

UNESCO
WORLD ANTI PIRACY OBSERVATORY

BOSNIA AND HERZEGOVINA

| | |
|--|-----------|
| I. LEGISLATION | 3 |
| 1. Copyright laws | 3 |
| 2. Other laws | 3 |
| 3. Latest developments and perspectives | 3 |
| 4. Summary of legislation | 4 |
| 5. International treaties | 7 |
| II. MEASURES AND REMEDIES | 7 |
| 1. Copyright infringement | 7 |
| 2. Remedies to protect copyright holders | 9 |
| 3. Provisional measures | 10 |
| 4. Penalties for copyright infringement | 10 |
| 5. Requirements for foreign persons | 11 |
| III. ENFORCEMENT | 11 |
| 1. Enforcement authorities | 11 |
| 2. Enforcement at the border | 11 |
| IV. PUBLIC AWARENESS | 12 |
| 1. Awareness campaigns and actions | 12 |
| 2. Promotion of legal exploitation | 12 |
| 3. Associations and organizations with awareness-raising purpose | 12 |
| 4. Best practices | 12 |
| V. CAPACITY-BUILDING | 12 |
| 1. Training | 12 |
| 2. Establishment of specialized units and intersectoral groups | 12 |

| | |
|----------------------|-----------|
| 3. Best practices | 13 |
| VI. OTHER | 13 |
| 1. TPM/DRM | 13 |
| 2. Licensing Schemes | 13 |
| 3. Optical Discs | 13 |
| 4. Hotlines | 13 |
| 5. Contact Details | 13 |

I. Legislation

1. Copyright laws

Copyright in Bosnia and Herzegovina is protected through International Agreements, the [Law on Copyright and Related Rights](#), The Law Establishing the Institute for Intellectual Protection of Bosnia and Herzegovina of 29/06/2004, and other legislation related to the enforcement of the provisions of the Copyright law.

The Law on Copyright and Related Rights was adopted by the Parliamentary Assembly of Bosnia and Herzegovina, at the session of the House of Peoples held on 21 March 2002 and at the session of the House of Representatives held on 12 March 2002.

The Law Establishing the Institute for Intellectual Protection of Bosnia and Herzegovina was adopted on 29/06/2004 and it specifies competences of the Institute, inter alia, in: administrative and professional jobs relating to the rights of authors on the works in the domain of literature, science, art, the rights of performers, phonograms and videograms producers, rights of broadcasting organizations, database producers, in accordance with the provisions of international conventions and treaties acceded or ratified by Bosnia and Herzegovina, and the laws and implementation regulations governing the supervision of the work of copyright collective management organizations.

2. Other laws

- The Law Establishing the Institute for Intellectual Protection of Bosnia and Herzegovina of 29/06/2004
- The Criminal Law of Bosnia and Herzegovina (hereinafter KZBiH), effective from 01/03/2003
- The Criminal Procedure Law of the Federation of Bosnia and Herzegovina, adopted on 21/11/2003
- The Law of Legal Enforcement of the Federation of Bosnia and Herzegovina of 18/07/2003
- The Misdemeanors Law of Bosnia and Herzegovina, adopted on 17/05/2004
- The Law of Obligations from 1978, taken over in 1992 by Bosnia and Herzegovina, as amended and updated
- The Communications Law, adopted on 02/09/2003

3. Latest developments and perspectives

The Law on Copyright and Related Rights is being reviewed.

The enactment of the [new Copyright and Related Rights Law in Bosnia and Herzegovina](#) is ongoing (hereinafter «Draft Law»). Its objective is the harmonization of that law with EC legislation and international conventions and treaties (i.e. Bern, Rome, Brussels Conventions, TRIPS, WCT, WPPT).

Some of the significant changes and amendments stipulated by the [Draft Law](#), as briefly expressed, would reflect the following:

- [Article 32 of the Draft Law](#) more closely regulates and highlights “making available to the public”, one of the provisions which relates to the exploitation of a work in digital form through Internet, which was almost hidden in Article 38 of ZAPSP/2002 until now.
- [Article 34 of the Draft Law](#) introduces the right of the author to remuneration for renting his work, except in favor of national libraries, libraries of public educational institutions and public specialized libraries.

- Article 36 of the Draft Law introduces the right of the author to special remuneration for private and other individual use of his work in the form of levies, which are included in the price of certain devices (machine levy), blank tapes (blank-tape levy) and fees of the persons dealing with photocopying against pay (operator levy).
- Article 107 of the Draft Law stipulates special additional protection for computer program, taking into consideration the high level of computer programs' piracy in the country. In particular, the mere possession of unlawful copies of computer programs is defined as copyright infringement, as well as the control of reproduction and distribution of pirated copies of computer programs.
- Under the Law on Copyright and Related rights in force (ZAPSP/2002), Related Rights govern solely the rights of performers, phonogram producers and broadcasting organizations. The Draft Law corrects such default and extends these rights to include rights of film producers, rights publishers and rights of database producers.
- Article 152 of the Draft Law introduces to the wording of the Draft Law a provision raising the level of legal protection in Bosnia and Herzegovina to the level required by the European legislation, in the manner that it defines «technical measures» and defines the circumvention of effective measures as the infringement of exclusive author's rights.
- Article 160 of the Draft Law governs particularly important provisional measures for securing non-monetary claims to a right holder even without preliminary notification and hearing of the opposite party (inaudita altera parte. The time frame for bringing an action to justify such measure may not be longer than 20 working days.
- Article 166 of the Draft Law regulates the situation where a right holder provides reasonable grounds to believe that importation or export of pirated goods will take place across the border, with his right to timely instigate the procedure in which a competent customs authority would make decision on keeping such goods in temporary custody and out of further circulation.
- Article 167 of the Draft Law governs the procedure following the retaining of goods in temporary custody in a manner as to allow the promptest and most efficient dealing with the situation. The mere fact that the person, who is the owner of such goods or who is authorized to keep such goods in possession, has not declared himself within ten working days is considered confession, whereas on the basis of such confession, the goods may be seized and destroyed. Such solution is by all means the right one, because it compels the infringer to certain activities, instead of the person whose right has been infringed.

4. Summary of legislation

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

Bosnia Herzegovina laws provide copyright owners with both exclusive economic and moral rights (Articles 29 to 49 of the Law on Copyright and Related Rights).

Exclusive rights of the Authors

- **Economic Rights**

Author's economic rights contain author's exclusive power to prohibit or authorize the exploitation of his work. The author has therefore the exclusive right to authorize the publication, reproduction, putting into circulation of the original or copies of the work, including the importation thereof, public performance, presentation, communication to the public, broadcasting, rental of the original or copies of the work, translation, adaptation, recitation or any other form of exploitation, unless otherwise provided by the Law on Copyright and Related Rights (Articles 30, 34 to 49 of the Law on Copyright and Related Rights).

- **Moral Rights**

Author's moral rights contain author's inalienable and untransferable power to decide when and in which form his work shall be published; be recognized and indicated as the creator of his work under his name, pseudonym or remain anonymous; oppose to any deformation, alteration, other modification or use of his work, which would be harmful to his honor or reputation (Article 31 of the Law on Copyright and Related Rights).

Exclusive right of the owners of neighboring rights

- **Performers rights**

Performers enjoy both exclusive economic and moral rights. The performer enjoys the exclusive right to authorize:

- radio or television broadcasting of his performance
- communication of his performance to the public by means of loud speakers or other technical devices outside the room or place of performance
- audio or visual or audio and visual fixation of his live performance
- direct or indirect reproduction of recorded performance in whole or in part
- putting into circulation the original or copies of recorded performance, including importation and rental thereof (Articles 95 and 96 of the Law on Copyright and Related Rights).

- **Phonogram Producers' rights**

Phonogram producers have the exclusive right to authorize the:

- reproduction of phonograms in whole or in part
- putting into circulation of original phonograms or copies thereof, including their importation and rental (Article 109 of the Law on Copyright and Related Rights).

- **Broadcasting Organizations**

Broadcasting organizations have the exclusive right to authorize the:

- wire or wireless rebroadcasting of their broadcasts
- fixation of their broadcasts
- reproduction and putting into circulation of thus reproduced copies of the fixations of their broadcasts (Article 110 of the Law on Copyright and Related Rights).

- *Exceptions and limitations to copyright / Permitted Acts in relation to copyright works*

Excluded from copyright protection are ideas, plans, procedures, working methods, mathematical operations, principles, discoveries; official texts from legislative, administrative and judicial areas and translation thereof; professional reports, referrals, and official acts or works (Article 10 of the Law on Copyright and Related Rights).

Limitations to exclusive rights are provided in Articles 50 to 53 of the Law on Copyright and Related Rights and include the reproduction, broadcast and performance of the work for educational purposes; publication of reviews of published works in an original and abridged form; reproduction of artistic works exhibited in parks, streets and squares under conditions; reproduction of published works for the purpose of personal education under specific conditions; reproduction of works exhibited at public exhibitions, fairs, etc. by the exhibitor in catalogues published for that purpose; citation provided *boni mores* are applied and source and author's name are indicated; use in judicial or administrative procedures; making a single copy or an adaptation of a lawfully obtained copy of a computer program for installing and running the programme into the computer memory; correcting errors in the program or make other necessary alterations in it; replacing a lost or

destroyed original copy (back-up copy) or for the sole purpose of achieving interoperability of an independently created computer program with other programs; and use by the media of speeches intended for the public for the purposes of reporting current events.

The reproduction in reader's books and textbooks of individual pieces of published works of several authors for educational and scientific purposes; and the reproduction in periodicals of current articles discussing general issues of public interest (unless expressly prohibited by the author) are permissible without the authorization of the author but subject to the payment of a remuneration and provided they are applied in an appropriate manner and that the source and the name of the author are clearly indicated.

Limitations to performers rights are available in Articles 97 and 98 of the Law on Copyright and Related Rights and include the use of the performance for the purposes of teaching and scientific research; use of short fragments of the performance in the reporting on current events; recording of the performance by the broadcasting organisation by means of its own recording facilities and for its own broadcasts (ephemeral recordings), provided that the said organization has been authorized to broadcast the performance.

- *Protection of foreign works*

In addition to the works of authors citizens or residents of Bosnia and Herzegovina wherever they are published, the protection of the copyright law covers works which are first published in Bosnia and Herzegovina; works which are first published in another country and then published in Bosnia and Herzegovina within 30 days from their publication in the other country; cinematography works whose producer has his headquarters or place of residence in Bosnia and Herzegovina; architectural or other artistic works located in the territory of Bosnia and Herzegovina as real estate or as integral part thereof; and works of foreign citizens, which have not been for the first time or simultaneously published in Bosnia and Herzegovina, but which fall within the framework of the obligations, which Bosnia and Herzegovina has assumed under international treaties or on the basis of de facto reciprocity (Article 5 of the Law on Copyright and Related rights).

In addition to performances of performers citizens or residents of Bosnia and Herzegovina wherever they take place, the copyright law protects also performances, phonograms and broadcasts which fall within the framework of the obligations which Bosnia and Herzegovina has assumed under international treaties or on the basis of the de facto reciprocity; phonograms of foreign producers which are first recorded in Bosnia and Herzegovina; phonograms whose producer has his headquarters or place of residence in Bosnia and Herzegovina; and broadcasts of foreign broadcasting organizations that broadcast through a transmitter in Bosnia and Herzegovina (Articles 94, 109 and 110 of the Law on Copyright and Related Rights).

- *Period of copyright protection*

The copyright is protected for the life of the author and 70 years from the 1st of January of the year following his death; 70 years from the 1st of January of the year following the date of the death of the last surviving author in the event of co-authored work; 70 years from the 1st of January of the year following the lawful publication for anonymous or pseudonymous works - or 70 years from the 1st of January of the year following the author's death when the pseudonym adopted by the author leaves no doubt as to his identity or if the author of an anonymous or pseudonymous work discloses his identity during the above mentioned period; and 70 years from the 1st of January of the year following the first publication for computer programs, databases and collective works when

the copyright holder is a legal person. Moral rights are protected in perpetuity (Articles 83 and 84 of the Law on Copyright and Related Rights).

Rights of performing artists last for 50 years from the end of the year following the fixation of the performance in a sound recording (phonogram) - or 50 years from the end of the year in which the performance took place should the performance have not been fixed on a sound recording; rights of producers of phonograms last for 50 years from the end of the year following the year of publication of the phonogram - or 50 years from the end of the year following the first fixation of the phonogram should the sound recording not have been published; rights of broadcasting organizations last for 50 years from the end of the year in which the broadcasting took place (Articles 104, 109 and 110 of the Law on Copyright and Related Rights).

The Law provides for a retroactive protection for all works and performances in respect of which property rights have not ceased to exist up to the day the Law on Copyright and Related Rights has entered into force; as well as for phonograms and performances fixed thereon, the first fixation of which took place within fifty years prior to the beginning of the calendar year in which the Law entered into force (Article 136 and 137 of the Law on Copyright and Related Rights).

- *Registration*

In Bosnia and Herzegovina, the registration / deposit of works is not a condition for copyright protection of such works. The author shall be entitled to copyright as from the moment of creation of author's work, regardless of fulfillment of any formalities (Article 12 of the Law on Copyright and Related Rights).

5. International treaties

Bosnia and Herzegovina 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](#)
- [Universal Copyright Convention](#)
- [Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#)
- [Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite](#)
- Cyber Crime Convention.

II. Measures and remedies

1. Copyright infringement

The Law on Copyright and Related Rights does not provide a clear definition about copyright infringement. However, it provides a number of acts which are penalized under this law and hence are considered to be infringing its provisions. These are found under Articles 120 to 124 of the Law on Copyright and Related Rights and include the following:

- publishing, presenting, performing, transmitting or otherwise communicating to the public under his/her own name or under the name of another person somebody else's work or allowing it to be done;
- publishing, presenting, performing, transmitting or otherwise communicating to the public somebody else's work on which the name or the pseudonym of the author is marked without indicating the name or the pseudonym of the author; or in an unlawful manner imports the parts of somebody else's work into his/her copyrighted work or allows it to be done;
- destroying, deforming, distorting or otherwise modifying somebody else's work without the author's authorization;
- publishing, presenting, performing, or otherwise communicating to the public a performance without indicating the name or the pseudonym of the performer, except where the author wants to be anonymous;
- destroying, deforming, distorting, mutilating or otherwise modifying the recorded performance without the performer's authorization;
- fixing on a material surface, reproducing, multiplying, distributing, renting, importing, bringing across the state border, presenting, performing, broadcasting, transmitting, making available to the public, translating, adapting, arranging, altering or using a work without the authorization of the author or the copyright holder, where such authorization is required;
- recording, reproducing, multiplying, distributing, renting, importing, bringing across the state border, presenting, performing, broadcasting, transmitting, making available to the public or using the performer's performance without the authorization of the performer or the person entitled to give authorization, where such authorization is required;
- importing, bringing across the state border, distributing, renting or allowing to others the use and exploitation of any kind of equipment or device whose sole or main purpose is to facilitate the unauthorized removal or circumvention of any technical device or computer program that is used for protection of the authors and performer's rights against unauthorized use;
- broadcasting, reproducing directly or indirectly a recording, distributing, renting, importing, bringing across the state border or making available to the public a recording without the authorization of the producer of recording, where such authorization is required;
- re-broadcasting or recording a show, reproducing or distributing the recording of the show without the authorization of the right holder with regard to the broadcast shows, where such authorization is required;
- manufacturing, assembling, modifying, importing, exporting, selling, renting or otherwise distributing a tangible or intangible device or system for decoding a signal without the authorization of the lawful distributor of the encrypted satellite signal, and knowing or having reason to know that the device or the system serves primarily for decoding an encrypted satellite signal;
- receiving an encrypted satellite signal that has been decoded without the authorization of its lawful distributor and further distributing such a signal, knowing or having reasons to know that such a signal is decoded without authorization.

Additional acts are punished by the Law as misdemeanors. They are found under Articles 125 to 133 of the Law on Copyright and Related Rights.

2. Remedies to protect copyright holders

In addition to administrative and civil protection of copyright, the legislation of Bosnia and Herzegovina also stipulates criminal protection of copyright, enforced either by means of starting an action in court by the author or his representative or by *ex officio* criminal prosecution by a competent prosecutor.

The Copyright law and the Criminal Law provide for a number of remedies that may apply for protecting copyright and neighboring rights holders in the case of violations of their rights. These remedies include the following:

- Provisional measures may be taken to prevent an imminent or continuation of infringement of copyright and related rights, including the provisional seizure or withdrawal from circulation of articles or means infringing the copyright or related right, or used for the infringement thereof, or which resulted from the infringement of the copyright or related right, or which may be used as evidence of the infringement of the copyright or related right; and the prohibition of the continuation of activities already started that would infringe copyright or related right or the prohibition of the continuation of activities infringing it (Article 115 of the Law on Copyright and Related Rights).
- Legal action may be instituted at the request of the author, the copyright or related rights holder, including fair and equitable civil judicial procedures (Article 111 of the Law on Copyrights and Related Rights).
- Prohibition of the defendant from engaging in certain preparatory acts, from the infringement itself and from future infringements (Article 112 of the Law on Copyright and Related Rights).
- Rectification by the defendant of the situation caused by the infringement and the restoration of the situation existing prior to the infringement (Article 112 of the Law on Copyright and Related Rights).
- Destruction or alteration of the unlawfully made copies of the work and their packaging, of a performance or of other subject matter protected by the Law on Copyright and Related rights; the matrixes, negatives, plates, moulds or other material that has been instrumental in the infringement; and devices whose sole or main purpose has been to make the infringements of the protected rights and which are owned by the infringer. In some cases the plaintiff may claim that the defendant or the owner thereof surrenders him/her the above mentioned copies or means, against reimbursement of the cost of their production (Article 112 of the Law on Copyright and Related Rights).
- Publication of the judgment in public media at the defendant's expense, to such extent and in such manner as the court may deem appropriate (Article 112 of the Law on Copyright and Related Rights).
- Payment of an agreed or the customary royalty or remuneration for intentional or through negligence illegal use of protected rights, increased by up to 200%, regardless of whether the plaintiff has suffered actual pecuniary damage on account of the infringement or not (Article 113 of the Law on Copyright and Related Rights).
- Payment of an equitable monetary satisfaction on account of the infringement of the plaintiff's moral rights, regardless of any pecuniary damages recovered, or even where no material loss has been suffered (Article 114 of the Law on Copyright and Related Rights).
- Payment of the costs of proceedings by the convicted person (the Criminal Law).
- Criminal sanctions may be imposed, in particular imprisonment for a minimum term of 30 days and a maximum term of five years; and/or a fine varying from KM 150 to KM 50.000 or up to KM 1.000.000, if criminal offences are committed out of greed (Articles 120 to 133 of the Law on Copyrights and Related Rights and the Criminal Law).

3. Provisional measures

Provisional measures in the case of copyright infringement are stipulated in Article 115 of the Law on Copyright and Related Rights, which stipulates that in the case where an authorized person shows justifiable grounds for the belief that his copyright or related rights are being infringed or that there is an imminent threat of infringement, the court may order:

- The temporary seizure or removal from circulation of objects or means infringing copyright or related rights or which are intended for the infringement thereof, or which resulted from the copyright or related rights infringement;
- The prohibition of the continuation of activities which may infringe copyright or related rights or the prohibition of the continuation of activities infringing copyright or related rights.

In all said cases, if there is a danger that the later submission of evidence about the infringement of copyright or related rights may be difficult or impossible to pursue or, if there is a danger of causing the damage difficult to repair, or if there is a likelihood that the aforementioned provisional measures would not be effective, the court shall order provisional measures without informing the opposite party. The procedure concerning the proposal to order provisional measures shall be urgent (Article 115 of the Law on Copyright and Related Rights).

4. Penalties for copyright infringement

- *In civil cases*

In the court proceedings for copyright infringement, upon the request of the plaintiff, the court may order in its ruling the prohibition of acts by which the defendant prepares or commits infringement and future infringements of rights; the rectification by the defendant of the situation caused by the infringement and restoration of the situation as it used to be before the infringement; destruction or alteration by the defendant of the copies of a work produced in an unlawful manner, the packaging of such work and copies of performance; infringing master copies, negatives, records, moulds or other means, as well as devices, which are exclusively or to a large extent intended for the infringement of the protected rights and which are owned by the infringer; publication of the court ruling in public media at the expense of the defendant in the manner and scope as ordered by court). Further, in the case of copyright infringement, the plaintiff may claim the payment of royalty or remuneration contracted or customary for such use, increased by up to 200%, regardless of whether the infringement caused him a damage or not. Regardless of indemnification for material damage and even in the absence of damage, the court may afford to the author or artist performer equitable monetary satisfaction for the infringement of his moral rights within the meaning of the provisions of the Law of Obligations governing monetary satisfaction for non-material damage (Articles 111 to 114 of the Law on Copyright and Related Rights).

- *For criminal offence in copyright cases*

Criminal offences of copyright infringement are sanctioned by imprisonment for a minimum term of 30 days and a maximum term of five years; and/or a fine varying from KM 150 to KM 50.000 or up to KM 1.000.000, if criminal offences are committed out of greed. According to the Criminal Law of Bosnia and Herzegovina, the defendant who is pronounced guilty is obligated to bear the costs of proceedings which include, *inter alia*, attorney's fees (Articles 120 to 133 of the Law on Copyrights and Related Rights and the Criminal Law).

5. Requirements for foreign persons

Foreign natural and legal persons, fulfilling the conditions for copyright protection of foreigners as stipulated by the Law on Copyright and Related Rights, may enforce their author's rights in person or through an agent (Articles 5, 86, 94, 109 and 110 of the Law on Copyright and Related Rights).

III. Enforcement

1. Enforcement authorities

a) Authorities responsible for enforcing the copyright law

The competent authority responsible for enforcing the copyright law is the Institute for Intellectual Protection of Bosnia and Herzegovina (Article 7 of the Law Establishing the Institute for Intellectual Protection of Bosnia and Herzegovina).

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

If there is evidence that a criminal offence (copyright infringement) has been committed, the prosecutor (state) must instigate criminal prosecution (Article 17 of the Criminal Law of Bosnia and Herzegovina).

c) Courts dealing with copyright cases

In the cases of civil protection of copyright, the courts of competent jurisdiction are municipal courts of both entities, out of which 27 are in the Federation of Bosnia and Herzegovina and 19 in the Republic of Srpska, whereas appellate courts are cantonal courts of the Federation of BiH seated in: Bihać, Tuzla, Travnik, Mostar, Široki Brijeg, Livno, Sarajevo, Zenica and Goražde, and District Courts in the Republic of Srpska seated in Banja Luka, Bijeljina, Doboj, Trebinje and Istočno Sarajevo. Misdemeanor and economic departments operate within municipal courts. These departments are competent in disputes arising in connection with copyright. The court of jurisdiction *ratione materiae* and territorial jurisdiction for the offences of copyright infringement is the Court of Bosnia and Herzegovina.

2. Enforcement at the border

In the case of suspected attempt to import or export the goods produced in contravention of the provisions of the Law on Copyright and Related Rights, the customs authority must inform the right holder about it. If the right holder shows justifiable grounds for the belief that the import or export of such goods would infringe his exclusive right stipulated by the Law on Copyright and Related Rights, the customs authority shall order temporary custody of such goods and inform the right holder and authorized possessor of such goods/importer about it without delay.

The customs authority shall inform the applicant on the origin, quantity and location where the goods are stored and the address of the person authorised to dispose the goods. The applicant shall provide the customs authority to check the goods if it does not breach the business secret or secret of the company.

The customs authority shall order the seizure of the goods if the complaint is not filed within maximum of 14 days after the receipt of the information (such an «act» of the right holder is transferred under the Draft Law onto the infringer of right). The customs authority shall promptly

inform the applicant on the complaint of the person authorized to dispose goods against the goods seizure and the applicant shall promptly answer whether he upholds the request.

If the applicant withdraws the request the customs authority shall withdraw the goods seizure order.

If the applicant supports the request and forwards the enforceable court ruling ordering the storing of the seized goods the customs authority shall take necessary steps.

If the applicant fails to act in line with the Paragraph above the custom authority shall revoke goods seizure order within 10 days as of the delivery of the information to the applicant.

If the applicant proves that the court ruling is requested in line with Paragraph above, but court ruling is not delivered, the delay shall be extended for maximum of 10 days.

If it shows that the goods seizure order was ungrounded and that the applicant supported his/her goods seizure request or has not immediately stated in regard to the seizure, the applicant shall be obliged to compensate the person authorized to dispose goods for the damage caused (Articles 115 to 119 of the Law on Copyright and Related Rights).

IV. Public Awareness

- 1. Awareness campaigns and actions**
- 2. Promotion of legal exploitation**
- 3. Associations and organizations with awareness-raising purpose**
- 4. Best practices**

In 2006, the collective management organization „Sine Qua Non“ www.sqn.ba ran the campaign „Let's Stop Organized Crime“ „Say Stop to Piracy“ in cooperation with the Association of Film Workers of Bosnia and Herzegovina“

V. Capacity-building

1. Training

The implementation of CARDS 2006 Project „Capacity Building in Protection of Intellectual Property in BiH“ is ongoing in Bosnia and Herzegovina. The ultimate objective of the Project is the improvement of the legal framework of intellectual property protection in Bosnia and Herzegovina. The main beneficiary of the Project is the Institute for Intellectual Property of Bosnia and Herzegovina. Apart from private and public sectors, the Project includes organizations for the collective management of copyright and related rights, whose work is under the supervision of the Institute for Intellectual Property of Bosnia and Herzegovina.

2. Establishment of specialized units and intersectoral groups

3. Best practices

As to the final judgments of the Court of Bosnia and Herzegovina relating to copyright infringement, the judgment of 2007 in the matter of a criminal offence involving unlawful use of copyrighted works, that is the communication to the public of a work of architecture through catalogues, is of great importance as it sentenced a legal entity and a manager of a legal entity by a fine for publishing disputed catalogues.

VI. Other

1. TPM/DRM

The Copyright Law provides protection for Technological Protection Measures (TPM) and Rights-Management Information through imposing criminal sanctions on any person who commits any of the following acts:

- importing, bringing across the state border, distributing, renting or allowing to others the use and exploitation of any kind of equipment or device whose sole or main purpose is to facilitate the unauthorized removal or circumvention of any technical device or computer program that is used for protection of the authors and performer's rights against unauthorized use;
- manufacturing, assembling, modifying, importing, exporting, selling, renting or otherwise distributing a tangible or intangible device or system for decoding a signal without the authorization of the lawful distributor of the encrypted satellite signal, and knowing or having reason to know that the device or the system serves primarily for decoding an encrypted satellite signal;
- receiving an encrypted satellite signal that has been decoded without the authorization of its lawful distributor and further distributing such a signal, knowing or having reasons to know that such a signal is decoded without authorization.

The new Law on Copyright and Related Right will include specific provisions on the protection of Technological Protection Measures and the Protection of Rights-Management Information (including a definition of such measures) in addition to provisions penalizing the violation of such acts (Articles 152, 153 and 170 of the Draft Law on Copyright and Related Rights).

2. Licensing Schemes

3. Optical Discs

4. Hotlines

5. Contact Details

Collective management organization „Sine Qua Non“

Website: www.sqn.ba

E-mail: sqn@bih.net.ba

UZUS u.g.

Website: www.uzus.ba

E-mail: uzus@bih.net.ba