



## **Country report Croatia**

Annual report to the IFLA CLM committee  
Singapore 2013

### **Copyright**

Following the accession of Croatia to the EU on the 1<sup>st</sup> July 2013 the Act on Amendments to the Copyright and Related Rights Act adopted by the Parliament in July 2011 entered into force. The Act is aimed at harmonization with the Directive 2006/123/EC on Services in the Internal Market. As of the 1<sup>st</sup> July 2013 collective management organizations (CMO) located anywhere in the EU can qualify for the authorization to provide its services in the country (up-to-now to obtain the authorization a CMO had to be located in Croatia). Also, the exclusive distribution right is to be exhausted by the first sale in the EU.

The State Institute for Intellectual Property is preparing a revision of the Copyright and Related Rights Act in order to harmonize the Act with the Directive 2012/28/EU of 25 October 2012 on certain permitted uses of orphan works. The serious problem seems to be the present weakness of CMOs and the State Institute for IP is trying to identify an organization which could clear the rights and authorize the use of orphan works.

### ***New legislation***

Act on Public Access to Information was adopted in February 2013 (replacing the earlier 2011 Act) and harmonized with the Directive 2003/98/EC on the re-use of public sector information.

The new Criminal Code entered into force on the 1<sup>st</sup> January 2013. It contains stipulations on moral rights infringements for the first time; earlier moral rights of authors and performers were protected by the Copyright Act only.

Revision of the Library Act (1997; amended in 2000 and 2009) has been announced by the Ministry of Culture. The issue that is of particular concern is legal deposit of both printed and electronic materials. It is likely that the Publishers' Association will lobby for a smaller number of printed copies (9 copies at present). Legal professionals in the country are inclined to include copyright issues of concern for libraries in the Library Act and not in the Act on Copyright and Related Rights Act. The Croatian Library Associations is preparing its opinion on copyright issues of concern to libraries.

### **Law cases**

A number of court cases has been small; illegal reproduction of music phonograms appears to be the most frequent matter brought to court.

### **Educational activities**

The National and University Library was a host to the 8<sup>th</sup> SEEDI (South-Eastern European Digitization Initiative) Conference in May 2013. The Conference was an opportunity to discuss copyright issues related to digitization. An article on what libraries which digitize their material should do regarding copyright was written by a member of the Croatian Library Association and published in the Bulletin of the National and University Library in 2012.

An article on digitization in libraries and copyright was published in the Vjesnik bibliotekara Hrvatske (Journal of Croatian Librarians), available at:

<http://www.hkdrustvo.hr/vbh/broj/107/>.

During the Annual Assembly of the Croatian Library Association in September 2012, a workshop on copyright was held and attended by around eighty librarians.

Lectures and workshops on copyright issues organized by the Centre for Continuing Education of Librarians were held in several towns in the country.

13<sup>th</sup> annual Conference on Copyright and Related Rights was held in Zagreb in November 2012, organized by the Croatian Society for Copyright Protection in cooperation with the State Intellectual Property Institute and the Faculty of Law, University of Zagreb. The main issues were: Directive on Collective Management, cloud legislation and the impact of the new Criminal Act on copyright matters.

### **Strategic plans for the future**

The Croatian Library Association is organizing a Round Table on e-books and e-publishing in December 2013. Also, the Association will follow closely the process of revision of the Library Act.

### **Other issues – Open Access**

In October 2012 a group of academics who attended a conference on Open Access composed and published a Croatian Declaration on Open Access. Research funded from public funds should be made available in open access. The open access Croatian scientific journal portal Hrcak (Hamster) hosts today 330 scientific and professional journals. However, the future policy towards the university press which publishes scientific and scholarly literature based on an agreement with universities, but which operates as a profit-making firm, is not known at present. Also, establishment of repositories in various academic and research institutions has not been accompanied by any guidance on how to deal with the rights of authors.

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