



REPUBLIC OF CROATIA

MINISTRY OF ECONOMY, LABOUR AND ENTREPRENEURSHIP

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Zagreb, 3th july 2008.

Interpretation of the Application of Article 156 paragraph 2 of the Copyright and Related Rights Act (OG 163/03 and 79/07)

Whereas:

1. Article 156, paragraph 2 of the Copyright and Related Rights Act (NN 163/03 and 79/07, hereinafter: CRRA), provides for the mandatory collective management of copyright and related rights.
2. According to Article 159, paragraphs 1 and 2 of CRRA, a collective management association may be granted the authorization for performing the activity of collective management of copyright and related rights by the State Intellectual Property Office of the Republic of Croatia, if that association has the largest number of members that it represents on the basis of the received powers of attorney, and agreements on reciprocal representation, concluded with foreign associations, and if it satisfies the prescribed professional criteria.
3. Such an association shall be presumed to represent all the domestic and foreign right holders in a collective system, except for those who have notified the association in writing that it is not entitled to manage their rights.

The Ministry of Economy, Labour and Entrepreneurship of the Republic of Croatia and the State Intellectual Property Office of the Republic of Croatia interpret herewith the provisions on the collective management of rights, as laid down in the following way:

1. Mandatory collective management of copyright and related rights as referred to in Article 156, paragraph 2 of CRRA shall only apply in conjunction with the provisions of Article 159, paragraphs 1 and 2 of CRRA.
2. Mandatory collective management of copyright and related rights, referred to in Article 156, paragraph 2 of CRRA, shall apply only in such cases where a right holder has not communicated to the collective management association a written notification, referred to in Article 159, paragraph 2 of CRRA, to the effect that she/he shall manage her/his rights individually.
3. Article 156, paragraph 2 of CRRA on the mandatory collective management of rights has therefore the character of presumption that can be rebutted by the rightholders' decision.
4. The right holder is, by virtue of Article 159, paragraph 2 of CRRA, entitled to be exempted from the collective management, even of those rights referred to in Article 156, paragraph 2 of CRRA, and manage them individually.

~~Ministry of Economy, Labour and Entrepreneurship of the Republic of Croatia~~
Damir Polanec, Minister

State Intellectual Property Office of the Republic of Croatia
Željko Topić, MBA, Director General