



Number: IP-03-47-5-07383/12VT  
In Banja Luka, on 13/08/2012

Pursuant to Article 11 of the Law on the Collective Management of Copyright and Related Rights (OG of BiH volume 63/10), and in connection with Article 44 of the same Law, Articles 114 and 193(1) of the Law on Administrative Procedure (OG of BiH volumes 29/02, 12/04, 88/07, and 93/09), the Institute for Intellectual Property of Bosnia and Herzegovina (hereinafter: the Institute), acting *ex officio*, passed

**DECISION**  
**to revoke the authorization to manage the rights of performers**

1. **The authorization** to «Sine Qua Non» d.o.o., Agency for the representation and protection of copyright, Sarajevo, registered office: Ulica branilaca Sarajeva 21, issued by the Institute for Standardization, Metrology, and Intellectual Property of Bosnia and Herzegovina by the Decision N<sup>o</sup> IP-5694/02 SŽ of 04/06/2002 **is revoked in the part thereof pertaining to the management of the rights of performers on the basis of the power of attorney granted by performers, organizations of performers or another holder of the rights of performers.**
2. The Authorization for the management of the rights of performers is revoked as of **11/08/2012.**
3. «Sine Qua Non» d.o.o., Agency for the representation and protection of copyright, Sarajevo, shall submit to the Institute a Report on its business operations, fund distribution, and expenditure to the expiry date of the authorization, within legal deadline.
4. «Sine Qua Non» d.o.o., Agency for the representation and protection of copyright, Sarajevo, shall give all the relevant documents necessary for carrying out this activity to the organization to be granted the authorization for the collective management of the rights of performers, within 30 days from the date of the authorization.
5. This Decision shall be published in the respective Official Gazettes of BiH and the Institute.

**Statement of Grounds**

By the Decision No IP 5694/02-01 SŽ of 04/06/2002, the Institute for Standardization, Metrology, and Intellectual Property of Bosnia and Herzegovina, a predecessor of the Institute for Intellectual Property of Bosnia and Herzegovina, granted to «Sine Qua Non» d.o.o., Agency for the representation and protection of copyright, Sarajevo, the authorization to manage the rights of authors on the basis of the powers of attorney granted by authors, by the organizations of authors or other copyright holders, and the rights of performers on the basis of the powers of attorney granted by performers, by the organizations of performers or other holders of the rights of performers.

In the procedure conducted upon the application for the authorization for the collective management of the rights of authors of musical works filed by the Association of Composers – Music Makers of Bosnia and Herzegovina (AMUS), registered office: Obala Kulina bana 22/II Sarajevo, the Institute revoked, by the Decision N<sup>o</sup> IP-03-47-5-12-06059/12VT of 21/06/2012, the authorization to «Sine Qua Non» d.o.o. Sarajevo in the part thereof pertaining to the collective management of the rights of authors on the basis of the powers of attorney granted by authors, by authors' organizations or other holders of the rights of authors.

The Law on the Collective Management of Copyright and Related Rights (OG of BiH volume 63/10), which entered into force on 11/08/2010, permitted the existing collective organizations to continue their work on the conditions stipulated by Article 44. However, said Article of the Law stipulates in paragraph (1) that the organizations of authors and of other copyright holders, and other legal entities specialized in the management of copyright, which dealt with the collective management of copyright prior to the entry of this Law into force in accordance with the provision of Article 87 of the Law on Copyright and Related Rights in BiH (OG of BiH volume 7/02 and 76/06), shall continue to work after the entry of this Law into force. Paragraph (2) of the same Article stipulates that all the entities referred to in paragraph (1) shall harmonize their respective legal forms and business activities with the provisions of the new law, and that they shall apply for a new authorization for the management of copyright and related rights within two years from the entry of this Law into force.

An analysis of the business activities of «Sine Qua Non» d.o.o., Agency for the representation and protection of copyright, Sarajevo, was given in the Report on the System of the Collective Management of Copyright and Related Rights in Bosnia and Herzegovina for the period 2005 – 2010 that was adopted at the session of the House of Representatives held on 19/04/2012 and at the session of the House of Peoples held on 15/05/2012. It was concluded in the Report, *inter alia*, that the work of «Sine Qua Non» d.o.o. is impossible to continue, because it does not meet the standards as to transparency and democratic approach to the work of the collective organization, the manner in which it distributes revenue, and the effective goal achievement regulated by law.

Considering that the Agency «Sine Qua Non» d.o.o. Sarajevo failed to harmonize its legal form with the Law on the Collective Management of Copyright and Related Rights and that it failed to file the application for the authorization for the collective management of the rights of performers, or for the renewal of the authorization, within legal deadline that expired on 11/08/2012, by which it would have proven the fulfillment of all the conditions stipulated by law, and taking into account the conclusions of the Parliamentary Assembly of Bosnia and Herzegovina, it was decided as in the holding of this Decision.

It is undisputed that the Agency for the representation and protection of copyright «Sine Qua Non» d.o.o. is obligated to pay the collected remunerations to all the holders whose rights it managed while it had a valid authorization, and that it is obligated to handover all the relevant data and documents necessary for carrying out this activity to the new collective organization that will manage these rights.

According to Article 13(4) of the Law on the Collective Management of Copyright and Related Rights, a decision to revoke an authorization shall be published in the respective Official Gazettes of BiH and the Institute, and it was therefore decided as in item 5 of this Decision.

**Legal Remedy:** This Decision is final in the administrative procedure. An administrative dispute may be initiated against this Decision by starting an action before the Court of Bosnia and Herzegovina within 60 days from the day of the receipt of this Decision.

Director  
Institute for Intellectual Property  
of Bosnia and Herzegovina  
Lidija Vignjević