

**COPYRIGHT AND RELATED RIGHTS COUNCIL**  
**WORK PLAN FOR THE YEAR 2011**

## **1. Copyright and Related Rights Council**

The Copyright and Related Rights Council was established by the decision of the Council of Ministers of June 10, 2010, with the aim to:

- Raise social awareness of the purpose and importance of copyright and related rights, and the collective management of such rights;
- Establish and strengthen cooperation among the organizations and bodies representing copyright and related right holders on one side and the users of such rights on the other side;
- Affirm the need for the existence of modern societies of artists which will effectively take care of the economic status of their members;
- Affirm the principles of the individual management of copyright and related rights on the basis of the collective agreements;
- Affirm the need for drafting model agreements for the individual transfer of copyright and related rights, as well as for coming up with the tariff of minimum remunerations in the associations of artists;
- Formulate advisory views on disputed issues in the collective management of copyright and related rights which are principled in nature;
- Assist copyright and related right holders to make an effective use of the possibilities to protect their interests within the framework of B&H legislation;
- Identify the deficient normative solutions making the protection of copyright and related rights difficult;
- Suggest the need for change in legislation, administrative and judicial practice, with the aim to enhance the effectiveness and equity of the protection of copyright and related rights.

### **Work Plan of the Copyright and Related Rights Council**

The Council shall hold its first constituent session in 2011, at which it shall verify its members, adopt the Rules of Procedure and Work Plan for 2011. After that, the Council shall work according to the following Work Plan:

a) **Training of the members of the Council in the field of intellectual property rights.** The training is general in nature and it covers the following topics:

- Notion and types of intellectual property;
- Economic basis of intellectual property rights;
- Current social and political context of intellectual property rights in the world, Europe and B&H;
- Economic exploitation of intellectual property;

- Enforcement of intellectual property rights;
  - Role of the Council
- b) Training of the members of the Council in the field of copyright, related rights and collective management of copyright and related rights. The training is specialized and it covers the following topics:
- Notion of copyright and related rights;
  - Notion of the work of authorship and the subject-matter of related rights (performance, phonogram, videogram, broadcast ...);
  - Authors' and performers' personal rights;
  - Authors' and related right holders' economic rights;
  - Limitations to economic rights;
  - Contracts in the area of copyright and related rights;
  - Individual management of rights;
  - Collective management of rights;
- c) **Session dedicated to animating the associations of authors and performers**

A wide circle of authors and performers as well as the representatives of their associations should be invited at this session for the purpose of establishing the current state of copyright and related rights protection in B&H and measures aimed at its enhancement. In order to improve the current state, it is necessary to affirm the idea of professional association of authors and performers and their better understanding of the difference between individual and collective management of rights. In the individual management of rights, there is a problem of an unequal negotiating power which is possible to overcome only by a particular kind of syndical action of the professional associations which draft standardized agreement forms and take part in negotiations with the big users of works and performances for the purpose of entering into collective agreements. In the collective management of rights, it is important that understanding prevails that the organizations for the collective management of rights are actually specialized and state authorized associations of authors and performers operating under strict legal regulations. The session should end by adoption of the Council Recommendation to be published in the media.

d) **Session dedicated to animating the users of works and subject-matters of related rights**, for the purpose of increasing the level of respect for copyright and related rights. The representatives of electronic media, music and film production, associations of restaurant owners and hotelkeepers should be invited at this session, for the purpose of establishing the current state of the respect for copyright and related rights from the users' angle. Whereas, according to law, the big users of works and subject-matters of related rights are supposed to obtain an authorization for the use thereof from the organizations for the collective management of copyright and related rights, they should be informed in detail of their obligations under the law, but they should also identify the problems they encounter in the system of the collective management of rights. They should also be encouraged to establish professional associations which are expected to play an important role in the acceleration and facilitation of tariff negotiations between the organizations for the collective management of rights on

one side and users on the other side in the new system of the collective management of rights. The session should end by adoption of the Council Recommendation to be published in the media.

#### **4) Organizational Notes**

The proposed Work Plan of the Council may be implemented within 3-4 sessions of each council. It is possible that a part of the specialized training of each council is joined with one thematic session of the same council.

Should the financial or other organizational reasons necessitate less number of sessions, first priority topics from the Work Plan will be selected, and the Work Plan will not be completely implemented in 2011.

Meeting schedule for each council shall be fixed by the Institute for Intellectual Property of B&H in collaboration with the USAID IPR Project.

In Mostar, February 22, 2011

Chairman

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Lidija Vignjevic