursuant to Section 173 paragraph 2,
- e) number of granted licences concerning subjects of protection to which rights are managed pursuant to the agreement on representation, including number of rejections to grant such licence,
- f) resolutions of general assembly provided that they have impact on management of rights under the agreement on representation.

Section 180

Information Provided Upon Request

(1) Upon justified request, a collective management organisation provides through electronic means without undue delay information to a collective management organisation being party to agreement on representation, to a rightholder or to a user

- a) list of subjects of protection to which rights are managed; in case as a result of character of rights management

such subjects of protection may not be individually determined, organisation provides at least information on types of subjects of protection to which rights are managed,

b) list of economic rights to subjects of protection pursuant to sub-paragraph (a), including territorial scope of their application.

(2) Collective management organisation may request compensation of incurred costs directly connected with providing of such information pursuant to paragraph 1.

(3) Collective management organisation may adopt reasonable measures with respect to concluded agreements in order to protect data integrity and recovery of this data, to control their repeated using and to protect confidential business information.

Section 181

Providing of Information to the Public

Collective management organisation shall publish at its website at least the following information

- a) statute,
- b) agreement templates pursuant to Section 165 paragraph 1,
- c) tariffs list,
- d) list of members of management body, including their names and surnames,
- e) list of members of supervisory body;, including their names and surnames,
- f) general policy on collection, distribution and payment of revenue from collective management of rights,
- g) general policy on claiming reasonable costs in the course of collective management of rights,
- h) general policy on collective valorisation of revenue from collective management of rights, including general policy on risk management,
- i) list of agreements on representation and name of collective management organisation with which an agreement on representation was concluded,
- j) general policy on using of non-distributable amounts,
- k) procedures on complaints handling and dispute resolution pursuant to Section 176,
- l) annual report,
- m) list of rightholders represented pursuant to Section 164 paragraph 1 at the territory of the Slovak Republic and their number,
- n) list of collective management organisations being party to agreement on joint collective management.

Section 182

Annual Report

(1) Every year a collective management organisation shall make an annual report with respect to prior calendar year, which includes financial statement, verified by auditor.

(2) Annual report contains

- a) information on legal form and organisational structure of collective management organisation; in case the

collective management organisation is a business company, structure of its owners must be included,

b) report on activities,

c) financial reports containing balance sheet or profit-and-loss statement and statement of revenues and costs and cash-flow statement,

d) information on refusals to grant licences,

e) information on all entities which are directly or indirectly owned or entirely or partially controlled by collective management organisation,

f) information on total amount of remuneration paid to members of management body and of supervisory body for their activity as members of such bodies,

g) information on total amount of revenue from collective management of rights, including information on distribution of such revenue with respect to particular areas of collective management of rights,

h) information on valorisation of revenue from collective management of rights and on using of such revenue,

i) costs of providing of services of collective management of rights, including detailed specification of the following items:

1. all operational and financial costs connected with distribution of revenue from collective management of rights with respect to particular areas of collective management of rights and in case such costs are unreasonable and cannot be attributed to a single or several areas of collective management, including explaining of method used for attribution of such indirect costs,

2. operational and financial costs concerning other services than management of rights,

3. operational and financial costs for support of social, cultural and educational needs, including amount of contribution from revenue of collective management of rights for this purpose, specified according to purpose of such contribution and to area of collective management of rights,

4. explaining of purpose of using of fund for support of social, cultural and educational needs, including costs of management of such fund,

5. sources used for covering of costs pursuant to sub-paragraphs (1) to (3),

6. percentage rate of costs for management of rights and for other services which are provided by collective management organisation to rightholders, in proportion to revenues from collective management of rights in the respective calendar year, specified according to areas of collective management and in case such costs are indirect and cannot be attributed to particular area or to several areas of collective management, including explaining of method used for attribution of such indirect costs,

j) sums of remunerations and other pecuniary performance distributed to rightholders according to areas of collective management,

k) sums of remunerations and other pecuniary performance paid to rightholders according to areas of collective management, including information on periodicity of payments,

l) reasons for delays with distribution or payment of revenue from collective management of rights pursuant to Section 171 paragraph 2,

m) amount of non-distributable amounts, including information on their using,

n) information on relationships with other collective management organisations, with exception of agreements on joint collective agreement, specifying

1. sums received from other collective management organisations and sums paid to other collective management organisations according to individual areas of collective management and according to particular collective management organisations,

2. costs for providing service of collective management of rights and other deductions from revenue from collective management of rights belonging to other collective management organisations according to individual areas of collective management and according to particular collective management organisations,

3. costs for providing service of collective management of rights and other deductions from revenue from collective management of rights belonging to collective management organisations from other collective

management organisations according to individual areas of collective management and according to particular collective management organisations,

4. sums distributed and paid to rightholders coming from other collective management organisations according to individual areas of collective management and according to particular collective management organisations.

(3) Collective management organisation shall publish annual report at its website until the end of eight month of calendar year in which it was made and must be kept published for at a minimum period of five years after its publishing.

(4) Collective management organisation shall submit annual report to public part of register of financial statements pursuant to special legislation.³⁸⁾

Providing of Multi-Territorial Licences for On-line Using of Musical Works

Section 183

Collective management organisation is authorised to conclude agreements pursuant to Section 81, provided that

a) it has authorisation to provide collective management of rights in respective area of collective management of rights,

b) it is able to entirely or partially identify musical works subject to agreement pursuant to Section 81,

c) it is able to entirely or partially identify rightholders with respect to each musical work under paragraph (b) and with respect to each territory concerned, including identification of rights belonging to such rightholders,

d) uses distinct identification mark for identification of rightholders and musical works,

e) has internal procedures for timely and effective detection and resolution of discrepancies in data which are available to other collective management organisations, with respect to collective management of rights under agreements concluded pursuant to Section 81, including procedures for resolution of discrepancies concerning content of fiscal document pursuant to Section 186 paragraph 1.

Section 184

Representation of Collective Management Organisation

(1) Collective management organisation with registered office at the territory of the Slovak Republic, not fulfilling requirements pursuant to Section 183, may ask another collective management organisation to conclude an agreement on representation pursuant to Section 81.

(2) In case a collective management organisation with registered office at the territory of the Slovak Republic, fulfilling requirements pursuant to Section 183, concluded agreement pursuant to paragraph 1 or offering concluding of such agreement (hereinafter referred to as "requested collective management organisation"), was served with request from another collective management to conclude an agreement pursuant to paragraph 1 (hereinafter referred to as "requesting collective management organisation"), the requested collective management organisation shall comply with such request.

(3) Requested collective management organisation responds to request from requesting collective management organisation in writing and without undue delay, informs the organisation about terms under which agreements pursuant to Section 183 are concluded and submits draft of agreement pursuant to paragraph 1.

(4) Requesting collective management organisation provides prior to concluding of agreement pursuant to paragraph 1 to requested collective management organisation information on musical works to which it provides collective management of rights, in the extent necessary for concluding of agreement pursuant to Section 81. In case a requesting collective management organisation fails to provide information pursuant to the first sentence duly and in sufficient extent and in case as a result of such failure the requested organisation may not prove fulfilling of requirements under Section 183 (b) and (c) with respect to musical works to which collective management of rights is performed by requesting collective management organisation, the requested

collective management organisation has right to compensation for costs actually incurred in verifying of fulfilling of such requirements or may reject concluding of agreement pursuant to paragraph 1.

(5) By concluding of agreement pursuant to paragraph 1 a requesting collective management organisation authorises a requested collective management organisation to submit offers to conclude agreement pursuant to Section 81 also to musical works to which rights are collectively managed by requesting collective management organisation together with musical works to which rights are collectively managed by requested collective management organisation. Requested collective management organisation shall submit offers pursuant to the first sentence.

(6) Requested collective management organisation shall submit offers pursuant to paragraph 5 under equal terms as applied to collective management of rights to musical works which are collectively managed by the organisation.

(7) Costs reasonably incurred pursuant to Section 170 paragraph 3 by requested collective management organisation may take into consideration costs arising in connection with including of musical works, to which rights are collectively managed by requesting collective management organisation, into offers submitted to providers of services of on-line using of musical works.

(8) Collective management organisation concluding agreements pursuant to Section 81 informs rightholders represented pursuant to Section 164 about terms of agreement pursuant to paragraph 1, including its term of duration and costs pursuant to paragraph 7.

(9) Agreement on representation pursuant to paragraph 1 must be made in writing and may not restrict requesting collective management organisation in performing of collective management of rights to musical works which are included in offer to conclude agreement pursuant to Section 81 within the territory of Member State or Agreement State in which it is established.

Section 185

Providing of Information

(1) Collective management organisation concluding agreements pursuant to Section 81 shall provide through electronic means upon justified request to provider of service of on-line using of musical works, to other collective management organisation or to a rightholder represented pursuant to Section 164 in providing of collective management of rights to his musical works, information enabling identification of subjects of protection to which collective management of rights is performed, including information on

a) musical works which are included in offer to conclude agreement pursuant Section 81,

b) rights subject to management with respect to each musical work pursuant to paragraph (a) with respect to each concerned territory.

(2) Collective management organisation concluding agreements pursuant to Section 81 may adopt reasonable measures with respect to agreements concluded pursuant to Section 81, in order to ensure that such information are complete, to control their repeated using and to protect confidential business information.

(3) Provider of service of on-line using of musical works, other collective management organisation or a rightholder represented pursuant to Section 164 with respect to collective management of rights to his musical works may request from collective management organisation concluding agreements pursuant to Section 81 correction of information under paragraph 1, in case it is proved that such information is incorrect. Collective management organisation shall arrange for correction of such information without undue delay.

(4) Collective management organisation concluding agreements pursuant to Section 81 shall enable rightholders to submit information pursuant to paragraph 1 through electronic means.

Section 186

(1) Collective management organisation concluding agreements pursuant to Section 81 issues a fiscal document through electronic means to provider of service of on-line using of musical works for licence for on-

line using of musical work pursuant to agreement concluded under Section 81, which must include

a) list of musical works subject to agreement pursuant to Section 81, pursuant to information under Section 183 paragraphs (b) to (d),

b) information on actual using of musical works subject to agreement pursuant to Section 81 in a format and extent as provided by provider of service of on-line using of musical works pursuant to Section 81 paragraph 3, provided that it is possible, with respect to character of format and scope of such information provided by the provider of service of on-line using of musical work.

(2) Collective management organisation issues fiscal document pursuant to paragraph 1 without undue delay after being notified about actual using of musical work by provider of service of on-line using of musical work, except for a case where such issuing was prevented by reasons amounting to provider of service of on-line using of musical works.

Section 187

Payment of Remunerations to Rightholders

(1) Collective management organisation concluding agreements pursuant to Section 81 distributes and pays remuneration to rightholders from agreements pursuant to Section 81 within reasonable period after receiving payment of remuneration pursuant to Section 165 paragraph 7 from provider of service of on-line using of musical works.

(2) Collective management organisation concluding agreements pursuant to Section 81 provides to rightholder, individually with respect to each agreement concluded pursuant to Section 81, upon payment of remuneration pursuant to paragraph 1, at least the following information on:

a) time period for which musical works subject to agreement pursuant to Section 81 were used and for which a rightholder has right to remuneration, including relevant territory in which such works were used,

b) amount of remuneration paid under a fiscal document pursuant to Section 186 with respect to his musical works,

c) amount of reasonably incurred costs pursuant to Section 170 paragraph 3 with respect to performing of collective management of rights to works pursuant to paragraph (b).

(3) Collective management organisation authorised pursuant to Section 184 paragraph 5 shall without undue delay pay to collective management organisation represented pursuant to Section 184 remunerations for on-line using of musical works paid under a fiscal document pursuant to agreement concluded under Section 81 and shall provide information to such organisation, as specified in paragraph 2. Collective management organisation represented pursuant to Section 184 has responsibility for distribution and payment of remunerations pursuant to the first sentence for providing information pursuant to paragraph 2 to rightholders, unless otherwise agreed.

Section 188

Provisions of Section 165 paragraphs 4 and 5, Section 165 paragraphs 8 to 12 and Section 176 apply accordingly to granting of multiterritorial licences for using of musical works by collective management organisation under agreement concluded pursuant to Section 81.

PART SIX

COMMON, TEMPORARY AND FINAL PROVISIONS

Section 189

Common Provisions

(1) Proceedings on granting of authorisation, on amendment of authorisation, on withdrawal of

authorisation and on imposing of sanction pursuant to Part Five of this Act are governed by general legislation on administrative proceedings.³⁹⁾

(2) Service of documents and calculation of time periods with respect to supervision pursuant to Part Five of this Act are governed accordingly by provisions of general legislation on administrative proceedings.³⁹⁾

(3) In case this Act prescribes obligations of collective management organisation with respect to accounting period different from calendar year, the accounting period used by collective management organisation for accounting applies.

Section 190

Temporary Provisions

(1) This Act governs also legal relationships existing before 1 January 2016, where creation of such relationships and rights arising therefrom, including rights from liability for breach of obligations arising therefrom, are governed by legislation effective until 31 December 2015; this does not apply in case paragraphs 3 and 4 prescribe otherwise.

(2) Legislation effective until 31 December 2015 governs content, scope and manner of exercise of rights acquired under licence agreements and other agreements concluded

a) before 1 January 2016 or

b) after 31 December 2015, provided that an offer to conclude such agreement was served to the person to which it was addressed, before 1 January 2016.

(3) Obligation to use exclusive licence pursuant to Section 70 paragraph 3 does not apply to licensees under licence agreements concluded before 1 January 2016 or concluded after 31 December 2015, provided that an offer to conclude such agreement was served to the person to which it was addressed, before 1 January 2016, unless such obligation was expressly agreed in the agreement.

(4) Right of author to withdraw from agreement pursuant to Section 73 under licence agreements concluded before 1 January 2016 or concluded after 31 December 2015, provided that an offer to conclude such agreement was served to the person to which it was addressed before 1 January 2016, arises only in case it was expressly agreed by the parties in the agreement.

(5) Administrative proceedings which were not completed until coming into force of this Act, will be completed pursuant to the law in effect until 31 December 2015.

(6) Section 150 on amendment of authorisation applies only to authorisations granted pursuant to this Act.

(7) In case a collective management organisation fails to apply for granting of authorisation pursuant to Section 148 until 10 April 2016, the Ministry withdraws authorisation on collective management of rights from such collective management organisation granted pursuant to the law in effect until 31 December 2015.

(8) Authorisation on collective management of rights granted by the Ministry pursuant to the law in effect until 31 December 2015 is considered to be an authorisation under this Act having legal effect until 10 April 2016, however, at latest until the final effect of decision of the Ministry pursuant to paragraph 7.

(9) Collective management organisation provides to rightholders represented pursuant to Section 164 information on their rights under Sections 158 to 164, including information on whether the organisation provides or will provide multiterritorial licences for on-line using of musical works pursuant to Sections 183 to 188.

(10) Section 182 applies for the first time to an annual report and to a financial statement drawn up to the date after 1 January 2016.

(11) Only a collective management organisation granted with authorisation pursuant to this Act may be

a party to agreement on joint collective management pursuant to Sections 174 and 175.

(12) Exercise of rights to audiovisual work, employee work, joint work and school work, which was created before 1 January 2016 is governed by provisions of the law in effect before 31 December 2015.

(13) Sound-visual record under the previous law is from the date of effectiveness of this Act considered as an audiovisual recording pursuant to this Act.

(14) Duration of economic rights to subjects of protection under this Act is governed by this Act, even in case the term has commenced before the date of effectiveness of this Act and has not elapsed before 1 January 2016.

Section 191

By this Act the legislation of the Europeans Union specified in Annex No. 3 is transposed.

Section 192

Act No. [618/2003](#) on copyright and rights related with copyright (Copyright Act) as amended by Act No. [84/2007](#), Act No. [220/2007](#), Act No. [453/2008](#), Act No. [349/2012](#), Act No. [289/2013](#), Act No. [352/2013](#) and Act No. [283/2014](#) is hereby repealed.

Section 193

This Act comes into force on 1 January 2016.

Andrej Kiska m.p.

Peter Pellegrini m.p.

Robert Fico m.p.

ANNEX No. 1

LIST OF SOURCES OF INFORMATION FOR DILIGENT SEARCH

Sources of information for diligent search include

1. in case of books:

- a) compulsory copies, library catalogues and official registers administered by libraries and other institutions,
- b) associations of publishers and authors in respective country,
- c) existing databases and registers, WATCH register of authors of literary works, of performing artists and rightholders of such rights, International Standard Book Number ISBN and databases of printed books,
- d) databases of respective collective management organisations, in particular of organisations managing right to creating copies,
- e) sources containing databases and registers, including Virtual International Authority File VIAF and Accessible Registries of Rights Information and Orphan Works ARROW;

2. in case of newspapers, magazines, journals and periodicals:

- a) International Standard Serial Number for periodical publications ISSN,
- b) indexes and catalogues of library funds,
- c) compulsory copies,

- d) associations of publishers and associations of authors and journalists in respective country,
- e) databases of respective collective management organisations, including organisations managing right to make copies;

3. in case of photographic works, other works of fine art and architectural works which are included in books, journals, newspapers or entertaining magazines and other works:

- a) sources specified in sub-paragraph 1. and 2.,
- b) databases of respective collective management organisations, primarily for works of fine art, photographic works and architectural works, including organisations managing right to make copies,
- c) databases of paintings agencies;

4. in case of audiovisual works and sound recordings:

- a) compulsory copy,
- b) associations of producers in respective country,
- c) databases of institutions concerning motion picture or sound heritage and databases of national libraries,
- d) databases with applicable rules and identifiers, as International Standard Audiovisual Number ISAN, International Standard Musical Work Code ISWC and International Standard Recording Code ISRC,
- e) databases of respective collective management organisations of rights of authors, performing artists, producers of sound recordings and producers of audiovisual works,
- f) titles and other information contained on cover of work,
- g) databases of other relevant associations representing particular category of authors.

ANNEX No. 2
GROUNDS FOR CALCULATION OF COMPENSATION FOR REMUNERATION
PURSUANT TO SECTION 36 PARAGRAPH 2 AND ITS AMOUNT

1. Person under Section 36 paragraph 3 pays compensation for remuneration for using of work pursuant to Section 42 for

- a) blank recording medium enabling saving or preserving of copy of work, i.e. CD, DVD, Blu-ray disc, minidisc, magnetic tape or other similar optic, magnetic or electronic carrier or USB stick, memory card, hard disk which is not built in technical device, in amount of 6 % from import price or sale price of such carrier,
- b) technical device enabling making a copy of work on hard disk, USB stick, memory card or other carrier pursuant to sub-paragraph (a) or other technical device with such effect or feature which is a sound or audio-video recorder, set-top box enabling creation or saving of copy of work to other independent technical device or record carrier, game console, smart TV, mp3 or mp4 player or other technical device with such effect, with exception of technical devices pursuant to sub-paragraphs (c) to (g) and technical devices specified in paragraph 2 sub-paragraph (a), in amount of 3% from import price or sale price of such technical device,
- c) technical device - a mobile phone enabling making a copy of work in amount 0.7 % from import price or sale price of such technical device,
- d) technical device - a tablet enabling making a copy of work in amount 0.6 % from import price or sale price of such technical device,
- e) technical device - a computer enabling making a copy of work in amount 0.85 % from import price or sale price of such technical device,

f) technical device - a video camera enabling making a copy of work in amount 1 % from import price or sale price of such technical device,

g) technical device - a camera enabling making a copy of work in amount 0.35 % from import price or sale price of such technical device.

2. Person pursuant to Section 36 paragraph 3 pays compensation for remuneration for using a work pursuant to Section 43 for

a) technical device - a printer, scanner, fax, multifunction device containing printer, scanner or fax, copying device, electronic book reader enabling making a copy of work or other technical device with the same effect, unless it is a built-in component of technical device specified in paragraph 1 sub-paragraphs b) to g) and with exception of technical devices specified in paragraph 1 sub-paragraphs (b) and (c) and technical devices specified in sub-paragraphs (b) to (e) of this paragraph, in amount of 3 % from import price or sale price of such technical device,

b) technical device - a tablet enabling making a copy of work in amount 0.1 % from import price or sale price of such technical device,

c) technical device - a computer enabling making a copy of work in amount 0.15 % from import price or sale price of such technical device,

d) technical device - a camera enabling making a copy of work in amount 0.65 % from import price or sale price of such technical device,

e) reprographic services in amount of 3% from total revenue from such services.

ANNEX No. 3

LIST OF TRANSPOSED LEGISLATION OF THE EUROPEAN UNION

1. Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (Official Journal L 248 , 06/10/1993 P. 0015 - 0021).

2. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (Official Journal L 077 , 27/03/1996 P. 0020 - 0028).

3. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (Official Journal L 167 , 22/06/2001 P. 0010 - 0019)

4. Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of fine art (Official Journal L 272 , 13/10/2001 P. 0032 - 0036).

5. Directive 2004/48/EC of the European parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (Official Journal L 157, 30/04/2004 P. 0045 - 0086).

6. Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (Official Journal L 376 , 27/12/2006 P. 0028 - 0035).

7. Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights (codified version) (Official Journal L 372, 27/12.2006 P. 0012 - 0018) as amended by Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 (Official Journal L 265, 11/10/2011 P. 0001 - 0005).

8. Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (codified version) (Official Journal L 111, 05/05/2009 P 0016 - 0022).

9. Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (Official Journal L 299, 27/10/2012 P 0005 - 0012).

10. Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market (Official Journal L 84, 20/03/2014 P 0072 - 0098).

-
- 1) [Section 2 paragraph 9 of Act of the National Council of the Slovak Republic No. 215/1995](#) on geodesy and cartography as amended by Act No. [600/2008](#)
 - 2) [Section 5 of Act No. 264/1999](#) on technical requirements for products and on conformity determination and on amendment and supplementing of several statutes as amended.
 - 3) [Section 8 of Act No. 50/1976](#) on land-use planning and building order (Building Act) as amended by Act No. [237/2000](#)
 - 4) [Section 1 of Act No. 382/2004](#) on experts, interpreters and translators and on amendment and supplementing of several statutes as amended
 - 5) [Section 6 of Act No. 126/2015](#) on libraries and on amendment and supplementing of Act No. [206/2009](#) on museums and galleries and on protection of objects with cultural significance and on amendment of Act of the Slovak National Council No. [372/1990](#) on minor offences as amended by Act No. [38/2014](#)
 - 6) [Section 2 paragraph 1 of Act No. 126/2015](#)
 - 7) [Section 2 paragraph 1 of Act No. 395/2002](#) on archives and registries and on amendment of several statutes.
 - 8) [Section 2 paragraph 5 and 6 of Act No. 206/2009](#) on museums and galleries and on protection of objects with cultural significance and on amendment of Act of the Slovak National Council No. [372/1990](#) on minor offences as amended
 - 9) [Section 1](#) and [Section 4 of Act No. 300/1993](#) on name and surname as amended
 - 10) [Section 3 paragraphs 1 to 6 of Act No. 220/2007](#) on digital broadcasting of programme services and on providing of other content services through digital transmission and on amendment of several statutes (Act on Digital Broadcasting) as amended by Act No. [489/2009](#)
 - 11) [Section 2 paragraph 1 of Act No. 351/2011](#) on electronic communications
 - 12) E.g. [Sections 86 to 97 of Act No. 50/1976](#) as amended, [Section 28 of Act No. 49/2000](#) on protection of landmarks as amended by Act No. [208/2009](#)
 - 13) [Section 16 paragraph 3 \(1\) of Act No. 308/2000](#) on broadcast and re-transmission and on amendment of Act No. [195/2000](#) on telecommunications as amended
 - 14) [Section 34 paragraph 4 of Act No. 40/2015](#) on audiovision and on amendment and supplementing of several statutes.
 - 15) [Section 27 paragraph 2 of Act No. 245/2008](#) on upbringing and education (School Act) and on amendment an supplementing of several statutes
 - 16) [Section 112 paragraph 1 of Act No. 245/2008](#)
 - 17) Act No. [568/2009](#) on lifetime education and on amendment an supplementing of several statutes as amended
 - 18) [Section 3 of Act No. 317/2009](#) on pedagogical employees and vocational employees and on amendment an supplementing of several statutes

- 19) [Section 4 of Act No. 317/2009](#)
- 20) [Sections 1 to 3 of Act No. 241/1993](#) on state holidays, public holidays and memorial days as amended
- 21) [Section 35 of Act No. 40/2015](#)
- 22) Regulation (EU) No. 386/2012 of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights (Official Journal L 129, 16/05/2012 P. 0001 - 0006)
- 23) [Section 3 \(b\) of Act No. 308/2000](#) as amended by Act No. [498/2009](#)
- 24) [Section 442a of the Civil Code](#) as amended by Act No. [84/2007](#)
- 25) [Section 442 of the Civil Code](#) as amended
- 26) [Section 116 of the Civil Code](#)
- 27) Articles 3 and 4 of the Treaty on the International Registration of Audiovisual Works (Notice No. [365/1992](#))
- 28) [Section 58 of the Labour Code](#)
- 29) [Sections 631 to 643 of the Civil Code](#) as amended by Act No. [509/1991](#)
- 30) E.g. [Sections 847 to 849 of the Civil Code](#) as amended, [Sections 103 to 108 of Act No. 25/2006](#) on public procurement and on amendment and supplementing of several statutes as amended
- 31) [Section 161 paragraph 3 of the Civil Procedure Code](#)
- 32) [Sections 313 to 322 of the Commercial Code](#)
- 33) [Sections 70 to 73 of Act of the Slovak National Council No. 323/1992](#) on notaries and notarial activity (Notary Code) as amended by Act No. [526/2002](#)
- 34) [Sections 185a to 185h of the Civil Procedure Code](#) as amended by Act No. [263/1992](#)
- 35) E.g. [Sections 778 to 780 of the Civil Code](#)
- 36) [Section 4 paragraph 1 of Act No. 431/2002](#) on accounting as amended
- 37) Act No. [244/2002](#) on arbitration proceedings as amended
Act No. [420/2004](#) on mediation and on amendment of several statutes as amended
- 38) [Section 23 of Act No. 431/2002](#)
- 39) Act No. [71/1967](#) on administrative proceedings (Administrative Code) as amended