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Berne Union

Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright

(Geneva, March 10 to 13, 1980)

Report

1. The "Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright" (hereinafter referred to as "the Group of Experts") was convened by the Directors General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO).

2. The convocation was based on the decisions of the Governing Bodies of Unesco and WIPO and the recommendations of the October 1979 sessions of the Intergovernmental Copyright Committee of the Universal Copyright Convention and the Executive Committee of the Berne Union.

3. The meetings were held under the chairmanship of Mr. William Wallace, at the headquarters of WIPO from March 10 to 13, 1980.

4. The list of the experts and the representatives of Unesco and WIPO appears in Annex B to this document.

I. Impact of Cable Television in the Sphere of Copyright

5. The first day of the meetings was devoted to hearing declarations (in the order indicated below) by the representatives of the following international non-governmental organizations: the Alliance for Diffusion by Wire, the International Confederation of Societies of Authors and Composers (who spoke also on behalf of the International Literary and Artistic Association and the International Writers Guild), the International Federation of Actors, the International Federation of Film Producers Associations, the International Federation of Associations of Film Distributors, the International Federation of Musicians, the International Federation of Producers of Phonograms and Videograms and the European Broadcasting Union. In the absence of its representative, the declaration of the International Copyright Society (INTERGU) was distributed in a written form. The list of the representatives of these organizations appears in Annex C to this document.

6. Although the agenda of the meeting (document UNESCO/WIPO/IGE/CTV/1) provided only for consideration of the impact of cable television in the sphere of copyright, the observations of several international non-governmental organizations extended also to the field of neighboring rights. This development was in conformity with the wish expressed by the October 1979 session of the Intergovernmental Committee of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations according to which "within the framework of the mandate of the said [that is, the present] Group of Experts, attention should also be paid to the problems concerning the beneficiaries of the Rome Convention" (document ILO/UNESCO/WIPO/ICR.7/11, paragraph 34).

7. The said presentation of the views of the international non-governmental organizations was followed by an extensive discussion among the members of the Group of Experts. During these discussions, the representatives of the said organizations were not present.

8. As a result of those discussions and on the basis of proposals made by the Director General of WIPO, the Group of Experts adopted a statement whose text appears in Annex A to this document.

9. In respect of certain paragraphs of the said statement, the Group of Experts made the following comments.

(a) In connection with paragraph 1 under "Copyright," it was noted that, for the purposes of cable distribution problems, any distinction between broadcasts which, at the present state of technical possibilities, can reach ("the normal (or "direct") reception zone") or cannot reach certain localities has been rejected as being a distinction which is not founded in logic since cable distribution services are needed and can operate on a commercial or other basis also for subscribers within the "normal reception zone." Furthermore, such a distinction is of a most uncertain application (it is difficult to ascertain

the boundary of the "normal reception zone" and, with the improvement of the technical means, the size of such zone will increase until, with the help of communication satellites, it may extend to continents or the whole globe).

(b) In connection with paragraph 2 under "Copyright," it was understood that the so-called "small exceptions" should also be applicable in the case of the rights connected with cable distribution; for example, where the distribution originates and takes place inside a house having several family dwellings and where the distribution is effected by an agreement of the families concerned, such a distribution would not require the authorization of the owner of the copyright.

(c) In connection with paragraph 2 under "Copyright," the question was considered whether the fact that the cable distributor himself effects all the technical operations which, in the case of direct reception by a home receiving set are done by such a set, deprives the activity of the cable distributor of the character of communication to the public. According to the theory of the cable distributor being a "mere receiver," the answer to this question would be in the affirmative. However, the Group of Experts found that the answer should be in the negative and that the "mere reception" theory was incorrect because it was irrelevant whether the cable distributor transmitted signals which required or did not require further technical treatment. What matters is that there is an act of transmission, and it is irrelevant by what technological means the transmission is effected.

(d) In connection with paragraph 3 under "Copyright," it was noted that although the Berne Convention allowed for non-voluntary licenses for broadcasting, in actual fact the legislation of less than a quarter (as estimated by the Secretariat) of the 71 Berne Union countries provides for such licenses even in the broadest meaning of the term and usually for some situations only, notwithstanding the fact that the difficulties which arise in connection with the obtaining of copyright clearance in the case of broadcasting are of an analogous nature as the difficulties which arise in connection with obtaining copyright clearance in the case of distribution by cable.

10. In connection with Part III (recommendation to the Secretariats) of the statement, the representative of Unesco said that he could agree with this Part, but that the recommendation had to be brought to the attention of the Governing Bodies of Unesco for their approval.

11. The Director General of WIPO said that he would forward the recommendation to the competent bodies of WIPO and the Berne Union.

II. Worldwide Forum on the Piracy of Phonograms, Motion Pictures and Other Audiovisual Recordings

12. The Group of Experts first heard statements (in the order indicated below) by representatives of the following international non-governmental organizations: International Federation of Producers of Phonograms and Videograms, International Federation of Film Producers Associations, International Federation of Associations of Film Distributors, European Broadcasting Union, International Federation of Actors, International Confederation of Societies of Authors and Composers. They described the very extensive pirating of phonograms, videograms and broadcast programs existing in both developed and developing countries, and the measures advocated by them for fighting such practices. They also advanced various ideas concerning the proposed worldwide forum on combatting the piracy of phonograms, motion pictures and other audiovisual recordings (hereinafter referred to as the "worldwide forum on piracy").

13. This presentation of the views of the international non-governmental organizations was followed by observations and suggestions made by the members of the Group of Experts.

14. It was generally agreed that the worldwide forum on piracy should deal with piracy on a commercial scale and should not deal with the question of reproduction made by individuals for personal use, although it was noted that the copies so reproduced may, and in many cases do, constitute the basis of commercial exploitation of unauthorized copies at a later stage. Consequently, it was recommended that the question of "compensatory charges," referred to in the October 1979 sessions of the two Copyright Committees (see WIPO document B/EC/XVI/14, paragraph 53, and Unesco document IGC(1971)/III/30, paragraph 65), should be examined on another occasion. Furthermore, it was agreed that the forum should look for solutions not only in copyright and neighboring rights laws but also in the field of trademarks, unfair competition, other branches of industrial property laws, criminal law, and should also deal with the procedural and other practical aspects of the problems.

15. The Director General of WIPO said that the program of WIPO provided for the holding of the worldwide forum on piracy at the headquarters of WIPO in 1981. He also informed the meeting that the forum would be organized by WIPO and that the possible participation of Unesco and ILO in the forum was still under discussion.

16. The representative of Unesco informed the meeting that Unesco's Draft Programme and Budget for 1981-83 provided for Unesco's participation in

the forum. Due to the fact that some economic aspects of the matter to be dealt with are outside Unesco's competence, Unesco will not participate in the organization of the forum, but will contribute to it by preparing some studies to be submitted to the forum.

17. The Director General of WIPO said that he would constitute and convene a "program committee" consisting mainly of representatives of the international non-governmental organizations most directly concerned, and would ask such a committee to help WIPO in the planning of the worldwide forum. In particular, he would expect advice from such a

program committee in respect of the agenda, the participants, the speakers, the documents and possible exhibits.

18. Finally, he said that, in his view, the question of copying by individuals for their own private use was a question which was of great importance not only in the field of phonograms, videograms and motion pictures, but also in the field of books, newspapers, magazines and works of art, and that all these aspects should be considered in conjunction with each other. He said that he planned to include a study of these questions in his next program proposals.

ANNEX A

Statement of the Group of Experts

I. Copyright

1. The distribution by cable of broadcast (radio or television) programs is effected for a public different from (although possibly partially overlapping with) the public which the broadcast can reach or can reach only with diminished quality or at a higher cost; otherwise, there would be no need for distribution by cable.

2. Due to the said difference in the public and since broadcasting and distribution by cable are two different acts, the latter is a "communication to the public" within the meaning this term has in the law of copyright. Consequently, the exclusive right of authorization of the owner of copyright generally recognized in connection with communication to the public should be clearly recognized where the communication to the public is effected by distribution by cable of broadcast programs consisting of or including works protected by copyright.

3. Where the clearance of the rights must be effected in a comprehensive way because of the great number of the works involved or the practical difficulties of contacting the owner of the copyright in time, national laws should provide, for these practical reasons, for institutionalized collective administration of the said rights. Only where such administration would not work in practice, should national laws provide — subject to the right to equitable remuneration and the respect of moral rights — for the possibility of non-voluntary licenses. But because of the particular situation in which cinematographic works, dramatic works and dramatico-musical works find themselves, provision for non-voluntary licenses for such works should be avoided. The particular situation of the said works is due to the following: (i) their number is relatively small, (ii) their owners can generally be located with less difficulty, (iii) the

calendar of their showing on television must, for important economic reasons, be coordinated with the calendar of their theatrical showing.

II. Neighboring Rights

(a) Performers

National laws should provide that the distribution by cable of a broadcast (radio or television) program which consists of or comprises the performances (live or recorded) of performers requires the payment of an equitable remuneration to such performers (either direct or through organizations representing them).

(b) Producers of Phonograms

National laws should provide that the distribution by cable of a broadcast (radio or television) program which consists of or comprises material recorded in a phonogram requires the payment of an equitable remuneration to the producers of such phonograms (either direct or through organizations representing them).

(c) Broadcasting Organizations

National laws should provide that the distribution by cable of a broadcast (radio or television) program requires the authorization of the broadcasting organization whose program is distributed by cable.

III. Recommendation to the Secretariats

The competent Secretariats should prepare draft provisions implementing these principles, and such draft provisions should be accompanied by detailed explanations. They should be submitted for the consideration of the Intergovernmental Committees of the Berne, Universal and Rome Conventions respectively.

ANNEX B

List of Participants

I. Experts

Prof. J. Corbet
Professeur, Université libre de Bruxelles, Belgique

Dr. A. Dietz
Member of the staff of the Max-Planck Institute for Foreign
and International Patent, Copyright and Competition Law,
Munich, Federal Republic of Germany

Prof. V. A. Dosortsev
All Union Research Institute on Soviet Legislation, Moscow,
Soviet Union

Prof. M. Fabiani
Professeur, Université de Rome, Italie

Prof. A. Latman
Professor, New York University School of Law, New York,
United States of America

Mr. W. Wallace
Lawyer, Surrey, United Kingdom

Mr. M. Walter
Lawyer, Vienna, Austria

II. Secretariat

World Intellectual Property Organization (WIPO)

A. Bogisch (*Director General*); C. Masouyé (*Director, Copyright and Public Information Department*); S. Alikhan (*Director, Copyright Division*); G. Boytha (*Head, Division for Copyright Development Cooperation Projects*).

United Nations Educational, Scientific and Cultural Organization (UNESCO)

E. Guerassimov (*Legal Officer, Copyright Division*).

ANNEX C

List of Representatives of International Non-Governmental Organizations
having deposited before the Group

European Broadcasting Union (EBU): W. Rumphorst; M. Larrue. International Alliance for Diffusion by Wire (AID): G. Klemperer; G. Moreau. International Confederation of Societies of Authors and Composers (CISAC) / International Literary and Artistic Association (ALAI) / International Writers Guild (IWG): J.-A. Ziegler; M. Astruc. International Federation of Actors (FIA): G. Croasdell.

International Federation of Associations of Film Distributors (FIAD): G. Grégoire. International Federation of Film Producers Associations (FIAPF): A. Brisson. International Federation of Musicians (FIM): R. Leuzinger. International Federation of Producers of Phonograms and Videograms (IFPI): G. Davies; E. Thompson.

National Legislation

YUGOSLAVIA

Copyright Law

(of March 30, 1978) *

CHAPTER I

Introductory provisions

Article 1. Authors of literary, scientific and artistic works shall enjoy copyright as provided for in this Law in respect of their creations (intellectual works).

* Published in *Službeni list SFRJ* (the Official Gazette of the Socialist Federal Republic of Yugoslavia), No. 19, of April 14, 1978. — English translation by WIPO.

Article 2. The intellectual works of nationals of the Socialist Federal Republic of Yugoslavia published in the Socialist Federal Republic of Yugoslavia or abroad, as well as intellectual works which have not been published, shall enjoy protection pursuant to this Law.

The unpublished intellectual works of foreign nationals and stateless persons first published in the Socialist Federal Republic of Yugoslavia shall enjoy, pursuant to this Law, the same protection as the

intellectual works of nationals of the Socialist Federal Republic of Yugoslavia.

The intellectual works of foreign nationals not first published in the Socialist Federal Republic of Yugoslavia shall enjoy, pursuant to this Law, protection within the framework of the obligations which the Socialist Federal Republic of Yugoslavia has accepted under international treaties or on the basis of *de facto* reciprocity.

CHAPTER II

The intellectual work and the author

1. The intellectual work

Article 3. Unless otherwise provided in this Law, a creation in the literary, scientific or artistic field or in any other field of creation, whatever may be the kind, method or form of expression thereof, shall be considered an intellectual work.

The following, in particular, shall be considered intellectual works:

- written works (books, pamphlets, articles and other writings);
- oral works (lectures, addresses, speeches and other works of the same nature);
- dramatic and dramatico-musical works;
- choreographic works and entertainments in dumb show the acting form of which is fixed in writing or otherwise, as well as works derived from folklore;
- musical works, with or without words;
- cinematographic works and works created by a process analogous to cinematographic creation;
- works of painting, sculpture, architecture and graphic art, whatever may be the material of which they are made, as well as other works of figurative art;
- works of all branches of applied art and industrial designing;
- photographic works and works produced by a process analogous to photography;
- cartographic works (geographical maps, topographical maps, and the like);
- plans, sketches and three-dimensional works relative to geography, topography, architecture and any other scientific or artistic field.

Article 4. Intellectual works also include collections of intellectual works, such as encyclopedias, compilations, anthologies, musical and photographic collections, and the like, which, by reason of the selection and arrangement of material, constitute independent creations.

Intellectual works also include collections of creations of folk literature and art, of documents, of court decisions or of other similar material which do

not, of themselves, constitute protected intellectual works, if such collections, by reason of the selection, arrangement and method of presentation of material, constitute independent creations.

The provisions of the first and second paragraphs of this Article shall not affect the rights of the authors of the individual works making up the collections referred to therein.

Article 5. Translations, adaptations, musical arrangements and other transformations of intellectual works shall be protected as original works.

The protection provided for in the first paragraph of this Article shall also be granted to translations of official texts of a legislative, administrative or judicial nature, if these translations are not made for the purpose of official publication and are not published as such.

The provision of the first paragraph of this Article shall not affect the rights of the author of the original work.

Article 6. The use of creations of folk literature and art for the purpose of a literary, artistic or scientific arrangement shall be free.

Article 7. The title of an intellectual work shall enjoy the same protection pursuant to this Law as the work itself.

It shall be unlawful to give an intellectual work a title which has already been used for an intellectual work of the same kind, if such title is likely to cause confusion regarding the author of the work.

2. The author

Article 8. The author of a work is the person who created the work.

In the absence of proof to the contrary, the person whose full name or pseudonym appears on the work shall be regarded as the author.

Article 9. The author of a collection of intellectual works is the person who made the collection.

The author of a translation, as well as the author of an intellectual work which has been adapted, musically arranged, or transformed in another way, is the person who translated, adapted or musically arranged such work or who transformed it in another way.

The person who created a literary, artistic or scientific work by using creations of folk literature or art is the author of the work so created.

Article 10. Where an intellectual work created jointly by two or more persons constitutes an indivisible entity, copyright in such work shall belong indivisibly to all those who contributed to its creation.

If the mutual relationships between co-authors are not otherwise settled by contract, the share of each co-author shall be fixed in proportion to the actual contribution of each of them towards the creation of the intellectual work.

Where an intellectual work created jointly by two or more persons does not constitute an indivisible entity, each co-author shall be vested with copyright in his contribution.

Article 11. Copyright in anonymous works, as well as in works published under a pseudonym, the author of which is unknown shall be exercised by the publisher.

Copyright in unpublished works the author of which is unknown shall be exercised by the corresponding organization of authors.

The provisions of the first and second paragraphs of this Article shall cease to apply as from the time when the identity of the author is established.

Article 12. In addition to the author, the owner of copyright may also be the person to whom any or all legal prerogatives of authors which may be transferred under this Law belong, by operation of law, will or contract.

The prerogatives granted to the author by this Law shall belong to a copyright owner other than the author within such limits as they are vested in him by law, or to the extent that they have been transferred to such copyright owner by will or contract.

The author may not exercise economic rights which he has transferred to another person.

The copyright owner shall be responsible for any prejudice caused to third parties by the non-authorized transfer of an author's property-law or economic prerogatives.

Unless otherwise provided in this Law, the provisions of the Law concerning the author shall also apply to other copyright owners.

Article 13. The Federation¹ may restrict, upon payment of just compensation, the right of an author who is a national of the Socialist Federal Republic of Yugoslavia to use his scientific work if such work is of special interest to national defense.

The scientific work referred to in the first paragraph of this Article may, against compensation, be used for the needs of national defense even without the author's permission.

The federal administrative organ competent for national defense affairs shall issue decisions pertaining to the finding of special interest and to the restriction of the right referred to in the first paragraph of this Article, as well as to the use of a scientific work for the needs of national defense.

¹ In the Constitution of the Socialist Federal Republic of Yugoslavia, as in its laws, the term "Federation" signifies the State at the federal level. (Editor's note)

When establishing the amount of the just compensation, account shall be taken of the value of the scientific work, the benefit that the author would derive from its exploitation if the latter were not limited, the author's expenses incurred in creating the work and other elements that might contribute to the establishing of the amount of the just compensation.

If the author and the federal administrative organ competent for national defense affairs do not come to an agreement on the amount of the compensation provided for in the first and second paragraphs of this Article, the amount thereof shall be fixed by the competent court in non-contentious proceedings.

The expenses of court proceedings instituted in order to fix the amount of the compensation provided for in the first and second paragraphs of this Article shall be determined by the court in proportion to the degree of success achieved by the parties to the proceedings.

3. Special provisions concerning the intellectual work and the author

The cinematographic work

Article 14. The author of the scenario, the director and the director of photography, as well as the principal cartoonist in the case of an animated cartoon film, shall be considered the authors of the completed cinematographic work.

If music is the essential element of a cinematographic work, the composer of the music for that work shall also be considered an author of such cinematographic work.

A composer of film music who is not considered an author of the cinematographic work within the meaning of the second paragraph of this Article, the designer of the sets, the costume designer and the make-up artist shall enjoy authors' rights in their contributions and may transfer them to the maker of the cinematographic work only by contract.

Article 15. The authors of the cinematographic work shall have the exclusive right to film their creations (right of filming) and to reproduce, distribute, perform, broadcast, translate (dub) and alter them.

Article 16. The relationship between the maker of the cinematographic work and the authors thereof, as well as the mutual relationships between the authors of the cinematographic work, shall be governed by contract made in writing.

The contract referred to in the first paragraph of this Article shall, *inter alia*, determine the rights transferred to the maker and the remuneration due to the authors of the cinematographic work.

The rights not transferred to the maker by contract shall be reserved to the authors of the cinematographic work.

The maker of the cinematographic work shall, within the meaning of this Law, be considered the person who or legal entity or group of citizens which produces a cinematographic work, whether on the basis of a contract or on his or its own initiative.

Article 17. Unless otherwise agreed, the author of the scenario and the composer may publish or separately utilize in another way the contributions they have made to the cinematographic work, provided that this is without prejudice to the rights transferred to the maker of the cinematographic work.

Article 18. The cinematographic work shall be regarded as completed when the first master print of the film has been produced by common accord between the authors and the maker of the cinematographic work.

Article 19. If the maker does not complete the cinematographic work within three years of the date of the conclusion of the contract pertaining to the making of such work, or if he does not distribute the cinematographic work so completed within one year of the date of the completion thereof, the authors of the cinematographic work, while reserving their right to remuneration, may request rescission of the contract unless another time limit is agreed upon.

If any of the authors refuses to complete his contribution to the cinematographic work or if, owing to circumstances beyond his control, he is unable to do so, he may not object to the use, for the purpose of completing the cinematographic work, of the contribution he has already made. Such an author shall have the corresponding authors' rights in the contribution already made to the creation of the cinematographic work.

The intellectual work created within the context of an employment relationship or pursuant to a commission

Article 20. The copyright relations concerning intellectual works created within associated work organizations, work communities and other organizations and communities or within organs of socio-political communities, in so far as they are the result of the pooling of labor and resources, shall be governed by general acts of self-management of those organizations or communities or by acts of those organs in accordance with this Law.

In accordance with this Law, contracts shall govern the copyright relations between working people who, by their personal and independent work in the form of a profession, exercise a scientific, literary, pictorial, musical, theatrical, cinematographic or other artistic or cultural activity, the activity of an attorney

or another professional activity (hereinafter referred to as "professional activity"), or working people who, by their personal work, exercise an independent activity using resources belonging to citizens, and workers employed by such working people as authors of works created within the context of an employment relationship with them.

If working people exercising a professional activity by their personal and independent work in the form of a profession constitute temporary or permanent work communities, the copyright relations concerning intellectual works created within those communities shall be regulated by self-management agreement, or by contract, in accordance with the principles applicable to associated work organizations and by virtue of this Law.

Article 21. The associated work organization, the work community, other organization or community, the organ of a socio-political community (hereinafter referred to as "the organization, community or organ") or the working person who, by his or her personal and independent work in the form of a profession, exercises a professional activity, or the working person who, by his or her personal work, exercises an independent activity using resources belonging to citizens, shall have an exclusive right to use, within the framework of their regular activity and within a period of five years, the intellectual work created by a worker of that organization, community or organ in the fulfillment of his work obligations, or by a worker employed by that working person who, by his or her personal and independent work in the form of a profession, exercises a professional activity, or the working person who, by his or her personal work, exercises an independent activity using resources belonging to citizens (work created in the context of an employment relationship), without requesting the authorization of the worker who is the author of the work in question.

The worker-author shall have the right, for the use of the intellectual work created within the context of an employment relationship with the resources of the community as provided in the first paragraph of this Article, to separate remuneration in accordance with the self-management agreement and other general acts of self-management of the organization or community, or with acts of the organ, in proportion to the extent to which the use of his work has contributed to the increase in revenues or to the exercise of the activities and the achievement of the tasks of the organization, community or organ.

The worker-author shall have the right, for the use of the intellectual work created within the context of an employment relationship with a working person who, by his or her personal work, exercises an independent activity using means belonging to citizens as provided in the first paragraph of this Article, to the

remuneration provided for in the contract referred to in the second paragraph of Article 20 of this Law.

The worker-author of the work created within the context of an employment relationship shall retain all other authors' rights in his work.

Other authors' rights in works created within the context of an employment relationship may not be limited by general acts of self-management of the organization or community, or by an act of the organ or by contract (Article 20).

Article 22. The right of publication of the intellectual work created within the context of an employment relationship shall include the right to publish a single bibliographic edition, that is, the right to a single multiplication.

When a work created within the context of an employment relationship is published, the organization, community or organ, or the working person who, by his or her personal and independent work in the form of a profession, exercises a professional activity, or the working person who, by his or her personal work, exercises an independent activity using resources belonging to citizens, shall be obliged to indicate the full name of the author or his pseudonym.

If the organization, community or organ, or the working person who, by his or her personal and independent work in the form of a profession, exercises a professional activity, or the working person who, by his or her personal work, exercises an independent activity using resources belonging to citizens, does not publish the work created within the context of an employment relationship before the expiration of the time limit provided for in the general act of self-management, or in the contract, the right to publish such a work shall revert to the author.

The organization, community or organ, or the working person, who, by his or her personal and independent work in the form of a profession, exercises a professional activity, or the working person who, by his or her personal work, exercises an independent activity using resources belonging to citizens, may permit the author to publish the work created within the context of an employment relationship even before the expiration of the time limit mentioned in the third paragraph of this Article.

When publishing his complete works an author may, even without the permission of the organization, community or organ, or that of the working person who, by his or her personal and independent work in the form of a profession, exercises a professional activity, or that of the working person who, by his or her personal work, exercises an independent activity using resources belonging to citizens, publish the work created within the context of an employment relationship without regard to the fact that the said work has already been published.

After the expiration of a period of five years from the date of completion of a work created within the context of an employment relationship, the right to publish the work shall revert to the author.

The right of publication of the work created within the context of an employment relationship shall revert to the author even before the expiration of the period provided for in the sixth paragraph of this Article if the topical significance of the work is limited to a shorter period.

Article 23. The worker employed within an organization, community or organ, or by a working person who, by his or her personal and independent work in the form of a profession, exercises a professional activity, or by a working person who, by his or her personal work, exercises an independent activity using resources belonging to citizens, who, in the fulfillment of his work obligations, draws up an account of technical matters, a report, an official record or any other similar work shall not acquire any copyright in such works.

Article 24. Unless otherwise agreed, all authors' rights in works created pursuant to a work-by-contract agreement shall vest in the author who created the work.

Article 25. Where one or more persons have organized the work on the creation of an intellectual work (hereinafter referred to as "the person commissioning the work") in which several contributors not having employment relationships with the person commissioning the work have participated, the copyright in the whole work shall, unless otherwise stipulated in the contract, vest in the person who commissioned it.

Each of the persons who have contributed to the creation of the work referred to in the first paragraph of this Article shall retain his copyright in his own contribution.

The person commissioning the work referred to in this Article shall not republish it or use it for any other purpose without the authorization of all the contributors.

CHAPTER III

Content and exploitation of copyright

Article 26. Copyright shall include property-law or economic prerogatives (hereinafter referred to as "authors' economic rights") and prerogatives of a personal nature (hereinafter referred to as "authors' moral rights").

Article 27. The author's economic rights shall consist in the rights of the author to the exploitation of his work.

The exploitation of an intellectual work is effected, in particular, through publication, alteration, reproduction, multiplication, arrangement, performance, transmission and translation thereof.

Unless otherwise provided in this Law, exploitation of an intellectual work by another person may take place only with the authorization of the author.

Unless otherwise provided in this Law or by contract, the author shall have the right to remuneration for each and every exploitation of his intellectual work by another person.

Article 28. The author's moral rights shall consist of the right to be recognized and indicated as the author of the work, his right to object to any distortion, mutilation or other modification of the work, and his right to object to any use of the work which would be prejudicial to his honor or reputation.

Article 29. Any person who publishes, alters, arranges, performs, translates or records an intellectual work and any other person who exploits such work in public shall be required to indicate the full name of the author of the work for each and every exploitation.

Article 30. The author may at any time, after having compensated the user or owner thereof, withdraw his published intellectual work from circulation or buy all copies thereof, as well as forbid the latter from being further exploited in any form whatever, if the use of the said work might prejudice the scientific or artistic reputation of the author.

If the intellectual work referred to in the first paragraph of this Article is put back into circulation, the former user or owner of the work shall have priority as regards the right to use the work, that is, a right to preemption within 30 days from the date on which he was informed about it, but not later than one year from the date on which the work was put back into circulation.

The prerogatives provided for in the first paragraph of this Article shall not be vested in other copyright owners.

Article 31. The author shall have the exclusive right to publish, reproduce, multiply, alter, arrange and perform his work and to exploit it in any other form.

Article 32. Authors of dramatic, dramatico-musical and musical works shall have the exclusive right to authorize:

1. the public performance of such works;
2. the communication to the public of the performance of such works by any means.

The rights referred to in the first paragraph of this Article shall also be granted to the authors of dramatic and dramatico-musical works with respect to translations of such works.

Article 33. The author shall have the exclusive right to authorize:

1. the broadcasting of his work or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images;
2. any communication to the public, whether by wire or not, of the broadcast of his work, where such communication is made by an associated work organization other than the one which originally broadcast it;
3. the communication to the public by loudspeaker or any other similar instrument transmitting, by signs, sounds or images, the broadcast of his work.

Article 34. Authors of literary, scientific and musical works shall have the exclusive right to authorize:

1. the recording of such works by instruments for mechanical reproduction;
2. the public performance of such works recorded by instruments for mechanical reproduction.

Article 35. Authorization granted in respect of public performance, public transmission of a performance, broadcasting to the public or any other communication to the public shall not imply permission to record the work by means of instruments recording sounds or images.

Unless otherwise agreed, the associated work organization for broadcasting may, by means of its own facilities and solely for its own needs, record the protected work which it has received authorization to broadcast and rebroadcast such recordings upon payment of a remuneration and without seeking further authorization from the author.

The recordings referred to in the second paragraph of this Article may be placed in public archives as documentation material.

Article 36. Associated work organizations for broadcasting may broadcast, even without the authorization of the authors, works recorded by instruments for mechanical reproduction, such as phonograms, tape, video tape and similar recordings, but they shall be required to respect all other rights of authors.

Article 37. The author of a literary work shall have the exclusive right to authorize the public recitation and reading of his work.

Article 38. The author shall have the exclusive right to authorize adaptations, arrangements or other alterations of his work.

Article 39. Authors of literary, musical, scientific and artistic works shall have the exclusive right to authorize:

1. the cinematographic adaptation or reproduction of these works and the distribution of the works thus adapted or reproduced;
2. the public performance of the works thus adapted or reproduced.

Without prejudice to the rights of the author of the work adapted or reproduced, a cinematographic work created by the adaption or reproduction of literary, musical, scientific or artistic works shall be protected as an original work.

The adaptation, in any artistic form, of cinematographic works derived from literary, musical, scientific or artistic works shall not be effected without the authorization of the authors of such works or without the authorization of the authors of the cinematographic works, unless that right has been granted by them to the maker by contract.

The provisions of this Article shall also apply to reproduction or production effected by any other process analogous to cinematography.

Article 40. Authors of original works of figurative art, with respect to such works, and authors of literary, scientific and musical works, with respect to their original manuscripts, are entitled to be informed by the owners or users of such works and/or manuscripts of the identity of the new owner and/or user (*droit de suite*). If the original of a work of figurative art or an original manuscript is resold, the seller shall enable the author thereof to participate in a fixed percentage of the selling price.

The owner and/or user of works of figurative art and the owner and/or user of literary, scientific and musical manuscripts referred to in the first paragraph of this Article shall be required to inform the author, at his request, of the identity of the new owner or user, as the case may be.

The rate of the percentage referred to in the first paragraph of this Article shall be fixed by self-management agreement between the corresponding authors' organization, the Economic Chamber of Yugoslavia, the Federation of Trade Unions of Yugoslavia and the Socialist Alliance of Working People of Yugoslavia.

The author cannot renounce the *droit de suite* in advance.

The *droit de suite* cannot be transferred by legal acts during the author's life, but can be inherited. After the author's death, it passes on to his heirs, either by operation of law or by will.

The *droit de suite* cannot be the subject of compulsory execution or any distraint.

The provisions of this Article shall not apply to architectural works or works of applied art.

Article 41. Authors of works of figurative art, photographic works and similar works may forbid the exhibition of certain of their works if they have a moral interest therein.

The author may not forbid the exhibition of works belonging to museums, galleries and similar associated work organizations.

Article 42. The author shall have the exclusive right to authorize the translation of his work.

Article 43. Where the author of a work published in a foreign language and protected under the provisions of the Berne Convention for the Protection of Literary and Artistic Works does not translate that work into one of the languages of the peoples or nationalities of Yugoslavia within a period of ten years from the date of publication of the work, or does not authorize another person to translate it within the same period of time, such work may be translated into the languages of the peoples or nationalities of Yugoslavia without the authorization of the author.

The author of a work translated pursuant to the provision of the first paragraph of this Article shall retain the right to remuneration and all other authors' rights in the translated work.

The provisions of the first and second paragraphs of this Article shall also apply in the case of translation of an intellectual work from the one language of a people or nationality of Yugoslavia into another such language.

Article 44. An intellectual work published in a foreign language and protected under the provisions of the Universal Copyright Convention, but not under those of the Berne Convention for the Protection of Literary and Artistic Works, may be translated, without the authorization of the author, into the languages of the peoples or nationalities of Yugoslavia under the conditions prescribed in Articles 45 and 47 of this Law.

Article 45. The intellectual work referred to in Article 44 of this Law may be translated, without the authorization of the author, into one of the languages of the peoples or nationalities of Yugoslavia:

1. if, after the expiration of a period of seven years from the date of the first publication of the work, such work has not been translated or the translation thereof has not been published in the language concerned, or the editions already published are out of print;
2. if the interested national of the Socialist Federal Republic of Yugoslavia obtains, from the competent organ of the Republic or the Autonomous Province, a license to translate such work and publish it in one of the languages of the peoples or nationalities of Yugoslavia.

Article 46. The competent organ of the Republic or the Autonomous Province shall grant the license referred to in Article 45 of this Law only if the applicant establishes that he has requested authorization from the author to translate the work and publish the

translation but has been unable to reach him or to obtain his authorization.

If the applicant for a license has been unable to reach the author of the work, he shall send copies of the application by which he has requested the authorization to the publisher whose name appears on the work and, if the nationality of the author is known, to the diplomatic or consular representative of the State of which the author of the work is a national or to the organization which may have been designated by the Government of that State.

The competent organ of the Republic or the Autonomous Province shall not grant the requested translation license before the expiration of a period of two months from the date of the dispatch, to the publisher and to the organization referred to in the second paragraph of this Article, of the copies of the application by which the applicant has requested the authorization.

Article 47. A translation license may be granted to several persons.

The license granted may not be transferred to a third party.

The applicant for the license shall be required to pay remuneration to the author for the use of his work and to respect the other rights of the author of the translated work.

The competent organ of the Republic or the Autonomous Province shall not grant the license if the author has withdrawn from circulation or bought all copies of the work for the translation of which the license was requested.

Article 48. The following shall be permissible in the territory of the Socialist Federal Republic of Yugoslavia without the authorization of the author:

1. the publication and reproduction of excerpts from a literary, scientific or artistic work for teaching purposes;
2. the reprinting in periodical publications of articles dealing with current matters of general public interest, provided that the reproduction of such articles has not been expressly forbidden by the author;
3. the reproduction in newspapers and periodical publications of single photographs of current events, illustrations, technical sketches, and the like, published in other newspapers and periodical publications;
4. the reproduction of artistic works exhibited in streets and squares, unless the reproduction of a work of sculpture has been obtained by means of a mould;
5. the reproduction, by means of photography, of works of sculpture and painting and works of architecture in newspapers and reviews, unless the author has expressly forbidden it.

The provisions of the first paragraph of this Article shall, by analogy, apply also to publication and reproduction in the daily and periodical press, in films, in newsreels and by means of broadcasting.

In all the cases referred to in the first paragraph of this Article, the author's full name, the original work and the origin of the borrowing must be clearly indicated.

In the cases referred to in the first paragraph of this Article, the author shall have the right to remuneration and all other rights vested in him by this Law.

Article 49. The following shall be permissible in the territory of the Socialist Federal Republic of Yugoslavia without the authorization of the author and without payment of remuneration for use:

1. the performance of a literary or artistic work for the purposes of or in the form of teaching, provided that such performance involves no entrance fee or other form of payment or is given on the occasion of school celebrations where attendance is free of charge;
2. the publication of reviews of published literary, artistic or scientific works, wherein the content of such works is reproduced in an original and abridged manner;
3. the public exhibition of works, except those the exhibition of which is forbidden by the author, provided that he has not renounced this right by contract;
4. the reproduction of works already published, effected for purposes of improving one's personal knowledge, provided that such reproduction is neither intended for nor accessible to the public;
5. the reproduction of works of painting by means of sculpture and *vice versa*, as well as the reproduction of works of architecture by means of painting or sculpture;
6. the faithful quotation of excerpts from a published literary, artistic or scientific work, provided that the sum of the quotations does not exceed one quarter of the work from which the quotation is made.

In the cases referred to in the first paragraph of this Article, the author shall retain all other rights vested in him by this Law.

Article 50. Speeches intended for the public and made before assemblies of socio-political communities, before courts and other State organs, in scientific, artistic and other organizations, as well as at public political meetings and official celebrations, may, without the authorization of the author and without payment of remuneration for their use, be made public by the press and radio or television for purposes of reporting current events.

Other speeches, lectures, addresses and other works of the same nature may, without the authorization of the author and without payment of remuneration for their use, only be reported briefly in the daily and periodical press and by broadcasting.

A collection of the works mentioned in the first and second paragraphs of this Article may not be compiled without the authorization of the author.

In the cases provided for in the first and second paragraphs of this Article, the author shall retain all other rights vested in him by this Law.

Article 51. Remuneration shall be paid for the exploitation of creations of folk literature and art by means of performance if so provided by the laws and regulations of the Republics or the Autonomous Provinces.

The exploitation of creations of folk literature and art in any other form shall be free.

Persons who exploit creations of folk literature and art must indicate the origin of the work and abstain from any mutilation or any unworthy use thereof.

The corresponding organizations of authors and the academy of arts and sciences shall be entrusted with the safeguarding of the rights referred to in the third paragraph of this Article.

CHAPTER IV

Transfer of authors' rights

1. Scope of the transfer

Article 52. The right of the author to the exploitation of his work may be transferred wholly or in part, in consideration of payment or gratuitously, to individual persons or to legal entities for the entire term of copyright or for a specific period of time.

The person to whom the right of exploitation of an intellectual work has been transferred may not, unless otherwise agreed, transfer that right to a third party without the consent of the owner of the right.

Article 53. When using an intellectual work, the person to whom the right of exploitation of that work has been transferred shall not be authorized to make any modifications whatever to it, unless otherwise agreed.

Article 54. The author has the exclusive right to transfer the right of exploitation of his work to another person and to allow the user to modify the work or to alter it in the respects and within the limits specified.

2. Transfer by authors' contracts

(1) Provisions common to all authors' contracts

Article 55. The author may transfer the right of exploitation of his work to another person through authors' contracts, such as a publishing contract, a performance contract, a contract for a cinematographic work, a contract for radio and television broadcasting, a contract for the recording of his work by means of instruments recording sounds and images, a contract for the alteration (adaptation) of his work, a contract granting the right of translation of his work, and the like.

Article 56. Authors' contracts shall be concluded in writing.

An author's contract not concluded in writing shall have no legal effect, unless otherwise provided in this Law.

Article 57. An author's contract shall contain in particular: the names of the contracting parties, the title of the intellectual work which is the subject of the contract, the type of use of the intellectual work, the amount, terms and time limits for payment of remuneration where the work is used in consideration of remuneration.

The remuneration for use of the intellectual work shall, in so far as this is possible, be fixed by taking into account the quality of the work, the sales possibilities thereof, the economic benefits which the other contracting party derives from using the work, as well as other conditions permitting an evaluation of the results achieved by the intellectual work as regards meeting social needs.

With regard to public performance and the communication to the public of non-scenic musical and literary works, including the transmitting and broadcasting thereof by radio and television, the amount of remuneration for each particular type of performance or communication of the works, or transmission and broadcasting thereof by radio and television, shall be fixed by self-management agreement between the organizations of authors of such works, the associated work organizations for radio and television, the Economic Chamber of Yugoslavia, the Federation of Trade Unions of Yugoslavia and the Socialist Alliance of Working People of Yugoslavia.

Article 58. If the revenue derived from the use of an intellectual work is patently disproportionate to the author's agreed remuneration, the author shall be entitled to request that a more equitable participation in the revenue so derived be fixed and/or ensured by an amendment to the contract for the use of the work.

Article 59. An author's contract may also concern a work not yet created.

Any contract in which an author transfers the right of exploitation in respect of all of his future works shall be null and void.

Article 60. The author shall be required, during the period of validity of the contract, to abstain from acts which might disturb the user in the exercise of the transferred copyright.

Article 61. The provisions of the federal law governing contractual relations shall apply to authors' contracts, unless otherwise provided in this Law.

(2) Publishing contract

Article 62. By a publishing contract, the author transfers to the publisher the right of publication of an intellectual work by means of printing or multiplication.

The publisher shall be required to publish the intellectual work, to have the author's full name appear visibly on each copy, to pay remuneration to the author if the work is used in consideration of remuneration, to ensure effective distribution of copies of the work, and to supply the author periodically, at his request, with information concerning the distribution of copies of the intellectual work.

By a publishing contract, the author may also transfer to the publisher the right of translation of his work for the purpose of the publication thereof in other languages, both in the Socialist Federal Republic of Yugoslavia and abroad.

Article 63. The agent of an author may conclude a publishing contract only for the works mentioned in his power of attorney.

The agent of an author with limited capacity to contract cannot conclude a publishing contract without the author's consent to the publication of the work.

Article 64. The publishing contract shall specify in particular the scope and duration of the use of the right transferred to the publisher by the author, the time limit within which the publisher is required to publish the work and the number of copies to be printed.

Where the remuneration for the use of the work is fixed as a percentage of the retail price of the copies sold of the intellectual work, the publishing contract shall likewise specify the minimum amount of remuneration provided for in the self-management agreement which is payable by the publisher regardless of the number of copies sold, as well as the time limit for paying that amount.

Article 65. During the period of validity of the publishing contract, the author may not, unless otherwise stipulated in the contract, assign to a third party the right of publication or of multiplication of the intellectual work in the same language.

The right of publication of newspaper articles may, unless otherwise stipulated in the contract, be assigned by the author simultaneously to several users.

Article 66. Unless otherwise stipulated in the publishing contract, it shall be considered that the author has transferred to the publisher, by that contract, only the right of publication for a single bibliographic edition, that is, the right to a single multiplication.

Article 67. The manuscript or any other original of the intellectual work which is the subject of the publishing contract shall, unless otherwise stipulated in the contract, remain the property of the author.

Article 68. Unless otherwise stipulated in the publishing contract, the publisher shall be required, if new editions of the intellectual work are printed, to allow the author to make improvements to or modifications in his work, provided that these do not involve excessive expense for the publisher and do not alter the character of the work.

Article 69. When a work is destroyed by *force majeure* after its remittance to the publisher with a view to its publication, the author is entitled to the remuneration which would have been due to him if the work had been published.

When a prepared edition is destroyed by *force majeure* before its distribution, the publisher is entitled to prepare a new edition, and the author shall have the right to remuneration for the destroyed edition but not for the identical new edition.

In the case of partial destruction of a prepared edition by *force majeure* before its distribution, the publisher is entitled to reproduce, without paying remuneration to the author, only as many copies as were destroyed.

Article 70. The following shall cause the publishing contract to terminate: the death of the author before the completion of the intellectual work, the fact that all editions provided for in the contract are out of print and the expiration of the validity of the contract.

Unless otherwise stipulated in the contract, the author may request rescission of the publishing contract if, when one edition is out of print, the publisher does not, within one year from the date on which the author requests him to do so, proceed to publish a new edition as stipulated in the contract.

If, within the time limits provided for in the contract, the author does not deliver the intellectual work to the publisher or the publisher does not publish the work, the publisher or the author, as the case may be, may demand rescission of the contract and claim damages for nonfulfillment of the contract; in addition, the author shall have the right to keep the remunera-

tion received or, as the case may be, to request payment of the remuneration stipulated in the contract.

If the time limit for publication of the work has not been fixed in the contract, the publisher shall be required to publish the work within a reasonable period of time, and at the latest within one year from the date of the remittance of the manuscript or other original work.

Article 71. A contract for the publication of articles, drawings and notes in newspapers, reviews and other periodicals need not be concluded in writing.

Article 72. If the publisher, during the period of validity of the publishing contract and at the latest on expiration of three years from the date of publication of the work unless a longer period is stipulated in the contract, intends to sell unsold copies of the work for pulping, he is bound to offer them first to the author at the price which he would obtain if he sold them for pulping.

If the author does not purchase the offered copies of the work, or purchases only part of them, the publisher may sell the remaining copies of the work for pulping.

(3) *Performance contract*

Article 73. By a performance contract, the author of a work assigns to the user the right of public performance of an intellectual work, and the user undertakes to perform the said work within the time limit, in the manner and in the conditions set forth in the contract.

Article 74. The author may simultaneously assign the right of performance of a given intellectual work to two or more users, unless he has renounced that right by contract.

Article 75. The performance contract shall specify in particular the type of performance of the intellectual work and the territory in which the work may be used.

Article 76. If, within the time limits provided for in the contract, the author does not deliver the work (manuscript, score, or the like) to the user or the user does not perform the work, the author or the user, as the case may be, may demand rescission of the performance contract and claim damages for nonfulfillment of the contract.

Where the rescission of the contract is due to a fault on the part of the user, the author shall also have the right to keep the remuneration received or, as the case may be, to request payment of the remuneration stipulated in the contract.

The manuscript, score or other original of the intellectual work which is the subject of the perfor-

mance contract shall, unless otherwise stipulated in the contract, remain the property of the author.

Article 77. The beneficiary of the performance contract shall be required to allow the author to inspect the performance of the work, to ensure that the work is performed in technical conditions guaranteeing that the moral rights of the author will be respected, as well as to supply the author or his agent with the program and to inform him periodically of the receipts derived from the performance of the work.

Relationships between the authors and associated work organizations for radio and television in the capacity of users of the intellectual work within the meaning of the first paragraph of this Article shall be governed by contract.

(4) *Contract for a cinematographic work*

Article 78. Contracts for cinematographic works include both the contracts concluded by the authors of the cinematographic work (contracts concerning the scenario, the direction of the film and the film music, the contract concluded with the principal cartoonist) and the contracts concerning individual contributions to the cinematographic work made by other authors.

The authors of the cinematographic work transfer to the maker, by contract, the right to film, reproduce, distribute and publicly perform the cinematographic work.

The maker shall be required to distribute the cinematographic work and to provide the authors thereof, at their request, with information concerning the results of such distribution.

The remuneration stipulated in the contract for filming the cinematographic work shall not include the remuneration for reproduction and public performance of the cinematographic work.

Article 79. During the period of validity of the contract for the cinematographic work, the author of that work may not, unless otherwise stipulated in the contract, assign to a third party the right of filming, reproduction, distribution or public performance.

Where the maker to whom the authors have transferred the right to film the work does not do so within a period of three years from the date of conclusion of the contract, the authors may demand rescission of the contract and claim damages for nonfulfillment of the contract, as well as keep the remuneration received or, as the case may be, request payment of the remuneration stipulated in the contract.

(5) *Transfer by inheritance*

Article 80. The provisions of the laws on inheritance of the Republics or Autonomous Provinces shall apply to the inheritance of copyright, unless otherwise provided in this Law.

(6) *Exercise of copyright after the author's death*

Article 81. After the death of the author, his moral rights, unless he decided otherwise, may also be exercised by the organization of authors to which the deceased author belonged or would have belonged according to the type of his works.

After the expiration of the author's economic rights, his moral rights shall be safeguarded by the organization of authors and the academy of arts and sciences.

CHAPTER V

Term of copyright

Article 82. The term of the authors' economic rights shall be the life of the author and 50 years after his death, unless otherwise provided in this Law for special categories of authors' economic rights.

Where the owner of the authors' economic rights is a legal entity within the meaning of Article 20 of this Law, the copyright shall expire 50 years after publication of the work.

Article 83. Authors' economic rights in a cinematographic work shall expire 50 years after the death of the last surviving author.

Authors' economic rights in a cinematographic work having the character of a photographic work shall expire 25 years after completion of the work.

Article 84. Authors' economic rights in a photographic work, in a work produced by an analogous process and in a work of applied art shall expire 25 years after publication of the work.

Article 85. Authors' economic rights in an anonymous intellectual work and a work published under a pseudonym shall expire 50 years or, in the case of the works referred to in Article 83, second paragraph, and Article 84 of this Law, 25 years after publication of such works.

Where the pseudonym leaves no doubt as to the identity of the author, or if the author reveals his identity, the term of his economic rights shall be the same as if the intellectual work had been published under the author's full name.

Article 86. The term of authors' economic rights belonging in common to co-authors of an intellectual work shall start to run from the death of the last surviving co-author.

Article 87. Authors' moral rights shall subsist also after the termination of their economic rights.

Article 88. The terms indicated in Articles 82 to 86 of this Law shall begin on the first of January of the year immediately following that in which the author died or, where applicable, the work was published.

Article 89. After the termination of authors' economic rights, a special contribution shall be payable for the use of an intellectual work if so provided by the laws and regulations adopted by the Republics or the Autonomous Provinces.

CHAPTER VI

Administration of copyright

Article 90. The author may administer his author's rights himself or through an agent.

Article 91. Organizations of authors, and associated work organizations if their activities in the field of the protection of authors' rights is registered in conformity with the law, may, in the territory of the Socialist Federal Republic of Yugoslavia, also administer authors' rights by virtue of a power of attorney received from the authors.

Organizations of authors, and the associated work organizations if their activities in the field of the protection of authors' rights are registered in conformity with the law, may also administer abroad authors' rights of nationals of the Socialist Federal Republic of Yugoslavia.

Organizations of authors may administer the authors' rights resulting from the public performance of non-scenic literary and musical works ("*petits droits*") even without a power of attorney from the authors.

Article 92. To act as representative before courts and other bodies, the organization of authors or the associated work organization referred to in Article 91 of this Law must possess a special power of attorney from the author whose copyright is concerned in the litigation.

Article 93. To act as representative before courts and other bodies with a view to administering authors' rights resulting from the public performance of non-scenic literary and musical works ("*petits droits*"), the organization of authors or the associated work organization referred to in Article 91 of this Law shall not require a special power of attorney from the author.

The organization of authors or the associated work organization referred to in Article 91 of this Law may initiate and conduct in its own name the court actions referred to in the first paragraph of this Article, but it shall be required to report to the author the rights thus administered.

Article 94. The impresarios of cultural and artistic entertainments and other users of intellectual works shall be required to obtain permission for performance of such works in cases where such permis-

sion is required under the provisions of this Law, and to supply without delay, and at the latest within 15 days from the date of performance, the organization of authors or the associated work organization referred to in Article 91 of this Law with the programs of the works performed and to pay them royalties for the exploitation of such works.

At the request of the author, the organization of authors or the associated work organization referred to in Article 91 of this Law, the competent organ of communal administration shall prohibit the entertainment or the use of the intellectual work, as the case may be, if the entertainment impresario or the user of the work does not have permission for performance from the author, the organization of authors or the associated work organization referred to in Article 91 of this Law.

CHAPTER VII

Protection of copyright

Article 95. Any person whose author's rights, whether economic or moral, have been infringed may demand the protection of such rights and claim damages for the harm suffered by infringement.

Article 96. At the request of the person whose copyright has been infringed, the court may order in its decision:

1. that the decision be published at the expense of the defendant;
2. that the defendant be forbidden to continue his infringement of copyright;
3. that objects by means of which the infringement of copyright was committed be destroyed or modified.

Article 97. At the request of any person who furnishes evidence that his copyright has probably been infringed, the court may, even before taking a decision on the merits of the case, order the provisional seizure and withdrawal from circulation of objects capable of infringing copyright, or the prohibiting of the continuation of any works commenced by which infringement of copyright could be caused.

Article 98. Where a person who publicly exploits an intellectual work does not indicate the author's full name in connection with such exploitation, the author may claim appropriate damages from such person for the economic prejudice thereby caused, the subsequent publication of the author's full name in a suitable form, as well as an interdiction prohibiting that person from repeating such infringements.

Article 99. Copyright cannot be the subject of compulsory execution.

Compulsory execution may be exercised on the economic benefit derived from an intellectual work.

Unfinished works and unpublished manuscripts cannot be the subject of compulsory execution.

Article 100. Any person who, under his own name or that of another person, has published, performed or transmitted the work of another, or who has permitted such acts, shall be punished for an offense by imprisonment of up to three years.

Any person who has unlawfully inserted excerpts from the work of another in his own intellectual work shall be punished for an offense by a fine or by imprisonment of up to one year.

Any person who has distorted, mutilated or otherwise modified the work of another shall be punished for an offense by a fine or by imprisonment of up to six months.

Article 101. Any person who, in cases where the authorization of the author or of another owner of copyright is required according to the provisions of this Law, has published, altered, arranged, reproduced, performed, transmitted, translated or otherwise used an intellectual work protected under this Law without such authorization shall be punished for an offense by a fine.

Any person who, for purposes of material or pecuniary gain, has knowingly disseminated copies of an intellectual work which have been reproduced or multiplied without authorization, or who has publicly displayed such copies or transmitted them by broadcasting or otherwise, shall be punished for an offense by a fine.

Article 102. Proceedings in respect of the offenses referred to in Articles 100 and 101 of this Law shall be instituted at the request of the interested party.

Article 103. For the acts referred to in Articles 100 and 101 of this Law, an associated work organization or other legal entity shall be punished for a minor offense by a fine of up to 300 000 dinars.

For the act referred to in the first paragraph of this Article, the person responsible within an associated work organization or other legal entity shall also be punished for a minor offense by a fine of up to 20 000 dinars.

Article 104. If, as a user of an intellectual work, an associated work organization or other legal entity does not supply the organization of authors, or the associated work organization whose activities in the field of the protection of authors' rights are registered in conformity with the law, with the program of the works performed containing accurate information, or if such organization includes in such program inaccurate information regarding the work performed (Article 94, first paragraph), it shall be punished for a minor offense by a fine of up to 20 000 dinars.

For the act referred to in the first paragraph of this Article, the person responsible within an associated work organization or other legal entity shall be punished for a minor offense by a fine of up to 10 000 dinars.

Article 105. For the minor offense referred to in the first paragraph of Article 104 of this Law, individuals shall be punished by a fine of up to 10 000 dinars.

CHAPTER VIII

Transitional and final provisions

Article 106. Pending the conclusion of the self-management agreement within the meaning of Article 57, third paragraph, of this Law, the provisions of the

general acts of self-management of the organizations of authors concerning the fixing of the amount of remuneration for various types of performance or communication to the public of non-scenic musical and literary works shall apply to the fixing of such amounts.

Article 107. As from the date of entry into force of this Law, the Copyright Law (Official Gazette of the SFRY, No. 30/68) shall be repealed, with the exception of the provisions of Articles 94, 95, 96 and 104, which shall be repealed as from the date of entry into force of the corresponding laws or regulations of the Republics or Autonomous Provinces, and at the latest one year after the date of entry into force of this Law.

Article 108. This Law shall enter into force on the eighth day after its publication in the Official Gazette of the SFRY.

Correspondence

Letter from Yugoslavia

The New Copyright Law

Ivan HENNEBERG *

International Activities

International Literary and Artistic Association (ALAI)

Executive Committee and General Assembly

(Ordinary and Extraordinary Sessions)

(Paris, January 25, 1980)

The Executive Committee and the annual General Assembly of ALAI met in Paris on January 25, 1980. Delegates from the national groups of ALAI in the following countries took part in the meetings: Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Italy, Netherlands, Sweden, Switzerland, United Kingdom. WIPO was represented by Mr. Claude Masouyé, Director, Copyright and Public Information Department. Observers from Unesco and some international non-governmental organizations also attended the meetings, as well as members of ALAI from societies of authors or from interested legal circles.

The debates were presided over by Professor Henri Desbois, President of ALAI.

After discussion of a number of questions of an administrative and financial nature, the Executive Committee and the General Assembly heard the report on ALAI activities during the past year and held an exchange of views on current problems of international copyright, particularly those raised by cable distribution of television programs.

Following an invitation by the Scandinavian groups, it was decided that a study session would be held in Helsinki, Finland, from May 26 to 28, 1980. The general theme will be "The author's rights in the copy of his published work," to be studied from various points of view, such as the principle of exhaustion of the right, contractual conditions for disseminating copies, and the like. The meetings are to be held at the Cultural Center in Hanaholmen.

The General Assembly subsequently met in extraordinary session to proceed with an amendment of the statutes of ALAI. Its discussions were based on a draft produced by a working group, which met in Stockholm in April 1979, and finalized by the Executive Committee at its preceding meetings. After discussion, the General Assembly unanimously adopted the new text of the statutes, together with the recommendations on the procedure for setting up the future Executive Committee and its Office under the revised provisions, to enable the new structure to be effective as from January 1981.

Calendar

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible changes.)

1980

June 9 to 13 (Paris) — Development Cooperation — Committee of Experts for a Model Statute for Authors' Societies for Developing Countries (convened jointly with Unesco)

June 9 to 16 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)

June 13 to 19 (Geneva) — Budapest Union (Microorganism) — Interim Committee (or Assembly)

- June 23 to 27 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Search Information**
- September 8 to 12 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning**
- September 22 to 26 (Geneva) — Governing Bodies (WIPO Coordination Committee; Assemblies of the Paris, PCT and TRT Unions; Conference of Representatives of the Paris Union; Executive Committees of the Paris and Berne Unions)**
- October 14 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries**
- October 20 to 24 (Geneva) — Permanent Committee on Patent Information (PCPI)**
- November 17 to 21 (Geneva) — Berne Union and Universal Copyright Convention — Working Group on the overall problems posed for developing countries concerning access to works protected under copyright conventions (convened jointly with Unesco)**
- December 1 to 3 (Lomé) — Development Cooperation — African Regional Seminar on Copyright (convened jointly with Unesco)**
- December 4 and 5 (Lomé) — Development Cooperation — African Regional Seminar on Neighboring Rights (convened jointly with ILO and Unesco)**
- December 15 to 19 (Paris) — Berne Union and Universal Copyright Convention — Committee of Governmental Experts on Problems Arising from the Use of Computers (convened jointly with Unesco)**

UPOV Meetings

1980

- April 27 to May 11 (Nelspruit) — Technical Working Party for Fruit Crops**
- May 12 to 14 (Wageningen) — Technical Working Party for Agricultural Crops**
- June 23 to 25 (Geneva) — Subgroups of the Administrative and Legal Committee**
- August 26 to 28 (Hanover) — Technical Working Party for Forest Trees**
- September 16 to 18 (Lund) — Technical Working Party for Ornamental Plants**
- September 23 to 25 (Lund) — Technical Working Party for Vegetables**
- October 14 (Geneva) — Consultative Committee**
- October 15 to 17 (Geneva) — Council**
- November 10 to 12 (Geneva) — Technical Committee**
- November 13 and 14 (Geneva) — Administrative and Legal Committee**

Other Meetings in the Field of Copyright and/or Neighboring Rights

Non-Governmental Organizations

1980

- International Confederation of Societies of Authors and Composers (CISAC)**
Congress — November 3 to 7 (Dakar)
- International Federation of Library Associations and Institutions (IFLA)**
Congress — August 18 to 23 (Manila)
- International Federation of Musicians (FIM)**
Congress — May 5 to 9 (Geneva)
- International Literary and Artistic Association (ALAI)**
Study Session — May 26 to 28 (Helsinki)
- International Publishers Association (IPA)**
Congress — May 18 to 22 (Stockholm)

1981

- International Federation of Translators (FIT)**
Congress — May 6 to 13 (Warsaw)
- Internationale Gesellschaft für Urheberrecht (INTERGU)**
Congress — September 21 to 25 (Ottawa)