

UNESCO
WORLD ANTI PIRACY OBSERVATORY

SLOVENIA

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I. Legislation

1. Laws

The general copyright laws / regulations in Slovenia:

Copyright is protected in Slovenia through the following legislations:

- [Copyright and Related Rights Act](#) (Official Gazette No. 16/2007, 68/2008)
- Decree on amounts of remuneration for private and other internal reproduction (Official Gazette RS, No 103/2006)
- Decree on mediation in disputes concerning copyright and related rights (Official Gazette RS, No 35/2005)
- Decree on arbitration in disputes concerning copyright and related rights (Official Gazette RS, No 65/2006)
- EU legislation for example: *Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights* ([Official Journal of the EU L 196, 02/08/2003, p. 7](#))
- Legislation related to enforcement of copyright or affecting copyright protection
- International Agreements,

2. Other laws/regulations:

- Penal Code of the Republic of Slovenia (Official Gazette RS, No 55/08)
- Criminal Liability of Legal Entities Act (Official Gazette RS, No 98/04, 65/08)
- Obligations code (Official Gazette RS, No 97/07, official consolidated version)
- Act Implementing the Customs Regulations of the European Community (Official Gazette RS, No 25/2004, No 111/2007)

3. Latest developments and perspectives:

At the moment, there aren't any planned changes to copyright legislation that would concern copyright infringement and anti-piracy issues.

4. Brief summary of Slovenia's copyright legislation

- *Exclusive rights of the authors and of the owners of neighbouring rights*

AUTHOR'S exclusive rights under the Slovenian Copyright and Related Rights Act:

- **moral rights** (right to the first disclosure – Article 17, right to recognition of authorship – Article 18, right to integrity of the work – Article 19 and right to withdrawal – Article 20).
- **economic rights:** (an exclusive right to authorize or to prohibit the use of his/her (author's) work or copies of his/her work. The use of copyright work shall be lawful only if the author, in accordance with Copyright and Related Rights Act, and under the conditions he has set, assigned the respective economic right.

Use of the work includes the following rights:

- a) the right of reproduction (Article 23)
- b) the right of distribution (Article 24)
- c) the rental right (Article 25)
- d) the right of public performance (Article 26)
- e) the right of public transmission (Article 27);

- f) the right of public communication by phonograms and videograms (Article 28);
- g) the right of public presentation (Article 29);
- h) the right of broadcasting (Article 30);
- i) the right of rebroadcasting (Article 31);
- j) the right of secondary broadcasting (Article 32);
- k) the right of making available to the public (Article 32. a)
- l) the right of transformation (Article 33)
- m) the right of audiovisual adaptation (Article 104)

NEIGHBOURING EXCLUSIVE RIGHTS

Rights of performers_(under the Slovenian Copyright and Related Rights Act):

a) moral rights (Article 120): the exclusive right of performers to have their name or other designation mentioned in connection with the performance:

1. where the performances are given by solo performers - to such performers;
2. where performances are given by ensembles of performers - to such ensemble as a whole, to the artistic director, and to the soloists.
3. the exclusive right to object to any distortion, any other tampering with respect to performance, as well as any use of their performance if such tampering or use could be prejudicial to their person.

b) economic rights (Article 121): Performers shall have the exclusive right:

1. to fix their live performance;
2. to reproduce the phonograms or videograms containing their performance;
3. to publicly transmit their live performance;
4. to broadcast their live performance;
5. to make available to the public the phonograms or videograms containing their performance;
6. to distribute the phonograms or videograms containing their performance.
7. to rent phonograms or videograms containing their performance.

The Rights of the author of a computer program are set forth in Articles 113 to 115 of the Copyright and Related Rights Act.

Rights of producers of phonograms (Article 129)

The producer of phonograms shall have the exclusive right:

1. to reproduce his phonograms;
2. to transform his phonograms;
3. to distribute his phonograms;
4. to rent his phonograms;
5. the making available to the public of its phonograms

Rights of film producers (Article 134)

A film producer shall have the exclusive right:

1. to reproduce his videograms;
2. to distribute his videograms;
3. to rent his videograms;
4. to present his videograms to the public;
5. the making available to the public of its videograms

Rights of film producers rights of broadcasting organizations (Article 137)

A broadcasting organization shall have the exclusive right:

1. to rebroadcast its broadcasts;
2. to secondary broadcast its broadcasts if such communication is made in places accessible to the public against payment of an admission;

3. to fix its broadcasts;
4. to reproduce the fixations of its broadcasts;
5. to distribute the fixations of its broadcasts;
6. the making available to the public of its broadcasts.

Rights of publishers

Publishers shall have the right to remuneration for reproduction for private or other internal use, according to Article 37 (3) of Copyright Act (Article 139).

Rights of makers of databases (Article 141.c)

The maker of a database shall have the exclusive right:

- to reproduce his database,
- to distribute copies of his database,
- to rent copies of his database,
- to make available to the public his database,
- to other forms of communication to the public of his database

- *Allowed use of a work without the permission of the owner of the copyright*

According to the Slovenian Copyright and Related Rights Act, the use of a work without the permission of the owner (free use) is allowed for the following purposes: to provide access to information of a public nature (Article 48), for public performance of a disclosed work when used in teaching (Article 49), temporary reproduction (Article 49a), private and other internal reproduction (in this case the author has a right to equitable remuneration which is collected as blank media and equipment levy – Article 50)), quotations (Article 51), accessory works of secondary importance (Article 52), free transformations of disclosed works (Article 53), reproduction of databases by the lawful user (Article 53a), public exhibition or sale of artistic works (Article 54), works permanently located in generally accessible premises (Article 55), use in official proceedings (Article 56) and testing of equipment (Article 5957

On the other hand Legal licenses which permit the use of copyright material without the assignment of a respective economic right, but on payment of equitable remuneration are set forth in Articles 46 to 47a of the Copyright and Related Rights Act. The Slovenian Copyright and Related Rights Act allows such use in the case of reproduction from readers and textbooks intended for teaching and for the reproduction of periodical publications of articles on current topics of general interest, provided that the source and authorship of the work is indicated (Article 47). It is also lawful to reproduce or distribute works without assignment of economic rights, but on payment of equitable remuneration for the benefit of the people with a disability (Article 47.a).

Articles 114 and 115 of the Copyright and Related Rights Act set forth the limitations to the rights of authors of computer programs.

Excluded from Copyright Protection are ideas, principles, discoveries; official legislative, administrative and judicial texts; folk literary and artistic creations (Article 9 of the Copyright and Related Rights Act).

- *Protection of the foreign works*

The provisions of the Slovenian Copyright and Related Rights Act protect the authors and holders of related rights who are citizens of the Republic of Slovenia or a European Union Member State, or a European Economic Area Member State or have their residence or seat in the Republic of Slovenia. Other foreign natural persons or legal entities (foreigners) shall enjoy the same protection as persons mentioned in the foregoing paragraph if international

convention or this Act provides so, or in case that factual reciprocity exists. More details are available under Articles 176 to 183 of the Slovenian Copyright and Related Rights Act).

Regardless of these provisions, foreigners shall enjoy the protection according to this Act:

1. with respect to moral rights - in any case;
2. with respect to resale right and the right to remuneration for private and other internal reproduction - only if factual reciprocity exists.

- *Period of copyright protection*

As a general rule the copyright shall run for the life of the author and for 70 years after his death (Article 59 of the Copyright and Related Rights Act).

If the work was created by a number of authors, the term of protection (life of the author and 70 years after his death) shall be calculated from the death of the last surviving co-author (Article 60 of the Copyright and Related Rights Act).

Copyright in anonymous and pseudonymous works shall run for 70 years after the lawful disclosure of the work. When the pseudonym leaves no doubt as to the identity of the author, or if the author discloses his identity during the period referred in the foregoing paragraph, the term of protection shall be for the life of the author and 70 years after his death (Article 61 of the Copyright and Related Rights Act).

In case of collective works, the copyright shall run for 70 years after the lawful disclosure of the work (Article 62 of the Copyright and Related Rights Act).

When the term of protection does not run from the death of the author or authors, and the work was not lawfully disclosed within 70 years from its creation, the copyright shall terminate with the expiration of this term (Article 63 of the Copyright and Related Rights Act).

When the term of protection is calculated from the day of lawful disclosure of the work, and the work is disclosed over a period of time in volumes, parts, sequels, issues, or series, the term of protection shall be calculated for each of these components separately (Article 64 of the Copyright and Related Rights Act).

Insubstantial changes to the selection, adjustment or arrangement of the contents of a collection shall not extend the term of protection in that collection. "Insubstantial changes" are additions, deletions, or alterations to the selection or arrangement of the contents of a collection, which are necessary in order that this collection may continue to function in the way it was intended by its author (Article 65 of the Copyright and Related Rights Act).

The terms of protection shall be calculated from the first day of January of the year following the year of the event which gives rise to them has occurred (Article 67 of the Copyright and Related Rights Act).

The term of protection of Related Rights is set forth in Articles 127, 132 and 138 to 140 of the Copyright and Related Rights Act.

- *Registration*

According to the Slovenian Copyright and Related Rights Act copyright belongs to the author by the mere fact of creation of a work (Article 14) and therefore no registration of a work is needed in order to get the protection. However to preserve the evidence or for other reasons, the holders of rights may register their works or deposit the originals or reproductions of their works with the Copyright Agency of Slovenia (Article 174).

5. International Conventions and Treaties

Slovenia is a member of the following International Convention and Treaties on Copyright and Related Rights:

- [Berne Convention on the Protection of Literary and Artistic Works](#), in force since June 25, 1991.
- [Universal Copyright Convention](#), notification since November 5, 1992 to UCC of 1952 and UCC of 1971.
- [WTO TRIPS Agreement on Trade Related Aspects of Intellectual Property Rights](#), since July 30, 1995.
- [WIPO Copyright Treaty](#) (WCT), in force since March 6, 2002.
- [WIPO Performances and Phonograms Treaty](#) (WPPT), in force since May 20, 2002.
- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#), in force since October 15, 1996.
- [Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#), (Official Gazette RS-MP, No 8/1996), in force since October 9, 1996.
- [Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite](#) (Official Gazette SFRJ-MP, No 13/1977, Official Gazette RS-MP, No 15/1992), in force since June 25, 1991.
- Cyber Crime Convention, in force since January 1, 2005.

II. Measures and Remedies

1. Copyright infringement

In general, the Slovenian Copyright and Related rights Act does not contain a general definition of copyright infringement.

It does contain only a specific definition for infringement of copyright in a computer program (Article 116 of the Copyright and Related Rights Act).

As infringements of copyright in a computer program shall be deemed the following acts of a person:

1. any distribution of a copy of a computer program, knowing or having reason to believe, that it is an infringing copy; or
2. the possession, for commercial purposes, of a copy of a computer program, knowing or having reason to believe, that it is an infringing copy.

However, a definition for copyright infringement may be deduced from the provisions of Articles 185 and 186 of the Copyright and Related Rights Act.

There are no specific provisions concerning Internet copyright infringement. The right holder may, in case of internet copyright infringement, use the general provisions under the Slovenian Copyright and Related Rights Act.

2. Remedies to protect copyright holders

Right holders can choose between civil, penal or administrative measures.

- Civil measures:

In general, the person whose rights under this Act are infringed (the right holder), may demand the protection of his/her rights and claim restitution from the infringer, according to the rules on damages, unless otherwise provided by the Copyright and Related Rights Act. The same protection may be claimed by a right holder, when there is apparent danger that an infringement of the rights under this Act would occur (Article 164 of the Copyright and Related Rights Act).

Copyright holders may

- institute civil proceedings in respect to the infringement of his/her rights and exercise one or more claims (e.g. prohibition of infringement, recall of infringing goods from the channels of commerce, destruction of infringing goods, compensation for damage, publication of the court's judgment; etc.(Article 167 of the Copyright and Related Rights Act)
- claim compensation and punitive damages where general rules governing causation of damage shall be applicable, unless otherwise provided by the Copyright Act (Article 168 of the Copyright and Related Rights Act).
- claim monetary satisfaction for non-material damage (Article 169 of the Copyright and Related Rights Act)
- lodge a proposal for order of a provisional measure (injunction) – Article 169
- request provisional measures (Article 170 of the Copyright and Related Rights Act)
- preservation of evidence (Article 171 of the Copyright and Related Rights Act)
- request that information related to networks of pirated goods are provided (Article 172 of the Copyright and Related Rights Act).

Penal measures:

Infringements of copyright and related rights may also be considered as a criminal offence. The Penal Code of the Republic of Slovenia identifies as a criminal offence:

- infringement of copyright;
- unauthorized use of a copyright work;
- infringement of rights related to copyright;

The proceedings in connection with the mentioned criminal offences shall be initiated ex officio, the exception being criminal offence of copyright infringement, where the prosecution of the perpetrator of such criminal offence shall be initiated on the proposal by the injured party.

The Slovenian Copyright and Related Rights Act also constitutes some **Administrative measures**. The proceedings for the implementation of the measures are initiated on the request of the right holder or ex officio at the Market Inspectorate of the Republic of Slovenia. In the area of copyright and related rights it carries out ex officio supervision of the implementation of certain provisions of the act defining certain infringements as offences (Article 186 of the Copyright and Related Rights Act).

3. Provisional measures

According to Article 170 of the Slovenian Copyright and Related Rights Act the court shall order provisional measures to secure non-monetary claims under the Act if the right holder shows probable grounds for belief that he/she is the right holder according to the Act, and his/her right has been infringed or there exists an actual danger to be infringed.

The right holder shall also show probable grounds for belief that a danger exists that the enforcement of claims will be made impossible or rather difficult; the adoption of a provisional measure is necessary to avoid damage difficult to repair; or a provisional measure, which may prove unfounded in the course of the proceedings, does not have more detrimental consequences for the alleged infringer that would have the non adoption of such measure for the right holder.

The right holder who proposes the order of a provisional measure without prior notification and hearing of the opposite party shall show probable grounds for belief that any delay of the order is likely to cause him/her damage difficult to repair. In that event, the opposite party shall be given notice after the execution of the order at the latest.

The right holder shall not be obliged to prove the existence of a danger that the enforcement of claims will be made impossible or rather difficult if he/she shows probable grounds for belief that the proposed provisional measure would cause the infringer only insignificant damage. The danger shall be deemed to exist when the claims are to be enforced abroad, with the exception of the Member States of the European Union.

The court may order any provisional measure to secure non-monetary with which the purpose of security can be achieved, in particular:

1. to interdict to the alleged infringer the continuation of infringement already commenced and future infringements;
2. to seize, exclude from circulation and take into custody the objects of infringement and the means of infringement that are intended or used exclusively or principally for infringement.

The provisions of the Act regulating execution of judgments and insurance of claims shall apply to the proceedings for the adoption of provisional measures, unless otherwise provided by this Act. Proceedings shall be expeditious.

Slovenian Copyright and Related Rights Act also defines pre-trial evidence preservation measure (Article 171). The court shall issue an order to preserve such evidences if the right holder presents reasonably available evidence. The right holder shall show probable grounds for belief that there is a danger of evidence of infringement being destroyed as the result of conduct of the opposite party or that it will be impossible to take such evidence at a later time. The court may issue the order to take any evidence, and in particular:

1. to inspect places, business records, inventory, databases, computer memory units or other things;
2. to seize samples of the objects of infringement;
3. to examine and seize documents;
4. to appoint and examine experts; and
5. to examine witnesses.

Preservation of evidence may be requested even after the decision by which the proceedings are completed, if this is necessary before or during the proceedings with extraordinary remedies. Where it is subsequently found that the request for preservation of evidence has been unfounded or that the right holder has not justified it, the opposite party shall have the right to claim: 1. the return of the seized objects; 2. the prohibition of the use of information obtained; and 3. the compensation for damage.

4. Penalties for copyright infringement

- *In civil cases*

For infringements under the Copyright and Related Rights Act, general rules governing causation of damage (set down in Obligations code) shall be applicable, unless otherwise provided by this Act.

The infringer shall pay to the right holder damages in the amount to be defined under general rules on compensation for damage, or in the amount which is equal to agreed or customary royalty or remuneration for legitimate use of such kind. If a right was infringed intentionally or by gross negligence, the right holder may claim the payment of agreed or customary royalty or remuneration for such use, increased by up to 200 %, irrespective of whether he suffered actual pecuniary damage because of such infringement (Article 168 of Slovenian Copyright and Related Rights Act).

When deciding on the claim for the award of punitive damages and setting of their amount, the court shall take into account all circumstances of the case, and in particular, the degree of culpability of the infringer, the amount of agreed or customary remuneration, and the achievement of a general preventive purpose sought by the award of punitive damages.

- *For criminal offence in copyright cases*

A criminal offence of copyright infringement is punishable by pecuniary penalty or imprisonment of up to six months (Article 158 of Penal Code of the Republic of Slovenia). The remaining criminal offences (unauthorized use of a copyright work, infringement of rights related to copyright) are punishable by imprisonment (from three years of even up to eight years, Article 159 of Penal Code of the Republic of Slovenia). Penalties are also available under Articles 184 and 185 of the Copyright and Related Rights Act.

- *Seizure, confiscation, forfeiture and destruction of all infringing copies*

The Court may order the seizure or the destruction of all infringing copies and all equipments or devices (Article 167 of Slovenian Copyright and Related Rights Act).

- *Publication of the judgment in newspapers or professional magazines*

For the criminal offences of legal persons, in addition to the safety measure of the confiscation of objects as per Article 69 of the Criminal Code of the Republic of Slovenia, publication of the judgment may be imposed as safety measures: The safety measure of publication of the judgment shall be applied by the court in cases where it would be beneficial for the public to be informed of the judgment, and especially if the publication of the judgment would contribute to removing danger to life or limb or the securing of safety of traffic or some economic good.

The court shall consider, with regard to the importance of the criminal offence and the need for the public to be informed of the judgment, whether the judgment should be published in the press, broadcast by radio or television or by several of the listed means of public information simultaneously, and whether the explanation of the judgment should be published in full or in excerpt form; the court shall see that the means of publication shall enable the informing of all those in whose interest it is necessary to publish the judgment.

- *Damages*

The person whose rights are infringed may claim restitution from the infringement according to the rules on damages (Obligations code and Article 168 of the Copyright and Related Rights Act).

5. Requirements for foreign persons

Foreign persons are not required to obtain any special approvals or present any special documentation in order to gain access to national courts. However according to Article 89 of

General Administrative Procedure Act client or her/his representative in foreign country is obliged to appoint her/his agent for service of documents in Republic of Slovenia.

III. Enforcement authorities

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

Slovenian Intellectual Property Office is not competent to take measures related to the enforcement of intellectual property rights; however, it cooperates with other bodies authorized to carry out such measures. It depends on the circumstances of the case and on the type of the infringement which government body could help the right holder in a certain case. Information on possible measures in cases of infringement is available with the following government bodies:

- Customs Administration of the Republic of Slovenia - Prohibitions and Restrictions Department
- Market Inspectorate of the Republic of Slovenia
- General Police Directorate

b) Enforcement bodies entitled to act *ex-officio* in copyright infringement cases

The proceedings in connection with the criminal offences are initiated *ex officio*. The exception is criminal offence of copyright infringement, where the prosecution of the perpetrator of such criminal offence shall be initiated on the proposal by the injured party.

c) Courts dealing with copyright cases

The District Court of Ljubljana has the exclusive jurisdiction over disputes related to the intellectual property rights. Slovenia has no specialized courts for copyright/Intellectual property rights.

Against a decision of the District Court an appeal may be lodged with the [Higher Court of Ljubljana](#); the decision of the Higher Court may be challenged only through extraordinary judicial remedies (e.g. revision and request for the protection of legality with the [Supreme Court of the Republic of Slovenia](#), reopening of the proceedings at the first-instance court).

2. Enforcement at the border

Specific measures under the law for enforcing copyright at the border:

Specific measures concerning copyright at the border are set down in *Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights* ([Official Journal of the EU L 196, 02/08/2003, p. 7](#))

Slovenia, as a member state of EU, is authorized to regulate some areas of custom legislation that are not covered by the EU's customs regulations in the national legislation. For the areas of customs regulations not regulated by the EU's legislation, Slovenia has

adopted *Act implementing the Customs regulations of the European Community*. Measures concerning infringement of intellectual property are set down in articles 68-76 of that act.

The proceedings for the implementation of the measures are initiated on the request of the right holder or ex officio. Customs authorities are competent for the implementation of the measures.

A general request, which is valid for one year, shall be lodged with the [General Customs Directorate](#). If the request is granted, the General Customs Directorate notifies all customs offices accordingly. If, during the performance of their tasks, customs authorities discover [goods suspected of infringing a certain intellectual property right](#), they may temporarily detain such goods, of which they notify the right holder and the owner of the goods. During the period of detention of goods the right holder must decide whether to lodge a suit for infringement of the right or not, while the owner of the goods must decide whether to persist or not in its statement that the goods do not infringe the intellectual property right. Further actions of the customs authorities depend on these decisions. If the right holder lodges a suit, the goods shall be confiscated until the final decision of the court, and after the court's decision establishing an infringement of the right becomes final, the goods, as a rule, shall be destroyed. When the right holder is not successful in court, the goods will be released.

Destruction of suspended goods shall also be possible without a court decision when the owner of the goods does not respond to the notification by the customs authority on temporary detention of goods or if so agreed upon between the owner of the goods and the right holder (a shortened procedure).

The proceedings shall be initiated ex officio by customs authority when the latter establishes that the goods are evidently counterfeit or pirated. The goods shall be detained for three working days. When, during this period, the right holder lodges a request for an action, the proceedings shall be continued as described above.

[Market Inspectorate of the Republic of Slovenia](#) may also take measures on request mostly with respect to unfair competition, while in the area of copyright and related rights it carries out ex officio supervision of the implementation of certain provisions of the act defining certain infringements as offences. Among other, market inspectors may enter premises, carry out inspections (of buildings, installations, devices, products, books of account, contracts, documents, etc.), hear customers and witnesses, collect samples of goods, reproduce documents, control if authorized software is installed on computers, confiscate pirated goods, etc. In cases of infringement, inspectors can take the following measures:

- order to remove deficiencies within a certain time limit (a regulatory decision), and
- issue a decision on infringement stating, among other, a penalty and possible secondary sanctions (deprivation of goods).

Against the decision of the Market Inspectorate a request for judicial protection can be filed with the competent local court.

- *Competent authority responsible for administering applications for copyright infringements at borders:*
 - Customs Administration of the Republic of Slovenia - Prohibitions and Restrictions Department
 - Customs on boarder

- *Notification to the importer and the copyright holder of the suspension of the release of the goods by the customs:*

According to Commission Regulation and Act implementing the Customs regulations of the European Community when customs authorities discover goods suspected of infringing a certain intellectual property right, they may temporarily detain such goods for ten working days, of which they notify the right holder and the owner of the goods. If it is appropriate this time limit may be prolonged for ten more days.

- *Time limit for the suspension of the goods by customs authorities:*

According to the Commission Regulation (Article 4) where the customs authorities, in the course of action in one of the situations referred to in Article 1(1) and before an application has been lodged by a right-holder or granted, have sufficient grounds for suspecting that goods infringe an intellectual property right, they may suspend the release of the goods or detain them for a period of three working days from the moment of receipt of the notification by the right-holder and by the declarant or holder of the goods, if the latter are known, in order to enable the right-holder to submit an application for action in accordance with Article 5 of the Regulation.

- *The competent authorities and the right to order the destruction or disposal of infringing goods:*

If customs authorities discover such infringement they may temporarily detain goods, of which they notify the right holder and the owner of the goods (Article 167 of Slovenian Copyright and related Rights Act). During the period of detention of goods the right holder must decide whether to lodge a suit for infringement of the right or not, while the owner of the goods must decide whether to persist or not in its statement that the goods do not infringe the intellectual property right. Further actions of the customs authorities depend on these decisions. If the right holder lodges a suit, the goods shall be confiscated until the final decision of the court, and after the court's decision establishing an infringement of the right becomes final, the goods, as a rule, shall be destroyed. When the right holder is not successful in court, the goods will be released.

Destruction of suspended goods shall also be possible without a court decision when the owner of the goods does not respond to the notification by the customs authority on temporary detention of goods or if so agreed upon between the owner of the goods and the right holder (a shortened procedure).

The proceedings shall be initiated ex officio by customs authority when the latter establishes that the goods are evidently counterfeit or pirated. The goods shall be detained for three working days. When, during this period, the right holder lodges a request for an action, the proceedings shall be continued as described above.

- *Customs authorities and copyright infringement cases*

The proceedings for the implementation of the measures are initiated on the request of the right holder or ex officio.

- *Law and provisions for a de minimis import exception*

Provisions of Commission Regulation shall not apply (Article 3 of the Regulation):

- to goods bearing a trademark with the consent of the holder of that trademark or to goods bearing a protected designation of origin or a protected geographical indication or which

are protected by a patent or a supplementary protection certificate, by a copyright or related right or by a design right or a plant variety right and which have been manufactured with the consent of the right-holder but are placed in one of the situations referred to in Article 1(1) without the latter's consent.

- to goods referred in the first subparagraph and which have been manufactured or are protected by another intellectual property right referred in Article 2(1) under conditions other than those agreed with the right-holder.

- where a traveler's personal baggage contains goods of a non-commercial nature within the limits of the duty-free allowance and there are no material indications to suggest the goods are part of commercial traffic, Member States shall consider such goods to be outside the scope of this Regulation.

IV. Public awareness

1. Awareness campaigns and actions

There is no direct public campaign on a national level regarding the fight against **piracy and infringement of intellectual property rights (IPRs)**. However, Slovenia is active in the area of raising awareness of IPRs issues. Slovene authorities have been regularly organizing free of charge seminars, roundtables and workshops on IPRs and enforcement issues, in particular since 2005. Conferences and some seminars were organized together with partners (WIPO, EPO, EU, TAIEX). Most copyright events were intended for collecting societies, users of works, protected by copyright and neighboring rights and other stakeholders. Activities intended for universities were also intensified aiming at raising awareness on IPRs among teachers, students and post graduate students (young researchers).

2. Promotion of legal exploitation

Information not available

3. Associations and organizations with awareness-raising purpose

Information not available

4. Best practices

Information not available

V. Capacity-Building

1. Training

Information not available

2. Establishment of specialized units and intersectoral groups

Slovenia is constantly trying to improve cooperation between special governmental bodies. In 2001 Slovenia set up a special informal coordination body to fight against piracy (cooperation between representatives of The Office of the State Prosecutor General, Police, Market inspector and Customs Administration).

3. Best practices

VI. Other

1. Technological Protection Measures (TPM)

Technological measures and Rights management Information are set down in Articles 166 to 166c of Slovenian Copyright and Related Right Act.

Technological measures" within the meaning of Article 166.a shall mean any technology, device, product, component or computer program or other measure that, in the normal course of its operation, is designed to prevent or restrict acts which are not authorized by the holder of rights under this Act.

These measures shall be deemed effective where the use of a copyright work or subject matter of related rights is controlled by the right holders through application of an access control or protection process such as encryption, scrambling or other transformation of the work, or a copy control mechanism, which achieves the protection objective.

Article 166.a shall apply also to any technology, device, product, component or computer program by which electronic rights-management information is removed or altered.

The acts referred in foregoing paragraphs shall not be deemed infringements if they are carried out in certain special cases of performance of tasks relating to public security, or in order to ensure the correct execution of any official proceedings, such as proceedings in the National Assembly or National Council of the Republic of Slovenia, or judicial, administrative or arbitrary proceedings.

2. Licensing schemes

Information not available

3. Optical disks

Information not available

4. Hotlines

Information not available

5. Relevant links

- Customs Administration of the Republic of Slovenia - Prohibitions and Restrictions Department - <http://www.carina.gov.si/en/>
- Market Inspectorate of the Republic of Slovenia - <http://www.ti.gov.si/en/>
- General Police Directorate - http://www.policija.si/portal_en/
- Slovenian Intellectual Property Office
- Antipiracy association for computer and video games - <http://home.amis.net/apzz/index.html>

- **Link to anti-piracy public awareness materials:**
http://www.uil-sipo.si/uploads/media/uil_zgibanka_uveljavljanje-pil.pdf