

ACT AMENDING THE COPYRIGHT AND RELATED RIGHTS ACT¹

Article 1

In Article 1(3) of the Copyright and Related Rights Act (Official Gazette of the RS Nos 21/95 and 9/01) the word “administration” shall be replaced by words “management and enforcement”.

Article 2

Article 4(2) shall be amended to read as follows:

(2) Provisions of this Act concerning elements of a copyright work, joint authors, authors of compound works, contents of economic rights and other rights of the author, relationship between copyright and ownership, limitations to copyright, term of copyright (beginning and effect of the running) and transfer of copyright (Sections I and II of Chapter III) shall apply *mutatis mutandis* to related rights, unless otherwise provided in Chapter V.

Article 3

Article 36(1) and (2) shall be amended to read as follows:

(1) Public lending right is the right to equitable remuneration according to Libraries Act (Official Gazette of the RS No 87/01), when the original or a copy of a work is made available for use, for a limited period of time, without direct or indirect economic advantage, and if done through organisations performing such activity as public service.

(2) The foregoing paragraph shall not apply to the use of:

1. originals or copies of library material in the national library, school and academic libraries and special libraries;
2. architectural structures;
3. originals or copies of works of applied art and industrial design;
4. originals or copies of works for the purpose of public communication;
5. works, for on-the-spot reference, or for lending among organisations;
6. works, by persons acting within the scope of their employment, if such use is intended exclusively for the execution of their work related duties.

Article 4

¹ * Unofficial translation, published in the Official Gazette RS No 43/04, and entered into force on April 24, 2004.

Article 43 shall be amended to read as follows:

Article 43
Exhaustion of the right of distribution

The right of distribution shall be exhausted within the European Union in respect of the original or copies of the work with the first sale or other transfer of ownership in the European Union of that object by the author or with his consent.

Article 5

Article 44 shall be amended to read as follows:

Article 44
Limitation to the right of transformation

(1) The owner of a work of architecture which has been executed shall be free to make reconstructions thereof.

(2) When implementing the provision of paragraph 1, the owner must respect the author's right to integrity of the work.

(3) Where a work of architecture has been awarded a prize in an open contest, the owner must obtain the consent of the author. The consent shall not involve disproportionate costs for the owner or considerably prolong the time of reconstruction.

Article 6

The following new Article 47a shall be inserted after Article 47:

Article 47a
People with a disability

Without the assignment of a respective economic right, but on payment of equitable remuneration, it shall be lawful to reproduce or distribute works for the benefit of people with a disability, provided that the work used is not available in the desired form, that the use is directly related to the disability and limited to its extent and is not for direct or indirect economic advantage.

Article 7

The following new Article 49a shall be inserted after Article 49:

Article 49a
Temporary reproduction

Temporary acts of reproduction which are transient or incidental and an integral and essential part of a technological process and whose sole purpose is to enable a

transmission in a network between third parties by an intermediary, or a lawful use of a work, and which have no independent economic significance, shall be free.

Article 8

Article 50 shall be amended to read as follows:

Article 50

Private and other internal reproduction

(1) Subject to Article 37, the reproduction of a disclosed work shall be free if made in no more than three copies and provided that the conditions of paragraphs 2 or 3 are fulfilled.

(2) A natural person shall be free to reproduce works:

1. on paper or any similar medium by the use of a photographic technique or by some other process having similar effects; and

2. on any other medium if this is done for private use, if the copies are not available to the public, and if this is not done for direct or indirect economic advantage.

(3) Publicly accessible archives and libraries, museums and educational or scientific establishments shall be free to reproduce, on any medium, works from their own copies for internal use, provided that this is not done for direct or indirect economic advantage.

(4) Reproduction according to the foregoing paragraphs shall not be permitted with respect to written works to the extent of the whole book, graphic editions of musical works, electronic databases and computer programs, and in the form of building of architectural structures, unless otherwise provided by this Act or by contract.

(5) Notwithstanding paragraph 4, it shall be permissible, under the conditions of paragraph 1:

1. to reproduce a written work to the extent of the whole book, if such work is out of print for a minimum of two years;

2. to reproduce a graphic edition of musical work by means of handwritten transcription.

Article 9

Article 54 shall be amended to read as follows:

Article 54

Public exhibition or sale of artistic works

(1) The organiser of a public exhibition or sale of artistic works shall be free to use such works to the extent necessary to promote the event, provided that this is not done for direct or indirect economic advantage.

(2) In cases referred to in paragraph 1, the source and authorship of the work shall be indicated if the latter is indicated on the work used.

Article 10

Article 56 shall be amended to read as follows:

Article 56 Official proceedings

The use of works shall be free if this is indispensable, in certain concrete cases, for the performance of tasks relating to public security or the performance of any official proceedings, such as proceedings in the National Assembly or National Council of the Republic of Slovenia, or judicial, administrative or arbitrary proceedings.

Article 11

Article 118(1) shall be amended to read as follows:

(1) "Performers" are actors, singers, musicians, dancers, and other persons who act, sing, deliver, declaim, play in, interpret, or otherwise perform copyright works or expressions of folklore.

Article 12

Article 121 shall be amended to read as follows:

Article 121 Economic rights of performers

Performers shall have the exclusive right:

1. to fix their live performance;
2. to reproduce the phonograms or videograms containing their performance;
3. to publicly transmit their live performance;
4. to broadcast their live performance;
5. to make available to the public the phonograms or videograms containing their performance;
6. to distribute the phonograms or videograms containing their performance;
7. to rent phonograms or videograms containing their performance.

Article 13

The following new Article 141g shall be inserted after Article 141f:

Article 141g Limitations to the right of the maker

(1) Lawful users of a published database shall be free to use a substantial part of its contents:

1. for the purposes of teaching, provided that the conditions of Article 49 are fulfilled;
2. for private or other internal use of the contents of a non-electronic database, provided that the conditions of Article 50 are fulfilled.

(2) The use of the database shall be free if this is indispensable, in particular concrete cases, for the performance of tasks relating to public security or the performance of any official proceedings such as proceedings in the National Assembly or National Council of the Republic of Slovenia, or judicial, administrative or arbitrary proceedings.

Article 14

Title of Chapter VI shall be changed into "MANAGEMENT AND ENFORCEMENT OF RIGHTS". In Article 142 the word "administration" shall be replaced by the word "management".

Article 15

In Article 143 the word "administration" shall be replaced by the word "management".

Article 16

Article 144 shall be amended to read as follows:

Article 144 Scope of agency

(1) Management of authors' rights through an agent includes:

1. representing authors in their legal transactions and relations with persons who use or commission their works, including collection of royalties or other remunerations;
2. representing authors in legal proceedings before courts or other bodies, for the purpose of protecting their authors' rights.

(2) When an author enforces his rights before a court or another State body through an agent who is a natural or legal person, such agent is entitled to claim a fee for his services and reimbursement of expenses incurred in connection with these services

according to the agent's schedule of fees, provided that he fulfils the conditions for the representation before courts or other State bodies or, where the agent is a legal person, that an authorized employee of such agent fulfils those conditions. Agent's schedule of fees is adopted by the agent or an association of agents and approved by the Minister of Justice.

Article 17

Chapter 6 (Section 2) shall be amended to read as follows:

Section 2 COLLECTIVE MANAGEMENT

Article 146 Activities of collecting societies

(1) Collecting societies shall be legal entities that, on the basis of the authorisation of the competent authority, on a non-profit basis and as their sole purpose, on the basis of author's authorisation or this Act, under their name and for author's account:

1. allow the use of repertoire of protected works under the similar rules for similar uses;
2. inform users of the amounts of proposed remunerations and conclude with them agreements concerning the conditions of the use protected works;
3. publish the tariffs for the payment of remunerations;
4. conclude agreements with foreign collecting societies;
5. monitor the use of works of their repertoire;
6. recover remunerations and authors' royalties;
7. distribute collected means to right holders in accordance with adopted rules of distribution; and
7. enforce the protection of authors' rights before courts and other State bodies, provided that they render account to the author for the rights so enforced.

(2) Collecting society may entrust the administrative work in connection with the collective management of rights to another collecting society or to a corporation.

Article 147 Mandatory collective management

Collective management of authors' rights shall be allowed with respect to already disclosed works, and mandatory in the following cases:

1. communication to the public of non-theatrical musical works and literary works (small rights);
2. transfer for valuable consideration of ownership of originals of works of fine arts (droit de suite);
3. reproduction of works for private or other internal use and its photocopying beyond the scope of Article 50;
4. cable retransmission of works, except in respect of broadcasters' own transmissions, irrespective of whether the rights concerned are their own or have been assigned to them by other right holders.

Article 148 Request for issuance of authorisation

The Office shall grant authorisation referred to in Article 146 upon written request of a legal entity. The request shall be accompanied by:

1. a statute which defines bodies, and authority thereof, for the execution of tasks of a collecting society referred to in Article 146;
2. indication of persons who are entitled to represent the collecting society;
3. indication of the number of persons who entrusted the collecting society with the management of authors' rights in their works gathered into a repertoire;
4. the evaluation of economic importance of those rights for the efficiency of management.

Article 149 Grounds for refusal

(1) The competent authority shall not issue authorisation if:

1. the statute of the collecting society does not comply with the provisions of this Act;
or
2. the material basis of the collecting society does not ensure the forecast efficiency of management of authors' rights.

(2) When assessing the material basis of the collecting society referred to in item 2 of the foregoing paragraph, the following, in particular, shall be considered: the number of authors who have authorised the collecting society to manage their rights, the total number of their works, the extent of the exploitation of works or the volume of potential users of such works, means and ways whereby the collecting society proposes to carry out its activity, its capability to manage the rights of foreign right holders, estimate of the anticipated amount of collected remunerations, and the costs of operation of the collecting society.

Article 150
Issuance of the authorisation

(1) In the proceeding for the grant of authorisation the Act regulating general administrative procedure shall apply. There shall be no appeal against a decision or order issued by the competent authority, however, an action in the administrative litigation proceedings may be filed with the Administrative Court which shall decide on the case at its seat.

(2) Notification of the final decision concerning the authorisation shall be published in the Official Gazette of the Republic of Slovenia.

Article 151
Contract with the author

(1) The collecting society shall manage authors' rights on the basis of a contract concluded with the author. The contract shall include, in particular, the author's authorisation for management of his rights, type of works and rights to be managed, and the duration of the contract, which shall not exceed five years, following which it can be extended for additional periods of five years.

(2) During the period when the management of rights is transferred to a collecting society, either by law or by contract, the author cannot individually manage those rights.

(3) The rights referred to in Article 147 may be managed by a competent collecting society without a contract with the author.

(4) Rights under item 1 of Article 147 can exceptionally be managed individually if in a performance the main performer is at the same time the holder of the author's right in all works executed.

Article 152
Obligation to manage rights collectively

A collecting society shall not refuse to manage authors' rights in the field of its activity if so requests the author who is the citizen of the Republic of Slovenia or the European Union Member State, or has his residence or seat in the Republic of Slovenia.

Article 153
Rules for the distribution of revenue

(1) A collecting society shall use the revenue of its activity for remunerations and for operating costs, in accordance with the annual plan adopted by its assembly.

(2) A collecting society shall distribute remunerations according to the rules of distribution.

(3) The principles of distribution shall be set forth in the statute of the collecting society and shall exclude any possibility of arbitrariness.

Article 154 Special case of distribution

(1) Of the remunerations collected according to Article 37(2), authors shall receive 40 %, performers 30 %, and producers of phonograms or film producers 30 %.

(2) Of the remunerations collected according to Article 37(3), authors and publishers shall receive 50 % each.

Article 155 Obligation to furnish information

Collecting society shall be required, upon written request of any person, to provide information as to whether it manages rights on behalf of an author, and under what conditions.

Article 156 Inclusive agreements

(1) Collecting societies shall conclude with representative associations of users, who use protected works from their repertoire in accordance with this Act, inclusive agreements concerning, in particular, the conditions and the manner of such use, as well as the amount of remuneration.

(2) "Representative associations" shall mean associations which represent the majority of users in a certain field of activity, in a certain part of such field or in groups of activities.

(3) The basis for the calculation of the amount of remuneration shall be monetary advantage obtained by the user for his activity in which protected work from their repertoire of the collecting society are exploited.

(4) In establishing the amount of remuneration, the value of protected work for the activity of the user shall be taken into account.

(5) When assessing monetary advantage, an appropriate part of revenue or costs of the user of rights shall normally be taken as the basis, taking into account mutually agreed criteria. When the advantage is not revealed in the revenue, the collecting society and the user may establish other criteria.

(5) Collecting societies and RTV Slovenia may establish other criteria for the establishment of the amount of remuneration.

Article 157 Tariffs

(1) Collecting society shall adopt tariffs for the use of authors' works.

(2) Where an agreement referred to in Article 156 has been concluded, the tariff shall be the remuneration agreed upon in such agreement.

(3) Collecting society shall publish the tariffs referred to in paragraph 1 in the Official Gazette of the Republic of Slovenia.

(4) Until the conclusion of the agreement, collecting societies may claim remunerations which they fix taking into account the criteria under Article 156(3), (4) and (5). The claim for remuneration shall be supported by reasons.

Article 158 Obligation to contract

(1) The user of works from the repertoire of a collecting society may request, at any time, the conclusion of a contract for the non-exclusive assignment of rights for the use of authors' works in accordance with the valid tariff. Collecting societies may refuse such a request insofar as they have an objective reason to do so, such as a history of non-payment on the side of the user.

(2) Should parties fail to conclude a contract for the non-exclusive assignment of rights for the use of protected works, the right shall be deemed to have been assigned if the user deposits in the account of the collecting society, or with a court or notary, the amount demanded by the collecting society according to the valid tariff.

Article 159 Obligation of users to provide information

(1) Organizers of public entertainments, and other users of protected works, shall acquire the rights of public communication, in case where authorization is required under this Act, prior to such use, and shall submit to the competent collecting society the list of all works used within fifteen days after the use.

(2) On request of the author, or of the collecting society, the competent authority for internal affairs may prohibit the public performance, presentation or other use of a protected work, in case the organizer failed to previously acquire the rights referred to in the foregoing paragraph.

(3) Broadcasting organizations shall monthly submit to the competent collecting society a list of all broadcast copyright works.

(4) Users of protected works, who exploit such works under this Act without the non-exclusive assignment of rights, shall monthly submit to the competent collecting society the information regarding such exploitation.

(5) The owner of the originals of works of fine art, the auction house or other agent shall submit to the competent collecting society the information regarding the sold originals, the vendor and the sale price, within 30 days after the sale.

Article 160

Supervision by members

(1) Each member of the collecting society may demand to receive, in the time limit provided for in the statute, the annual financial report and the report of the supervisory board, for inspection.

(2) At least ten full members of a collecting society may demand that one or more independent experts inspect the operation of the society.

Article 161

Annual reports and audits

(1) Within three months following the end of each accounting year, the collecting society shall adopt or acquire:

1. annual reports of administrative and supervisory bodies on collected remunerations, distribution thereof, operation of the collecting society and implementation of inclusive agreements and agreements with foreign collecting societies;
2. the report of auditing company on the auditing of financial statements and operation of the collecting society in the accounting year, together with the opinion on regularity of the operation and its conformity with laws and other regulations;
3. the opinion of administrative and supervisory bodies on the report and opinion referred to in the foregoing item;
4. measures in the event of the auditor's opinion on its irregularity;
5. proposal for the financing plan and operating costs of the collecting society for the coming year.

(2) Provisions of this Article shall be without prejudice to obligations of collecting societies which they have with respect to financial reports and audits pursuant to other regulations.

Article 162

Supervision by the competent authority

(1) The competent authority shall supervise whether collecting societies execute their tasks in compliance with the provisions of this Act.

(2) The competent authority shall revoke authorisation for collective management of authors' rights if circumstances occur which would have been a cause for the refusal of the authorisation, or if the collecting society seriously or repeatedly violates the provisions of this Act. Prior to revocation, the competent authority shall notify the collecting society of the reasons and give it a time limit of no less than 30 days to remove the cause for revocation. The revocation shall become effective on the 30th day following its publication in the Official Gazette of the Republic of Slovenia.

(3) The competent authority may, at all times, demand from a collecting society reports on business matters and inspection into their books and other business papers to the extent necessary, following a reasoned and detailed written request to examine the issue specified in the request.

(4) Collecting societies shall inform the competent authority of any change concerning the persons entitled by law or statutes to represent them.

(5) Collecting societies shall submit to the competent authority, in particular:

1. any amendment to the statute;
2. inclusive agreements with associations of users;
3. tariffs and any alterations thereof;
4. agreements with foreign collecting societies;
5. resolutions of the assembly;
6. annual reports and auditors' report.

Article 163 Mediation

(1) Collecting societies and representative associations of users may propose, on the basis of a mediation agreement, mediation in a dispute:

1. concerning conclusion of an inclusive agreement;
2. concerning conclusion of an agreement for cable retransmission of broadcasts;
3. under Article 166c(2).

(2) The mediator shall be independent, impartial and not bound by instructions.

(3) The mediator shall ensure that parties conduct negotiations in good faith and do not hinder them without valid justification.

(4) The mediator may submit proposal to parties concerning the settlement of the dispute. The settlement proposal shall be deemed to have been accepted if the parties conclude an inclusive agreement or agreement for cable retransmission within three months following the receipt of the proposal.

(5) The secrecy shall be ensured in the mediation procedure.

(6) The parties shall jointly choose the mediator from the list of mediators appointed by the Government of the Republic of Slovenia on the proposal of the Minister of Economy.

(7) The competent authority shall provide administrative assistance to mediator.

(8) The parties shall remunerate the mediator for his work.

(9) The Government of the Republic of Slovenia shall define with a decree, in greater detail, the mediation proceeding, as well as the degree and kind of education of the mediator, and other conditions that he has to fulfil.

Article 18

Article 166a shall be amended to read as follows:

Article 166a **Technological measures**

(1) It shall be deemed that a person infringes the exclusive rights granted by this Act, when he circumvents effective technological measures designed to protect authors' works or subject matters of related rights.

(2) It shall be deemed that a person infringes the exclusive rights granted by this Act, when he manufactures, imports, distributes, sells, rents, advertises for sale or rental, or possesses for commercial purposes technologies, devices, products, components or computer programs or provides services which:

1. are promoted, advertised or marketed for the purpose of the circumvention of effective technological measures, or

2. have only a limited commercially significant purpose or use other than to circumvent effective technological measures, or

3. are primarily designed, produced, adapted or performed for the purpose of enabling or facilitating the circumvention of effective technological measures.

(3) "Technological measures" within the meaning of this Article shall mean any technology, device, product, component or computer program or other measure that, in the normal course of its operation, is designed to prevent or restrict acts which are not authorised by the holder of rights under this Act. These measures shall be deemed effective where the use of a copyright work or subject matter of related rights is controlled by the right holders through application of an access control or protection process such as encryption, scrambling or other transformation of the work, or a copy control mechanism, which achieves the protection objective.

(4) This Article shall apply *mutatis mutandis* also to any technology, device, product, component or computer program by which electronic rights-management information referred to in Article 166 is removed or altered.

(5) The acts referred to in foregoing paragraphs shall not be deemed infringements if they are carried out in certain special cases of performance of tasks relating to public security, or in order to ensure the correct execution of any official proceedings, such as proceedings in the National Assembly or National Council of the Republic of Slovenia, or judicial, administrative or arbitrary proceedings.

Article 19

The following new Articles 166b and 166c shall be inserted after Article 166a :

Article 166b
Obligation to use markings

In the case of technological measures pursuant to the provisions of this Act, the right holder or importer shall be bound put a clearly visible marking on each copy of a copyright work or subject matter of related rights manufactured or imported for commercial purposes, indicating:

1. information concerning the technological measure and its effects, and
2. his firm and address in order to ensure an effective implementation of Article 166c(1).

Article 166c
Enforcement of the limitations to rights

(1) The right holder who uses technological measures pursuant to this Act, shall make available to the persons having legal access to the subject matter of rights, at their request and without delay, appropriate means on the basis of which they can enforce the limitations to copyright and related rights listed in paragraph 3.

(2) If the right holder fails to secure the means referred to in paragraph 1, the persons concerned may request a mediation in the dispute.

(3) Limitations to rights pursuant to paragraph 1 shall be provided, under conditions laid down by this Act, including eventual payment of remuneration, in the following cases:

1. use for the benefit of people with a disability (Article 47a);
2. use for the purpose of teaching (Article 49);
3. private and other internal reproduction (Article 50);
4. performance of official proceedings (Article 56);
5. ephemeral recordings made by broadcasting organisations (Article 77(2)).

(4) Paragraphs 1, 2 and 3 shall not apply to technological measures that are used for:

1. fulfilment of a right holder's obligation under paragraph 1 and the implementation of agreements concluded for this purpose;
2. protected works that are used, on the basis of an appropriate contract, within the meaning of Article 32a.

Article 20

Article 176(1) and (2) shall be amended to read as follows:

(1) The provisions of this Act shall protect the authors and holders of related rights who are citizens of the Republic of Slovenia or a European Union Member State, or have their residence or seat in the Republic of Slovenia.

(2) Other foreign natural persons or legal entities (foreigners) shall enjoy the same protection as persons mentioned in the foregoing paragraph if international convention or this Act so provides, or in case that factual reciprocity exists.

The following new paragraph (5) shall be added:

(5) Provision of this Act relating to the European Union Member States shall apply also to the European Economic Area Member States.

Article 21

Article 184 shall be amended to read as follows:

Article 184

(1) A fine of no less than SIT 400,000 shall be imposed for a misdemeanor on any legal entity or individual sole trader who:

1. without the assignment of the relevant economic right, when such assignment is required under this Act, reproduces, distributes, rents, publicly performs, publicly transmits, publicly communicates, publicly presents, broadcasts, rebroadcasts, secondary broadcasts, makes available to the public, transforms, audiovisually adapts or otherwise uses a work or a copy thereof (Articles 21 and 22);

2. possesses a copy of computer program for commercial purposes, knowing or having reason to believe that it is an infringing copy (Article 116, item 2);

3. without the assignment of the relevant exclusive right, when such assignment is required under this Act, reproduces, fixes, publicly transmits or broadcasts a live performance, or reproduces, makes available to the public, distributes or rents a phonogram or videogram with a performance, or otherwise uses a performance (Article 121);

4. without the assignment of the relevant exclusive right, when such assignment is required under this Act, reproduces, distributes, rents, makes available to the public or otherwise uses a phonogram or videogram (Articles 129 and 134);

5. without the assignment of the relevant exclusive right, when such assignment is required under this Act, retransmits, fixes, reproduces, distributes, makes available to the public or otherwise uses a broadcast or a fixation of a broadcast (Article 137);

6. without the assignment of the relevant exclusive right, when such assignment is required under this Act, reproduces, distributes, rents, makes available to the public or otherwise uses a database or a copy thereof (Article 141c);

7. removes or alters any electronic rights-management information (Article 166(1)1);

8. reproduces, distributes, imports for distribution, rents or communicates to the public a copyright work or subject matter of related rights or a copy thereof where

electronic rights-management information has been removed or altered without authorization (Article 166(1)2);

9. circumvents effective technological measures or manufactures, imports, distributes, sells, rents, advertises for sale or rental or possesses for commercial purposes a technology, device, product, component or computer program, or provides a service for the purpose of circumvention of effective technological measures in the cases referred to in Article 166a(2) ((Article 166a(1) and (2));

10. manufactures, imports, distributes, sells, rents, advertises for sale or rental or possesses for commercial purposes a technology, device, product, component or computer program for the removal or alteration of electronic rights-management information (Article 166a(4)).

(2) A fine of no less than SIT 80,000 shall be imposed on the responsible person of a legal entity that commits a misdemeanor referred to in paragraph 1.

(3) A fine of no less than SIT 80,000 shall be imposed on an individual who commits a misdemeanor referred to in paragraph 1.

(4) The articles which were created by the misdemeanor shall be confiscated.

Article 22

Article 185 shall be amended to read as follows:

Article 185

(1) A fine of no less than SIT 200,000 shall be imposed for a misdemeanor on any legal entity or individual sole trader:

1. that does not submit to the competent collecting society, at its request and within the prescribed time limit, information about the types and number of sold or imported devices for sound or visual fixation, photocopying devices, blank audio or video carriers as well as information about sold photocopies which is necessary for the calculation of the remuneration due (Article 38 (3));

2. that does not submit to the competent collecting society, within the prescribed time limit, the list of works used (Article 159 (1), (3), and (4));

3. that does not submit to the competent collecting society, within the prescribed time limit, the information which is necessary for the calculation of the remuneration due (type and number of sold originals, liable persons, retail price without public charges, etc.) (Article 159 (5));

4. that does not make available to persons having legal access to the subject matter of rights the means on the basis of which they can enforce limitations to the copyright and related rights (Article 166c).

(2) A fine of no less than SIT 60,000 shall be imposed on the responsible person of a legal entity or of individual sole trader that commits a misdemeanor under paragraph 1.

(3) A fine of no less than SIT 60,000 shall be imposed on an individual who commits a misdemeanour under paragraph 1.

Article 23

Article 186 shall be amended to read as follows:

Article 186

(1) Supervisory control over the implementation of provisions sanctionable under Articles 184 and 185 shall be the competence of the Market Inspection. The proceedings concerning these cases shall be expeditious.

(2) When the inspector learns of a misdemeanor referred to in paragraph 1 through official channels, he may:

1. seize the goods which were used or intended for the commission of a misdemeanor, or were created by such misdemeanor, and

2. order to remedy the irregularity within the prescribed time limit.

TRANSITIONAL AND FINAL PROVISIONS

Article 24

(1) As of the date of the accession of the Republic of Slovenia to the European Union, the terms of protection under the Copyright and Related Rights Act (Official Gazette of the RS Nos 21/95 and 9/01) shall also be applicable to those copyright works and subject matters of related rights that are not protected under Article 193(1), (2) and (3) if they are protected on that date in at least one European Union Member State.

(2) Paragraph 2 shall be without prejudice to acts of exploitation of protected works started or performed before the date referred to in paragraph 1. The user may:

1. without limit and gratuitously distribute stocks that existed before that date, and

2. request a reassignment of economic rights in the original extent, but only for the period of three years following that date and against payment of an adequate remuneration.

(3) The rights which were assigned for the whole period of their duration by contract or otherwise before the date referred to in paragraph 1, shall be deemed to be assigned under present conditions also for the additional period of the revival of protection.

(4) The existence of protection of a right in a European Union Member State shall be proved by the person who invokes it.

Article 25

Provisions of this Act concerning exhaustion of the right of distribution (Article 4 of this Act) and relations with foreign elements (Article 20 of this Act) shall take effect as of the date of the accession of the Republic of Slovenia to the European Union.

Article 26

(1) Collecting societies shall harmonize their activity with the provisions of this Act within one year following the entry into force of this Act.

(2) Proceedings for the grant of authorisation for collective management of copyright and related rights that have not been finished on the date of entry into force of this Act shall continue according to the provisions of this Act.

(3) Proceeding for the approval of tariffs that have not been finished on the date of entry into force of this Act shall be terminated.

(4) The tariffs of collecting societies applicable on the date of entry into force of this Act shall be treated as valid inclusive agreements under this Act.

Article 27

(1) In proceedings concerning misdemeanors, the fines defined by this Act shall be imposed, until the application date of the new Misdemeanors Act (Official Gazette RS No 7/03), as monetary fines within the limits set out by Articles 21 and 22 of this Act.

(2) For the responsible person of the individual sole trader, the provisions of Articles 21 and 22 of this Act shall be applicable as from 1 January 2005.

Article 28

The executive regulation referred to in Article 163 shall be issued within six months following the entry into force of this Act.

Article 29

(1) This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

(2) The provisions of Articles 4, 16, 20, 24 and 25 of this Act shall be applicable as from the date of the accession of the Republic of Slovenia to the European Union.