

WIPO Questionnaire for Survey on Copyright Registration and Deposit Systems

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

Intellectual Property Office of Republic of Serbia in Belgrade, as a State Body under the Ministry of Science and Technological Development of the Republic of Serbia.

2 Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

Intellectual Property Office, Copyright and Related Rights Department, 5, Knjeginje Ljubice Street, 11000 Belgrade, Republic of Serbia, open to the public 9 a.m. – 17 p.m.

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

Copyright and Related Rights Department, Recording and depositing works of authorship and subject matter of related rights with the Intellectual Property Office of republic of Serbia,
Web page: www.zis.gov.rs; e-mail address: zis@zis.gov.rs <mailto:jradojevic@zis.gov.rs>

4. Is the copyright registry interconnected to any other copyright data system?

No

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

- The Law on Copyright and Related Rights (hereinafter: CL), Official Gazette RS No, 104/2009, 12. December, 2009. Date of entry into force of basic text: 24. 12. 2009,
- Regulation of Evidence of Works of Authorship and Subject-matters of Related Rights, Official Gazette RS No, 24/2005,

6. What kind of copyright works can be registered/recorded? Is the registration/recordation process different for each type of copyrighted work? Please describe the differences, if any.

All kinds of copyright works, in accordance with article 1, 2. Par. 1-10, art.3, art.4 and art.5. CL. NO, the recording procedure is the same for all kinds of copyright protected works.

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration/recordation process than for works protected by copyright?

Yes the subject matter of related rights can be registered. There is no difference, the process is the same.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

No.

9 Is there a possibility to record a security interest in the copyright or related right?

No.

If so, what are the legal requirements and effects of such recordation?

N/A

10. What is the legal effect of registration?

In accordance with Art.202 CL the recording serves for the purpose to exclusively secure evidence about the facts that can be considered significant for the possible legal suit or some other use concerning the subject matter of deposition of the work or subject matter of related rights.

11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?

- a) Recognition of creation?
- (b) Transfer of rights?
- (c) Initiation of judicial proceedings?
- (d) Other changes in title/ownership (such as leasing)?

The registration is voluntary in all circumstances.

If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.

N/A

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

There is no a priori acceptance. It dependent on conventions ratified from the field of copyright and related rights, and a domestic law referring to the settlement of disputes with foreign countries.

13. What are the requirements for registration?

(a) What are the mandatory elements of the request for registration/recordation?

The mandatory elements of the request for registration are: the work of authorship or subject matter of related rights, the data about the author or other holder of copyright or related rights or his legal successor, the evidence on the payment of fees.

(b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?

The request has to be submitted in a specific written form, by post or in the Intellectual Property Office. It can not be submitted electronically.

(c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?

Yes, the copy of the work has to be submitted with the registration request. Copy of the work can be submitted in the digital form.

(d) Is there a registration/recordation fee? If so, how much is the registration/recordation fee?

In accordance with the Law on Republic Administrative Fees, the registration fee is 5000 dinars (or about 50 €).

(e) What is the average time taken to complete the registration/recordation process?

10 days - one month.

14 Are foreigners allowed to register/record their creations? Are people without Wai residence in your country allowed to register/record their creations? Is there a different registration/recordation process for domestic as opposed to foreign works or objects of related rights?

Yes, foreigners and people without Wai residence in our country are allowed to register/record their creations. There is no different procedure.

15. Are the files stored in digital form?

Yes.

16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?

The data about the name of author or other holder of copyright or related rights or his legal successor the title of work, the kind of work, the form of the work recorded, textual description if the work is submitted in the electronic form, statement on the legal grounds if the procedure is not initiated by the author but by the legal entity. Yes it is possible to correct relevant information.

17. Does the system have a search facility?

Yes.

18. Is it accessible by the public? Is the search facility available online?

No it isn't accessible by the public. The search facility isn't available online.

19. Is access granted to the work registered or its copies?

No. The access to the work or its copy is granted only for courts and other states body, when the procedure is in case.

20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

No. General public don't have access to documents submitted or to any information regarding the work registered/recorded.

21 Does your country have legislation dealing specifically with "orphan works", i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.

No, Serbia does not have legislation dealing with "orphan works".

22 Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of "orphan works"?

As far as we now, there are no industry practices in our country aimed at identifying and/or locating the copyright owner of "orphan works".

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with "orphan works"?

No.

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

In the Digital Library of Serbia in full text access, they have material which is in public domain and free of copyright.

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

No

26. Please provide statistics on following registrations/recordations:

a) Number per statistical period (last five years)

2009	2008	2007	2006	2005
316	741	642	681	519

(b) Number per nationality (last five years)

2009		2008		2007		2006		2005
domestic	foreigners	domestic	foreigners	domestic	foreigners	domestic	foreigners	domestic
313	3	734	7	638	4	679	2	519

(c) Number of inquiries/requests for information filed per statistical period (last five years).

There is no statistics about that.

(d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years).

There is no statistics about that.

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

Yes.

28. Please list relevant national legislation regulating the legal deposit.

Law on Cultural Goods ("Official Gazette of Republic of Serbia" no. 71/94) and Law on Librarianship ("Official Gazette of Republic of Serbia" no.34/94).

29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

The legal deposit is mandatory. Consequences by the law are to pay fines.

30. What are the functions performed by your National legal deposit system (e.g. preservation of cultural heritage; collection of statistical information, etc)?

Preservation of cultural heritage in national institutions, cataloguization in publication before printing, building of national union catalogue, statistical reports...

31. Is there any connection or interaction among legal deposit and copyright protection?

None.

32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

Yes. For preservation purposes – in the National Library of Serbia (for the whole territory of Serbia) and in the Library of Matica Srpska in Novi Sad (for the region of Vojvodina) we keep two copies: one is for users and other one is archival copy for “future generations”.

33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

All types of material, e.g. (Print Material, such as books, serials, newspapers, government publication; Non-Print Material, such as music, audiovisual works, postcards, cartographic material, posters, photos, audio and video tapes, CDs, CD-Roms, DVDs, etc.) except broadcast

material and online and Internet editions. The Yugoslav Film Archive (Cinematheque) is charged for collecting the movies produced in Serbia. TV Serbia is charged for broadcast material. The National Library of Serbia is charged for collecting movies on DVDs, and NLS is issuing the ISAN numbers from 2008 (International Standard Audiovisual Numbers).

34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?

The printing houses from Serbia are obligated to send ten (10) copies of each published item (after publishing and before distribution to bookstores), to the National Library of Serbia (NLS) and to the Library of Matica Srpska (LMS) in Novi Sad (for the region of Vojvodina). When the publisher prints abroad, he is obligated to send the legal deposit to these two national institutions. NLS and LMS keep two copies, and distribute other 8 copies to the University Library "Svetozar Markovic" in Belgrade, to the Belgrade City Library, to the National and University Library of Kosovo (located now in the NLS), to the Central and National Library "Djurdje Crnojevic" in Cetinje, Montenegro, two copies are for international exchange and one copy is for donation to Serbian public libraries.

35. Is there any type or category of material exempted from legal deposit for policy reasons?

Yes, only for material this is marked as "state secret".

36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

We receive only off-line electronic material (CDs, CD-ROMs, DVDs), not on-line editions. In the new draft of the Law on Legal Deposit (which is now in procedure), we include also the preservation of on-line material as Internet cultural heritage for Serbian domain, online journals, books etc.

37. How many copies does the depositor have to deposit? Are there special conditions for limited or de luxe editions?

Ten copies of all editions, even de luxe and limited editions. New draft of the Law on Legal Deposit will obligate publishers (now not printing houses) to send to the NLS and LMS 5 copies.

38. Who is/are the subject/subjects responsible for delivering the legal deposit?

Printing houses from Serbia and publishers when publication is edited abroad.

39. What are the time requirements for legal deposit?

After printing and before distribution in bookstores.

40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

No, it is free by Law.

41. What is/are the entity/entities responsible for acting as legal depository?

National Library of Serbia for the whole territory of Serbia and Library of Matica Srpska in Novi Sad for the territory of the region of Voivodina.

42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

General public have free access to legally deposited materials in reading rooms of deposit libraries under regular rules on using of library materials.

43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

Serbian Union Catalogue with more than 2,5 million of bibliographic records is available online and free of charge and presents the unique search facility. In the Digital Library of Serbia in full text access we have only material which is in public domain and free of copyright.

44 Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

The National Library of Serbia is the National agency for publishers. We are offering them many different services: CIP (Cataloguing In Publication) before printing, ISBN -International Standard Book Number, ISSN - International Standard Serial Number, ISMN – International Standard Music Number (printed music), ISAN – International Standard Audiovisual Number (for DVD films), DOI – Digital Object Identifier (for electronic articles).

45 Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

	2004	2005	2006	2007	2008	2009
Books	13.849	14.124	14.127	15.755	17.373	14.263
Special Collections	8200	7800	8300	9100	9123	6902
Reviews (in volumes) – about 1.000 titles per year	7753	8234	9496	9638	10.112	11.382
Newspapers (in volumes) – about 400 titles per year	31.884	34.232	31.051	35.051	36.121	34.879
Printed music – about 100 per year	105	95	87	101	120	90

Audiovisual works – movies on DVD	-	-	2875	3264	4123	2700
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