



**USAID**  
FROM THE AMERICAN PEOPLE

**Intellectual Property  
Rights (IPR) Protection  
in Bosnia and Herzegovina**



**INSTITUT ZA INTELAKTUALNO  
VLASNIŠTVO BOSNE I HERZEGOVINE**

**ИНСТИТУТ ЗА ИНТЕЛЕКТУАЛНУ  
СВОЈИНУ БОСНЕ И ХЕРЦЕГОВИНЕ**



# **COPYRIGHT**

## **IN BOSNIA AND HERZEGOVINA**



## WHAT IS A WORK OF AUTHORSHIP?

A work of authorship is generally an individual's creation in areas such as literature, music, motion pictures, computer software, architecture, science and art regardless of the type, method and form of expression.

## WHO CAN BE AN AUTHOR?

**An author is a physical person** who has created the work, no matter whether it is a minor child in the kindergarten drawing the sun, home and parents, or an engineer of architecture designing a new theater building, or a self-educated painter working on his or her painting. The author of the work does not always have to be a single person, it can also be several persons who create the work of authorship collectively.

**A legal person** (a business enterprise, an institution, an association, ...etc.) cannot be **an author**. **A legal person may only be a derived holder of a copyright;** namely, when the right to exploitation of the work is transferred to that person.

## WHAT IS COPYRIGHT?

**Copyright** regulates the relations that develop with regard to the creation of works of authorship in the areas such as art, literature and science. Copyright encourages the creation of new creative expressions, since authors know that in some way they can keep control of their works.

## WHY IS IT IMPORTANT TO PROTECT COPYRIGHTS?

Effective legal protection of copyright stimulates individual creativity, enables an author to achieve economic subsistence, and contributes to rich cultural creativity and promotion of a country. We all enjoy reading a new literary work, watching a film, seeing a play, listening to music, and enjoy many other forms of works of authorship; therefore, by encouraging creators' creativity society is enriched by the contributions of authors' works in these various fields of creativity.

## HOW DO I ACQUIRE COPYRIGHT ON MY WORK?

Copyright is developed and belongs to the author on the basis of the very act of creation of the work of authorship and it is not conditioned by completion of any formalities or requirements in regard to its substance, quality or purpose. It suffices for an individual idea to come out of a spiritual, inner sphere of its creator's mind and is expressed; so, as a result it becomes a work of authorship that enjoys legal protection of copyrights.

A work does not necessarily have to be transposed to a material medium. Consequently, even an oral or musical work that is not recorded or written as sheet music, or choreography that is not expressed in writing, may all constitute a work of authorship. A work does not necessarily have to be published in order to enjoy protection on grounds of copyright. **The principle according to which copyright is acquired without formalities is applicable in most countries worldwide.**

In order to preserve evidence of his or her creativity or for other various reasons, an author may deposit his or her originals or copies of their works of authorship or items of their related rights within the Institute for Intellectual Property of Bosnia and Herzegovina. A deposited work is entered into the book of records of authorship works maintained by the Institute. Depositing is not an obligation of the author, nor does it constitute a requirement for acquisition of copyright protection, but it is only a possibility.

## WHAT ARE THE WORKS THAT ENJOY LEGAL COPYRIGHT PROTECTION?

Works that enjoy copyright protection include, inter alia:

- ✓ **Audiovisual works** (film works and works created in a way similar to film creation),
- ✓ **Works of architecture** (sketches, designs, blueprints and constructed structures),
- ✓ **Works of fine arts** (drawings, paintings, graphics, sculptures and other works of identical nature),
- ✓ **Works of all branches of applied arts, graphical and industrial design,**

- 
- ✓ **Drama, drama-musical and puppetry works,**
  - ✓ **Photographic works and works produced by a process similar to photographic process, works of cartography,**
  - ✓ **Oral works** (speeches, addresses, lectures, sermons and other works of identical nature),
  - ✓ **Choreographic and pantomimic works,**
  - ✓ **Musical works with or without accompanying vocal expressions or lyrics,**
  - ✓ **Written or printed works** (literary texts, studies, manuals, articles and other pieces of writing, as well as computer programs),
  - ✓ **Presentations of scientific, educational or technical nature** (technical sketches, graphs, forms, etc.),
  - ✓ **Adaptations of works of authorship** such as **translations, abridgments, musical arrangements and processing** and other adaptations of original works of authorship,
  - ✓ **Collections of works of authorship or other materials** (encyclopedias, compendiums, collective volumes, anthologies, databases and the like),
  - ✓ **A started work, unfinished work, title and other components of works** constitute an independent work of authorship and enjoy copyright protection as such, provided that they are individual spiritual creations.

### **WHAT CANNOT BE PROTECTED BY COPYRIGHT?**

Creations that are not copyright protected include:

- ✓ Daily news or various kinds of information, which have the character of flash or brief news comprising a press release.
- ✓ Ideas, concepts, procedures, operational methods, mathematical operations, principles or discoveries.
- ✓ Political speeches and addresses held over the course of court hearings.
- ✓ Folk literary and artistic creations.
- ✓ Official texts in the legislation, administration and judiciary domains.

For the purpose of providing stimulation to various cultural creative endeavors through the free usage, circulation and exchange of ideas, and the need for free public information, such works are ruled out from the copyright legal protection.

## WHAT IS THE RANGE OF RIGHTS TO WHICH AN AUTHOR IS ENTITLED?

With regard to his or her work an author is entitled to the following range of rights:

- ✓ Personal legal authorizations (**author's moral rights**),
- ✓ Property law authorizations (**author's property rights**), and
- ✓ Other authorizations (**other author's rights**).

## WHAT IS THE TERM OF COPYRIGHTS?

Copyright is an exclusive right and it lasts for the entire lifetime of the author **plus a period of 70 years** after his or her death. The only exception to this rule is the right to withdrawal, which lasts only for the author's lifetime.

When it comes to the collective works, the term of 70 years starts running from the day of legal publication of the work. If it involves a work of an anonymous author, the said term is calculated in the same way.

Once the copyright terms have come to an end, the work of authorship shall cease to be copyright protected, which means that it can be used freely from the copyright point of view.

## DOES MY WORK HAVE TO HAVE A SPECIAL ARTISTIC CHARACTER SO THAT IT COULD BE COPYRIGHT PROTECTED?

A work of authorship is not required to have an artistic character in order to enjoy copyright protection, since the artistic character of a creative work is a highly subjective category. A creative work should meet the requirements of originality and should represent a creative effort.

## IF I BUY A BOOK, A PAINTING OF FINE ART OR A MUSIC CD, DO I ALSO ACQUIRE COPYRIGHT?

A work of authorship is not a material thing. It is a non-material good to which the author holds his or her copyright. A book, a painting or a CD represent things to which their owners hold the right of ownership to the material item, but not ownership of the legal rights afforded to the author who retains the rights of copyright to the work.

By virtue of buying a book in a bookshop or a painting in an art gallery, a buyer, in general, acquires only the right of ownership to these things (paper, canvas, frame...). In other words, the owner of a painting would not be allowed to further reproduce the work of fine art, nor change such work by adding some new elements or scenes. A similar situation exists with the owner of a book, which does not entitle him or her, for example, to translate the work of literature incorporated in the book into some foreign language or to make any audio-visual adaptation without the explicit permission of the author.

### **WHERE A WORK OF AUTHORSHIP CAN BE DEPOSITED?**

A work of authorship can be deposited in the Institute for Intellectual Property of Bosnia and Herzegovina. For more information about the deposition, please visit the web-site of the Institute: [www.ipr.gov.ba](http://www.ipr.gov.ba).

### **CONTACT INFORMATION**

**INSTITUTE FOR INTELLECTUAL  
PROPERTY OF  
BOSNIA AND HERZEGOVINA**

[www.ipr.gov.ba](http://www.ipr.gov.ba)

**USAID INTELLECTUAL  
PROPERTY RIGHTS PROTECTION IN  
BOSNIA AND HERZEGOVINA**

[www.usaidipr.ba](http://www.usaidipr.ba)

#### **ACKNOWLEDGEMENTS:**

This material is made thanks to the assistance coming from the American People provided through the United States Agency for International Development (USAID). Support in making and printing of this publication has been provided by the Project.



**USAID**  
FROM THE AMERICAN PEOPLE

**Intellectual Property Rights (IPR) Protection  
in Bosnia and Herzegovina**

#### **DISCLAIMER:**

The views expressed in this material are those of the author, and they do not necessarily reflect the opinions of USAID or the United States Government.