



Copyright

in the

Republic

of Croatia



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STATE
INTELLECTUAL
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OFFICE OF
THE REPUBLIC
OF CROATIA

What is Copyright?

Copyright is a legal term describing the rights enjoyed by the creators of literary, scientific or artistic works. Copyright in a work is vested in its author by the mere act of creation of the work. The author is a natural person who has made an original intellectual creation having an individual character and expressed in any manner whatsoever.

What kind of works are covered by copyright?

The category of works covered by copyright, shall include, but are not limited to:

- Works of language (written works, oral works, computer programs)
- Musical works
- Dramatic or dramatico-musical works
- Choreographic works and works of pantomime
- Works of visual arts (in the field of painting, sculpture and graphics)



- Works of architecture
- Works of applied art and industrial design
- Photographic works and works produced by a process similar to photography
- Audiovisual works including cinematographic works

- Cartographic works
- Presentations of scientific or technical nature, such as drawings, plans, sketches, tables.

What rights does copyright provide?

The authors and their heirs shall enjoy moral rights, exclusive economic rights and other authors' rights.

- The moral rights shall include in particular: the right of the author to determine when and how his work will be made available to the public, the right of the author to be recognised and indicated as the author of the work, the right to oppose to any alterations of the work or to any use of the work in a manner that might be prejudicial to his honour or reputation



- The exclusive economic rights shall include in particular: the right of reproduction, which shall mean the right to make one or more copies of the work by any means and in any form; the right of distribution, which shall mean the right to put into circulation the original of the work or the copies thereof through sale and to offer them to the public; the right to communicate

the work to the public by public performances (recitations, live stage presentations) or by broadcasting radio or television signals including the broadcasting via satellite or cable or to make the work available to the public on the Internet; the right of translation of the work into other languages or the adaptation thereof (for example, a novel into a screenplay); the exclusive right shall mean that the author may at his sole discretion prohibit or authorize the exploitation of his work.

- Other rights include the right to remuneration to which the author is entitled, if a copy of the work is made by a natural person for private and personal use.

How these rights are exploited?

Many works protected by copyright require mass distribution, communication and investments for their exploitation (for example, publications, phonograms and films); hence, creators often sell or authorize exploitation of their economic rights in a work to individuals or companies best able to market the works in return for payments. Such payments are often made dependent on the actual exploitation of the work. In any case, the remuneration received by the copyright holder shall be proportional to the characteristics of the work and its exploitation and in particular the success of it.

In some cases, strictly limited by law, the copyright holder is not entitled to any remuneration. For example, a copy of the work may be made by public archives, or public libraries, or educational

and other institutions alike, for their own use. The same applies to the benefit of disabled persons.

Time limitation of copyright

The economic rights of the author in a work protected by copyright shall be limited in time. Such time limitation shall give both the author and his heirs a possibility to enjoy financial benefits for a reasonable period of time.

These time limits are such as:

- The rights of authors: 70 years after death of the author
- The rights of performers: 50 years from the date of the performance
- The rights of producers of phonograms: 50 years from the date of the first fixation of the phonogram



- The rights of producers of videograms: 50 years from the date of the first fixation of the videogram
- The rights of broadcasting organizations: 50 years from the date of the first broadcast
- The rights of producers of databases: 15 years from the date of the completion of the making of a database.

How can an author of the work enforce his rights?

The author or the holder of copyright can enforce such rights individually or by way of the system of collective management of copyright, before courts, by inspection of premises for the purpose to find evidence of production or possession of illegally made – pirated goods related to the protected works. The holder of copyright may get from the court an injunction prohibiting such activities and seek damages for the loss of financial rewards. The infringement of copyright may also be considered as a criminal offence or a misdemeanour, which exposes the counterfeiter to substantial fines or even imprisonment.

What are rights related to copyrights?

The domain of rights related to copyright has rapidly developed over the last 50 years. Such related rights grew up around copyright works and are usually related with the possibility providing for the communication of the copyright work to the public, such as:



- The rights of performing artists (such as actors, singers, dancers) in their performances

- The rights of producers of phonograms in their phonograms
- The rights of producers of videograms in their videograms
- The rights of broadcasting organizations in their radio and television programs
- The rights of publishers in their editions



- The rights of producers of databases in the contents of their databases

Why protect copyright?

Copyright and related rights are essential to human creativity by giving the authors incentive in the form of recognition and fair economic rewards. Under such system of rights the authors are secure that their works may be disseminated, without the fear of unauthorised copying or piracy. Thereby copyright protection shall facilitate the access to and the enjoyment of culture, knowledge and entertainment in the Republic of Croatia.



How has copyright kept up with the progress of technology?

The domain of copyright and related rights has expanded remarkably with the progress of technology in the last several decades and has brought new multimedia forms of worldwide communications of works, such as broadcast by satellite, by cable or via the Internet. A dissemination of works on the Internet is a result of the latest development, opening the new issues concerning copyright, in particular the extension of piracy or illegal access to the works protected by copyright. The latest international treaties and the European Union Directive of 2001 provide for the protection of technical measures, which are to be incorporated in the digitalized works, in order to prevent unauthorised modifications or exploitations of the works.

How can copyright and related rights be managed?

The creator may, in some cases, manage his rights himself or empower a legal representative thereto. For instance, a playwright may consent to his work being performed on stage under the agreed conditions; a writer may negoti-

ate a contract with a publisher for the publication and distribution of his book. Many holders of creative works lack means to monitor their rights individually. Besides, an individual management of rights is virtually impossible with regard to certain types of exploitation for practical reasons. An author, for instance, is not able to contact every single radio or television station to negotiate licenses and remuneration for the exploitation of his work. Consequently, it is not practical for a broadcasting organization to seek authorisation from every author for the use of every copyright work. Given the



managing of such activities individually is inconvenient, both for the right holders and the users, there is an upward tendency in establishing collective management associations, which shall grant authorisations on behalf of creators, provide for an efficient collection and distribution of the rights and help promoting and ensuring the protection of copyright and related rights.

Existing collective management associations in Croatia

The collective management associations, which take care of rights of the holders of copyright and related rights, are as follows:

- Croatian Composer's Society, Service ZAMP: HDS-ZAMP, Zagreb, Rendićeva 28b-c, for the representation of authors and composer of musical works
- Croatian Association for the Protection of Performers' Rights: HUZIP, Zagreb, I. Broza 8a, for the representation of performers, both musicians, singers and actors
- Association for Protection, Collection and Distribution of Phonogram Producers Rights: ZAPRAF, Zagreb, I. Broza 8a, for the representation of phonogram producers
- Croatian Film Director's Guild: DHFR, Zagreb, Britanski trg 2, for the representation of film directors, screen players, cameramen and film producers.

What is their role?

In case of exploitation of numerous copyright works and subject matters of related rights which are not specified in advance (public performances, broadcastings and re-broadcastings or other communications to the public of non-stage musical works or audio recordings or fixations of performances on phonograms), the user has no possibility to contact every author or holder of related rights individually, in order to conclude individual copyright contracts or, for example, contracts concerning the use of a performance for every single work. Consequently, such contracts may be

concluded with an association for collective management of such rights, instead directly with the authors or hold-



ers of related rights. Subject to such contracts the association shall grant authorisations (licences) for the use of all the works it represents (the whole repertoire), shall collect royalties and shall distribute them between holders of such rights according to the established rules of distribution, and shall monitor the exploitation of the works.

The enhancement of the system of collective management of rights has soon led to a situation where, firstly, collective management associations in a country concerned initially represented all the

holders of the rights of a specific category, secondly, they have entered in associations with the related associations of other countries on the basis of reciprocal representations agreements. Acceding individually to the world integrations of related associations (i. e., the International Confederation of Societies of Authors and Composers CISAC – the societies for the protection of musical, literary and visual rights), such associations have finally integrated in global international associations.

The result thereof was that all the modern countries have established a system on the legislative basis or on the factual level, with the following characteristics:

- In most countries one collective management association is entitled to manage collectively the rights of all the members of one category of right holders
- Such an association shall manage the rights of domestic and foreign holders of the rights in its country
- By way of reciprocal representation agreements such an association can collect in its country remunerations for the use of foreign repertoire and receive from other associations remunerations for the exploitation of its repertoire abroad

Consequently, the subject matters of protection in relation to the users are not individually specified works, but a

very broad repertoire covering most of the countries.

According to the Croatian Copyright and Related Rights Act the collective management of rights may be carried out by an association of holders of the rights, which was granted authorisation for the pursuit of such activities by the State Intellectual Property Office of the Republic of Croatia. The Office may grant authorisation for the pursuit of such activities to one association only for a particular category of right holders and that to the association with the largest number of members based on the powers of attorney obtained and appropriate number of contracts concerning the reciprocal representation, concluded with foreign associations. An association may manage one, two or more kinds of rights, which in principle relate to a particular category of the holders of copyright and related rights.

For more information please contact the State Intellectual Property Office of the Republic of Croatia - SIPO:

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INTELLECTUAL PROPERTY*

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- Industrial Designs
- Geographical Indications and Designations of Origin of Products and Services
- Topographies of Semiconductor Products

COPYRIGHT AND RELATED RIGHTS

COPYRIGHT

relating to intellectual creations, such as, in particular:

- Literary works (written works, oral works, computer programs)
- Musical works
- Dramatic and dramatico-musical works
- Choreographic works and works of pantomime
- Works of visual art in the fields of painting, sculpture and architecture
- Works of applied art
- Photographic works
- Cinematographic works
- Translations, adaptations, arrangements and other alterations of works
- Collections of copyright work, data or other material

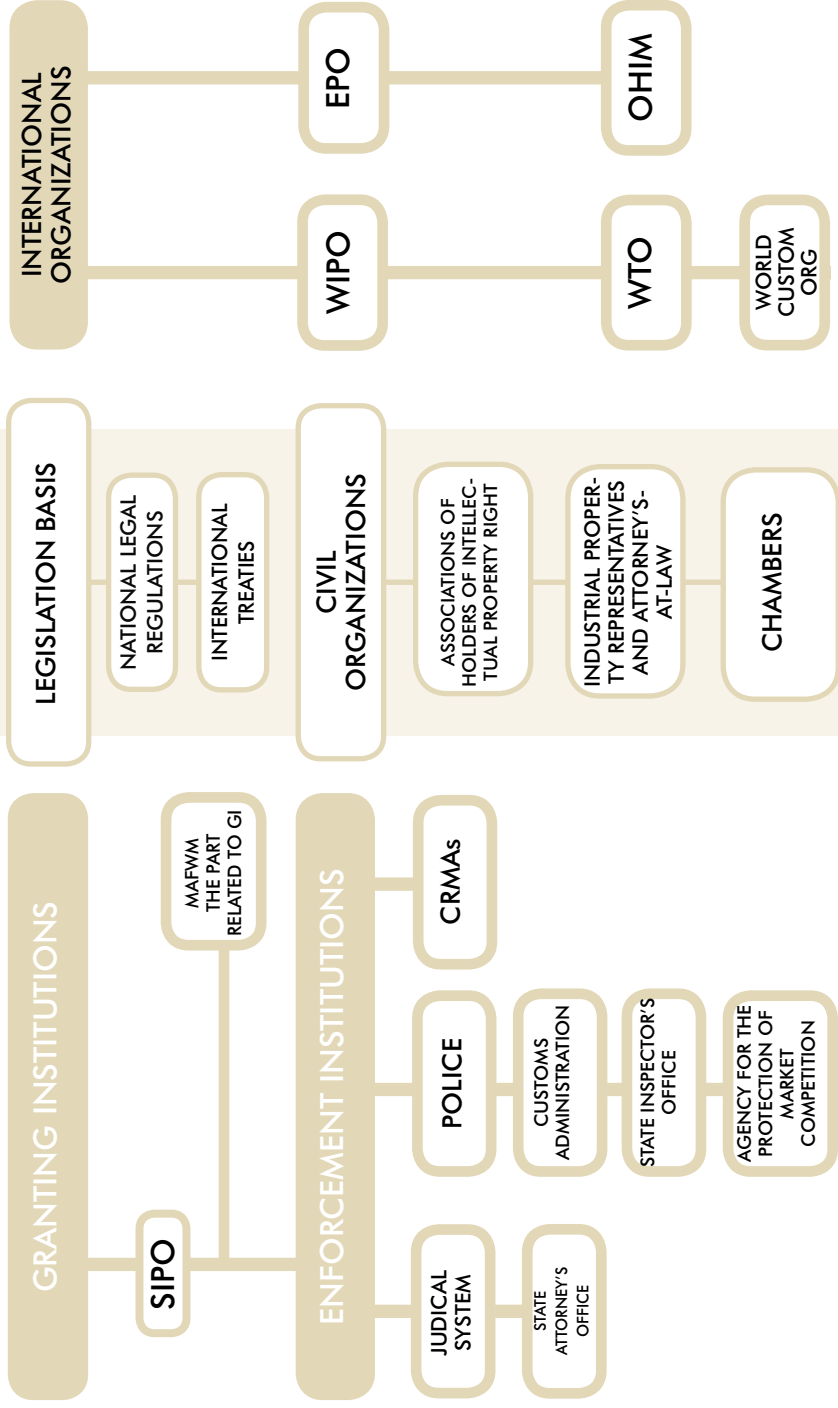
RELATED RIGHTS

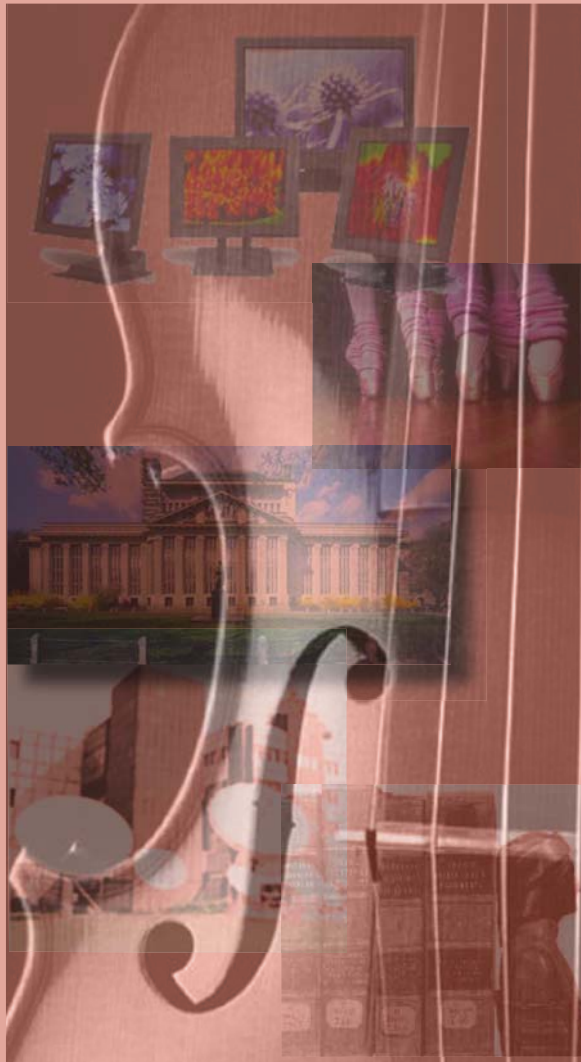
relating to:

- Performances
- Phonograms
- Radio and television broadcasting

* standard division according to WIPO

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