

REGULATION NO. 2006/46

ON THE PROMULGATION
OF THE LAW ON COPYRIGHT AND RELATED RIGHTS
ADOPTED BY THE ASSEMBLY OF KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution (UNSCR) 1244 (1999) of 10 June 1999,

In conformity with Chapter 8 and sections 9.1.44 and 9.1.45 of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001),

Taking into account a communication from the President of the Assembly of Kosovo, dated 12 July 2006 concerning the Law on Copyright and Related Rights adopted by the Assembly of Kosovo on 29 June 2006,

Noting that the provisions of the Law shall be without prejudice to the authority of the Special Representative of the Secretary-General under UNSCR 1244 (1999) or his reserved powers and responsibilities under the Constitutional Framework for Provisional Self-Government in Kosovo,

Hereby promulgates, effective as of the date of signature, the Law on Copyright and Related Rights (Law No. 2004/45) adopted by the Assembly of Kosovo attached to the present Regulation, provided that

(a) In Article 4, at the end of the definition “possessor” the words “right of an author” shall be replaced by “original work or a copy of the original work”;

(b) In Article 26.2 and 26.3 the word “life” shall be replaced by “live”;

(c) In Article 36.2 the word “demand” shall be replaced by “request”. At the end of the provision the words “based on arrangements that may be agreed by the parties” shall be added; in Article 36.3 the words “who has rights over the original work” shall be added after the word “possessor”;

(d) In Articles 40.3, 41.1 and 176.6 “society”, in Article 175.1 c) “organization” and in Article 178.1, 178.2 “organizations” shall be replaced by the word “association” and “associations” respectively. Throughout the Law the words “collective association”, “collective associations” and in Article 210 “collective agency” shall be replaced by the words “collecting association” and “collecting associations” respectively;

(e) The definitions of the terms “phonogram” in Article 141.2, “videogram” in Article 146.2 and “broadcaster” in Article 150 shall be deleted;

(f) In Article 169.2 and 222.6 the word “regulations” shall be replaced by “administrative instructions”;

(g) In Article 171, sub-paragraph e) the words “Article 173 of” shall be deleted.

(h) In Article 176.1 the words “copyright and” shall be added before “related rights” and in Article 176.1 b) the word “and” shall be added between “copyright” and “of related rights”;

(i) The provisions of Articles 196 and Article 198 which at this time are outside the legislative competence of the PISG shall be enforced in co-ordination with the competent law enforcement authorities and implemented in accordance with the applicable law, including the provisions of the Customs Code of Kosovo (UNMIK Regulation No. 2004/1) and any additional legislation that may need to be established in this area;

(j) The provisions of Chapter 1 of Part VI which at this time are outside the legislative competence of the PISG shall be enforced in co-ordination with the competent law enforcement authorities and implemented in accordance with the applicable law, including the provisions of the Provisional Criminal Code of Kosovo (UNMIK Regulation No. 2003/25, as amended) and any additional legislation that may need to be established in this area;

(k) The heading of Part VI “Criminal provisions” shall be replaced by “Administrative Violations”. The heading of Chapter 2 of Part VI “Misdemeanors” shall be replaced by “Administrative Sanctions”;

(l) In Articles 207-213 the word “misdemeanor” or “misdemeanors” shall be replaced by the words “administrative violation” and “administrative violations” respectively;

(m) At the end of Article 211 and in Article 213.1 after “he may” the words “in conformity with the applicable law and any additional legislation that may need to be established in this area” shall be added; in Article 213.1 the word “body” shall be added after “inspection”; in Article 213.2 the words “along with the writ for the

initiation of a misdemeanor proceedings, to the Municipal court for Misdemeanors” shall be replaced by “to the competent authorities for appropriate action”;

(n) In Article 216.1 c) and d) the words “and videograms” shall be added after “phonograms”;

(o) In Article 222.3 the word “regulations” shall be replaced by “legislation”;

(p) In Article 222.5 the word “not” shall be added before “being”.

These changes shall be reflected in the final official text of the Law.

Signed on this 24th day of August 2006.

Steven P. Schook
Acting Special Representative of the Secretary-General