

A. COPYRIGHT REGISTRATION AND RECORDATION

1. What is the name and legal status of the copyright registering/recording body in your country?

Avtorska agencija za Slovenijo, d.o.o. (English version: Copyright Agency of Slovenia)

Copyright Agency of Slovenia is a private company with limited liability.

2. Please provide full contact details of the copyright registering/recording body, including location of its offices, with indication of the hours they open to public.

Avtorska agencija za Slovenijo, d.o.o., Slovenska cesta 47, 1000 Ljubljana, Slovenia
Tel.: + 386 1 300 15 60
Fax: + 386 1 231 02 40

E-mail: aas@aas.si
(<http://www.aas.si/kontakt/index-kontakt-fr1.html>)

Monday to Friday between 9.00 and 14.00

3. Does the copyright registering/recording body have a webpage and e-mail address? If so, please list them.

E-mail: aas@aas.si
Web site: <http://www.aas.si/index.htm>

4. Is the copyright registry interconnected to any other copyright data system?

No.

5. Please list relevant national legislation, including regulations, regarding copyright recordation/registration.

Copyright and Related Rights Act (Official Gazette of the Republic of Slovenia Nos. 16/2007 and 68/2008)

6. What kind of copyright works can be registered/recorded? Is the registration /recordation process different for each type of copyrighted work? Please describe the differences, if any.

Copyright Agency of Slovenia registers copyright works, with the exception of non-theatrical musical works with or without lyrics. The process of registration is the same for all types of copyright works.

7. Can the subject matter of related rights (e.g., performances, broadcasts, sound recordings) also be registered/recorded? If yes, is there a different registration /recordation process than for works protected by copyright?

No.

8. Is there a possibility to record the transfer or licensing of copyright/related rights?

No, information of a holder can be registered only simultaneously with the registration of the author and copyright work, which can be made only once. No changes could be made later.

9. Is there a possibility to record a security interest in the copyright or related right? If so, what are the legal requirements and effects of such recordation?

No.

10. What is the legal effect of registration?

The registration establishes legal presumption that the rights in registered works exist and belong to the person designated in such register as their holder.

11. Is copyright registration/recordation mandatory or voluntary in the following circumstances?

- (a) Recognition of creation?
- (b) Transfer of rights?
- (c) Initiation of judicial proceedings?
- (d) Other changes in title/ownership (such as leasing)?

If your country has a mandatory registration/recordation system, please describe any legal consequences for non-compliance.

Slovenian legal system does not have a mandatory registration/recordation for copyright and/or related rights. Registration is strictly voluntary. Main purpose of such registration is to preserve the evidence (or for other reasons) and establish legal presumption on ownership of rights.

As already mentioned, transfer of rights, security interest etc. are not registered.

12. Do courts in your country recognize copyright registrations affected by public authorities in other countries? If yes, is recognition automatic or is a local procedure required to validate or otherwise give effect to the foreign registration?

National courts in Slovenia decide according to applicable legislation. Like in any other dispute with the foreign element Slovenian court firstly has to decide according to International Private Law and Procedure Act (Official Gazette of the Republic of Slovenia, Nos 65/99 and 45/08) which national law is to be used in this concrete dispute.

Slovenian Copyright and Related Rights Act provides for presumption of authorship and presumption of ownership of related right, but if the ownership of the right is contested, it still needs to be proven.

13. What are the requirements for registration?

- (a) What are the mandatory elements of the request for registration/recordation?
- (b) Does the request need to be submitted in a specific form? Can the request be submitted by the post? Can the request be submitted electronically?
- (c) Is there a deposit requirement, that is, must a copy of the work be submitted with the registration request? If so, can it be submitted in digital form?
- (d) Is there a registration/recordation fee? If so, how much is the registration/recordation fee?

(e) What is the average time taken to complete the registration/recording process?

- a) The original or the copy of the work has to be deposited and it has to be copyright work, meaning it must satisfy all legal criteria – individual intellectual creations in the domain of literature, science and art, which are expressed in any mode, unless otherwise provided by the Copyright and Related Rights Act. Also it has to have information about the copyright work (type, name/title of the work), information about the author and about the holder of copyright (name and address). Plus the fee has to be paid.
- b) The request needs not to be submitted in any specific form. It is often submitted personally, but it can also be submitted by the post or electronically.
- c) Submitting a copy of the work is mandatory. It can be submitted electronically.
- d) The fee has to be paid. The registration fee is 50 euro for natural person and 125 euro (plus value added tax) for legal entities.
- e) Registration process is completed in one day.

14. Are foreigners allowed to register/record their creations? Are people without legal residence in your country allowed to register/record their creations? Is there a different registration/recording process for domestic as opposed to foreign works or objects of related rights?

Foreign persons enjoy same rights as *citizens of the Republic of Slovenia or a European Union Member State, or persons who have their residence or seat in the Republic of Slovenia, if international convention or the Copyright and Related Rights Act so provides, or in case that factual reciprocity exists (the Act contains several provisions concerning relations with foreign element)*. So in principle they can also register their copyright works. The proceeding is the same as for domestic citizens.

15. Are the files stored in digital form?

If they are submitted electronically they are stored in digital form, otherwise not.

16. What criteria are followed for classification of the registrations/recordations (including chronology/name of right owner/name of work or related right/type of work or subject matter of related rights, etc)? Is it possible to correct or update relevant information?

The only classifications of registrations are chronology and the name of the author. It is not possible to correct or update relevant information.

17. Does the system have a search facility?

Yes, through the upper listed criteria.

18. Is it accessible by the public? Is the search facility available online?

The register is public. However, it is not available online.

19. Is access granted to the work registered or its copies?

Yes.

20. Does the general public have access to other documents submitted or to any information regarding the work registered/recorded?

Public can access on demand to the following information: who is the author or holder of copyright (at time of deposit); what kind of copyright work is registered and when the registration was made.

21. Does your country have legislation dealing specifically with "orphan works", i.e. works in respect of which the right owner can not be identified and/or located (e.g., a compulsory license or a limitation on liability)? Please briefly describe the main elements of that legislation.

No.

22. Independently of whether your country has legislation on the subject, are there industry practices in your country aimed at identifying and/or locating the copyright owner of "orphan works"?

No.

23. Does the registering/recording body play a relevant role in the legislation or practice dealing with "orphan works"?

No.

24. Is there a system to identify and list recorded/registered works or objects of related rights in the public domain? Is that system automated? Is that information made available to the public?

No.

25. If your country has a public registration/recording system, do private institutions or initiatives exist that provide additional mechanisms to access registered/recorded information from the public system?

Not to our knowledge.

26. Please provide statistics on following registrations/recordations:

- (a) Number per statistical period (last five years)

Year 2005: 133

Year 2006: 116

Year 2007: 123

Year 2008: 135

Year 2009: 125

- (b) Number per nationality (last five years)

We do not have this information.

- (c) Number of inquiries/requests for information filed per statistical period (last five years).

Appropriately 3-5 per year.

- (d) Number of recordation/registrations whose subject matter has entered the public domain. Global figure/Figure per statistical period (last five years)

0 (zero).

B. LEGAL DEPOSIT

27. Does your country have a legal deposit system/s in place?

There is no deposit system which would have as a result legal effect with respect to copyright or related rights (but there is a presumption concerning authorship and ownership of related rights).

However, there is a system of obligatory deposit for documentation, which is important for cultural heritage (archives), and for library material (National and University Library). This material is governed by:

1. Protection of Documents and Archived Institution Act (Official Gazette of the Republic of Slovenia, No. 30/2006) and
2. An Obligatory Copy of a Publication act (Official Gazette of the Republic of Slovenia, Nos 69/2006 and 86/2009).

In case of archives film material the only legal depository Slovene Film Archives is at the Archives of the Republic of Slovenia.

However, for the AV material (VHS, DVD) and for other printing editions is the National and University Library the national legal depository for an obligatory copy.

For other kinds of archival material legal depositories are:

- Archive of the Republic of Slovenia as the national archives,
- six regional state archival institutions: Ljubljana Historical Archive, Maribor Regional Archive, Celje Historical Archive, Koper Regional Archive, Nova Gorica Regional Archive, Ptuj Historical Archive.

An obligatory copy of a publication refers to publications that were published and contain word, sound, picture or musical notation or their combinations must be deposited in four (4) copies. If the publication was issued with public resources it has to be deposited in sixteen (16) copies except for the small print. There are some exceptions to this rule, e.g.:

1. only one copy of electronic publication on world net,
2. two copies of doctoral dissertation and
3. two copies of extremely expensive publications, which selling price is higher than 1.000,00 Euros are required.

The exceptions of the obligatory rule of depositing 16 copies are:

4. only four copies of small print,
5. four copies of publications that were printed in smaller number of copies and
6. one copy of larger posters in electronic form are required.

The National and University Library keeps all deposited copies in cases under 1., 2., 3. and 6. point enumerated before. In cases enumerated under 4. and 5. point National and University Library keeps only two copies, the other two copies are handed over to the University Library ob Maribor.

28. Please list relevant national legislation regulating the legal deposit.

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29. Is the legal deposit mandatory or voluntary in your Country? If mandatory, what are the legal consequences in case of non compliance?

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31. Is there any connection or interaction among legal deposit and copyright protection?

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32. Does your national legislation have any provision in regard to making copies or adapting formats of deposited works for preservation purposes? If so, please clarify under which terms and conditions.

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33. What is the object of legal deposit? Please list all types or categories of material subject to legal deposit (e.g. Print Material, such as books, serials, government publication; Non-Print Material, such as music and audiovisual works, broadcast material).

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34. Does legal deposit apply upon production/printing of content or after its distribution? Does legal deposit apply to material printed in your country but distributed abroad?

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35. Is there any type or category of material exempted from legal deposit for policy reasons?

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36. Is there any specific regulation in regard to material published in electronic format? If so, does the regulation distinguish between on-line and off-line material? Please clarify relevant differences.

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37. How many copies does the depositor have to deposit? Are there special conditions for limited or de luxe editions?

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38. Who is/are the subject/subjects responsible for delivering the legal deposit?

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39. What are the time requirements for legal deposit?

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40. Is there a payment or compensation involved in legal deposit? If so, Please indicate its amount.

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41. What is/are the entity/entities responsible for acting as legal depository?

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42. Does the general public have access to legally deposited materials? If so, please explain under which terms and conditions.

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43. Do/does the depository/depositories provide publicly available search facilities? If so, are they accessible on-line?

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44. Is legal deposit linked to any number or code? Is there any relation with the International Standard Books Number (ISBN) with the International Standard Serial Number (ISSN) and other such codes?

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45. Please provide statistics on the number of deposits per year for the following items (last five years); a) print material; b) musical works; (c) audiovisual works.

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