

[BA] Revision of Legislation on Copyright

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On 13 July 2010 the Parliamentary Assembly adopted the Act on Copyright and Related Rights and the Act on the Collective Management of Copyright and Related Rights. The subject-matter of the current Act on Copyright and Related Rights of 2002 has been thus revised and divided into two separate laws.

The purpose of the revision is to harmonise this field with the relevant EU legislation and international conventions and treaties, as well as to adequately respond to technological developments and new forms of copyright exploitation in the information society. The new Act on Copyright and Related Rights regulates more closely the right of making available to the public works in digital form through the Internet. Another significant addition concerns the provisions aiming to raise the level of legal protection against the circumvention of technological measures. The Act also introduces limitations to the reproduction rights to allow certain acts of temporary reproduction which are integral to a technological process. Under the Act of 2002, related rights governed solely the rights of performers, phonogram producers and broadcasting organisations. The new Law extends these rights to include rights of film producers, publishers and database producers.

The collective management of copyright and related rights was not sufficiently regulated under the 2002 Law, allowing for quite a few grey areas, mostly with respect to the mandate of collecting societies, which the new Act on Collective Management of Copyright and Related Rights seeks to rectify.

This Law sets forth specific and detailed provisions with regard to authorisation procedures, tariffs and tariff agreements on the amounts of remuneration, as well as the supervision of collecting societies. It also stipulates that there may be only one collecting society per type of protected work. This is one of the most important provisions having in mind that the former system allowed for the existence of collecting societies with parallel competencies, which has proved to be inefficient in practice, creating legal uncertainty for the users of copyright works, especially broadcasters.

Another important amendment concerns the establishment of the Copyright Board. It is envisaged as an expert, independent and impartial authority in charge of settling tariff disputes between collecting societies and users. Finally, the Law

also introduces the possibility of mediation in negotiating collective agreements for cable retransmission of broadcasts.

Both Acts were published in the Official Gazette on 3 August 2010 and entered into force 8 days after their publication.

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