

COPYRIGHT LAW

Part One

RIGHTS OF AUTHORS

Chapter I

INTRODUCTORY PROVISIONS

Article 1

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

Article 2

The authors' works of nationals of the Republic of Croatia, or of persons who are not nationals of the Republic of Croatia but have their usual residence in the Republic of Croatia, published in the Republic of Croatia or abroad, as well as authors' works which have not been published, shall enjoy protection pursuant to this Law.

The unpublished authors' works of foreign nationals and stateless persons first published in the Republic of Croatia shall enjoy, pursuant to this Law, the same protection as the authors' works of nationals of the Republic of Croatia.

The authors' works of foreign nationals not first published in the Republic of Croatia shall enjoy, pursuant to this Law, protection within the framework of the obligations which the Republic of Croatia has assumed under international treaties or on the basis of the *de facto* reciprocity.

An author's work shall be considered to be published if it has been made accessible to the public in the manner whatsoever, at will of the author or other entitled person.

The public, within the meaning of the provisions of this Law, shall mean a large number of persons outside the usual narrow circle of persons closely connected by family or friendly relations.

Public exploitation of an author's work shall comprise any exploitation of the work accessible to the public or its exploitation in the area accessible to any person.

Chapter II

THE AUTHOR'S WORK AND THE AUTHOR

1. The Author's Work

Article 3

The provision of the first paragraph of this Article shall not affect the rights of the

Article 11

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

Copyright in unpublished works the author of which is unknown shall be exercised by the corresponding association of authors.

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

Article 12

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

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

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

The copyright owner shall be responsible for any prejudice caused to third parties by the non-authorized transfer of authors' property-right prerogatives.

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

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

Article 15

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

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

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

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

Article 16

Unless otherwise agreed, the author of the cinematographic work and the composer shall (their) likewise agree to

Employment or Pursuant to a Commission

Article 19

The relations concerning authors' works created in the course of employment, shall be governed by Regulations and collective agreements or employment contracts, in accordance with this Law.

Article 20

A legal entity, or the employer, shall have the exclusive right to use, within the framework of their regular activity and within a period of five years, authors' works created by a worker in the fulfillment of his work obligations in that legal entity, or on the premises of that employer (work created in the course of employment), without requesting the authorization of the worker who is the author of the work in question.

The worker-author shall have the right, for the use of the author's work created in the course of employment within the meaning of the first paragraph of this Article, to a separate remuneration in accordance with collective agreements or employment contracts, in proportion to the extent to which the use of the work has contributed to the increase in revenues or profit, or to the exercise of the activities and the achievement of the tasks of that legal entity.

The worker-author of the work created in the course of employment shall retain all other copyrights in his work.

Other copyrights in works created in the course of employment may not be limited by collective agreements or employment contracts or by a contract (Article 19).

Subject to the provisions of this Article, the owner of the author's economic right in a computer program created in an enterprise or other legal entity, or on the premises of an employer, shall be that legal entity or that employer.

Article 21

The right of publication of the author's work created in the course of employment shall include the right to publish a single bibliographic edition, that is, the right to a single multiplication.

When a work created in the course of employment is published, a legal entity, or the employer, shall be obliged to indicate the full name of the author or his pseudonym.

If the legal entity, or the employer, does not publish the work created in the course of employment before the expiration of the time limit provided for in the Regulations, in a collective agreement or an employment contract, the right to publish the work shall revert to the author.

The legal entity, or the employer, may, even before the expiration of the time limit referred to in the third paragraph of this Article, permit the author to publish the work created in the course of employment.

When publishing his complete works the author may, even without the permission of the legal entity, or of the employer, publish the work created in the course of employment without regard to the fact that the said work has already been published.

After the expiration of a period of five years from the date of completion of a work created in the course of employment, the right to publish the work shall revert to the author.

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

Article 22

The worker employed within a legal entity, or on the premises of an employer, who, in the fulfillment of his work obligations, draws up an account of technical matters, a report, an official record or any other similar work shall not acquire any copyright in such works.

Article 23

Unless otherwise agreed, all copyrights in works created pursuant to a work-by-contract agreement shall belong to the author who created the work.

Subject to the provisions of the first paragraph of this Article, the owner of the author's economic right in a computer program created pursuant to a work-by-contract agreement shall be the person who ordered it, unless otherwise specified in the said agreement.

Article 24

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

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

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

Chapter III

CONTENT AND EXPLOITATION OF COPYRIGHT

Article 25

Copyright shall include property-right prerogatives (hereinafter referred to as

Article 30

The author shall have the exclusive right to authorise the publication, reproduction or multiplication of the work, putting into circulation the original or the copies of the work, including the importation thereof, the presentation, performance, alteration or the exploitation of the work in any other form, unless otherwise provided by this Law.

The exclusive right of putting into circulation referred to in paragraph 1 of this Article, shall be exhausted through the first sale of the original or copies of the author's work or through any other transfer of property right relating thereto, done in the Republic of Croatia, with the author's authorisation, concerning such original or such copy of the work.

The provision referred to in paragraph 2 of this Article shall not prejudice the author's right to authorise the importation of the original or the copies of the work into a particular State, unless otherwise provided for by the international treaty binding the Republic of Croatia.

Article 30a

The authors of the computer programs, cinematographic works and works analogous to them referred to in Article 3, paragraph 2, subparagraph 6, of this Law, and of the works fixed on sound carriers (phonograms) shall have the exclusive right to authorise the rental of the originals or the copies of those works.

The provision referred to in paragraph 1 of this Article shall not apply to the rental of computer programs if the program itself is not an essential object of the rental.

The exclusive right of rental referred to in paragraph 1 of this Article shall not be exhausted with respect to the original or the copies of the work respectively, which have been put into circulation with the author's authorisation through sale or in any other way.

Article 31

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

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

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

Article 32

The author shall have the exclusive right to authorize:

1. the broadcasting of his work or the communication thereof to the public by any other means of wireless diffusion of signs, sounds or images;

Article 38

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

Article 40

Authors of works of fine art, photographic works and similar works may prohibit the exhibition of their particular works if they have a moral interest therein.

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

Article 41

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

Article 42 (*Deleted*)Article 43 (*Deleted*)Article 44 (*Deleted*)Article 45 (*Deleted*)Article 46 (*Deleted*)

Article 47

The following shall be permissible in the territory of the Republic of Croatia without the authorization of the author:

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

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

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

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

Article 48

The following shall be permissible in the territory of the Republic of Croatia without the authorization of the author and without the payment of a remuneration for use:

1. the performance of a literary or artistic work for the purposes of teaching or in the form thereof, provided that such performance involves no entrance fee or other form of payment or is given on the occasion of school celebrations where attendance is free of charge;
2. the publication of reviews of published literary, artistic or scientific works, wherein the content of such works is reproduced in an original and abridged manner;

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

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

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

2. Transfer by Authors' Contracts

(1) Common Provisions Concerning Authors' Contracts

Article 54

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

Article 55

Authors' contracts shall be concluded in writing.

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

Article 56

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

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

Article 57

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

Article 58

The author's contract may also concern a work not yet created.

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

Article 59

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

Article 60

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

(2) Publishing Contract

Article 61

By a publishing contract, the author transfers to the publisher the right of publication of his author's work by means of printing or multiplication.

Unless otherwise stipulated in the contract, the author may request the rescission of the publishing contract if, after one edition being out of print, the publisher has not, within one year from the date on which the author requested him to do so, proceeded with publishing a new edition as stipulated in the contract.

If, within the time limits provided for in the contract, the author has not delivered the

Article 74

The presentation contract or the performance contract respectively shall specify in particular the type of presentation or performance, as the case may be, of the author's work and the territory in which the work may be used.

Article 75

If, within the time limits provided for in the contract, the author has not delivered the work (manuscript, score, or the like) to the user, or the user has not presented or performed the work respectively, the author or the user, as the case may be, may demand the rescission of the presentation contract or the performan

The remuneration stipulated in the contra

the author's work, this term shall be counted from the death of the last deceased collaborator.

Author's economic right in an anonymous author's work and in an author's work published under a pseudonym shall last seventy years from the publication of the work. If a pseudonym leaves no doubt regarding the identity of the author or if the author reveals his identity, the author's economic right shall last as long as it would have lasted if the author's work had been published under the name of the author.

If the holder of the author's economic right, within the meaning of Article 24 of this Law, is a legal entity, the copyright shall last for seventy years as from the publication of the work or seventy years respectively as from the creation a computer program.

The terms referred to in this Article shall begin with January 1 of the year following immediately the year in which the author died, or as the case may be, the year in which the work was published or created respectively.

ADMINISTRATION OF COPYRIGHT

Article 89

The author may exercise his author's rights by himself or through an agent.

Article 90

The activity of administering copyrights may be, with the authorisation of the State Intellectual Property Office

specialised legal entity respectively, referred to in Article 90 of this Law, shall not need a special power of attorney from the author.

The association of authors or the specialised legal entity respectively, referred to in Article 90 of this Law may initiate and conduct in its own name the court actions referred to in the first paragraph of this Article, but it shall be required to report to the author the rights thus enforced.

Article 94

The impresarios of cultural and artistic entertainments and other users of authors' works shall be required to obtain authorization for the performance of such works in cases where such authorization is required under the provisions of this Law, and to supply without delay, and at the latest within 15 days from the date of performance, the association of authors or the specialised legal entity respectively, referred to in Article 90 of this Law with the programs of the works performed and to pay them royalties for the exploitation of such works.

At the request of the author, association of authors or the specialised legal entity respectively, referred to in Article 90, paragraph 1 of this Law, as the case may be, the competent police administration or police station shall prohibit the entertainment, or the second use of the author's work respectively, if the entertainment impresario, or other user of the author's work, does not have authorization for the performance from the author, association of authors or the specialised legal entity respectively, referred to in Article 90, paragraph 1 of this Law.

The users of authors' works shall provide all the information relevant for the administration of a copyright to the association of authors or other legal entity specialised for the administration of copyrights and shall make the corresponding documentation available for inspection.

At the request of association of authors or other legal entity specialised for the administration of copyrights, the financial police shall provide the necessary assistance in the administration of copyrights.

Chapter VII

COPYRIGHT PROTECTION

Article 95

Any person whose authors' rights, whether economic or moral, have been infringed

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

Article 97

On the proposal of the author, or other copyright holder, or their association, or other legal entity specialised for the administration of copyrights, whereby it is made likely that the concerned copyright was infringed or that the infringement is imminent, the court may order:

1) the provisional seizure or withdrawal from circulation of articles or means respectively, infringing the copyright, or used for the infringement thereof, or which resulted from the infringement of the copyright, or which may be used as evidence of the infringement thereof;

2) the prohibition of the continuation of activities already started that would infringe copyright or the prohibition of the continuation of activities infringing it.

If there is a likelihood that the later provision of evidence on infringement of

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

Part Two

RIGHTS OF PERFORMERS

Chapter I

INTRODUCTORY PROVISIONS

Article 100

Performers who perform literary or musical works or other artistic works shall enjoy the rights laid down in this Law in respect of their performances.

The rights of performers shall in no way affect the rights of the authors of the works mentioned in the first paragraph of this Article.

Article 101

For the purposes of this Law, performers are individuals and groups that in an artistic manner present, recite, declaim, sing, play, dance or in any other way perform literary or musical and other artistic works.

Article 102

The performer who is a national of the Republic of Croatia, or a foreign national who has a usual residence in the Republic of Croatia, shall enjoy tT10.8(a)-provided by this Law in respect of his performances given or used in the Republic of Croatia or abroad.

The performer who is a foreign national or stateless shall enjoy tT10.8(a)- in respect of his performances given or used in the Republic of Croatia, pursuant to this Law within the framework of the obligations which the Republic of Croatia has assumed under international treaties or on the basis of *de facto* reciprocity.

Chapter II

CONTENT OF THE RIGHTS OF PERFORMERS

Article 103

The performer shall enjoy tT10economic and moral0.8(a)-provided by this Law.

The person to whom the right to exploit a performance has been transferred may not, without the consent of the performer, transfer that right to a third party unless otherwise provided by the performer's contract.

Article 111

The performer's contract shall be concluded in writing.

The performer's contract that is not concluded in writing shall have no legal effect.

Article 112

The performer's contract shall contain the following: the names of the contracting parties, the medium and manner in which the performance is to be used, the name of the author, the title of the work performed, the amount of remuneration and also the mode of payment and time limits therefor.

In addition to the particulars mentioned in the first paragraph of this Article, the performer's contract relating to the recording of the performance and to the broadcasting of the said recording by radio or television shall also state the number of broadcasts and the period during which broadcasting may take place, while the performer's contract relating to the reproduction of the recording shall state the number of copies that may be made.

Chapter IV

TERM OF THE RIGHTS OF PERFORMERS

Article 113

The term of the economic rights of performers provided for in this Law shall be **fifty** years, counted,

1. for recorded performances, from the end of the year in which they were recorded;
2. for unrecorded performances, from the end of the year in which they were given.

Article 114

The moral rights of the performer shall subsist even after the termination of his economic rights.

Chapter V

ADMINISTRATION OF THE RIGHTS OF PERFORMERS

Article 115

The performer may exercise his rights directly or through an agent.

Article 116

The activity of administering performers' rights shall be, with the authorisation of the State Intellectual Property Office, carri

Chapter VI

PROTECTION OF THE RIGHTS OF PERFORMERS

Article 119

A performer whose economic or moral right has been infringed, may demand the protection of that right and claim the damage for the harm suffered by the infringement.

At the request of the defendant whose performers' right has been infringed, the court may order in its decision:

- 1) that the defendant be prohibited to continue his infringement of the right;
- 2) that the objects by means of which the infringement of the right was committed be destroyed or modified;
- 3) that the judgment be published at the expense of the defendant.

On the proposal of the performer or other holder of the performers' rights, or their association, or other legal entity specialised for the administration of performers' rights, whereby it is made likely that the performer's right has been infringed, or that the infringement is imminent, the court may order:

1) the temporary seizure or withdrawal from circulation of the objects or means respectively infringing the performers' rights or the infringement of the performers' rights, or resulting from such infringement, or the objects or means respectively which may serve as evidence of the committed infringement of the performers' rights;

2) the prohibition of the continuation of activities already started which might infringe the performers' rights, or the prohibition of the continuation of activities infringing the performers' rights.

If there is a risk that the later provision of evidence concerning the infringement of the performers' rights could be difficult or impossible, or if there is a risk of irreparable damage, or if there is a risk that the provisional measures laid down in paragraph 3 of this Article wouldn't be effective, the court shall order such measures without previously notifying the other party to that effect".

The procedure concerning the request for ordering provisional measures shall be urgent.

The corresponding provisions of the Law on Enforcement shall be applied to all other matters concerning the ordering of provisional measures not regulated by this Law.

Article 120

When the user of a performance, at the time of use, fails to mention the name or pseudonym of the performer as provided in Article 103 of this Law, the performer in question may require the prohibition of any further infringements of the same kind, the subsequent publication, in an appropriate manner, of the said name or pseudonym, and the compensation for damages.

Part Two A

RIGHTS OF THE PRODUCERS OF PHONOGRAMS

Article 120a

Producer of phonograms shall be considered the person who first fixes the sounds of a performance or other sounds.

If not otherwise provided by this Law, producers of phonograms shall have the exclusive right of giving authorisations for:

- 1) the direct or indirect reproduction, in whole or in part, of their phonograms;**
- 2) putting into circulation of the original or copies of their phonograms, including the importation and rental thereof ;**

In cases referred to in paragraph 2 of this Article, producers of phonograms shall have the right to a remuneration, if not otherwise provided by this Law or by a contract.

Producers of phonograms shall also have the right to a remuneration in the case where the phonogram which is put into circulation is used for the radio or television broadcast or for other communication to the public (secondary use).

The rights of the producers of phonograms shall be exercised in accordance with the provisions of Article 120b.

RIGHTS OF THE BROADCASTING ORGANIZATIONS

Article 120b

If not otherwise provided by this Law, a broadcasting organization has the exclusive right to authorise:

- 1) the re-broadcasting of their broadcasts by wire or wireless means;
- 2) the fixation of their broadcasts;
- 3) the reproduction of fixations of their broadcasts;
- 4) the communication to the public of their television broadcasts, if such communication is accessible to the public against the payment of an entrance fee.

Broadcasting is, within the meaning of this Law, any transmission by wire or wireless means or by satellite intended for the public reception of sounds, or of images and sounds, or the representation thereof, including the transmission by the encrypted satellite signal where the means for decrypting such a signal are provided to the public by the broadcasting organization or with its authorisation.

In cases referred to in paragraph 1 of this Article, the broadcasting organization shall have the right to a remuneration, if not otherwise prescribed by this Law or by a contract.

The rights of the broadcasting organizations shall last for fifty years, counting from the end of the year in which the broadcasting took place.

The provisions referred to in Article 106 and 119 of this Law shall apply, in a corresponding way, to the rights of the broadcasting organizations.

The foreign broadcasting organizations shall have the rights prescribed by this Law within the framework of the obligations assumed by the Republic of Croatia under international treaties or on the basis of the de facto reciprocity.

In the course of the control referred to in paragraph 1 of this Article the supervisor shall be entitled to inspect any documentation relating to the activity of administering copyrights, performers' rights and the rights of the producers of phonograms.

If, in the course of the control, the supervisor finds out that the association carries out the activity of administering copyrights, or performers' rights, or the rights of the producers of phonograms contrary to the issued authorisation, he shall, in a decision, order the remedy of the found deficiencies within the fixed time limit.

In the case referred to in paragraph 4 of this Article, the supervisor shall submit a request for the institution of the magistrate court proceedings regarding the misdemeanor referred to in Article 129a, or 129b of this Law.

Article 120d

The supervision of an importation or transfer across the border line of the original or of the copies of the author's work, of the fixed performance or of the phonogram shall be carried out by the competent customs authority.

On the request of the right holders referred to in this Law, the competent customs authorities shall, under conditions and in the manner provided for by the customs provisions, suspend the release into free circulation of unauthorised copies of the authors works, fixed performances, or phonograms respectively.

The competent customs authority referred to in paragraph 1 of this Article shall bring criminal charges regarding the commitment of a criminal act, or shall file a request for the institution of the proceedings regarding the misdemeanor respectively, to the competent State authorities.

Part Three

PENAL PROVISIONS

Article 121 (Deleted)

Article 122 (Deleted)

Article 123 (Deleted)

Article 124 (Deleted)

Article 124a

Whoever without the authorisation of the lawful distributor of the encrypted satellite signal, manufactures, assembles, modifies, imports, exports, sells, rents or otherwise distributes a tangible or intangible device or system for decoding such a signal, knowing or having reason to know that the device or the system serves primarily for decoding an encrypted satellite signal,

shall be punished for a criminal act by a fine or by imprisonment up to three years (Article 120b, paragraph 2).

If the commitment of a criminal act referred to in paragraph 1 of this Article has resulted in a substantial financial gain or has caused a substantial damage, and if the perpetrator has acted with the aim of acquiring such financial gain or causing such damage, she/he

shall be punished by imprisonment from 6 months up to five years.

The objects intended or used for the commitment of a criminal act or resulting from the commitment of a criminal act referred to in paragraphs 1 and 2 of this Article shall be seized and destroyed.

Article 124b

Whoever receives an encrypted satellite signal that has been decoded without the authorisation of its lawful distributor and further distributes such a signal, knowing or having reasons to know that such a signal is decoded without authorisation,

shall be punished for a criminal act by a fine (Article 120b, paragraph 2).

If the commitment of a criminal act referred to in paragraph 1 of this Article has resulted in a substantial financial gain or has caused a substantial damage, and if the perpetrator has acted with the aim of acquiring such financial gain or causing such a damage, she/he

shall be punished by a fine, or by imprisonment up to three years.

Article 125

Any legal entity shall be punished for a misdemeanor by a fine amounting from 5.000,00 up to 50.000,00 kunas if it:

1) without the author's authorisation, and under its own name or under the name of another publishes, presents, performs, transmits or otherwise communicates to the public somebody else's work or allows it to be done (Article 27);

2) without the author's authorisation destroys, deforms, distorts or otherwise modifies the author's work, without the author's authorisation, or uses it in a manner which is offensive to the author's honour or reputation (Article 27);

3) without indicating the name or the pseudonym of the author, except where the author wants to be anonymous, publishes, presents, performs or otherwise communicates to the public his work (Article 28);

4) without the authorisation of the author or other holder of copyright, the association of authors or other legal entity specialised for the administration of copyrights referred to in Article 90, paragraph 1 of this Law, where such authorisation is required under the provisions of this Law, or, contrary to their prohibition, publishes, reproduces or multiplies, imports or distributes the original or the copies of the work, presents, performs, fixes on a material surface, broadcasts, communicates through mass media, translates, adapts, arranges, or otherwise alters the author's work or uses it in any other form (Article 30);

5) without the authorisation of the author or other holder of copyright, the association of authors or other legal entity specialised for the administration of copyrights referred to in Article 90, paragraph 1 of this Law, where such authorisation is required under the provisions of this Law, or, contrary to their prohibition rents the original or the copies of the computer program, the cinematographic and analogous work or of the work embodied in the phonogram (Article 30a).

The responsible person in a legal entity shall be also punished for the misdemeanor referred to in paragraph 1 of this Article by a fine amounting from 5.000,00 up to 50.000,00 kunas.

If the misdemeanor referred to in paragraph 1 of this Article has been committed by a natural person, she/he shall be punished by a fine amounting from 1.000,00 up to 5.000,00 kunas.

Article 126

A legal entity shall be punished for a misdemeanor by a fine amounting from 5.000,00 up to 50.000,00 kunas if it:

1) without the performer's authorisation, and under its name or under the name of another, publishes, presents, performs, transmits or otherwise communicates to the public somebody else's performance or allows it to be done (Article 103, paragraph 3);

2) without indicating the name or the pseudonym of the performer, except where the performer wants to be anonymous, publishes, presents, transmits or otherwise communicates to the public his performance (Article 103, paragraph 3);

3) without the performer's authorisation, destroys, deforms, distorts, or otherwise modifies his fixed performance, or uses it in a manner which is offensive to the performer's honour or reputation (Article 103, paragraph 3);

4) without the authorisation of the performer or other holder of the performer's right, the association of performers, or other legal entity specialised for the administration of the performers' rights referred to in Article 116, paragraph 1 of this Law, where such authorisation is required under the provisions of this Law, or, contrary to their prohibition, broadcasts or communicates the performance to the public, fixes the performance, reproduces the fixed performance, imports, distributes or rents the original or copies of the fixed performance (Article 104);

The responsible person in a legal entity shall be also punished for the misdemeanor referred to in paragraph 1 of this Article by a fine amounting from 5.000,00 up to 50.000,00 kunas.

If the misdemeanor referred to in paragraph 1 of this Article has been committed by a natural person, she/he shall be punished by a fine amounting from 1.000,00 up to 5.000,00 kunas.

Article 126a

A legal entity, which without the authorisation of the producer of a phonogram, where such authorisation is required under the provisions of this Law, or, contrary to their prohibition, reproduces, imports, distributes or rents the original or the copies of the phonogram (Article 120a, paragraph 2), shall be punished for a misdemeanor by a fine amounting from 5.000,00 up to 50.000,00 kunas;

The responsible person in a legal entity shall be also punished for the misdemeanor referred to in paragraph 1 of this Article by a fine amounting from 5.000,00 up to 50.000,00 kunas.

If the misdemeanor referred to in paragraph 1 of this Article has been committed by a natural person, she/he shall be punished by a fine amounting from 1.000,00 up to 5.000,00 kunas.

Article 126b

The legal entity shall be punished for a misdemeanor by a fine amounting from 5.000,00 up to 50.000,00 kunas, if it:

1) without the authorisation of the broadcasting organization, where such authorisation is required under the provisions of this Law, or contrary to its prohibition, re-broadcasts or fixes its broadcast, reproduces the fixation of its broadcast or communicates to the public its television broadcast (Article 120b, paragraph 1);

2) without the authorisation of the lawful distributor of the encrypted satellite signal manufactures or assembles, modifies, imports, exports, sells, rents or otherwise distributes a tangible or intangible device or system for decoding such a signal, if such a device or system is primarily used for decoding the encrypted satellite signal (Article 120b, paragraph 2);

3) receives an encrypted satellite signal that has been decoded without the authorisation of its lawful distributor or further distributes such a signal (Article 120b, paragraph 2).

The responsible person in a legal entity shall be also punished for the misdemeanor referred to in paragraph 1 of this Article by a fine amounting from 5.000,00 up to 50.000,00 kunas.

If the misdemeanor referred to in paragraph 1 of this Article is committed by a natural person she/he shall be punished by a fine amounting from 1.000,00 up to 5.000,00 kunas.

Article 127

A precautionary measure shall be ordered comprising the seizure of the objects intended or used for, or resulting from, the commitment of misdemeanors referred to in

Article 129b

A legal entity which commits the misdemeanor referred to in Articles 125, 126, 126a, 126b, 128, 129 and 129a of this Law for the purpose of acquiring financial gain, shall be punished by a fine amounting from 20.000,00 up to 200.000,00 kunas.

The responsible person in a legal entity shall be also punished for misdemeanors referred to in paragraph 1 of this Article, by a fine amounting from 20.000,00 up to 200.000,00 kunas.

If the misdemeanor referred to in paragraph 1 of this Article is committed by a natural person for the purpose of acquiring financial gain, she/he shall be punished by a fine amounting from 5.000,00 up to 20.000,00 kunas.

Part Four

TRANSITIONAL AND FINAL PROVISIONS

Article 130

This Law (June 30, 1999)* shall apply to all authors' works and to all performers' performances in respect of which economic rights have not ceased to exist up to the day of entering into force of this Law (June 30, 1999).

Article 131

This Law (June 30, 1999) shall also apply to the phonograms and to the performances fixed thereon, the first fixation of which took place within fifty years prior to the beginning of the calendar year in which this Law (June 30, 1999) entered into force.

Article 132

Pending procedures instituted under Articles 96, 98, 119, and 120 of this Law ("Official Gazette of the Republic of Croatia", No. 9/99) for the purpose of protecting the rights of authors and the rights of performers shall be carried out in compliance with the provisions being in force up to the date of entry into force of this Law (June 30, 1999).

Article 133

The Regulations referred to in Articles 90, and 116 of this Law ("Official Gazette of the Republic of Croatia", No. 9/99) will be enacted by the Director of the State

Intellectual Property Office within the period of six months counting from the date of entry into force of this Law (June 30, 1999).

Article 134

This Law (June 30, 1999) shall enter into force on the eighth day following its publication in the “Official Gazette of the Republic of Croatia”.

*** as Enacted on June 30, 1999**