[HR] Rules on ceding unutilised exclusive rights

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After concluding consultations with stakeholders and the interested public, the Council for Electronic Media has adopted rules on ceding unutilised exclusive rights from stakeholders to third interested parties. The rules stipulate the procedure for ceding unutilised exclusive rights in the event of the procurement of audio and audiovisual content of a higher value on the basis of exclusive rights, and in the event of the procurement of premium sports events referred to in Article 9 paragraphs 2 and 3 of the Croatian Radio-Television Act.

The rules apply to the ceding of unutilised exclusive rights when the possibility of such ceding is stipulated by an agreement on the acquisition of exclusive rights for the exploitation of audio and audiovisual content of a higher value and/or premium sports events, or as stipulated by the law. Unutilised exclusive rights refer to those rights based upon which Croatian Radiotelevision has not broadcast content on programme channels in accordance with the provisions of the Croatian Radiotelevision Act and its contract with the Government of the Republic of Croatia. Audio and audiovisual content of high value refers to all activities that Croatian Radiotelevision procures under exclusive rights. The provisions of the rules do not apply to the archival material of Croatian Radiotelevision.

The ceding of unutilised exclusive rights is carried out based on a public tender and the starting fee shall not be less than 20% of the monetary value of the scope (quantity) of the unutilised exclusive rights that are to be ceded. The starting fee is calculated based on the fee in the contract on the acquisition of exclusive rights for the exploitation of audio and audiovisual content of a higher value, and/or premium sports events. The criterion for selecting the most favourable bid is the price of the bid.

Pravila o ustupanju neiskorištenih isključivih prava, 28/04/2015

http://narodne-novine.nn.hr/clanci/sluzbeni/2015_04_47_932.html

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