



WIPO-BCC 27th Advanced Training Seminar on Copyright and Related Rights

Country Report

REPUBLIC OF NORTH MACEDONIA

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Written Country Report - Republic of North Macedonia -

This is your official report and will be shared with other participants, speakers and others, including the WIPO Academy and UK IPO. Your report should not exceed four A4 pages and should give relevant details under the following headings.

1. Name of Country

Republic of North Macedonia

2. Copyright and related rights legislation: give details of the copyright/related rights statute or statutes of your country. If the legislation is available online provide a link.

The current legislation in the Republic of Macedonia in the field of copyright and related rights includes:

- The Law on Copyright and Related Rights (LCRR) ("Official Gazette of the Republic of Macedonia " No. 51/2010, 147/2013, 154/2015 and 27/2016). Link: www.kultura.gov.mk
- The National Strategy for the Development of Culture in the Republic of North Macedonia for the period 2018-2022, determines that, for the purpose of efficient protection and effective management of copyright and related rights, a support to foster the potential of cultural activities and industries based on the use of copyright and related works and respect for the material and other rights arising from their use, is necessary, as well as the sensibility of the public for appropriate treatment of copyright and related rights and in the legal circulation, as one of the main priorities is exactly copyright and related rights.
- Decision on the Amount of the Single Equitable Remuneration of Copying for Private Use, "Official Gazette of the Republic of Macedonia" No. 151/2011 (Governmental act)

The LCRR regulates the right of authors in their copyright works (hereinafter: copyright), the rights of performers, phonogram producers, video gram producers (film producers), broadcasting organizations, publishers and database makers in their subject matters of related rights (hereinafter: related rights), the administration and the protection of copyright and related rights and the application of the Law.

The copyright is consisted of exclusive moral rights, exclusive economic rights and other rights, provided by this Law

A copyright work, within the meaning of this Law, is an intellectual and individual creation in the field of literature, science and art, expressed in any manner and form.

The author, within the meaning of this Law, is a natural person who has created the copyright work. The copyright belongs to the author by the mere act of creation of the work.

Copyright and related rights enjoy criminal, civil and misdemeanor protection.

- (Criminal protection of copyright and related rights shall be carried out according to the provisions of the Criminal Code and the regulations on criminal procedure.
- Civil protection of copyright and related rights shall be carried out according to the regulations on litigation procedure, securing claims, obligations relations, and this Law.
- Misdemeanor protection of copyright and related rights shall be carried out according to the regulations on misdemeanors and this Law.
- The protection of copyright and related rights shall include the protection of technological measures against rights infringement.

- The regulations on the customs measures for protection of intellectual property rights shall apply to the procedures upon request for provisional measures, as determined with this Law, in cases of import, export or re-export of a copyright work, a subject-matter of a related right, or a copy thereof.

The preparation of the amendments to the Law on Copyright and Related Rights is in its final stage, on the base of the suggestions provided by the European experts within the project "Strengthening the enforcement of intellectual property rights."

The Law shall be harmonized with:

the Directive 2014/26/EU on collective rights management and multi-territorial licensing of rights in musical works for online uses,

the Directive 2012/28/EC of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works and

the Directive 2011/77/EC of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights

3. **Membership of Conventions, Treaties and Agreements:** state which of the following your country has joined: Berne Convention for the Protection of Literary and Artistic Works (Paris text 1971); Universal Copyright Convention 1952-1971; Rome Convention for the Protection of Performers, Phonogram Producers and Broadcasters 1961; TRIPS Agreement 1994; WIPO Copyright Treaty 1996; WIPO Performances and Phonograms Treaty 1996; Visually Impaired Persons Treaty 2013 or the Audiovisual Performances Treaty 2012.

The Republic of North Macedonia has joined:

- Berne Convention for the Protection of Literary and Artistic Works, 1971 (Berne Convention);
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, 1961 (the Rome Convention);
- World (Universal) Copyright Convention (World Convention);
- Convention for distribution of signals to transmit programs via satellites -1974 (Satellite Convention);
- Convention for the Protection of Producers of Phonograms Against Unauthorised Duplication of their Phonograms, 1971 (phonogram Convention);
- WIPO Copyright Treaty
- WIPO Phonograms and Performance Treaty

The current LCRR, beside harmonization with the international treaties, regulates the legal relations harmonized with the relevant directives of the European Union:

- Directive on the legal protection of computer programs (91/250/EEC)(Computer directive);
- Directive 92/100 / EEC on rental right, lending right and on certain aspects relating to copyright in the field of intellectual property (Directive on rental and lending rights);
- Directive 93/83 / EEC on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (cable-satellite Directive);
- Directive 93/98 / EEC on the harmonization of the term of protection of copyright and certain related rights (Directive for the duration of protection);
- Directive 96/9 / EC on the legal protection of databases (Directive on databases);
- Directive 2001/29 / EC on the harmonization of certain aspects of Copyright and Related Rights in the Information Society (Information Directive);

- Directive 2001/84 / EC on the resale right for the benefit of the author of an original work of art (Directive on resale)
- Directive 2004/48 / EC on the enforcement of intellectual property rights (Directive implementation).

4. Name of the Government Department(s) of your country responsible for laws on copyright and related rights.

- Ministry of Culture – competent authority for overall policy in this field and supervision over CMO

In the decision-making process are included: the Ministry of Culture, the Government and the Parliament. The Ministry of Culture drafts the Law on Copyright and Related Rights and other documents for the Government, which passes them on to the Parliamentary Committee for Culture for discussion and enactment. The Parliament of the Republic of North Macedonia adopts the law. Other governmental bodies competent for implementation of the provisions of other laws related to copyright and related rights:

- Ministry of Internal Affairs –inspection over unauthorized use (piracy)
- Customs authority- entrance, export, import and re export of pirated goods
- Ministry of Justice – overall policy in court system and data management of the violation of this rights,
- Other institutions –State Market Inspectorate, Agency for audio and audiovisual media services etc

5. Names of collective management organizations representing or administering the rights of owners of copyright or related rights in your country, the rights which they manage or license and the types of right holders they represent. If possible provide links to their websites.

Association for protection of Music Copyrights - ZAMP

The Collective management organization, Association for protection of Music Copyrights - ZAMP protects the rights of composers, lyricists, arrangers and other right holders on music works of all genres on territory of Republic Macedonia. Authors' rights that are collectively managed include:

- Communication to the public of non-stage musical works (public performance; public broadcasting; broadcasting; retransmission and making available to the public);
- Cable retransmission of non-stage music works;
- Reproduction of non-stage music works on phonograms and videograms;
- Right to remuneration for rental of non-scenic music works of phonograms and videograms and
- Right of remuneration for the resale right to the original (manuscript) of musical works

It is an organization for collective management of authors' music rights, in accordance with Copyright and Related Rights Law, the Statute and the License of the Ministry of Culture of Republic of Macedonia No. 54-54 / 1 from 08.04.2011, published in Off. Gazette of 10.05.2011. ZAMP protects the rights of composers, lyricists, arrangers and other right holders on music works of all genres on territory of Republic Macedonia.

ZAMP is admitted as associate member of The International Confederation of Authors and Composers Societies – CISAC in May 1993, and in May 2005 was appointed as a full member. ZAMP is also a member of BIEM -the international organization representing mechanical rights societies. ZAMP has concluded 53 agreements with copyright related companies in the small rights, and 16 such agreements in the field of mechanical rights.

zamp@zamp.com.mk

<http://www.zamp.com.mk>

Association for the Protection of Copyright and Related Rights "AZAS", Skopje,

The Collective Management Organization, Association for Protection of Copyright and Related Rights "AZAS", Skopje, as of 11 September 2018 has been licensed for the collective management of rights to use audiovisual works, i.e. videograms that are collectively managed:

- Right to cable retransmission of audiovisual works, ie videograms;
- Right of remuneration to authors of an audiovisual work for public lending;
- Right to remuneration to authors and performers of an audiovisual work of rental;
- Right to remuneration of a performer of an audiovisual work for broadcasting;
- Other communication to the public of the performers on their performance.

by authors of audiovisual works, i.e. works recorded (fixed) on video grams, performers of audiovisual works, i.e. works recorded (fixed-film) on video grams, and film producers of audiovisual works, i.e. works recorded (fixed)) of video grams, in accordance with the Law on Copyright and Related Rights, as well as in accordance with the Statute of the Association for the Protection of Copyright and Related Rights "AZAS", Skopje, dated 30.3.2018.

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