



Number: IP-03-47-5-07381/12VT
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 broadcasting organizations

1. **The authorization** to «Elta-kabel» d.o.o. Company for cable transmission of sound, picture or other information, Doboj, registered office: Ulica svetog Save 26, issued by the Institute for Standardization, Metrology, and Intellectual Property of Bosnia and Herzegovina by the Decision N^o IP-3905/06-04 VL of 06/06/2006 **in the part thereof pertaining to the management of the rights of broadcasting organizations is revoked.**
2. The Authorization for the management of the rights of broadcasting organizations is revoked as of **11/08/2012.**
3. The Company «Elta-kabel»d.o.o. 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. The Company «Elta-kabel» d.o.o. shall handover all the relevant documents necessary for carrying out this activity to the organization that will be granted the authorization for the collective management of the rights of broadcasting organizations, 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 N^o IP-3905/06-04 VL of 06/06/2006, 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 «Elta-kabel» d.o.o. Doboj - Company for cable transmission of sound, picture or other information the authorization to manage copyright and rights of broadcasting organizations.

In the procedure that was 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 the authorization for the management of copyright to the company «Elta-kabel» d.o.o. Doboj by the Decision N^o IP-03-47-5-12-06059/12VT of 21/06/2012.

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 volumes 7/02 and 76/06), shall continue to operate 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 collective management of copyright and related rights within two years from the entry of this Law into force.

An analysis of the work of «Elta-kabel» d.o.o. 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. The Report states, *inter alia*, that the company «Elta-kabel» d.o.o. acted as a representative – agent of AGICOA for which the authorization for the collective management of copyright and related rights is not required, that it failed to carry out the activities related to the collective management of rights for which it had been granted the authorization by the Institute, that it is impossible to give a performance appraisal to this company in view of the standards regulating the collective management of copyright and related rights, and that, considering the performance of this company so far and the new legislative framework, it is necessary to reexamine if there is a need for this company to deal with the collective management of copyright.

It is undisputed that the company «Elta-kabel» 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 a new collective organization that will manage these rights.

Considering that the company «Elta-kabel» d.o.o. 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 renewal of the authorization within the legal deadline, which 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.

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 therefore it was 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 receipt of this Decision.

Director
Institute for Intellectual Property
of Bosnia and Herzegovina
Lidija Vignjević