

L A W
on Copyright and Related Rights
Integral text
("Official Gazette of the RM" No. 47/96, 3/98, 98/02 and 4/05)

CHAPTER I
GENERAL PROVISIONS

Article 1

This Law regulates the right of authors on their works of literature, science and art (hereinafter as "copyright") and the rights of performers, of phonogram producers, film producers and stage producers, broadcasting organizations and publishers and other entities determined under this law, as well as database makers (hereinafter "related rights") on their performances and subject matters of related rights, as well as the implementation and protection of copyright and related rights.

Article 2

Certain expressions used within this Law shall have the following meaning:

1. "Public" means the availability of a copyright work, under equal conditions, to an unspecified number of persons outside the usual family circle or the circle of personal acquaintances;
2. "'Disclosure" means making available to the public of a copyright work, with the author's consent regardless of manner or form ;
3. " Publication" means reproduction of a copyright work in a sufficient number of copies and their distribution
4. "Reproduction" means making a copy of a copyright work or of a part of it, fixed on a material medium, directly or indirectly, temporary or permanently, regardless of the type of the copy medium, the number of copies and the procedure;
5. "Distribution" means putting into circulation or offering to the public an original or a copy of a copyright work for the purpose of sale or other form of transfer of ownership right, including the rental or lending of an original or a copy of a copyright work, as well as their importation intended for further circulation, regardless if they were legally made or not;

6. "Rental" means offering the use of an original or a copy of a copyright work for a limited period of time, for the purpose of direct or indirect economic benefit

7. "Lending" means offering the use of an original or a copy of a copyright work for a limited period of time, without a direct or indirect economic benefit, whereas it is carried out through organizations approachable for the public.

8. "Public exhibition" means disclosure of an original or a copy of a work of fine art or photography or a work created in a manner similar to the one of photography, a work of applied art, design, architecture, physical planning, cartography, as well as other work of a scientific and technical nature;

9. "communication to the public" means to use the original or a copy of a copyright work in an immaterial form such as:

- "Public performance" means a live disclosure, or disclosure via technical means, including live disclosure of a work on a stage;

- "Public transmission" means disclosure outside the space or place of performance via loudspeaker, screen and alike;

- "Making available to the public" means a single use of an original or a copy of a copyright work approachable for the public, wireless or by wire, in a place and time chosen by the user himself;

- "Public presentation" means disclosure, via technical means, of a cinematographic or other audiovisual work or work of photography, fine art, architecture, physical planning, applied art, design, cartography and works of a scientific and technical nature;

- "Broadcasting" means disclosure of a copyright work via radio and television program signals, wireless, including satellite or by wire, including cable or microwave system. Broadcasting via satellite is carried out while under control and responsibility of a broadcasting organization. Program broadcasting signals intended for the public are sent, in a continuous communication chain which leads to the satellite and back to the ground. When the program signals are coded, the broadcasting via satellite shall be realized under condition the de-coding means to be available to the public via broadcasting organization or via other person with an approval of the organization. "Satellite" means any satellite which operates under a frequency which, according to the appropriate regulation on telecommunications, is reserved to broadcast signals intended for the public or for a closed individual communication, though the conditions for the signal reception are appropriate to those to be received by the public;

- "Re-broadcasting" means simultaneous, complete and unaltered disclosure of a work already broadcast, insofar: it is carried out by other radio or television organization or when is carried out via cable retransmission - transmitted via cable or microwave system and involving more than 100 cable connections under condition that the work is initially broadcasted from another country and

10. "Modification" means translation, reworking, adaptation, arranging or other method of adaptation of an original copyright work

CHAPTER II

COPYRIGHT

Section 1

Copyright Work

Article 3

A copyright work, within the meaning of this Law, is an individual and intellectual creation in the field of literature, science, arts and other domains of creation, regardless of the type, manner and form of expression, unless otherwise provided in this Law.

A copyright work shall include, in particular:

- A written work such as a literary work, article, essay, manual, brochure, scientific study, treatise and the like,
- a computer program, as a literary work,
- a spoken work, such as an address, sermon, lecture and alike,
- a musical work with or without words,
- a drama, drama and musical work and a work of puppetry,
- a choreographic work and a work of pantomime, fixed on a material medium,
- a photographic work and a work created in a manner similar to the one of photography,
- a cinematographic and other audiovisual work,
- a work of fine art, such as a painting, graphics, sculpture and alike,
- work of architecture,
- a work of applied art and design and
- a cartographic work, plan, sketch, technical drawing, project, table, plastic work and other work of identical or similar character in domain of geography, topography, architecture or other scientific, educational, technical or artistic nature.

Article 4

The component parts and the title of a copyright work, insofar are individual intellectual creations by themselves, shall enjoy the same protection as the work itself

It shall not be permitted to use for the title of a copyright work a title that has already been used for a work of the same type, if that title would create or would lead to confusion in respect of the copyright work

Article 5

Within the meaning of this Law, it shall not be considered as a copyright work: an idea, a concept, discovery or an official text from the legislative, executive or judicial sphere and their translation, when published as an official text (hereinafter "other work").

Article 6

The modification of a copyright work, other work or a work of folk literature and folk art that is an individual and intellectual creation shall be considered an independent copyright work

The modification of a copyright work that in any way affects the rights of the author of the original work shall not be permitted.

Article 7

A collection of copyright works, folk literature and folk art works, other works or other material such as: encyclopaedia, anthology, miscellany, database, collection of documents and other collections which, according to the selection, purpose or arrangement of their contents, constitute individual and intellectual creation, shall be considered as an independent copyright work.

The protection of a collection as in par.1 of this article shall not include its contents and shall not affect the protection of rights which concern the collection contents.

Article 7-a

As a database within the meaning of article 7 of this Law, shall be considered the collection of independent copyright works, folk literature and folk art works, other works, data or other materials set down in a systematic or methodical manner and which could be accessed individually or via electronic means or in other manner.

The protection of a database, under this Law, shall not include the computer programs which are used to create or to operate databases with an electronic access.

Article 8

Works of folk literature and folk art shall be used in accordance with this Law.

Section 2

The Author

Article 9

The author, within the meaning of this Law, is a natural person who has created a copyright work.

Article 10

A person whose name, pseudonym or designation in a customary manner is denoted on the work or is stated at the time of its disclosure, shall be considered as an author, until proved to the contrary.

In a case if the author is unknown, the person who discloses the work shall be entitled to exercise copyright on the disclosed work.

The provision of paragraph 2 of this Article, shall cease to be valid when the author's identity is determined. In that case, the copyright holder of paragraph 2 of this article shall be obliged to assign to the author, the benefits deriving from the author's copyright, unless otherwise provided by contract.

Article 11

If the copyright work, created in collaboration of two or more persons, constitutes an indivisible whole, all the persons (hereinafter as: co-authors) shall acquire an indivisible copyright of that work.

The share of each co-author shall be determined in a proportion with the real contribution of each one to the creation of the copyright work, unless otherwise determined by mutual contract .

All co-authors shall jointly decide on the use of the work of this Article, paragraph 1, and none of them shall have the right to prevent the use of the work contrary to the principles of good reason and good faith.

If a copyright work, within the meaning of paragraph 1 of this Article, constitutes a divisible whole, each co-author shall have a copyright on his contribution to the work.

Article 12

If several authors gather their works for the purpose of joint use, the provisions from Article 11 of this Law consequently shall be applied.

Section 3

Contents of Copyright

Subsection 1

General Provisions

Article 13

The copyright belongs to the author on the basis of the creation of the work, regardless whether it has been disclosed.

Article 14

The copyright is an integral and inseparable right from the copyright work, which comprises exclusive personal powers (hereinafter as: moral rights), exclusive property powers (hereinafter as: economic rights) and the other powers of an author (hereinafter as: other rights).

Subsection 2

Moral Rights

Article 15

Moral rights shall protect the author in respect with his personal and intellectual relation to the work.

Article 16

The author shall have the moral right to:

- decide whether, when and how his work shall be disclosed for the first time;
- recognition of the authorship of his work;
- determine whether his authorship shall be specified at the time of disclosure of the work and the type of denotation therefore;
- demand for his name, pseudonym or other denotation to be indicated on every use of his work in customary manner;
- protect the integrity of the work and prohibit any distortion, mutilation or alteration of the work, and to object to any use of the work which would be prejudicial to his personality, honour or reputation;
- alter the work insofar this does not infringe the rights acquired by other persons; and
- withdraw the right of the holder of his economic right, according to this Law.

Article 17

The author shall have the exclusive right to withdraw the assigned economic right from the holder, if he has real moral reasons therefore and if he has previously indemnified the holder for the damage caused by such withdrawal.

The holder of paragraph 1 of this Article, shall be obliged within three months of the receipt of the withdrawal, to notify the author of the amount of damage which should be indemnified. If he does not do that, the withdrawal shall become valid after the expiration of the said time period.

Due to the withdrawal of the right as in paragraph 1 of this Article, the economic right of the holder shall revert to the author.

If the author wishes to reassign the economic right on his work later on, he shall be obliged, within a period of three years after the validity of the right of withdrawal, to offer such an assignment primarily and under the same conditions to the previous holder of paragraph 1 of this Article.

The provisions of this article shall not apply to a computer program, audiovisual work, stage work and databases.

Subsection 3

Economic Rights

Article 18

The economic rights shall protect the property interests of the author.

The use of the copyright work shall be permitted if the author has assigned the economic right according to this Law and to the conditions he has determined, unless otherwise provided by this Law.

Article 19

The author shall have the exclusive economic right to use his work and to authorize or prohibit the use of the work by other persons, in particular for: reproduction, distribution, rental, public performance, public transmission, public presentation, public exhibition, broadcasting, re-broadcasting and modification.

The author of the original work has an exclusive right to use his modified work, unless otherwise provided by this Law or by contract.

Subsection 4

Other Rights of the Author

Article 20

The author shall have the right to access the original or the copy of his work in possession of another person, for the purpose of exercising the right of reproduction or modification of the work, unless it is in a contrary to the legitimate interest of the possessor.

The author shall have the right to demand from the possessor to deliver him the original of the work of fine art or of the photographic work for the purpose of public exhibition or other form of disclosure, if there is a legitimate interest therefore.

The delivery of the original from paragraph 2 of this Article, may be conditioned by a guarantee deposit or by insurance in the amount of the market value of the original.

The author shall be obliged to carry out the access and delivery of paragraphs 1 and 2 of this Article, with the least possible inconveniences to the possessor and at his own expense. In a case of a damage to the work, the author shall be liable, regardless of his fault.

Article 21

If the original of an art work is sold or disposed in any other way, its author shall have the right to be notified and to obtain a remuneration of every subsequent resale (hereinafter as: right of resale royalty).

The resale royalty right as in paragraph 1 of this article, may not be subject to revocation, disposition and judicial execution.

Article 21-a

"An original of an art work " within the meaning of article 22 of this Law, means an art work from fine arts, graphics or the plastic art such as: paintings, collage, pictures, drawings, graphics, engravings, lithography, sculptures, ceramics, fretworks, tapestries, works on a glass, work of photography or a work created in a manner similar to the one of photography, as well as copies of mentioned works that are considered as original works.

Copies of the mentioned works created by the author himself or works made upon his approval in a limited quantity, shall be deemed as originals and are usually numerated and signed by the author, or otherwise accordingly approved by him.

Article 21-b

The author's remuneration of the resale royalty right shall be determined according to the following rates:

- 4% of the retail price up to 50. 000 Euro in a denars currency;
- 3% of the retail price from 50. 000,01 up to do 200. Euro in a denars currency;
- 1% of the retail price from 200. 000,01 up to do 350. 000 Euro in a denars currency;
- 0,5% of the retail price for the part of the price from 350. 000,01 to 500. 000 Euro in a denars currency;
- 0,25% of the retail price for the part of the price exceeding 500. 000 Euro in a denars currency.

The remuneration as in paragraph 1 of this article shall be calculated in a denars currency corresponding to the standard exchange rate of the National Bank of the Republic of Macedonia on the day of the sale. The retail price as in paragraph 1 of this article shall be the net value excluding the tax..

The highest amount of the remuneration should not exceed 12. 500 Euro in a denars currency.

The author's remuneration as in paragraph 1 of this article shall be paid by the seller, i.e. the gallerist, the organizer of the auction, an art gallery or other mediator who carries out the sale of art works.

Article 21-c

The authors, his successors or the collecting societies shall have the right within three years after the day of the sale of a copyright work, to demand from the entities as in article 24 paragraph 4 of this law, to receive information necessary to secure the payment of the author's remuneration from the resale, in particular for: the titles of the sold works, the owner and the mediator, the sale contracts, the sale price etc.

Article 21-d

Whereas the original (manuscript) of the literary or the music work was sold or otherwise disposed of, its author shall have the right to be notified and to obtain a remuneration in amount of 3% of the retail price expressed as a net value excluding tax, of every subsequent resale.

The provisions as in article 24 paragraph 4 and 25 of this Law shall accordingly apply to the works as in paragraph 1 of this Article as well.

Article 21-e

After the exhaustion of the right to distribution as in Article 25 of this Law, the author shall have the right to equitable remuneration from the lending.

The lending right as in paragraph 1 of this Article shall not apply to the architectural structures and to originals and copies of works of applied arts and design.

Public institutions shall be exempted from the payment of remuneration as in paragraph 1 of this Article, as follows:

- libraries, for originals or copies of written works and libraries for copies of phonograms;
- galleries and museums, for originals and copies of fine art works and works of photography;
- film archives and institutions in the field of education, for originals or copies of video-grams that contain recorded cinematographic and audio-visual works.

The remuneration as in paragraph 1 of this Article shall not be paid as well for lending works among public institutions i.e. other non-profitable institutions.

Article 21-f

The author shall have the right to an equitable remuneration for the sound or visual fixation and photocopy of his work, which will be carried out for a private use as in Article 30-a of this Law.

The remuneration as in paragraph 1 of this Article for a tone or visual fixation shall be paid during the first sale or import of: equipment for sound and visual fixation and new blank sound or sound and image carriers.

The remuneration as in paragraph 1 of this Article for making photocopy shall be paid as well: on the first sale or import of photocopy equipment and for producing photocopies for the purpose of sale, monthly, due to the number of photocopies.

Within the meaning of this Article the photocopying shall be equalized with other reproduction techniques, and the equipment for sound and visual fixation shall be equalized to all other equipment which enables to achieve the same effect.

The right to remuneration as in paragraph 1 of this Article should not be a subject to refrain from, disposal or judicial execution.

Article 21-g

The obligation to pay the remuneration as in Article 21-f of this Law, shall refer to the producers and the importers of an equipment for sound and visual fixation, photocopying equipment, blank sound or sound and image carriers, as well as persons carrying out photocopy services.

The entities as in paragraph 1 of this Article, upon request of the authors' society, shall be obliged to submit data for the type and quantity of the sold or imported equipment and the sound or sound and image carriers, as well as data for the produced photocopies.

Article 21-h

The amount of the total remuneration as in Article 21-f of this Law, that belongs to all right holders under this Law, shall be determined by the Government of the Republic of Macedonia.

The remuneration stipulated in paragraph 1 of this article shall be determined separately for each type of devices for audio and video recording, for each recording device which due to its construction does not require any special material to operate (in an amount twice as big as the usual), for each sound carrier and sound and image carrier for the duration of the recording, for each photocopying device based on the possibility to copy a certain number of copies per minute and based on the possibility to copy in colour (in an amount twice as big as the amount for black and white copying), as well as for each photocopy intended for sale.

The government of the Republic of Macedonia has harmonized the amounts stipulated in article 21-f of this law depending on the fluctuation of the costs of living in the Republic of Macedonia.

Article 21-i

The amount of the remuneration stipulated in article 21-f paragraph 2 for sound recording can not be higher than 30.00 denars per imported, or sold device, and for the devices for video recording it can not be higher than 250.00 denars per imported or sold device.

The amount of the remuneration stipulated in article 21-f paragraph 2 for new blank sound carriers of up to 120 minutes can not be higher than 1.20 denars for an imported or sold sound carrier, and for new blank sound carriers over 120 minutes it can not be higher than 2.40 denars for imported or sold sound carrier.

The amount of the remuneration stipulated in article 21-f paragraph 2 for new blank sound and image carriers of up to 180 minutes can not be higher than 2.40 denars for an imported or sold sound and image carrier, and for new blank sound and image carriers over 180 minutes it can not be higher than 3.60 denars for imported or sold sound and image carrier.

Article 21-j

The amount of the remuneration stipulated in article 21-f paragraph 3 for photocopying devices yielding up to 12 copies per minute can not be higher than 500.00 denars for an imported or sold device, for photocopying devices yielding from 13 to 36 copies per minute it can not be higher than 750.00 denars for an imported or sold device, and for photocopying devices yielding more than 36 copies per minute it can not be higher than 1,250.00 denars for an imported or sold device.

The amount of the remuneration stipulated in article 21-f paragraph 3 for each copy can not be higher than 3% of the sale value of each copy.

The amount of the remuneration stipulated in paragraphs 1 and 2 for each colour photocopying device, or for each colour copy intended for sale to individuals shall be twice as high.

Subsection 5

Relations Between Copyright and Right of Ownership

Article 22

Copyright is independent of and compatible with ownership or other property rights over an object where the copyright work is incorporated in, unless otherwise provided by Law.

Article 23

The transfer of certain economic rights or other rights of the author of the work shall not affect the ownership right to the object where the copyright work is incorporated in, unless otherwise provided by Law or contract.

The transfer of the right of ownership of the object from this Article, paragraph 1, shall not affect the moral, economic or other rights of the author of the work, unless otherwise provided by Law or contract.

Article 24

Joint property of spouses shall include only the economic benefits deriving from the copyright.

Article 25

With the first sale or other type of transfer of ownership rights of an original or copy of a copyright work in the Republic of Macedonia, carried out by explicit or tacit consent of the right holder, it shall be considered that the right of distribution of such original or a copy in the territory of the Republic of Macedonia has been exhausted.

With the exhaustion of the distribution right the author reserves the right to rent copyright works, except for architectural structures and works pertaining to applied arts and design.

Article 26

If the owner of an architectural structure intends to modify that work he shall be obliged to offer that modification prior to the author of the original work if he is alive and available in a customary manner.

If the author unjustifiably refuses the offer from this Article, paragraph 1, the owner of that work has gained the right of modification, but, however, he shall be obliged to respect the author's moral rights.

Article 27

If the owner of the original of the copyright work, bearing in mind the circumstances of the case, assumes that the author has an interest in its preservation, he shall be obliged not to destroy

such original before it was offered to the author, and the author shall be obliged to pay the value of the material which the original has been made from.

If the return of the work to its author from this Article, paragraph 1 is not possible, the owner shall give opportunity to the author to make a copy of the original work in an appropriate manner.

In a case when the copyright work, from this Article, paragraph 1 is an architectural structure, the author shall have the right to take photographs of the work and to be enabled access to make a cartographic record of it, that is to make a measurement survey of the structure, and to demand the delivery of photocopies of designs at his own expense.

Section 4

Limitations of the Economic Right

Article 28

Usage of a copyright work without assignment of an appropriate economic right can be carried out only over already disclosed copyright work in cases determined by this Law, in the form of legally authorize use with remuneration as legal licenses and in the form of a legally authorized use without remuneration as free use.

The use covered in paragraph 1 of this Article, shall be carried out in specific cases which are not in conflict with the customary use of the copyright work and do not violate the legitimate interests of the author.

Throughout the use from this Article, paragraph 1, in cases determined with the provisions of the articles 29, 32, 33, 34 paragraph 1 line 1, 35 and 42 of this law, the source and the author of the work shall be named, provided these are mentioned in the work used, except in cases when this shall impede the method of use.

Subsection 1

Legal Licences

Article 29

It shall be permitted by Law the reproduction of copyright works in school books, reading-books and other alike publications, partially or entirely when dealing with short copyright works and works in domain of photography, fine and applied art, architecture, design and cartography, exclusively for teaching illustration purposes without commercial goals.

It shall also be permitted by Law the reproduction in of entire latest articles in daily news and periodicals, as well as comments on broadcasting programs which include issues of wider interest in the domain of economy, politics, religion, art, science etc., except if the right for such use has been explicitly withheld by the author.

The use as in paragraphs 1 and 2 of this article, shall be analogously applied to the communication to the public as well.

Article 30

It is permitted by law that broadcasting organisations could broadcast copyright works of their own production, except fiction films.

Article 30-a

It shall be legally permitted to reproduce a copyright in at most three copies by an individual for private use, for purposes which are not directly or indirectly commercial.

The reproduction within the meaning of paragraph 1 of this article shall not apply to the extent of the whole scope of the following works: literary work, except when the edition had been completely exhausted before at least two years; a graphic edition of a musical work, except a handwritten transcription, databases in a non-electronic format, as well as an architectural structure, unless otherwise provided by this Law or by contract.

Subsection 2

Free Use

Article 31

A copyright work shall be in free use for the purpose of acquiring information of general significance, for teaching purposes, for private and other individual reproduction, quotation and other cases, according to this Law.

Article 32

For the purpose of acquiring information of general significance, the reproduction and the communication to the public shall be free:

- For works that are seen or heard during reports on daily events;
- For public political speeches and excerpts from public speeches and lectures or similar works, before state, religious and other bodies; and

Article 33

The public performing of a copyright work for direct teaching illustration and non-commercial purposes and for non-commercial school performances shall be free insofar the participants in these performances do not receive any remuneration.

The reproduction and public presentation of radio and television broadcasted copyright works for teaching illustration and non-commercial purposes shall be free.

The public performing of a copyright work at humanitarian manifestations shall be free, if the participants at the performances are not remunerated.

Article 34

The reproduction in at most three copies of a copyright, without commercial purposes shall be free for the following cases:

- scientific goals, to the extent justified by the purpose of the use and
- for use by persons with special needs, provided that the use is directly related to their special needs

The reproduction within the meaning of paragraph 1 of this article shall not apply to the extent of the whole scope of the following works: literary work, except when the edition had been completely exhausted before at least two years; a graphic edition of a musical work, except a handwritten transcription, databases in a non-electronic format, computer programs as well as an architectural structure, unless otherwise provided by this Law or by contract.

Article 34-a

The reproduction in at most three copies of a copyright, without commercial purposes shall be free for private use by non-profitable institutions (archives, libraries, film-archives, museums, other cultural, educational, scientific and similar institutions) provided that the reproductions are made from their own copy or from a copy of another related institution for the purpose of preservation and protection of the work.

The reproduction within the meaning of paragraph 1 of this article shall not apply to the extent of the whole scope of the following works: literary work, except when the edition had been

completely exhausted before at least two years; a graphic edition of a musical work, except a handwritten transcription, databases in a non-electronic format, computer programs as well as an architectural structure, unless otherwise provided by this Law or by contract.

The communication to the public or making available to the public of a copyright work for the purposes of research or personal improvement of individuals positioned on certain positions within the organizations stipulated in paragraph 1 of this Article shall be free, insofar as the works can not be purchased or their use is not contingent upon having a licence for use, and they are a part of the collections of these organizations.

Article 35

For the purpose of clarification, illustration, debate or reference, it shall be free to quote a copyright work to the extent adequate to the purpose and the aim of use.

Article 36

The use of a copyright work of secondary importance in relation to the purpose of some object shall be free while the exploitation of the object.

Article 37

Modification of a copyright work is permissible if it is a matter of:

- a private or other individual modification not intended or available to the public;
- a modification into a parody or caricature, if this does not lead to a confusion with regard to the source of the work;
- a modification for a permitted use, and the author's objection to such modification is contrary to the principle of the reason and good faith.

Article 37-a

The lawful user of a collection as stipulated in article 7-a paragraph 2 of this law or samples thereof, if it is necessary for the access to the integral parts and their customary use, shall be able to freely do the following:

- reproduce, modify, distribute or in any communicate to the public or
- in any way reproduce, distribute or otherwise communicate to the public the results from the actions related to the modification of that collection

With the first sale of samples from the collection stipulated in paragraph 1 line 1 of this article it shall be considered that the right to control any further resale of any such sampled has been exhausted.

Every provision of the contract contrary to paragraph 1 of this article shall be null and void.

Article 38

Copyright works displayed at public exhibitions, sales, auctions, fairs and alike may be used freely to the extent necessary for marketing of those events through catalogues and other form by the organizers thereof, excluding any other commercial use.

Article 39

Copyright works permanently exposed in parks, streets, squares or other public places shall be used freely, except when the use is in a three-dimensional form, for the same purpose as the original work or for obtaining an economic benefit.

Article 39-a

Copyright works such as architectural structures, the drawing or the plan of the structure, for the purposes of its reconstruction, shall be free to use.

Article 40

Copyright work shall be used freely for the purposes of public security, as well as before an arbitration court, judicial, administrative or other State bodies, to the extent necessary for evidentiary purposes, decision making, elaboration and publication thereof.

Copyright works shall be used freely during religious events or celebrations of national holidays.

Article 41

Copyright work shall be used freely to the extent necessary to test the operation at the time of manufacture or sale of phonograms or videograms, equipment for their reproduction or communication to the public, as well as programs receiving equipment in the process of their manufacture and sale.

Article 41-a

Temporary reproduction of copyright works of accidental or fortuitous character, which is an integral and an essential part of the technological process, which as such does not have an economic value of its own and is done with the sole purpose of facilitating:

- network transfers between third parties through a mediator or
- authorized use in accordance with this law.

Article 42

Works of folk literature and folk art shall be used freely.

On the use of this Article, paragraph 1, the source and origin of the work must be stated. Distortion and indecent use of the work is not permissible.

The "Marko Cepenkov" Folklore Institute in Skopje is authorised for implementation of the rights from this Article, paragraph 2.

Article 42-a

The provisions stipulated in articles 28 to 42 of this law shall not apply to computer programs, which shall be subject to the provisions stipulated in articles 100 and 101 of this law.

Section 5

Duration of Copyright

Article 43

Copyright shall subsist until expiration of the terms as determined by this Law.

As an exception of this Article, paragraph 1, certain moral rights shall subsist upon the expiration of the term of duration of the copyright, according to this Law.

Article 44

Copyright shall subsist for the lifetime of the author and for 70 years after his death, unless otherwise provided by this Law.

Article 45

Where the work has been created by a number of authors (co-authors), the term of duration as per Article 44 of this Law shall be calculated from the death of the last surviving co-author.

In case of co-authorship of a cinematographic or any other audiovisual work, the time period of the duration of the protection shall be counted from the death of the last living person from the following group of people: the main director, the author of the screenplay, the author of the dialogues and the composer of the music created specially for use in the cinematographic or the other audiovisual work.

Article 46

Copyright of anonymous and pseudonymous works shall subsist for 70 years after the legal disclosure of the work.

If the pseudonym does not cause a confusion as to the identity of the author, or if the author discloses his identity within the term referred to this Article, paragraph 1, the term from the Article 44 shall apply.

Article 47

Deleted

Article 48

Where the term according to this Law does not run from the death of the author or the authors and the work has not been legally disclosed within 70 years from its creation, the copyright shall subsist for 70 years after its creation.

Article 49

In a case when the term of duration of the copyright, within the meaning of this Law, is calculated according to the legal disclosure of the work and the work is disclosed in collections, parts, instalments and alike, the term shall be calculated separately for each component.

Article 50

Deleted

Article 51

The terms of duration of the copyright protection determined by this Law shall begin to run from the first of January of the year following the event, which shall be a basis for calculation of the terms.

Article 52

The moral right of withdrawal from Article 17 of this Law shall subsist for the life of the author.

The moral rights of denotation the authorship, preservation the work integrity and objection to its deformation from Article 16, items 3, 4 and 5 of this Law, shall subsist on the expiration of the terms of the copyright duration determined by this Law.

Article 53

The use of a copyright work shall be free on the expiration of the terms of the copyright duration determined by this Law.

Article 54

For the purpose of implementation of the rights from Article 52, paragraph 2, the relevant society of authors and the Macedonian Academy of Sciences and Arts shall be authorized.

CHAPTER III

TRANSFER OF COPYRIGHT

Section 1

General Provisions

Article 55

Copyright as an entirety may not be transferable.

Article 56

The author may not assign his moral rights to other persons.

For the purpose of implementation of the author's moral rights after his death, the relevant society of authors shall be authorized, in addition to the author's successors.

Article 57

The author may assign certain economic rights and certain other rights to other persons unless otherwise provided by this Law.

The assignment of the economic or other rights shall be carried out by way of a contract, unless otherwise provided by this Law. An assignment contract that is not concluded in written form shall not produce legal effectiveness.

The assignment contract stipulated in paragraph 2 of this article shall particularly contain: the type of the rights being assigned, their scope and duration, the territory where the rights are effective, the time period for disclosure of the work and the author's remuneration.

Disputed or dubious provisions of the contracts from this Article, paragraph 2, shall be interpreted in the author's interest.

Article 58

The provisions concerning author's contracts in written form from Article 72 of this Law do not refer to contract for publishing articles, drawings or texts in magazines, reviews or other daily or periodical press.

Article 59

A contract or a contractual provision which the author has assigned to another person shall be null and void in:

- the copyright in its entirety;
- the moral rights;
- the economic rights to his future works;
- the economic rights to yet unknown forms of use of the copyright works.

Article 60

The regulations concerning obligatory relations shall apply to the copyright assignment contracts, unless otherwise determined by this Law.

Article 61

Judicial execution on copyright shall not be permitted.

Judicial execution shall be possible only to the material benefit arising from copyright.

Judicial execution to uncompleted copyright work and to undisclosed original of copyright work shall not be permitted.

Article 62

The rights to which the author is entitled to under this Law, including the right of legal protection, shall also belong to another copyright holder, to the extent assigned to him by Law or another legal regulation, unless otherwise determined by this Law.

Article 63

By the contract from Article 57 of this Law exclusive and non-exclusive economic right shall be assigned.

Article 64

Exclusive economic right, within the meaning of this Law, shall be a right for the copyright holder to use the work, which use the author or any other person is excluded from.

Non-exclusive economic right, within the meaning of this Law, shall be a right for the copyright holder to use the work besides the author and other holders in agreed manner.

If the author concludes a contract on non-exclusive right before concluding contract on exclusive right, the right holder shall be the holder of exclusive right, unless otherwise agreed between the author and the holder of the non-exclusive right.

Article 65

Unless otherwise determined by Law or by contract, it shall be considered that the non-exclusive right has been assigned by contract, for the territory of the Republic of Macedonia and for the time customary for such type of works.

If it has not been determined which certain rights shall be assigned and the extent, it shall be considered that only those rights have been assigned, and to the extent, which is required for the achievement of the purpose of the contract, within the meaning of this Article, paragraph 1.

Article 66

The assignment of an economic or other right to the author shall not affect the assignment of other rights, unless otherwise determined by this Law or by contract.

The assignment of the right of reproduction shall not include the right of electronic storage, as well as the right of sound or visual recording, unless otherwise provided by Law or by contract.

On the assignment of right on rental of phonograms or videograms, the author shall retain the right to fair remuneration for each rental. An author may not waive this right.

Article 67

By assignment of the right of reproduction, it shall be considered that the right of distribution of such copies of the work has also been assigned.

By assignment of the right of broadcasting of works, it shall be considered that the rights have been assigned to the broadcasting organization (hereafter broadcaster) for:

- fixation of the work with its own means and for its own broadcasts (ephemeral fixations); and
- delivering the ephemeral fixations to a state archive, if they are of exceptional documentary value. The organization shall be obliged to notify the author of such delivery without delay.

Article 68

A holder who has been assigned to an economic right or other author's right may not, without the author's authorization, reassign that right to a third party, unless otherwise determined by Law or by contract.

If the reassignment of the right is result of a change of status or bankruptcy or regular liquidation, the consent of this Article, paragraph 1, shall not be required.

If the reassignment of the right is allowed without the author's authorization, by Law or contract, the previous and subsequent holder shall be jointly liable for the discharge of author's claims.

Article 69

In a case when the author's remuneration has not been determined, it shall be determined according to the fair remuneration for a particular type of works, according to the extent and duration of use and other relevant circumstances.

If the use of a copyright work effectuates a profit which is significantly larger than the agreed or fair remuneration, the author may demand a revision of the contract to provide him more equitable share of the revenue. The author may not waive this right.

Article 70

In a case when remuneration is agreed or determined in dependence of the revenue derived from the use of the work, the user of the copyright work shall be obliged to keep appropriate accounts or other documentation necessary for the determination of the amount of realized revenue.

The user of the work shall be obliged to enable the copyright holder to inspect the documentation from this Article, paragraph 1, and shall deliver him necessary reports on the realized revenue in an usual term, unless another term has been agreed.

Article 71

The author may revoke the economic right, if the holder of the exclusive right exercises the right to an insufficient extent or does not exercise it at all, thereby significantly affecting the author's interests.

The author may not exercise the revocation of the economic right of this Article, paragraph 1, insofar the reasons for mentioned above are attributable to him.

The revocation of this Article, paragraph 1, may not be exercised before the expiration of two years from the time of assignment of the economic rights of the work, before three months in the case of daily newspapers article, or before one year in the case of periodical press article.

An author may exercise the revocation of this Article, insofar he has offered the holder an extra time period for an appropriate exercising of the right.

By exercising the revocation, the economic right shall return to the author.

The author shall be obliged to indemnify adequately the right holder, if required by the principle of justice.

The author may not waive the right of revocation provided by this Law.

Section 2

Special Provisions for Transfer of Copyright

Subsection 1

Publishing Contracts

Article 72

By a publishing contract the author shall be obliged to assign the publisher the right of publication of his work by printing in a book form, while the publisher shall be obliged to pay a remuneration to the author therefore and to publish the work.

The publishing contract of this Article, paragraph 1, does not include the right of publication of the work in an electronic form. A separate contract shall be concluded for publication of the work in an electronic form.

The publisher of this Article, paragraph 1, shall have a right of precedence among equal offerers for the publication of the work in electronic form. The right of precedence shall subsist for three years from the agreed term of publication of the work in a book form. The publisher shall give written notice within 30 days from the receipt of the author's offer.

By a publishing contract the right to a pocket edition may be also assigned, to a periodical edition in instalments, to a translation and alike.

Article 73

The publishing contract shall include in particular: type of rights to be assigned, their scope and duration, territory of the rights' effectiveness, term for the publication of the work and author's remuneration.

In a case when the remuneration is agreed at a percentage of the retail price of the work's sold copies, the publishing contract shall specify their minimum number at the first printing. Such an obligation shall not be compulsory insofar the contract specifies the minimum remuneration that the publisher is obliged to pay, regardless of the number of sold copies.

In a case when the remuneration is agreed in a lump sum, the publishing contract shall specify the total edition. If it is not determined or cannot be specified from the purpose of the contract, or from other circumstances or customs, the publisher may publish the work in a maximum of 500 copies.

It shall be considered that the author has transferred to the publisher, with the publication contract, the right to publish only one bibliographical issue, i.e. the right to only one set of copies unless otherwise regulated by the contract.

Article 74

During the validity period of the publishing contract, the author may not assign the right of publication of the work in the same language to other persons, unless otherwise provided by contract.

The author may assign the right of publication of newspaper articles in the same language simultaneously to several users, unless otherwise provided by contract.

Article 75

The publisher shall be obliged to enable the author improvement or alteration to the work on subsequent editions, provided this does not cause significant expense for the publisher and substantially alter the work, unless otherwise determined by a publishing contract.

Article 76

In a case when a work is destroyed due to force majeure after delivery to the publisher, the author shall have the right of remuneration that would have been given to him if the work had been published.

In a case when an entire prepared edition is destroyed due to force majeure before it has been put into circulation, the publisher shall have the right to prepare a new edition, and the author shall have the right of remuneration for the destroyed edition only.

In a case when a part of a prepared edition is destroyed by a force majeure before it has been put into circulation, the publisher shall have the right to print, without payment of remuneration, only as many copies as were destroyed.

Article 77

The publishing contract shall terminate:

- if the author dies before the completion of the copyright work;
- if all copies of all agreed editions are sold out;
- if the term of the contract has expired;
- in other cases determined by Law or by contract.

An author may rescind a publishing contract if the publisher, after the initial edition has been sold out, does not publish new agreed editions within three years from the date when the author requested it, unless otherwise provided by contract.

An edition shall be considered sold out within the meaning of this Law if the number of unsold copies is less than 5% of all agreed editions, and in any case if the number is less than 100 copies.

In a case when the publisher fails to publish the work within the agreed time period, the author may rescind the contract and request to be indemnified, and also to keep the received remuneration or to demand payment of the agreed remuneration.

In a case when a term for publication of the work has not been specified in the contract, the publisher shall be obliged to publish the work within the customary term, but not later than one year from the day of the delivery of the manuscript.

Article 78

Where a publisher intends to sell unsold copies of the work for pulping after a period of three years from the agreed publication of the work, and the contract does not determine a longer time period, he shall be obliged to offer the copies to the author first for purchase at the price that he would obtain if they were sold for pulping.

Subsection 2

Public Performance Contract

Article 79

By a public performance contract the author shall be obliged to assign to the user the right of public performance of his work, while the user shall be obliged to pay the author a remuneration and to perform the work in public.

Article 80

The public performance contract shall include in particular: the type, scope and duration of the rights to be assigned, territory of the rights' effectiveness, the manner and time period for the public performance of the work and the author's remuneration.

Article 81

The user shall be obliged to enable the author inspection in the public performance of the work, and to provide adequate technical conditions for the performance, unless otherwise provided by contract.

Article 82

In a case when the user does not perform the work in public within the agreed time period, the author has the right to rescind the contract and request to be indemnified as well to keep the already received remuneration or to demand payment of the agreed remuneration.

Subsection 3

Commissioning Copyright Work Contract

Article 83

By a commissioning copyright work contract, the author shall be obliged to create the commissioned copyright work and to deliver it to the person commissioning it, while the latter shall be obliged to pay a remuneration for it.

The person commissioning the work may supervise the process and give instructions, unless by doing so he infringes the author's right of creation's freedom.

The author shall keep the copyright of a commissioned work, unless otherwise provided by Law or by contract.

Article 84

Deleted

Subsection 4

Copyright Work in the Course of Employment

Article 85

In a case when a copyright work is created by an employee in the execution of his duties or on instructions by the employer (hereafter "copyright work in the course of employment"), it shall be considered that the economic and other rights of the author of that work, except the rental right, have been exclusively assigned to the employer for a period of five years from the completion of the work, unless otherwise provided by a collective contract or employment contract. The exemption of the rental right stipulated in this paragraph, shall not apply to the assignment of the rental right for film production.

On expiry of the term of this Article, paragraph 1, the economic rights and other rights shall revert to the employee, while the employer may demand their new exclusive assignment, insofar he pays the employee a fair remuneration for any type of economic right.

Irrespective of paragraphs 1 and 2 of this article, the author shall have the right to a fair remuneration for each rental.

The author may not waive the right stipulated in paragraph 3 of this article.

Article 86

As an exception to the Article 99 of this Law:

- an employee shall retain the exclusive right to use a copyright work in the course of employment as part of his collected works;

- the economic and other rights of an author of databases, shall be considered to have been assigned exclusively and without limitation to the employer, unless otherwise determined by contract.

CHAPTER IV

SPECIAL PROVISIONS FOR COPYRIGHT WORKS

Section 1

Audiovisual Work

Article 87

Audiovisual work, within the meaning of this Law, shall be a cinematographic, television and video film, as well as an audiovisual work expressed in a form of consecutive motion pictures, with or without sound, regardless of the nature of the medium which comprises them.

Article 88

Within the meaning of this Law, as authors of an audiovisual work shall be considered: the writer of the screenplay, the principal director and the director of photography. In the event when animation of any type is an essential part of the work, the principal animator shall also be considered as author. Where music is an essential element of the work, the author of the music specially created for the purposes of use in the audiovisual work, shall also be considered an author.

Article 89

The animator and the music composer when not considered as an author of an audiovisual work according to Article 88 of this Law, as well as set designer, costume designer, editors and make-up designer shall have copyright only on their individual contributions to an audiovisual work (hereafter "authors of contributions").

Article 90

Deleted

Article 91

The right of an audiovisual adaptation is an exclusive right to modify the original work into an audiovisual work or to include it in an audiovisual work.

By concluding an audiovisual adaptation contract, the author of an original work shall be considered to have assigned, exclusively and without limitation, to the film producer: the right of modification and inclusion of the original work in an audiovisual work, his economic rights and other rights of that audiovisual work, the right of its translation, audiovisual adaptations as well as of the photographs made in connection with the audiovisual work, unless otherwise determined by contract.

As an exception to this Article, paragraph 2, the author of the original work shall retain:

- the exclusive right of further modification of the audiovisual work into another artistic form;
- the exclusive right of new audiovisual adaptations of the original work after the expiry of five years from the contract conclusion of this Article, paragraph 2; and

- the right of fair remuneration from the film producer for every use stipulated in paragraph 2 of this article.

The author of the original work may not waive the rights mentioned in this Article, paragraph 3.

Article 92

The relation between the film producer, the authors of an audiovisual work and the authors of contributions, as well as the relations between the authors themselves, shall be regulated by a film production contract, according to this Law.

By making a film production contract, the authors shall be considered to have assigned to the film producer, exclusively and without limitation, all their economic rights of the audiovisual work, rights of translation, audiovisual adaptation and photographs made in connection with the work, unless otherwise determined by contract.

By making a film production contract, the authors of contributions shall be considered to have assigned to the film producer, exclusively and without limitation, the rights to use their contributions for the completion of the audiovisual work.

As an exception of this Article, paragraphs 1, 2 and 3:

- the authors shall retain the exclusive right of further modifications of an audiovisual work into another artistic form;
- the authors of contributions shall retain the right to use their contributions to the audiovisual work separately, unless by doing so they infringe the rights of the film producer; and
- the authors shall reserve the right to a fair remuneration from the film producer for every use stipulated in paragraph 2 of this article.

The authors and authors of contributions may not waive the rights specified in this Article, paragraph 4.

Article 93

The authors of an audiovisual work shall have the right of author's remuneration separately for each assigned economic right or other rights of the author.

The film producer shall be obliged, at least once a year, to deliver the authors of an audiovisual work a report of revenue received separately for each form of authorized use of the work.

Article 94

The audiovisual work shall be considered completed, when principal director shall determine that the first standard copy of the work that is the subject matter of the contract is completed.

The destruction of a master copy from this Article, paragraph 1, shall not be permitted.

Alterations to the copy of the audiovisual work from this Article, paragraph 1, shall be allowable only after principal director and the film producer's approval.

In a case when one of the authors or authors of contributions does not complete his part to the audiovisual work or is unable to do so due to a force majeure, he may not object the part to be used for its completion. The author shall enjoy appropriate copyright on that part.

Article 95

In a case when a film producer fails to complete an audiovisual work within five years from the making of the film production contract, or where he fails to distribute the completed audiovisual work within one year after its completion, the authors may rescind the contract, unless another term has been agreed.

In the case of this Article, paragraph 1, the authors and authors of contributions shall retain the right of remuneration.

Article 96

The audiovisual adaptation contract and film production contract shall not be a subject to the provisions on the right of withdrawal from Article 17 or to the provisions on assignment of rights from Articles 65 to 68 of this Law.

Section 2

Computer Program

Article 97

A computer program within the meaning of this Law is a program in any expressed electronic form, including the preparatory material for its creation, provided that it is an individual and intellectual creation of its author.

The ideas and conceptions which constitute a basis of any element of a computer program, including the program components that enable connection and interaction between the elements of the program and the machine equipment (interfaces), are not protected under this Law.

Article 98

In a case when a computer program is created by an employee in the execution of his duties or on his employer's instructions, the economic rights of the author of the program shall be considered assigned to the employer exclusively and without limitation, unless otherwise determined by contract.

Article 99

If it has not been otherwise determined by Articles 100 and 101 of this Law, the author of a computer program shall have the exclusive economic right to use the program and the right to authorize or prohibit the use of the program for

- reproduction, as well as loading, display, running, transmission or storage of a computer program, if these activities require such reproduction
- translating, adaptation or any other modification as well as reproduction of the results of that modification without violating the rights of the person which performed the said modification; and
- distributing the original or the copies of the computer program in any form
- The provisions stipulated in article 25 of this law shall also apply in the case of the computer programs stipulated in paragraph 1 line 3 of this article

The author may also assign the rights from this Article, paragraph 1, to third parties by contract.

Article 100

Unless otherwise determined by contract, a legal user of the computer program may carry out the operations specified in Article 100 lines 1 and 2 of this Law without authorization of the author, including correction of errors necessary for running the computer program, according to its intended purpose for the activities stipulated in article 112.

The legal user of a computer program may, without authorization from the author, make a maximum of two copies of the program of which one shall be a backup, if that is necessary for its use.

The legal user of a copy of a computer program may, without authorization from the author, follow up, study or test the operation of the program in order to specify the ideas which are a basic characteristic of any element of the program, if he does so while performing any of the activities of loading, displaying, running, transmitting or storing the program that he is entitled to perform.

The provisions of the contract which are contrary to paragraphs 2 and 3 of this law shall be null and void.

Article 101

Reproduction of the code and alteration of its form, within the meaning of Article 99, paragraph 1, items 1 and 2 of this Law, shall not require authorization from the author, insofar it is indispensable to obtain information necessary to achieve interoperability between an independently created program and other programs, provided the following conditions are met:

- such activities to be carried out by the licensee or another legal user, or on their behalf, for that purpose, by a person authorized to do so;
- the information necessary to achieve interoperability have not been previously available to the persons from this Article, paragraph 1, item 1; and
- such activities to be confined only to those parts of the original program that are necessary to achieve interoperability.

Information obtained through the application of paragraph 1 of this Article may not be:

- used for purposes other than the achievement of the interoperability of the independently created computer program;
- conveyed to a third party, except when necessary for the interoperability of the independently created computer program; and
- used for the development, production or trade of another computer program substantially similar in its expression, or for any other activity that infringes copyright.

The provisions of this Article may not be applied in a manner that might unreasonably infringe the copyright or conflict with the customary use of the computer program.

Contractual provisions contrary to this Article shall be null and void.

Article 102

A person shall be considered to have violated the exclusive rights in accordance with this contract if he/she knew or could have known that he/she distributes or possesses for commercial purposes, unauthorized copies of computer programs.

Article 102-a

A person shall be considered to have violated the exclusive rights in accordance with this contract if he/she knew or could have known that he/she distributes or possesses for commercial purposes, any technology, assets or integral parts thereof with the purpose of unauthorized removal or modification of the technological measures stipulated in article 158 paragraph 3 of this law, used to protect the computer program

Article 103

The provisions related to the right to waive the stipulations of article 17 of this law shall not apply to computer programs.

The provisions of Articles 97 to 102 of this Law shall be applied regardless of the other legal regulations on computer program (such as regulations on the industrial property rights, protection against unfair competition, business secret and alike).

CHAPTER V

RELATED RIGHTS

Section 1

General Provisions

Article 104

Related rights, within the meaning of this Law, shall be the rights of the artists-performers in their performances and the rights of phonogram, film and scenic producers, of broadcasters and publishers (hereafter in the text: producers) as well as the makers of databases with respect their phonograms, videograms, stage works, broadcasts, editions and databases (hereafter objects of related rights) determined by this Law.

Article 105

The provisions of this Law on parts of a copyright work, regarding and definitions of the economic rights, the calculation of the duration of the copyright, on limitations of the economic rights and the transfer of the copyright shall appropriately apply to the related rights.

The provisions stipulated in articles 21-f, 21-g, 21-h, 21-i, 21-j, 22, 23, 25, 27 paragraphs 1 and 2, 28, 29, 30-a, 32, 33, 34, 34-a, 35, 36, 37, 40, 40-a, 41 and 41-a of this law shall apply in the respective scope and cases to certain types of related rights.

The limitation of the economic rights of the makers of databases with "sui generis" protection shall be performed in accordance with article 134-e of this law.

Article 106

The implementation and protection of related rights according to this Law shall not affect the implementation and protection of copyright.

Section 2

Contents of Related Rights

Subsection 1

Rights of Performers

Article 107

Artists-performers (hereafter performers), within the meaning of this Law, shall be: actors, puppet actors, singers, musicians, dancers and other persons who by acting, singing, dancing, declaim, reciting or in some other way perform author's works or works of folklore.

Within the meaning of this law directors of theatrical performances, orchestra-conductors, choir directors, sound editors and variety and circus artists shall be considered performers.

Article 108

Performers in ensembles or groups such as: members of an orchestra, a choir, dancing or theatrical ensemble or other type of group shall be obliged to authorize one of the members as their representative for issuing licences necessary for performance.

The authorization from this Article, paragraph 1, shall be given in written form and shall be effective if it is granted by the majority of the performers in the ensemble or group from this Article, paragraph 1.

The provisions of this Article, paragraphs 1 and 2, shall not apply to directors of theatrical performances, conductors and soloists.

Article 109

Performers shall have a moral right to have their name, pseudonym or other designation denoted in a customary manner on the announcement of the performance and on every fixation and packaging of fixation of that performance as follows:

- in a solo performance, the name of the performer; and
- in a performance by an ensemble or group, the name of the ensemble or group, of the artistic director and soloist, when possible considering the method of use

Article 110

Performers shall have a moral right to object to any distortion, mutilation or alteration of their performance or any use of their performance that could be prejudicial to their personality, honour or reputation.

Article 111

Performers shall have exclusive economic rights to use or to authorize or prohibit the use of their performance for:

- broadcasting of the performance, except where the performance is a broadcast by itself, or it is a broadcast from a fixation;
- live transmission through a loudspeaker, screen or a similar device, out of the space or place of performance;
- fixation of the live performance;
- reproduction of the performance fixation on phonograms and videograms;
- distribution including rentals of phonograms or videograms containing the performance;
- making the fixture available to the public

With the first sale of the original or a copy of a recorded performance in the Republic of Macedonia, carried out by explicit or tacit consent of the right holder, it shall be considered that the right of distribution of such original or a copy in the territory of the Republic of Macedonia has been exhausted, with the exception of the right to rent the fixture of the performance.

Article 112

The performer shall have the right of a share in the remuneration received by the phonogram producer for the use of a phonogram containing his performance, in accordance with article 119 of this law.

Article 112-a

With the signing of a contract for production of phonograms, it shall be considered that the performer, with respect to his/her performance shall have a right to a separate remuneration for each assigned economic right.

Irrespective of the contract stipulated in paragraph 1 of this article, the performer shall have the right to a fair remuneration for each use, from the phonogram producer.

The performer may not waive the right stipulated in paragraph 2 of this article.

Article 113

By making a videogram production contract, it shall be considered that the performer has assigned the film producer the right of fixation, reproduction and distribution of his/her performance, unless otherwise determined by contract.

Regardless the contract of this Article, paragraph 1, the performer shall have the right of appropriate remuneration from the film producer for every use.

The performer may not waive the right specified in this Article, paragraph 2.

Article 114

In a case when some of the performers shall not complete his contribution to the audiovisual work or is unable to do so due to a force majeure, he may not object to the use of the part of his contribution for the completion of the work. The performer shall enjoy appropriate rights to such part specified in this Law.

Article 115

In a case when a performance is realized by an employee in the execution of his duties or on instructions by an employer (performance in the course of employment), the relations referred to the performance shall be regulated by an appropriate collective agreement or an employment contract.

Article 116

The rights of the performer shall subsist for 50 years from the day of the performance. If during that period, the performance fixation was legally published or communicated to the public for a first time, the rights of the performer shall subsist for 50 years from its first legal disclosure.

Subsection 2

Rights of Phonogram Producers

Article 117

A phonogram producer, within the meaning of this Law, shall be an individual or legal entity which undertakes an initiative and responsibility of the first fixation of a phonogram.

A phonogram, within the meaning of this law shall be a recording of sounds from a specific performance, other sounds, or sound effects, except the recordings contained within an audiovisual work. A recording within the meaning of this paragraph shall be the recording of sounds on a sound carrier from which they can be overtaken, reproduced or communicated with the aid of technical devices.

Article 118

The phonogram producer shall have exclusive economic rights to use or to authorize or prohibit the use of his phonograms for: reproduction, distribution including rental, publication as well as making available to the public. Regarding the distribution right, article 111 paragraph 2 of this law shall apply appropriately.

Article 119

A copy or a reproduction of a phonogram may be used directly without the permission of the phonogram producer, if it has been issued for commercial purposes for: public transmission,

broadcasting and re-broadcasting. In that case the user shall be obligated to pay the phonogram producer a one time fair fee for the rights of the phonogram producer and for the rights of the performer, unless otherwise regulated by law.

A phonogram made available to the public with the permission of the phonogram producer shall be considered to have been issued for commercial purposes and shall be used under the conditions stipulated in paragraph 1 of this article.

The phonogram producer shall be obliged to pay half the remuneration of this Article, paragraph 1, to the performer of the phonogram unless otherwise determined by this law.

Article 120

The rights of a phonogram producer shall subsist for 50 years from the day of fixation. If during this period, the phonogram has been legally published for a first time, the rights of the producer shall subsist for 50 years from its first disclosure. If the phonogram was not legally published during this period, but legally communicated to the public, the rights of the producer shall subsist for 50 years from its communication to the public.

Subsection 3

Rights of Film Producers

Article 121

A film producer within the meaning of this law shall be an individual or a legal entity which conducts or organizes the preparation of a videogram and is responsible for its completion.

A videogram within the meaning of this law shall be the first standard copy (audiovisual work) of the first audiovisual fixture. An audiovisual fixture within the meaning of this paragraph shall be the recording of moving pictures, with or without tones, sounds or sound effects onto an image and sound carrier, from which they can be overtaken, reproduced or communicated with the aid of technical devices.

The film producer from Article 90 of this Law, shall have exclusive economic rights to use or to authorize or prohibit publication of videograms of his audiovisual work.

Article 122

The film producer stipulated in article 121 of this law shall have an exclusive right of reproduction, distribution including rental, publications as well as certain types of communication to the public with respect to his/her videograms. Regarding the distribution right, article 111 paragraph 2 of this law shall apply appropriately.

Article 123

The rights of the film producer shall subsist for 50 years from the day of completion of the fixation. If during that period, the videogram has been legally published or communicated to the public for a first time, the rights of the producer shall subsist for 50 years from the first legal disclosure.

Subsection 4

Rights of Scenic Producers

Article 124

A scenic producer, within the meaning of this Law, is a natural person who or a legal entity which in his own name organizes the preparation and performance of a stage work.

Article 125

The scenic producer, unless otherwise determined by contract, shall have exclusive economic rights to use or to authorize or prohibit the use of the stage work for:

- broadcasting of the stage work;
- transmission of the stage work through a loudspeaker, screen or similar device out of space or place of performance;
- fixation of a live performance of the stage work;
- modification of a phonogram or videogram fixation;
- reproduction of the fixation of the stage work on a phonograms or videograms;
- distribution of phonograms and videograms of the stage work; and
- rental of phonograms and videograms containing the stage work.

Article 126

The scenic producer shall have the right of a share in the remuneration received by the phonogram producer for the disclosure of the phonogram containing the stage work.

Article 127

By making a phonogram or videogram production contract, it shall be considered that the scenic producer has assigned to the phonogram producer or the film producer the right of fixation, reproduction, distribution and rental of his work, unless otherwise determined by contract.

Regardless to the contract from this Article, paragraph 1, the scenic producer shall have the right to an appropriate remuneration from the phonogram producer or the film producer for every rental.

The scenic producer may not waive the right specified in this Article, paragraph 2.

Article 128

The rights of the scenic producer shall subsist for 50 years from the day of the first public performance of the stage work.

Subsection 5

Rights of Radio and Television Organizations

Article 129

A radio and television organization (hereinafter in the text: RTV organization) shall have exclusive economic rights to use or to authorize or prohibit the use of its broadcasts for:

- broadcasting and re-broadcasting;
- public transmission, if it is done in places accessible to the public for an administrative fee;
- making available to the public, including distribution through electronic communication networks (cable re-broadcasting);
- fixation, reproduction of the fixations and distribution of the fixations;
- distribution of a program signals transmitted through communication satellites by other broadcasters, cable and other distributors;

With the first sale of a fixture or a copy of a fixture of a program in the Republic of Macedonia, carried out by explicit or tacit consent of the RTV organization, it shall be considered that the right of distribution of such fixture or copy of the fixture in the territory of the Republic of Macedonia has been exhausted.

Article 130

The rights of broadcasting organizations shall subsist for 50 years from the day of the first broadcast.

Subsection 6

Rights of Publishers and Other Entities

Article 131

A natural person who or legal entity which legally publishes a copyright work in a book form (hereafter publisher) shall have exclusive rights on his edition according to this Law.

The publisher shall have an exclusive right to authorize or prohibit his editions to be reproduced by another natural person or legal entity, under the name of the person, by photography, copying or other forms of duplication. In a case when the publisher gives an authorization for reproduction, on the reproduced edition shall be denoted the name or the pseudonym or designation of the publisher of the used publication. This right shall not affect the implementation of the author's rights.

Article 132

A publisher who shall for the first time legally publish or an entity who for the first time shall publicly communicate a previously unpublished copyright work in which the copyright has expired shall enjoy the protection equal to the economic rights of the author specified in this Law.

Article 133

An individual who shall create a scientific or a critical commentary or a review of a previously published copyright work in which the copyright has expired shall enjoy the protection equal to the economic rights of the author specified in this Law.

Article 134

The rights stipulated Article 131, paragraph 2, and 133 of this Law shall subsist for 25 years from the legal publication of the work.

The rights stipulated in article 132 of this law shall subsist for 25 years from the first legal publication or legal communication to the public.

Subsection 6

Rights of database makers with "sui generis" protection

Article 134-a

The maker of a database shall have the right to prevent the extraction and/or repeated use of the entirety or the important parts of the database, if he/she can demonstrate that he/she has performed a qualitative and/or quantitative substantial investment in the collection, verification or presentation of its contents (hereinafter in the text: "sui generis" protection).

The "Sui generis" protection shall apply irrespective of whether the data base or its integral parts enjoy copyright protection in accordance with this or other laws.

The "Sui generis" protection shall apply without prejudice to the existing rights with respect to the contents of the database.

Article 134-b

The "Sui generis" protection of the database shall encompass:

- the entire contents of the database;
- the essential parts of its contents, assessed qualitatively and/or quantitatively;
- the non-essential parts of its contents, when used repetitively and systematically and contrary to the customary use or when the legal interests of the makers of the database have been violated to an unreasonable extent.

The "Sui generis" protection of the database shall not apply to computer programs used for the preparation or operation of the database, available through electronic media.

Article 134-c

The maker of the database shall have the exclusive right to allow or prohibit the extraction and repetitive use.

"Extraction" within the meaning of this law shall be permanent or temporary transfer of the whole content or an essential part from the content of the database onto another material medium in any way or form.

"Repetitive use" within the meaning of this law, shall be any form of disclosure of the whole content or essential parts of the content of the database, b distributing copies, making available to the public or other forms of communicating to the public. With the first sale of a copy of the database made by the holder of the right or with his/her consent, the right to control any further sale of the copies shall be exhausted.

Public lending within the meaning of this law shall not be considered as use within the meaning of paragraphs 2 an 3 of this article.

Article 134-d

The maker of a disclosed database may not prevent the legal user from using the non-essential parts of its contents assessed qualitatively and/or quantitatively for any purpose. If the legal user is authorised to use only a part of the database, this paragraph shall apply only to that part.

The legal user of a disclosed database may not undertake any activities contrary to the customary use and/or activities which violate to an unreasonable extent the legal interests of the maker of the database.

The legal user of a disclosed database may not cause damages to the holder of the copyright or related rights with respect to the copyright works or objects of the related rights contained within the database.

The provisions stipulated in the contract which are contrary to this article shall be null and void.

Article 134-e

The use of the essential parts of the contents of the database by the legal user shall be free in the following cases:

- extraction from a non-electronic database for private purposes;
- extraction for teaching illustration purposes or for scientific research, if the source has been quoted and to the extent justified with non-commercial purposes;
- extraction and/or repetitive use for the purposes of public safety, in administrative or court procedures.

The provisions stipulated in articles 28 to 42 of this law shall not apply to the "sui generis" protection.

Article 134-f

The rights of the maker of the database shall subsist for 15 years after the completion of the preparation of the database. If, within this period the database is legally disclosed, the rights shall subsist for 15 years after the first disclosure.

The method for calculation of the duration of the protection stipulated in article 51 of this law shall appropriately apply to the "sui generis" protection.

The time frame for the protection stipulated in paragraph 1 of this article shall begin anew following any significant change, assessed qualitatively and/or quantitatively, of the contents of the database including also any substantial change derived from the cumulation of subsequent changes, deletions or modifications which qualifies the database as an essentially new investment assessed qualitatively or quantitatively.

CHAPTER VI

ADMINISTRATION OF RIGHTS

Section 1

General Provisions

Article 135

The author may administer his moral, economic and other rights either personally or through an agent.

The provisions of this Chapter which refer to the administration of copyright, that is to the author, appropriately shall apply to the related rights, that is to the holder of the related right.

Article 136

Copyright shall be administered separately for each copyright work (hereafter individual administration) or, if determined by this Law, jointly for a number of copyright works by several authors (hereafter collective administration).

Article 137

The administration of copyright through an agent shall include representation of the author in:

- legal matters and relations with the rights holders, that is the users of his work, including the collection of author's remuneration; and
- legal proceedings before courts or other bodies, for protection of his copyright.

Section 2

Collective Administration

Article 138

The collective administration of a copyright shall be carried out only for already disclosed copyright work.

The collective administration of copyright shall consists of:

- assignment of non-exclusive rights for the use of copyright work;
- collection and distribution of authors' remuneration of the use of the copyright work; and
- accomplishment of the protection of the right before courts and other bodies.

Article 139

The following rights shall be collectively administered:

- public disclosure of non-scenic musical and non-scenic literary works (small rights);
- reproduction for private use;
- compensation for any further sale of an original art work according to article 21-a of this Law as resale right; and
- cable rebroadcast of copyright work, except broadcasters' own transmission, regardless of whether the rights concerned are their own or have been assigned to them by other rights holders.

Article 140

The following rights may also be collectively administered:

- compensation from rental;
- reproduction of musical and literary works on phonograms and ideograms (mechanical rights);
- rental of phonograms and videograms;
- disclosure or public disclosure in school books, reading books and other similar publications, copyright works and works in the field of photography, fine and applied art, architecture, design and cartography, only for teaching purposes with non-commercial goal;
- reproduction or public disclosure of articles on current topics in daily and periodical press, as well as comments from broadcasts discussing the general issues in the field of economy, politics, religion, art, science etc., unless the right of such use is explicitly reserved by the author;
- reproduction, public presentation or other public disclosure of copyright works in commercials that last for no more than 60 seconds; and
- reproduction of copyright works exhibited in public places for commercial purposes.

Other forms of use of the copyright works may be also collectively administered if it is in the authors' interest.

Article 141

Collective administration shall be carried out by associations of authors, i.e. associations of holders of related rights established for that purpose, according to this or other Law (hereafter collecting society).

The collecting society of this Article, paragraph 1, shall be a non-profit association and may carry out collective administration only.

Collecting society shall be managed by their members according to this and other law.

Article 142

The statute of a collecting society shall contain the following provisions in particular:

- a name of the society, which may not be identical to a name of another society;
- types of rights that shall be administered;
- conditions for acquisition and loss of membership;
- categories of rights holders (authors of original work by types and genres, authors of modification, authors of translation and alike, legal heirs, publishers, employers) and categories of membership (regular, irregular, temporary, honorary and alike) on which the management of the collecting society depends;
- membership fees, according to the categories of rights and the type of membership;
- rights, duties and responsibilities of the members;
- bodies of the society, their competence, election and dismissal;
- procedural matters;
- fundamental principles of remuneration' distribution among the authors or rights holders;
- supervision of the financial and economic administration; and
- the manner of disposal of the assets of the society in the event of its cessation.

Article 143

The collecting society shall be registered in a competent body, and shall commence work upon a licence issued by the Ministry of Culture.

The Ministry of Culture shall issue the licence of this Article, paragraph 1, if the collecting society fulfils the following conditions:

- to have a headquarter in the Republic of Macedonia;
- to be open to all of the authors;
- the statute to be in accordance with this Law; and
- to provide efficacious and economical administration of rights in the whole territory of the Republic.

In establishing the conditions of efficacious administration of rights of this Article, paragraph 2, item 4, the Ministry of Culture shall consider in particular: the number of authors who have entered into a membership contract with the collecting society, the scope of the use of authors' works or the number of possible users, the manner and means which the collecting society intends to achieve its aims with, the manner and participation of the members in the bodies and decision making, the principles for distribution of remuneration among the authors, as well as the possibilities of administration of rights abroad.

Article 144

The Ministry of Culture shall issue a licence to the collecting society on the basis of a public competition published in the Official Gazette of the Republic of Macedonia.

For the purpose of the collective administration of rights from Articles 139 and 140 of this Law for the same type of copyright works a licence shall be issued generally, to one collecting society only.

If, based on the competition stipulated in paragraph 1 of this article, the Ministry of culture does not issue license, it can issue temporary license for collective administration of certain rights, to a legal entity which does not fulfil the conditions stipulated in this Law. The temporary license shall determine the deadline and the conditions for temporary collective administration of rights.

The Ministry of Culture shall issue a licence or temporary license in the form of a resolution against which appeal is allowed. The Second instance Committee of the Government of the Republic of Macedonia shall decide on the appeal. The appeal on the resolution for temporary license does not postpone the execution of the resolution and its publication in the "Official Gazette of the Republic of Macedonia". The Ministry of Culture shall issue a licence in the form of a

decision against which appeal is allowed. The Government of the Republic of Macedonia shall decide on the appeal.

The final decision stipulated in paragraph 3 and 4 of this article, shall be published in the Official Gazette of the Republic of Macedonia.

Article 145

The Ministry of Culture shall revoke the issued licence, if the collecting society fails to exercise the obligations specified in the statute and in this Law. In such a case, the Ministry of Culture shall first give the collecting society a written warning and shall set a time limit of at least 30 days for the collecting society to eliminate the irregularities.

The Ministry of Culture shall revoke the temporary decision if the collecting society did not comply to the deadline and the conditions stipulated in the resolution.

The Ministry of Culture shall revoke the licence, in the cases stipulated in paragraph 1 and 2 of this article, in the form of a resolution, against which an appeal to the second instance committee of the government of the Republic of Macedonia is permitted. The revocation shall become valid 30 days after the day of publishing the final decision in the Official Gazette of the Republic of Macedonia.

Article 146

The tariffs for use of the copyright works shall be primarily determined with a agreement between the collecting associations and the national broadcasting service, as well as with agreement between the collecting association and relevant association of users or their chamber. Association of users or their chamber, in the sense of this paragraph is association i.e. chamber established according to a law, which represents the majority if the users in certain activity, part of activity or group of activities.

If the remuneration is not determined according to paragraph 1 of this Law, it shall be paid according to the Rulebook for use of copyright works with the tariff on the amounts of the remuneration, enacted by the association for collective administration of rights, which is approved by the Ministry of culture.

The agreements stipulated in paragraph 1 of this article shall be signed for certain period of time, which can not exceed four years.

None of the sides of the agreement is not allowed to refuse negotiations on the agreements in sense of paragraph 1 of this Law. If the user or the relevant associations of users or their chambers stipulated in paragraph 2 of this article refuse to negotiate, the tariff stipulated in the association's Rulebook shall apply after the expiration of the agreement. If the association for collective administration of the rights refuses to negotiate with the user or the relevant associations of users i.e. their chambers, the license for collective administration can be revoked.

Until the signing of the agreement stipulated on paragraph 1 of this article, the remuneration shall be calculated and paid in advance amount, calculated according to the conditions, manner and amount stipulated in the Rulebook on the tariff. The advance amount shall be included in the finances for payment of remunerations stipulated ion the agreement of paragraph 1 of this article.

Article 146-a

Prior to determination of the rulebook with the tariff for use of copyrights stipulated in article 146 of this Law, the collecting society is obligated to request an opinion for the proposal rulebook with the tariff from the relevant associations of users i.e. their chambers of article 146 paragraph 1 of this Law, from the national broadcasting service and the Radio-diffusion Council.

If the subjects stipulated in paragraph 1 of this article, in 30 days from the day of receipt of the request do not submit their opinions and proposals it will be assumed that they agree with the proposal tariff.

If the society does not accept the opinions and the proposals of the subjects from paragraph 1 of this article, or part of them, in 15 days from their receipt, it is obligated to request an opinion from the Commission for mediation in the field of the copyright and related rights stipulated in article 146-b of this Law regarding the subject of misunderstanding. The Commission for mediation in the field of the copyright and related rights shall give an opinion in 30 days from the day of receipt of the request. The opinion of the Commission for mediation in the field of the copyright and related rights shall include assessment if the tariff of the society includes the rights for which the society is licensed, as well as if the remuneration in the tariff is determined according to article 146-b of this Law. If the Commission for mediation in the field of the copyright and related rights does not provide an opinion within the stipulated deadline it shall be assumed that it had agreed with the proposal tariff.

Article 146-b

If the use of the copyright is necessary for performance of the activity of the user due to the importance of the use of the works for the activity of the user, such as in case of the broadcast use, concert, dance and other uses, the amount of the remuneration in the rulebook with the tariff shall be determined as a percent from the revenue i.e. profit which will be realised by the user from the use of the copyright work.

If the use of the copyright work does not generate revenue, i.e. profit, the amount of the remuneration in the rulebook with the tariff can be determined as a percent from the costs necessary for use of the work such as: the remunerations or salaries of the artists, the costs for use of the space or other relevant expenses.

The lowest amount of the remuneration shall be determined in the remunerations which are determined in percentage.

If the use of the copyright work is not necessary for the performance of the activity of the user, but it is useful or pleasant for their users, such as in hotels or other accommodation structures, the exhibition spaces, restaurants and cafes, the transportation means and the other public structures, the amount of the remuneration in the rulebook with the tariff shall be determined in approximate amount for the permanent and temporary use of the works.

The circumstances of the use such as: the types of use, the area of use (the number of the potential users) the category and the area of the space, the duration and the number as well as the difference in the prices in the activity of the user shall be taken into account during the determination of the amount of the approximate remuneration in the rulebook with the tariff, as well as in case of the remuneration from paragraph 3 of this article.

Article 146-c

The Government of the Republic of Macedonia, upon proposal by the minister of culture shall appoint Commission for mediation in the field of the copyright and related rights (herein after the Commission) which shall mediate the negotiations stipulated in article 146 of this Law, and to give opinion stipulated in article 146-a paragraph 3 of this Law. The Commission shall be obligated to mediate the negotiations in the amount of the remunerations for the cable broadcasting of the copyright works and the subjects of the related rights.

The Commission shall consist of president and four members with a four year mandate. The president and the members of the Commission shall be appointed from the pool of the independent experts which can contribute in the fulfilment of the goals of the commission.

The Commission shall enact Rules of procedure and on the manner of decision making in the cases determined by this Law.

The Commission stipulated in paragraph 1 of this article, on its meetings, can invite one authorised representative from each side of the agreement and other experts from the relevant field.

The representatives of the sides of the agreement and the invited experts shall take part in the work of the commission without right to vote.

The proposal stipulated in article 146-d, paragraph 1 of this Law and the opinion stipulated in paragraph 1 of this Law shall be adopted by the Commission with majority of votes from all members.

The members of the commission and the other experts stipulated in paragraph 4 of this article shall have the right for remuneration. The amount of the remuneration shall be determined by the Minister of culture, and the finances for the remuneration shall be provided by the sides of the agreement in equal amounts.

Article 146-d

If the sides of the agreement stipulated in article 146, paragraph 1 of this law, do not agree on the provisions of the agreement and do not sign it, any of the sides can request mediation from the Commission. The Commission as a mediator in the negotiations is authorised to assist the sides of the agreement in the negotiations and upon request by the sides can give proposals for arrangement of the mutual relations for signing of the agreement from article 146 of this Law. The proposals shall be submitted to the sides of the agreement in person or by registered mail.

The proposals of the Commission shall be accepted if none of the sides of the agreement does not express written resistance to the proposals in three months from the receipt of the proposals. The resistance shall be submitted to the Commission personally or by registered mail.

Article 147

The collecting society shall adopt regulations for the distribution of the author's remuneration, in three months from the day of issuance of the license for collective administration, harmonised with the statute and this Law.

The regulations stipulated in paragraph 1 of this article shall include provisions, especially for:

- types of works and types of rights and their categorisation and types of rights' holders;
- determination of shares of individual holders of rights in the collected remunerations;
- determination of the amounts for payment of the remuneration after the deduction of the expenses for realisation of the rights;
- deduction of the amounts and their distribution in classes and funds;
- deduction of certain amounts in reserve funds determined in the statute or coming from the international agreements for mutual representation of the collecting societies;
- deadlines for calculation and payment of the distributed remunerations.

The collecting society shall submit the regulations from paragraph 1 of this article to the Ministry of culture in order to obtain agreement. The regulations for which the agreement is given shall be published in the "Official Gazette of the Republic of Macedonia" by the collecting society.

The finances from the collected remunerations can be used only in accordance with the provisions of the regulations stipulated in paragraph 1 of this article.

No more than 30% of the author's collected remuneration may be used to cover the costs of the collecting society.

The individual calculations and the payments of the remunerations have to be executed at least once a year.

The financial plan for the collected finances for distribution and payment of the remuneration shall be determined by the assembly of the collecting society. The collecting society is obligated to submit the financial plan to the Ministry of culture in 15 days from its determination.

The disobey of the provisions of paragraph 1, 3, 4, 5, 6 and 7 of this shall be basis for revocation of the license for collective administration.

Article 147-a

During the distribution of the remunerations collected for private reproduction stipulated in article 30-a of this Law, the authors shall receive 40%, the performers 30% and the phonogram or film producers 30%.

The remunerations collected for private reproduction stipulated in article 30-a of this Law shall be distributed among the authors and performers in amount of 50% each.

Article 148

The collecting society shall administer the copyright on the basis of a contract with the author.

The contract of this Article, paragraph 1, shall include in particular: authorization for the administration of rights, the type of work, the right that is to be administered, the duration of the contract and the special rights in the case of defaulting in contract.

For as long as the administration of the copyright has been assigned to a collecting society, either by Law or by contract, the author may not administer those rights individually.

The rights from Article 139 of this Law the authorized collecting society shall administer by force of Law regardless whether a contract with the author has been made.

Article 149

The collecting society shall conduct proceedings for administering of the copyright before courts and other bodies in its own name but at the author's expense and shall be obliged to inform the author about.

Article 150

If the author requests the collecting society to administer a copyright, the collecting society may not refuse to do so according to this Law and the statute of the collecting society.

Article 151

The collecting society shall be obliged, any time on the request of the author, to provide him information about the administration of his right.

The collecting society shall be obliged, at the request of a user, to enter into a contract for the assignment of non-exclusive rights that it is authorized to administer, according to its regulations.

If the parties of this Article, paragraph 2, fail to reach agreement on the amount of remuneration, the appropriate right shall be considered assigned insofar the person requesting it has paid on a collecting society's account or to the court an amount as calculated by the collecting society according to its tariff.

Article 152

The organizer of cultural, artistic and entertainment performances as well as other users of copyright works shall be obliged, at least 15 days prior the day of the public performance or public disclosure of the copyright works to inform the relevant collecting society and to obtain authorisation for use, and within 15 days from the day of the performance or disclosure to submit to the collecting society a list of all works performed or publicly disclosed including the data on the used work, the time, place and manner of use and also pay an amount according to the tariffs of the collecting society.

On request of the author or the collecting society, the relevant court shall determine temporary measure prohibition of the performance or public disclosure of the copyright work insofar the organizer has not received an authorization according to this Article, paragraph 1.

The seller or the gallery, the organiser of public sale, the art gallery or other mediator which performs sale of art works in sense of article 21 of this Law and the originals (manuscripts) if literature and music works stipulated in article 21-d of this Law shall be obliged to submit to the competent collecting society data on the sold copyright works, including data on the owner and the mediator, for the sale contracts and for the receipts for originality of the works and on the selling price in 30 days from the day of the sale.

The producers and the importers of apparatus for sound and visual recording, photocopying apparatus, non-recorded holders of sound and image as well as persons which perform services of photocopying, upon request by the relevant collecting society, are obligated to submit data on the type and number of sold or imported holders of sound or sound and image as well as data on the photocopies made in certain month.

The broadcasters are obligated to submit the relevant collecting society review of the broadcasted copyright works, once a month.

Article 153

When the exercising of a certain activity is connected with the acquisition of rights from Article 139 of this Law, the competent body shall not issue a licence for exercising such activity insofar the person performing it has not previously concluded an contract with the competent collecting society.

Article 154

Any member of the collecting society may demand, within the time limit determined by the statute, an inspection in the annual financial report and the report of the supervisory board of the collecting society.

The majority of members of a collecting society may demand that one or more independent experts inspect the operation of the society.

Article 155

The exercise of the collective administration of copyright and related rights shall be supervised according to this and other Laws.

The Ministry of culture may demand information or data from the collection societies, it may perform inspection supervision and also is authorised to perform review in the acts, the annual financial report and the financial documentation.

The collecting society shall be obliged to notify the Ministry of Culture on the commencement and seize of the functions of the persons, who, according to the statute manage the society, entering into contracts in sense of article 146, paragraph 2 of this Law, agreements entered into with foreign associations which perform identical activities, for the changes of the general acts, as well as other issues. The changes and amendments in the statute and other acts stipulated in this Law have to be approved by the Ministry of culture.

If the Ministry of Culture does not reply within two months from the submission of the acts determined by this Law, which Ministry's approval is necessary, it shall be considered that the approval has been given.

CHAPTER VII

PROTECTION OF RIGHTS

Section 1

General Provisions

Article 156

A person whose rights under this Law have been infringed may demand protection of his rights and claim indemnity, unless otherwise determined by this Law.

The right holder may also demand protection of this Article, paragraph 1, when there is a serious threat of infringement of the rights according to this Law.

Article 157

When there are several right holders from this Law, each of them may demand protection of the right in its entirety.

When there are several infringers of a right as per this Law, each of them shall be liable for the infringement, in its entirety.

Article 158

A person shall be considered to be infringing the exclusive rights according to this Law, when he knew or could know that performs activities of deceiving of the technological measures for protection of the rights stipulated in this Law.

Production, distribution, sale, rental, marketing for sale and rental or possession for commercial purpose of objects, products and their integral parts or performance of services on any technical measures shall be considered as an infringing of the rights determined in this Law, such as:

- promoted, advertised or in sale for deceiving;
- having limited commercial purpose or use, except for deceiving;
- primarily are created, produced, adjusted or functioning in order to enable or facilitate the deceiving.

The technological measures in sense of this Law, are any technology means or their integral parts, which in their regular operation, are intended for prevention or limitation of the breach of the rights determined in this Law. These measures shall be considered as effective if the use of the copyright works or the objects of related rights or databases with “sui generis” protection is controlled by the holders of the rights in order to realise the protection through the use of access control, through the process of protection (such as coding, inversing or other type of change of the works or objects of related rights), as well as through the mechanisms for control of copying.

Article 158-a

The holder of the right who uses technological measures is obligated, immediately, without delay, on request from the persons who have legal access to the copyright works, the objects of the related rights and databases with “sui generis” protection, in case of realisation of the legal licenses and the free use of the material rights, determined in this Law, through revocation of the technological measures or through other means to provide the realisation of those rights, such as:

- for use for teaching purposes (article 29, paragraph 1);

- reproduction in paper format for private use (article 30-a);
- reproduction in paper format for use for scientific purposes (article 34, paragraph 1, item 1);
- use for the needs for persons with special needs (article 34, paragraph 1, item 2);
- reproduction for personal use by the non-profit institutions such as libraries, cinema library, museums and other cultural, educational and scientific institutions (article 34-a);
- use for purposes of the public safety as well as in front of arbitrages, court, administrative and other bodies (article 40);
- reproduction of ephemeral recordings produced by the broadcasters (article 67, paragraph 2);
- use of the rights of computer programme (article 100 and 101); and
- use of the rights on the databases with “sui generis” protection (article 134-4).

The provisions in the contracts which are not in accordance with the paragraph 1 of this article are invalid.

The provisions of paragraphs 1 and 2 of this article shall not be applied in the fulfilment of the obligations from the contracts for application of technological measures, including the contracts for right of access by the public, signed by the holders of the right stipulated in paragraph 1 of this article and the users of copyright works, the objects of related rights and databases with “sui generis” protection.

Article 158-b

A person shall be considered to be infringing the exclusive material rights when he/she consciously, without authorisation removes or changes any electronic information for management of the rights, reproduces, distributes, imports for distribution, rents or publicly announces copyright work or object of related rights whose electronic information for management of the right were illegally removed or changed, and he/she knew or could know that causes, prevents, facilitates or covers breach of the rights.

The information for management of the rights stipulated in paragraph 1 of this article are all information provided by the holders of the rights which recognise the copyright works, objects of the related rights, databases with “sui generis” protection, the author, other holders of the rights, deadlines and conditions for their use, as well as their appropriate numbers and codes which represent those information.

Section 2

Judicial Protection

Article 159

When the rights from this Law have been infringed, the right holder may demand:

- to have the infringer prohibited in preparations for infringement, the infringement itself and future infringements;
- to have the infringer eliminate the situation caused by the infringement;
- to have unlawful copies and their packaging or the performance or other objects of protection according to this Law destroyed or altered;
- to have the master copies, negatives, plates, moulds or other devices that have been instrumental in the infringement destroyed or altered;
- to have the equipment whose main use has been the infringement of rights according to this Law, which is owned or possessed by the infringer, destroyed or altered; and

- to have the judgement published in the public media at the expense of the infringer, to such extent and in such manner as the court may determine.

The provisions of this Article, paragraph 1, items 2 and 3, shall not apply to architectural structures, unless the destruction or alteration of the structure is justified by the circumstances of the case.

Instead of demands, the holder of right may demand that the infringer or owner convey to him the copies or the devices as of this Article, paragraph 1, items 3 and 4.

Article 160

If an economic or other right or a related right according to this Law has been infringed either intentionally or through gross negligence, the right holder may demand in civil proceedings payment of an agreed or the fair remuneration for such use, increased by 200%, regardless of whether he has suffered actual pecuniary damage as a result of the infringement (civil penalty).

When deciding on the claim for payment of punitive damages of this Article, paragraph 1, and determining the amount thereof, the court shall take into account all the circumstances of the case, and in particular the degree of culpability of the infringer, the amount of agreed or customary remuneration, as well as the preventive purpose of the penalty.

If the pecuniary damage exceeds the amount of penalty, the holder of right shall be entitled to claim the difference up to the full amount of the full indemnity.

Article 161

In a case of infringement of moral right and in absence of pecuniary damage, the court may award an author or performer equitable monetary indemnity for the infringement of his personality, honour and reputation, or non-pecuniary damage, if it finds that the circumstances of the case, and especially the degree of damage and its duration, justify this.

Article 162

If the rights holder reports that his exclusive right under this Law has been infringed, the court may, on the holder's proposal, determine provisional measures to secure claims according to this Law, and in particular:

- to seize, remove from circulation and to reserve copies, devices, equipment and relevant documents;
- to prohibit activities of eventual infringement or their continuance;
- to adopt other similar measures.

If there is a well found suspicion that protection of this Article, paragraph 1, may not be realized later, the court may pronounce and execute such measures without prior notification and hearing of the adverse party.

The procedure for provisional measures shall be summary.

The regulations for executive procedure shall be applied in the procedure for adoption of provisional measures, unless otherwise determined by this Law.

Article 163

If the right holder reports that his exclusive right under this Law has been infringed and that there is a well found suspicion of destroying the infringement's evidence or an impossibility to secure such evidence later, the court may, on the holder's proposal, secure such evidence without prior notification and a hearing of the adverse party.

The securing of evidence of this Article, paragraph 1, may include search or inspection of premises, documentation, inventories, databases, computer programs and other sources, the examination and seizure of documents, the hearing of witnesses, findings and statements by experts.

The decision which proposal for securing evidence has been accepted with, together with the proposal, shall be delivered on the adverse party at the time of the actual securing of evidence or, if it is not possible, when it becomes possible. A plea against a decision shall not suspend the decision.

The procedure for securing of evidence shall be summary.

The regulations for civil trial procedure shall be applied in the procedure for securing evidence, unless otherwise determined by this Law.

Section 3

Measures for the Enforcement of Protection

Article 164

The right holder may demand from persons who are in any way connected with an infringement of rights recognized by this Law (manufacturer, printer, importer, consignor or owner, or holder of copies, objects of related rights or means which the right was infringed with) to deliver information and documents in connection with the infringement immediately.

The obligation of this Article, paragraph 1, shall not apply in cases where conditions exist that allow withdrawal of statement or answer to particular questions in the civil trial procedure.

If the persons of this Article, paragraph 1, fail to deliver information or documents in their possession, they shall be liable for any recompense for damage caused by failure of delivery.

Article 165

If the right holder reports that his exclusive right according to this Law has been infringed by the importation of certain goods in the state, the customs authorities may, on his demand determine the following customs measures:

- the right holder or his agent to inspect the goods; and
- the goods to be seized, removed from circulation, or stored in a secure place.

Together with the demand of this Article, paragraph 1, the right holder shall be obliged to deliver to the customs authorities a detailed description of the goods, necessary evidence of his exclusive rights and their presumable infringement. On the customs authorities' order, the right holder shall be obliged to provide a security against damage that may be caused by such measures.

The customs authorities shall be obliged promptly to notify the importer and the recipient of the goods of the measures adopted. The customs authorities shall rescind the measures adopted insofar the holder of right does not file a suit or initiate some other proceedings for executing the measures adopted within ten days.

Article 166

In order to secure evidence or for other reasons, the author or the right holder according to this Law may register or deposit originals or a copy of his work, phonogram, videogram or an object of his another right at an agent or an association.

Article 167

A holder of an exclusive copyright of this Law may denote the original or copies of his work i.e. videogram with the symbol C before his name, pseudonym or designation and the year of the first disclosure.

A holder of an exclusive right on phonogram according to this Law may denote the original or copies of his published phonogram or their containers with the symbol p before his name, pseudonym or designation and the year of the first disclosure.

Unless the contrary has been proved, the exclusive rights on works or phonograms shall belong to the person indicated according to this Article, paragraphs 1 and 2.

The provisions of this article shall not affect the establishing and protection of rights according to this Law.

Section 4

Penal Provisions

Article 168

A fine to the amount between 60.000,000 and 300.000,00 denars for misdemeanour shall be imposed on any legal entity which:

- without assignment of an appropriate economic right by the author, in cases when such assignment is required according to this Law, publishes, reproduces, distributes, including renting, publicly exposes, publicly announces, processes or audio-visually adapts a work or copies of a work or in another way without authorization uses a copyright work (Article 19);
- without mentioning the source and origin, by distortion or in another way, indecently uses works of folk literature and folk art (Article 42, paragraph 2);
- without mentioning the name, pseudonym or other designation of the author or performer, except if that is enabled by the manner of use, or by disturbing the integrity of the work i.e. recorded performance or distorting it or by another use of a work i.e. recorded performance in a way that may damage the personality, honour and reputation of the author or the performer, uses a work or performance the protection of whose copyright or related right has expired (Article 52 referred to Article 16, items 4 and 5, 109 and 110);
- does not keep appropriate accounts or other documentation of the amount realised profit in case where the remuneration has been agreed or determined depending on the profit realised, or does not enable the inspection of the documentation, or does not submit reports of the profits gained to the holder of copyright (Article 70);
- does not provide review in the public performance of the work to the author or does not provide appropriate technical conditions for the performance (article 81);
- without assignment of an appropriate material right to the author in cases when such assignment is necessary according to this Law, reproduces, including reproduction or entering, displaying, use, transfer or saving computer programme if the acts require such reproduction, translates, adapts or performs any other processing of computer programme and reproduces results of that processing and distributes the original computer programme or its copies in any shape, except it is not otherwise prescribed by this Law (article 99 in relation to article 102);
- without assignment of an appropriate exclusive right from the holder of related right where such assignment is required by this Law, publicly performs, records public performances, records, reproduces, distributes, rents, makes available to the public, publicly transfers, broadcasts, rebroadcasts, or in other manner uses performance, performance recordings, stage work, phonograms, videograms of the performance or editions (Articles 108, 109, 111, 118, 122, 125, 131, 132 and 133);
- does not pay fair remuneration in unique amount for the rights of the phonogram producer and for the rights of the performer for use of phonograms which were published for commercial purpose or their reproduction is used for public transfer, broadcasting or rebroadcast (article 119);
- without assignment of an appropriate exclusive rights by a broadcasting organization, where such assignment is required by this Law, broadcasts and rebroadcasts, publicly transmits with paid access, makes accessible to the public, records, reproduces and distributes fixations of a radio and television broadcasts or distributes signals on the programme,

transmitted through communication satellites by other broadcasters, cable and other distributors (Article 129);

- without assignment of appropriate exclusive right by the preparatory of databases takes or reuses databases with “sui generis” protection (article 134-c)
- refuses collective administration of the copyright and related right where this is requested by the holder of copyright or related right (Article 150);
- does not sign contracts for assignment of nonexclusive rights for which it is authorised to administer, upon request by the holder i.e. collecting societies (article 151, paragraph 2);
- fails to inform the relevant collecting society for the use nor receive authorisation for appropriate use from the society (article 152, paragraph 1);
- fails to submit to the relevant collecting society in the determined deadline, overview or data for the used works or fails to pay the determined amount (article 152, paragraph 3, 4 and 5);
- performs activities for deceiving technical measures which serve for protection of the rights of this Law or produces, imports, distributes, sells, rents, advertises for sale or rent or possesses for commercial purposes means, products and their integral parts or performs (offers) services which are promoted, advertised or in sale for deceiving or having only limited commercially significant purpose or use except for deceiving or primarily created, produced, adjusted or functioning in order to enable or facilitate deceiving of the effective technological measures (article 158 in relation to 102-a);
- refuses or improperly postpones enabling of the realisation of the rights through removal of the technological measures or with other means to the persons who have legal access to the copyright work or object of the related rights for implementation of the restriction of the material rights stipulated in this Law (article 158-a); and
- removes or changes any electronic information for management of the rights or reproduces, distributes, imports for distribution, rents or publicly announces copyright work or object of the related rights whose electronic information for management of the rights were removed without authorisation, and intentionally or out of negligence caused, enabled, facilitated or covered breach of the rights (article 158-b)

A fine to the amount between 1.700 and 50.000 denars shall be imposed on the institutional legal representative of a legal entity and a self-employed individual for a misdemeanour of this Article, paragraph 1.

A fine to the amount between 10.000 and 50.000 denars shall be imposed on a natural person for a misdemeanour of this Article, paragraph 1.

For the misdemeanours stipulated in paragraph 1 of this article for the purposes of creating profit or use which caused larger material damage, the individuals from paragraphs 2 and 3 d of this Law shall be penalized with a fine not higher than double of the maximal amount of fine determined in the articles.

For the misdemeanour of this Article, paragraph 1, a legal entity or a self-employed individual shall be pronounced a provisional measure - prohibition on conducting his activities within a time period of three months to one year, and the appropriate collecting society shall be revoked of its licence for collective administration of the copyright and related rights and a provisional measure - seizure of the copies of a copyright work of item 1, the copies of a computer program of item 6, the performance or stage work fixations as well as the phonograms and videograms of item 7, the program fixations of item 9 as well as the means of items 17 and 19 of this Article, as well as the other means used or intended for performance of the misdemeanour stipulated in this article.

For the misdemeanour of this Article, paragraph 1, a provisional measure - seizure of objects from this Article, paragraph 5, shall be imposed on a natural person who commits a misdemeanour of this Article, paragraph 1.

The seized objects obtained by the misdemeanour stipulated in this article, shall be destroyed after the final court decision is enacted.

Article 169

The misdemeanours from article 168 of this Law shall not be subject to commence nor lead a procedure after the expiration of five years from the day the misdemeanour was performed.

Section 5

Supervision

Article 170

Supervision on the implementation of the provisions of this Law shall be carried out by the Ministry of Culture, according to this and another Law.

The inspection supervision on the implementation of the provisions of this Law for reproduction and distribution of computer programmes, as well as music and audiovisual works and computer programmes recorded on sound and sound and image carriers shall be performed by a state authority responsible for supervision in the field of the turnover of the goods and services according to this and other Law.

The inspection supervision on the implementation of the provisions of this Law can be performed by other relevant authorities according to this and other Law.

When an authorized person (hereafter inspector) in the course of his supervisory activity well founded suspects that a misdemeanour or crime has been committed, he shall temporarily seize the copies of the copyright works or copies of the objects of the related rights which have been or are intended to be used for the commission of a crime or misdemeanour, or have been created by such a crime or misdemeanour, for which is obligated to issue a receipt with accurate description and quantity of the seized objects.

In the report for starting procedure for crime or request for starting misdemeanour procedure, the inspector is obligated to quote the taken measure stipulated in paragraph 4 of this article.

Article 170 a

The inspector from Article 170, paragraph 2, of this Law, shall have a legitimation.

The inspector shall be obliged to identify himself before exercising the inspection.

The Minister of Culture shall stipulate the printed form of legitimation and its issuing.

CHAPTER VIII

SCOPE OF APPLICATION OF THIS LAW

Article 171

Authors and holders of related rights who are citizens of the Republic of Macedonia or have their headquarter in the Republic of Macedonia shall enjoy protection, according to this Law.

Foreign authors and foreign holders of related rights shall enjoy the same protection as persons of this Article, paragraph 1, according to international agreements ratified by the Republic of Macedonia.

Foreign authors and foreign holders of related rights not protected under the provisions of paragraph 2 of this article shall enjoy protection according to articles 172, 173, 174, 175, 176 and 177 of this law.

Foreign authors and foreign holders of related rights not protected under the provisions of this Article, par. 2 and 3, shall enjoy the same protection in the manner of the persons of this Article, par.1 on the base of the factual reciprocity.

Regardless the other provisions of Chapter VIII of this Law, foreigners shall enjoy protection under this Law with respect to the moral rights in all cases and with respect to the right of resale royalty only where factual reciprocity exists.

The person who bases his claim thereon shall prove reciprocity.

Article 172

Protection under this Law shall be enjoyed by foreign authors:

- who are domiciled in the Republic of Macedonia;
- of works first disclosed in the Republic of Macedonia or disclosed in the Republic of Macedonia within 30 days of having been first disclosed in another country;
- of audiovisual works whose producer has his headquarters or domicile in the Republic of Macedonia; and
- of work of architecture or fine art as an immovable property or its integral part located on the territory of the Republic of Macedonia.

If the copyright work has been created by several authors, the protection according to this Law shall be enjoyed by all of them if at least one of them meets one of the conditions of this Law, paragraph 1.

Article 173

Protection under this Law shall be enjoyed by foreign performers:

- who have a domicile in the Republic of Macedonia;
- whose performances take place in the territory of the Republic of Macedonia;
- whose performances have been fixed on phonograms that enjoy protection under this Law; and
- whose performances have been taken over in the programs of broadcasting organizations, but with no intention of being fixed on phonograms, that enjoy protection under this Law.

If several performers take part in the performance, a protection under this Law shall be protected by all of them if at least one of them is a citizen of the Republic of Macedonia or has a domicile in the Republic of Macedonia.

Article 174

Protection under this Law shall be enjoyed by foreign producers of phonograms and film producers whose phonogram or videogram has been first fixed in the Republic of Macedonia.

Foreign publisher in respect of his related rights, shall enjoy protection under this Law insofar the edition has been first published in the Republic of Macedonia or published in the Republic of Macedonia within 30 days of having been first published in another country.

Article 175

Protection under this Law shall be enjoyed by foreign broadcasting organization that emits its broadcasts through transmitters located on the territory of the Republic of Macedonia.

Article 176

The time periods provided for protection of rights according to this Law shall apply to foreign holders of copyright and related rights who enjoy protection under this Law, and shall expire on the day on which the protection expires in the country of which are citizens, or where their headquarter is located, but not longer than the time periods determined by this Law.

Article 177

Protection under this Law shall be enjoyed by foreign author and foreign holder of related right whose work, performance or object of related right is disclosed in the Republic of Macedonia through satellite, insofar the appropriate program-carrying signals are entered into an unbroken communications sequence to a satellite and back to the earth in the Republic of Macedonia, are under the control of the competent broadcaster.

The protection, according to this Law shall also be enjoyed, regardless whether the condition of this Article, paragraph 1, has been fulfilled or not, if:

- the receiving station which program-carrying signals are transmitted by, is located in the Republic of Macedonia; or
- the broadcaster that has ordered the broadcast by satellite has its headquarters in the Republic of Macedonia.

Article 178

Authors and holders of related rights who have no citizenship or whose citizenship cannot be determined - stateless persons, shall enjoy the same protection under this Law as the citizens of the Republic of Macedonia if they have a domicile in the Republic.

Persons of this Article, paragraph 1, who do not have a domicile in the Republic of Macedonia or such cannot be determined but have a necessary residence in the Republic shall enjoy the same protection as citizens of the Republic of Macedonia.

Persons of this Article, paragraph 1, who have neither domicile nor necessary residence in the Republic of Macedonia shall enjoy the same protection as citizens of the State in which they have a domicile or necessary residence.

The provisions of this Article shall apply equally to foreign authors and foreign holders of related rights having the status of refugees under international agreements or the regulations of the Republic of Macedonia.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

Article 179

The Ministry of Culture shall announce a competition from Article 144 of this Law for the purpose of issuing a licence for collective administration of copyright and related rights, within one year of the day of entering into force of this Law.

If the Ministry does not issue a licence regarding to the competition of this Article, paragraph 1, it may issue a temporary licence for collective administration of specific rights to a legal entity which does not fulfil the conditions from Article 142 of this Law. The temporary licence determines the term and the conditions for temporary collective administration.

Article 180

An association that has been collectively administering rights from Articles 91 and 93 of the Law on Copyright (Official Gazette of SFRY) Nos. 19/1978, 34/1978, 24/1986, 75/1989 and 21/1990) prior to the enactment of this Law may continue to do so without the permission of the Ministry of Culture until the Ministry issues a licence for the collective administration of such rights to another collecting society that meets the conditions of this Law.

Tariffs or regulations of the society of this Article, paragraph 1, adopted before entering into force of this Law on the basis of Article 91a of the Law on Copyright (Official Gazette of SFRY Nos. 19/1978, 34/1978, 24/1986, 75/1989 and 21/1990) shall be submitted for permission to the Ministry of Culture within 30 days of the entering into force of this Law.

Article 181

The provisions of this Law concerning remuneration for public disclosure of phonograms (Articles 112 and 119) shall apply after two years of the day of entering into force of this Law.

Article 182

The provisions of this Law shall not apply to contracts or activities for use concluded or accomplished before it enters into force, unless otherwise determined by this Law.

Article 183

The provisions of this Law concerning computer programs and databases shall also apply to computer programs and databases created before the day on which this Law enters into force, unless it affects the contracts and rights concluded or acquired prior to that day.

Article 184

This Law shall apply to all copyright works and performers' performances that, at the time of its entering into force, have enjoyed protection under the Law on Copyright (Official Gazette of SFRY Nos. 19/1978, 34/1978, 24/1986, 75/1989 and 21/1990).

This Law shall also apply to the protection of performers' rights on their performance fixations unless 50 years have expired from the day of their first legal publication or communication to the public, to the day of entering into force of this Law, counted from the first legal disclosure.

This Law shall apply to the protection of the phonogram producers' rights on their phonograms, unless 50 years have expired from the day of the completed fixation. Insofar the phonograms were legally published for the first time during that period, the protection of the phonograms shall only apply for 50 years from the first publication, and insofar they were not legally published, but legally communicated to the public, the protection shall apply for 50 years from the first communication to the public.

The manner and conditions for protection of authors' rights specified in Article 18 of the Bern Convention for Protection of Literary and Art Works, shall analogously apply to the protection of rights specified in paragraph 2 and 3 of this Article.

This Law shall apply to the protection of rights of the broadcast organizations on their broadcasts, unless 20 years from their first broadcasting have expired to the day of entering into force of this Law.

This Law shall apply to the protection of rights of other related rights subject matters, unless 20 years from their first legal disclosure have expired to the day of entering into force of this Law.

The provisions of this article shall be applied only up to the degree necessary for fulfilment of the international responsibilities which come from the international contracts which were ratified by the Republic of Macedonia. In contrary, this Law shall apply on the copyright works and objects of related works which were protected in the time of effectuation of this Law.

If, until the day of effectuation of this Law, the users legally use the copyright and the objects of the related rights whose protection expired until the day of effectuation of this Law, those works or objects of related rights are not protected according to this Law.

Article 184 a

The Act from Article 170a of this Law shall be pronounced by the Minister of Culture within a time period of three days from the day of entering into force of this Law.

Article 184-b

The provisions of article 21-f to 21-j of this Law shall apply in three years from the day of effectuation of this Law. The Government of the Republic of Macedonia shall enact the act on the amount of the total remuneration for the private copying from article 21-h of this Law within two years from the day of effectuation of this Law.

Article 184-c

This Law shall apply on the protection of the databases with “sui generis” protection, if no more than 15 years passed from the completion of their preparation to the day of the effectuation of this Law.

The provisions of the article 184 of this Law shall also apply on the databases with “sui generis” protection.

Article 184-d

The collecting societies are obligated to harmonise their activity with the provisions of this Law within one year from the day of effectuation of this Law and within that deadline to submit the general acts determined in this Law for approval to the Ministry of culture, enacted in a manner and procedure determined in this Law.

Article 184-e

The procedures for issuance of licenses for collective administration which have not been completed until the day of effectuation of this Law shall continue according to the provisions of this Law. The procedures for approval on the general acts of this law which were not finished until the day of effectuation of this Law shall be stopped.

Article 184-f

The Government of the Republic of Macedonia shall appoint the Commission stipulated in article 146-b of this Law within three months from the day of effectuation of this Law.

Article 185

On the day of entering into force of this Law, the Law on Copyright (Official Gazette of SFRY Nos. 19/1978, 34/1978, 24/1986, 75/1989 and 21/1990) shall cease to apply.

Article 186

This Law shall enter into force on the eighth day following its publication in the Official Gazette of the Republic of Macedonia.