[SK] New Copyright Act adopted

IRIS 2015-9:1/25

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On 5 August 2015, the new Copyright Act No. 185/2015 Coll. was published in the official collection of law and will come into effect on 1 January 2016.

The key motive for producing a new Copyright Act was the essential changes relating to the exploitation of protected works on the internet that developed in the last decade. The progress of the digital environment caused uncertainty on the side of rights holders as well as on the side of users and industry. The preceding Copyright Act did not meet the requirements of the so-called internet economy as well as other sectors such as education, culture, and the public sector (e.g. open source education, repetitive exploitation of the protected data from the public sector or the exploitation of protected works by galleries, museums, libraries or archives). The aim of the legislators was to introduce legal norms that will secure a balance between the protection of the rights holders' and users' interests as well as legitimate access to protected works. The new Act shall also strengthen the enforcement of granted rights as well as improve the public control over the collective management organisations.

The new Act fully transposes Directive 2001/29/EC and recognizes the latest case law of the Court of Justice of the European Union (CJEU). For instance, the exception from the right to authorize or prohibit any reproduction of the protected work for a natural person's private use now explicitly states that the reproduction may be produced only from a legal source. A new exception from the reproduction right with respect to the caricature, parody or pastiche was introduced. The exception of the usage for the benefit of people with disability was complemented with new provisions on audio commentary, closed captions or audio books. The exception with regard to the incidental usage of a work or other subject-matter in non-related material was elaborated, so it clearly covers situations like incidental shots at running TV screens or a car with the radio turned on during a non-related audiovisual production. New exceptions for the purpose of the maintenance, or the demonstration of the functionality, or features of the technological equipment, were also introduced.

The new law - for the first time in the Slovak legal system - explicitly distinguishes between audiovisual works and so-called "used audiovisual works". The used audiovisual works further differ from pre-existent works that were created regardless of the audiovisual work (e.g. a book or piece of music which was not

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primarily written or composed for a film adaptation) and works created explicitly for given audiovisual work (e.g. script, dialogues, music composed exclusively for a given audiovisual work). The notion of the rights to the audiovisual works is aligned with the continental conception of the “droit d´auteur”, where the author of an audiovisual work is always a natural person and the exercise of these rights may be transferred from the authors to the producer.

The new Act also introduced an extended collective license agreement which covers all works or other protected subject-matters, including the ones of rights holders which are not represented by the collective management society, unless they explicitly ruled out this possibility (opt-out regime). Last but not least, to respond to the ongoing development of the digital environment, the new law introduced a multi-territorial license agreement for the online use of music.

ZÁKON z 1. júla 2015 Autorský zákon, 185/2015 Z. z.

https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/185/20160101

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