



Country Report Croatia

Annual report to the IFLA CLM committee
San Juan Puerto Rico 2011

Copyright

Revision/changes in existing law or regulations

The Act on the Revision of the Copyright and Related Rights Act was passed in the Parliament in July 2011 changing the present Art. 157 determining the conditions to be fulfilled by collective management organizations. Up to now only a CMO based in Croatia could obtain the authorization from the State Institute for Intellectual Property. When Croatia becomes a member of the EU, the CMO based anywhere in the EU, will be able to represent Croatian authors, if other necessary conditions are fulfilled.

New legislation

Orphan works

Mass digitisation

In July 2011 the representatives of the Croatian Library Association met with the Director of The State Institute for Intellectual Property in order to discuss the issues related to the digitization in libraries. The meeting was initiated by the Library Association and was the first such meeting between copyright lawyers and the Library Association. Extended collective licensing and an exception for libraries were mentioned by the librarians as possible solutions which could help librarians in clearing the rights. The Director emphasized that authors' rights are essentially individual rights and could not be dealt with collectively, except in cases determined by the law. On the other hand, a special exception for libraries is a matter for WIPO. The librarians were advised to approach the Society for the Protection of Authors' Rights as a forum where these problems might be discussed. The next step taken by the Library Association will be to approach the Ministry of Culture and describe the copyright issues which present obstacles to mass digitization which has not yet started in the country.

Digital preservation

Legal deposit

Harvesting of web pages will be done during July and August 2011 for the first time, the National and University Library has announced on its webpage. The legal basis for harvesting is the Libraries Act from 1997 in which the legal deposit of electronic material is required from all publishers. Harvesting will comprise national *hr*, *com.hr* and *iz.hr* domains and will be technically performed by the University Computing Centre. The harvested documents will be accessible in the premises of the Library only.

Public lending rights

The scheme of the Public Lending System has been developed, but has not yet been implemented. Data on lending will be collected in central regional public libraries and forwarded to the National and University Library in Zagreb. The Library will serve as an intermediary between public libraries and collective management organization. At present the information system for capturing data has been developed and tested in the National and University Library.

Levies

ZANA – the collective society for the protection of publishers' rights, authorized to collect the remuneration for reproduction for private use in 2007, and since then stirring much confusion among librarians by sending them business letters and asking them to pay the remuneration, but

without adequate explanation, has finally mounted its website (www.zana.hr) where some, but not yet enough information on its activities can be found. Zana is a member of IFRRO. It is also likely that ZANA will represent the Croatian Authors Association.
Creative Commons

Legal matters

Revision/changes in existing law or regulations

The Constitutional Court decided that Transparency International Croatia was right to dispute the legality of the Act on the Revision and Amendment of Public Access to Information Act adopted in December 2010. The basis for the dispute was the fact that the Act was adopted with insufficient number of votes in the Parliament, since the Act belonged to the so-called "organic" acts (these acts regulate rights of national minorities, constitutionally defined human rights and fundamental freedoms, electoral system, organization and jurisdiction of state's bodies and organization and jurisdiction of local self-government).

Immediately following the Court decision a new Act on the Revision and Amendment of Public Access to Information Act was promulgated in June 2011, this time with the required majority of votes. The Agency for Personal Data Protection was nominated as the independent body for the protection of the right of the public to access information.

New legislation

Trade agreements
Privacy
Anti terrorist law
DRM

Law cases

Lobby activities

Educational activities

Lectures on copyright were given by the members of the Croatian Library Association. The State Institute for IP organized an Academia, a separate department, which provides training in copyright and IP matters for its employees.

Strategic plans for future

The Library Association will continue to provide training in copyright for librarians, write about copyright and lobby for the issues of interest for libraries.

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29 July 2011

