

COPYRIGHT LAW AMENDMENTS
AUGUST 16, 2002

AMENDMENT I

After Article 1 of the Draft Law on Amending the Law on Copyright and Related Rights (Official Gazette of the Republic of Macedonia Nos 74/96 and 3/98) new Article 1a is added and reads:

“Article 1a

In Article 28 paragraph 2 after the word “the author” the words “and against his/her moral rights”

AMENDMENT II

After Article 1a new Article 1b is added and reads:

Article 29 is amended and reads:

“Article 29

The Law shall permit use of a copyright work as follows:

- publication or reproduction in text books and other reading materials, of parts of copyright works or single works of photography, fine and applied art, architecture, design and cartography, with the exception of computer programmes, to the extent reasonably justified for non-profit teaching purposes.
- publication or reproduction in periodicals of articles on current topics published in the daily and periodical press dealing with general issues in the fields of economy, politics, religion or any other field of similar character, such as arts, science and the like, unless expressly prohibited by the author.

AMENDMENT III

After Article 1b a new Article 1c is added and reads:

Article 30 is amended and reads:

“Article 30

It is permissible by law for radio and television enterprises to broadcast fixations of copyright works of their own production the first broadcast of which has been authorized by the author concerned.”

AMENDMENT IV

After the Article 1c a new Article 1d is added and reads:

In Article 32, after the word “significance” the words “to the extent justified by the informative purpose” are added, and the word “disclosure” is replaced by the words “reproduction or publication”.

In item 2 after the word “discussions” the words “ or public lectures” are added.
Item 3 is deleted.

AMENDMENT V

After Article 1d a new Article 1e is added and reads:

Article 33 is amended and reads:

“Article 33

A copyright work shall be entitled to free use in non-profit educational institutions:

- for the purposes and in the form of direct teaching,
- in institutional events, provided that the participants therein are not remunerated,
- in the presentation or reproduction of such works in the radio or television programmes of such institutions to the extent required for teaching purposes.

AMENDMENT VI

After the Article 1e a new Article 1f is added and reads:

After Article 33 a new Article 33a is added and reads:

“Article 33 a

Public performance of a copyright work for humanitarian purposes shall be free, unless expressly prohibited by the author, and provided that the participants are not remunerated.”

AMENDMENT VII

After Article 1f a new Article 1g is added and reads:

Article 34 is amended and reads:

“Reproduction of a copyright work in not more than three copies, shall be free:

- for use by a natural person for personal education, research and scholarship, or for use in the Braille system, provided that the copies are not made available to the public; and
- for internal use by non-profit institutions (archives, libraries, film archives and other cultural, education, scholarly and similar institutions) for the purposes for which such institutions have been established or for the purposes of completing and protecting their collections, provided that the work is not made available in the market or that it is available free of charge.

Reproduction, in the context of paragraph 1 of this Article, unless otherwise provided for in this Law or under an agreement shall not be permitted:

- of the whole written literary work (except where the edition has been exhausted for at least two years),
- of a published edition of a musical work (except when transcribed by hand),
- of data bases in electronic form (with the exception of personal use in non-electronic form),
- of computer programmes, and
- of an object of architecture.

AMENDMENT VIII

After Article 1g a new Article 1h is added and reads:

Article 35 is amended and reads:

“ For the purposes of clarification, illustration, polemics or reference, quoting of a copyright work to the extent adequate to the specific purpose of its use and in accordance with the fair practice of use, shall be free.

A photographic work, a work of fine or applied art, design, architecture and cartography may be (used) quoted in its entirety, under the conditions set forth in paragraph 1 of this Article and unless such use is not contrary to Article 29 item 1 of this Law.”

AMENDMENT IX

After Article 1h a new Article 1i is added and reads:

In Article 36 after the word “object” the words “or is incidentally included in another material” are added.

AMENDMENT X

After Article 1i a new Article 1j is added and reads:

Article 38 is amended and reads:

“ Reproduction and distribution of catalogues containing copyright material for the purposes of advertising public exhibitions, sales, auctions, fairs and similar events and to the extent necessary to promote such events, when prepared by the organizers of such events, shall be free.”

AMENDMENT XI

After Article 1j a new Article 1k is added and reads:

“Article 41 is amended and reads:

Reproduction and public disclosure of a copyright work in workshops and shops manufacturing or selling equipment for reproduction or public disclosure of phonograms and videograms, as well as for broadcasted programs receiving equipment shall be free, provided that such use is for the purposes and to the extent necessary to demonstrate, test and improve the operation of such equipment in the process of their manufacture or sale.”

AMENDMENT XII

After Article 3 a new Article 3a is added and reads:

“Article 3a

In Article 123, the second sentence is amended and reads:

“If a videogram has been legally published or made available to the public for the first time during that period, the right of the film producer shall subsist for 50 years beginning from the first legal publication or public availability, whichever occurs first.

AMENDMENT XIII

After Article 3a, a new Article 3b is added and reads:

“Article 3 b

In Article 128 the word “20” is replaced with the word “50”.

AMENDMENT XIV

After Article 3b three new Articles, 3c, 3d and 3e are added and read:

Article 3c

Paragraph 2 of Article 171 is amended and reads:

“Foreign authors and foreign holders of related rights protected in the manner and under the conditions set forth in international agreements shall enjoy the same protection pursuant to this Law as the persons referred to in paragraph 1 of this Article to the extent that such protection is based on international agreements ratified by the Republic of Macedonia.

Article 3d

In Article 171, after paragraph 2, a new paragraph 3 is added and reads:

“Foreign authors and foreign holders of related rights not protected in the manner and under the conditions provided for in paragraph 2 of this Article shall enjoy protection

pursuant this Law under the conditions and in the manner set forth in Articles 172, 173, 174, 175 and 177 of this Law.”

Article 3e

In Article 171 after the paragraph 3a a new paragraph 4 is added and reads:

“Foreign authors and foreign holders of related rights shall enjoy the same protection as the persons referred to in paragraph 1 of this Article, provided there is a factual reciprocity. The reciprocity is to be proved by the person resorting to it.”

Paragraph 3 becomes paragraph 5 and paragraph 4 is deleted.

AMENDMENT XV

In Article 4 paragraph 3 is amended and reads:

“This Law shall apply to the protection of the phonograms of the phonogram producers, unless 50 years have expired from the day of the fixation to the date on which this Law has entered into force. Where the phonograms were legally published for the first time during that period, the protection of the phonograms shall only apply unless 50 years have elapsed from the date of their first legal publication. If during that period the phonograms have not been legally published but were for the first time publicly disclosed the protection of phonograms shall apply unless 50 years have elapsed from their first legal public disclosure.

AMENDMENT XVI

In Article 4 after paragraph 4 a new paragraph 5 is added and reads:

“This Law shall apply also to the protection of other subject matters of related rights, unless 20 years have elapsed from the date of the completion of the fixation or from the date when they were legally published for the first time, or publicly disclosed or publicly performed, to the date on which this Law has entered into force”.