

84/2007 Coll.

ACT
of 6 February 2007,

which amends and supplements Act No. 618/2003 Coll. on copyright and rights related to copyright (Copyright Act) and on the amendment to and supplementing of some acts

The National Council of the Slovak Republic adopted a resolution regarding this Act:

ARTICLE I

Act No. 618/2003 Coll. copyright and rights related to copyright (Copyright Act) was changed and amended as follows:

1. In S. 4 letter b) the words “a broadcaster and a publisher” shall be replaced by words “a broadcaster or a publisher”.

2. In S. 5 par. 2 the full stop at the end of the first sentence shall be replaced by a semicolon and the following words shall be added: “the original of an audiovisual work is the first audiovisual recording of this work designated to be performed in public.”.

3. In S. 5 par. 14 the word “mean” is followed by the word “also”.

4. In S. 5 par. 20, the full stop at the end shall be replaced by a semicolon and the following words shall be added: “the producer of the original audiovisual work is the producer of the sound and images recording of this work.”.

5. In S. 5, wording of par. 25 shall read as follows:

“(25) Phonogram is a fixation of sounds, which are perceivable by hearing, regardless of the manner of recording and the medium at which these sounds are recorded; the phonogram contained in the audiovisual recording shall not be deemed to be a phonogram.”.

6. In S. 10, par. 3 are deleted.

7. In S. 15 par. 2, the words “and as subjects of copyright are included therein” are deleted.

8. In S. 18 par. 7, the words “of the sound and images recording of this work” are replaced by the words “of the original audiovisual work” and the word “in advance” shall be deleted.

9. S. 19 including its heading shall read as follows:

"Section 19

Right to remuneration on the resale of the original work of visual arts

(1) Where the original work of visual arts which has been transferred by its author into the ownership of another person is resold, the author shall be entitled to the remuneration for every resale of this original work, if the sale is being participated by an auctioneer, organizer of sales exhibitions, gallery operator or other person undertaking in the business with artistic works (hereinafter referred to as “art

dealer “) in the position of a seller, purchaser or agent; the copyright is not transferable and the author cannot waive this right.

(2) The art dealer shall be obliged to pay the author a remuneration pursuant to par. 1 by means of the collective management organization which had been granted authorization to execute collective management of right to remuneration in the case of resale of the original work of visual arts in the territory of the Slovak Republic (S. 78 par. 3); the collective management organization is obliged to enable the art dealer to consult the register of contractually represented right holders or the register of subject-matters [S. 81 par. 1 letter e) a f)].

(3) Remuneration pursuant to par. 1, paid by the art dealer to the collective management organization pursuant to par. 2 of the purchase price exceeding EUR 1,000 EUR is in the amount of

- a) 5% of a sales price not exceeding EUR 3,000;
- b) 4% of a sales price exceeding EUR 3,000 not exceeding EUR 50,000;
- c) 3% of a sales price exceeding EUR 50,000 not exceeding EUR 200,000;
- d) 1% of a sales price exceeding EUR 200,000 not exceeding EUR 350,000;
- e) 0.5% of a sales price exceeding EUR 350,000 not exceeding EUR 500,000;
- f) 0.25% of a sales price exceeding EUR 500,000; however, the total remuneration must not exceed EUR 12,500.

(4) The value added tax shall not be included into the basis of calculation of remuneration pursuant to par. 3, if the original work of visual arts was sold for a purchase price that included the value added tax.

(5) The art dealer shall be obliged to report the collective management organization, pursuant to par. 2, every resale carried out by the art dealer and to pay remuneration to the collective management organization calculated pursuant to par. 3, namely at the latest by the end of January of the following calendar year following the year in which the sale was carried out; the obligation to notify shall apply to the specification of the sold original work and to the information on the purchase price pursuant to par. 3. The collective management organization pursuant to par. 2 or the author are entitled to request the art dealer who carried out the resale or who participated in the resale, any information which is necessary for verification of the calculation of the remuneration payment pursuant to par. 3, namely within three years from the year on which the resale was made.

(6) The right to remuneration pursuant to par. 1 shall not apply in cases of resale if the art dealer has obtained the original work of arts directly from the author within three years prior its resale and the purchase price of the original work of arts in case of this sale will not exceed EUR 10,000.

(7) For the purposes of the application of the right to remuneration pursuant to par. 1, the original work of visual arts shall mean, namely, painting, drawing, collage, tapestry, engraving, lithography or other graphics, sculpture, ceramics, glass, jewellery work protected by copyright, photograph or other work of visual art if it was created by the author himself, or a reproduction thereof commonly deemed to be an original. A reproduction which is deemed to be the original work is a copy made in a limited number of pieces by the author himself or with the author’s approval; such a reproduction must properly be figured with a number and signed or otherwise marked by the author.

(8) The right to remuneration pursuant to par. 1 shall neither apply to architectural work expressed by a structure nor to a work of applied arts, if they are not the original work or its copy, which is deemed to be the original work; right pursuant to par. 1 shall apply neither to the manuscripts of a composer nor a writer.”.

10. In S. 21 par. 2, the words “joint work that was created” are replaced by words “joint works created” and comma after the word “interconnection” is deleted.

11. In S. 23 par 1, the words “to the territory of the Slovak Republic” are replaced by the words “to the territory of the European Union member state (hereinafter referred to as "member state ") or a state of the Agreement on the European Economic Area (hereinafter referred to as "EEA state ")” and the words “in the territory of the Slovak Republic” are replaced by the words “in the territory of a member state or an EEA state”.

12. In S. 24, par. 6 to 9 shall read as follows:

“(6) The compensation of remuneration pursuant to par. 4 and 5 through the collective management organization (S. 79), for

a) a blank recording medium usually used for reproductions pursuant to par. 1, shall be paid by its manufacturer, recipient from a member state (hereinafter referred to as "recipient "), importer from a third country (hereinafter referred to as "importer ") or another person who will launch it for the purpose of sale for the first time on the market in the Slovak Republic, namely 6% of the purchase price or the import price of such a medium;

b) a technical device designated for the manufacturing of the duplication of phonograms or audiovisual recordings shall pay its manufacturer, recipient, importer or another person who will launch it for the purpose of sale for the first time on the market in the Slovak Republic, namely 3% of the selling price or the import price of such a device;

c) a reprographic equipment or other technical engineering equipment designated for the manufacturing of the reproductions shall pay its manufacturer, recipient, importer or another person who will launch it for the purpose of sale for the first time on the market in the Slovak Republic, namely 3% of the purchase price or the import price of such an equipment; if the equipment forms an integral part of the object, the compensation of remuneration shall be paid of the aliquot part of the purchase price or the import price of such an object;

d) personal computer shall pay its manufacturer, recipient, importer or another person who will launch it for the purpose of sale for the first time on the market in the Slovak Republic, namely 0.5% of the purchase price or the import price of the hard disc built in the personal computer; for such an equipment, the compensation of remuneration pursuant to letter c) shall not be paid;

e) paid reproduction services shall pay their provider, namely 3% of the net income for these services;

f) a medium pursuant to letter a), technical device pursuant to letter b) or equipment pursuant to letter c) or d) shall pay its seller, consignor or carrier if he fails to report the relevant collective management organization at its formal notice the data necessary for identification of the manufacturer, recipient, importer or other person who has launched such a medium, technical device or equipment for the purpose of sale for the first time on the market in the Slovak Republic, namely percentage ratio pursuant to letters a) to d).

(7) The compensation of remuneration shall not be paid for a medium pursuant to par. 6 letter a), a technical device pursuant to par. 6 letter b) or equipment pursuant to par. 6 letter c) or d), which for the purpose of resale are exported into third countries or sent into a member state. The compensation of remuneration shall also not be paid for a medium, a technical device or equipment, which exclusively will be used for the personal use of the importer or recipient.

(8) The compensation of remuneration pursuant to par. 6 shall be paid to the relevant collective management organization at the first sale of a medium, a technical device or an equipment or import or receipt of the above, namely on a quarterly basis by the end of the first month of the following quarter.

(9) Persons pursuant to par. 6 shall submit the relevant collective management organization information regarding the type, quantity and import price or sale price of imported, accepted or sold mediums, technical devices or equipment, or data regarding the total revenue for reproduction services; failure to fulfil this obligation even within the supplementary period granted by the relevant collective management organization shall result in the increase of the compensation of remuneration by double the initial rate.”.

13. In S. 30 par. 1 letter b), the word “at” is preceded by the word „work“.

14. In S. 33 par. 1 letter a), the comma after the word “media” is deleted and the words “about up-to-date themes or questions of economical, political or religious character” are replaced by the words “about up-to-date events or themes of economical, political or other social character”.

15. S. 45 including its heading shall read as follows:

“Section 45

Remuneration

(1) The agreed upon remuneration must be in accordance with the manner, scope, purpose and time at which the work was used.

(2) If remuneration was agreed upon depending on the revenues resulting from the utilization of the licence, the licensee shall be obliged to enable the author the audit of his accounting records or other documentation necessary to determine the remuneration. If in this case the licensee provides the author information marked by the licensee as confidential, the author must neither pass such information onto a third person nor use such information for himself contrary to the purpose for which the information was submitted to him.

(3) If remuneration was agreed upon depending on the revenues resulting from the utilization of the licence, the licensee shall be obliged to submit the author, at least once a year, information regarding the revenues resulting from the utilization of the licence separately for each manner of use of the work and simultaneously, the licensee shall be obliged to submit the author the remuneration accounting statement, if not agreed otherwise.”.

16. The hitherto text of S. 54 is marked as par. 1 and is supplemented by par. 2 and shall read as follows:

"(2) If the work is neither signed with a name nor with a pseudonym pursuant to par. 1, or such marking of the work is not possible and nothing else was proven, the natural person whose name is given as the author of the work in the works register of the relevant collective management organization [S. 81

par. 1 letter f)] or in the works register pursuant to special regulations 9a) is deemed to be the author".

Footnote to reference 9a shall read as follows:

"9a) For example S. 24 par. 1 letter k) and S. 31 par. 2 letter l) of Act of the National Council of the Slovak Republic No. 138/1992 Coll. on Authorised Architects and Authorised Civil Engineers, as amended by the National Council of the Slovak Republic."

17. S. 55 including its heading shall read as follows:

"Section 55

Audiovisual work

(1) Declaration on an audiovisual work and on rights related to this work including rights concerning its use and entered in the international register of audiovisual works ⁹⁾ shall be deemed to be true up to the moment until something different is proven, with the exception if the declaration

a) cannot be true pursuant to this Act, or

b) it contradicts other declaration specified in the international register.

(2) If not agreed otherwise, economic rights of authors to an audiovisual work are exercised by the producer of the original audiovisual work, if, on the basis of an agreement in writing, has obtained a permit to manufacture originals of this work from authors of the original audiovisual work and if he has agreed upon the remuneration for manufacturing the work with the authors and the remuneration and of its determination separately for the individual use of this work pursuant to S. 18 par. 2; for the use of work provisions of S. 45 shall appropriately apply to the agreement on remuneration.

(3) If the producer of an original audiovisual work is exercising economic rights of authors to an audiovisual work pursuant to par. 2, it shall apply that he also has obtained rights to use this work in original wording, dubbed or supplemented by subtitles, and also to use images created in connection with producing its original (a part of audiovisual work), namely with the possibility to grant a licence to use this work to a third person; provisions of S. 50 par. 1 to 3 shall apply accordingly."

18. S. 56 and 57 shall read as follows:

"Section 56

(1) The author the rights of who were infringed upon unlawfully or the rights of who are in jeopardy to be infringed unlawfully, may especially request

a) the determination of his authorship,

b) prohibiting jeopardising of his rights including the prohibiting to repeat such jeopardising, namely including against a person who indirectly participated in jeopardising these rights;

c) prohibiting unlawful infringement of his rights, namely including against a person who indirectly participated in jeopardising of these rights including prohibition pursuant to S. 59 and 60;

d) to be given information regarding the origin of the copy of work or counterfeit of work, about the manner and scope of its use and about services infringing the copyrights, including

1. data about the owner, publisher, manufacturer, distributor, supplier or seller of such a copy of work or

counterfeit of work or about the provider of services;

2. data about the issued, produced, delivered, provided, accepted or ordered amount or the price of such a copy of work, counterfeit of work or service;

e) removal of consequences resulting from the infringement of the right, at the cost of the person who unlawfully infringed or jeopardized with unlawful infringement, namely

1. by destruction of unlawfully manufactured copy of work or counterfeit of work, by its withdrawal from circulation or from other form of use, or

2. by destruction of material, tools and aids pursuant to S. 59 and 60 used for carrying out the unlawful infringement or jeopardy of unlawful infringement, by their withdrawal from circulation or from other form of use;

f) compensation of loss pursuant to special regulations. ^{9b)}

(2) The author, who at the exercise of mandatory collective management of his economic rights to a work is not contractually represented by the relevant collective management organization, may demand the payment of remuneration or equitable remuneration if his work was used, or the payment of the compensation of remuneration from the relevant collective management organization or other person, who is obliged to create a reserve fund pursuant to this Act for such purposes; the above shall not prejudice the entitlements of the author resulting from unauthorised use of the work.

(3) Information pursuant to par. 1 letter d) shall also be provided by the person, who

a) has in his possession a copy of work or counterfeit of work;

b) makes use of services violating the copyright;

c) provides services used for violating the copyrights;

d) was named by a person specified in letters a) to c) as the person who participated in the production, alteration or distribution of a copy of work, counterfeit of work or in providing services violating the copyright.

Section 57

(1) Entitlements pursuant to S. 56, apart from the author may also claim the licensee of an exclusive licence or a person, who has economic rights to a work or who was entrusted with the execution of administration of the author's economic rights.

(2) If the author or a person having economic rights to a work will grant another person a licence on an exclusive basis or if another person is entrusted with the execution of administration of the author's economic rights on the basis of law, the right to claim entitlements pursuant to S. 56 par. 1 letter b) to e) shall have only this particular person; the copyright or the right of a person who has economic right to the work to claim other entitlements including the entitlements resulting from the use of the work exceeding the extent of the licence on an exclusive basis shall remain unprejudiced.”.

Footnote to reference 9b shall read as follows:

"9b) the Civil Code."

19. In S. 58 par. 2 word "import" is followed by words "or receipt".

20. In S. 63 par. 3 the words "of the Slovak Republic" are replaced by the words "of a member state or an EEA state".

21. In S. 63 par. 4 the word "in advance" is deleted.

22. In S. 63 par. 5 the words "At the exercise of" are replaced by the words "If not agreed otherwise, at the exercise of".

23. In S. 64 par. 3 the words "Slovak Republic" are replaced by the words "a member state or an EEA state".

24. In S. 64 par. 5 shall read as follows:

"(5) The rights of a producer of phonograms pursuant to par. 1 and 2 shall run for 50 years from the creation of a of phonogram. If the of phonogram is released during this period, by its release, the rights of the producer of a phonogram shall terminate by expiry after 50 years from the time when such release occurred. If the phonogram is not released by its publishing during the time period pursuant to the first sentence, but it will be released in another manner, the rights of the producer of a phonogram shall terminate by expiry after 50 years from the time when such release occurred."

25. In S. 66 par. 3 the words "Slovak Republic" are replaced by the words "a member state or an EEA state".

26. In S. 68 par. 3 the words "Slovak Republic" are replaced by the words "a member state or an EEA state".

27. In S. 69 par. 1 the words "S. 28 par. 1, 3 and 4, S. 30 par. 1 letter a) and par. 2 and 3, S. 31, S. 33 par. 1 letter a) b) and d), par. 2 and 3 and S. 38." are replaced by the words "S. 28 par. 1, 3 and 4, S. 29, S. 30 par. 1 letter a) and b) and par. 2 and 3, S. 32, S. 33 par. 1 letter a), b) and d), par. 2 and 3, S. 34 and 38."

28. In S. 71 par. 1 the words "S. 39 to 49, S. 53, 54, 56 to 61" are replaced by the words "S. 39 to 51, S. 53 to 61".

29. In S. 71 par. 2 the words "S. 39 to 49," are followed by the words "S. 51," and the words "S. 53, 54, 56 to 61" are replaced by the words "53 to 61".

30. In S. 78 par. 2 letter b) words "S. 50" are followed by words "a 55".

31. In S. 78 par. 2 the following sentence is attached to the end:

"The exercise of collective management is not a temporary representation of right holders at the execution of their economic rights, if other than collective management of these rights is also permitted."

32. In S. 78 par. 3 letter e) the word "the right" is followed by the words "of the author or the performing artist".

33. S. 78 par. 3 is supplemented by letter f) and shall read as follows:

"f) the right of the author or the performing artist to appropriate remuneration for lending (S. 18 par. 7 and S. 63 par. 4)."

34. S. 78 par. 4 is supplemented by letter i) and shall read as follows:

"i) use of the subject-matter for which appropriate remuneration is paid."

35. heading under S. 80 shall read as follows:

"Granting and termination of authorisation".

36. In S. 80 par. 3 letter b) shall read as follows:

"b) a document proving the membership or a promise of membership in an international organisation and a written statement from at least three international organisations executing collective management that they have a binding interest in contractual cooperation with the applicant, or a list of at least 150 persons from at least three other member states who showed a binding interest in collective management of their rights by the applicant,".

37. In S. 80 par. 3 the letter d) is followed by a new letter e) and f) and shall read as follows:

"e) a sample of draft contract on representation of rights holders at performing collective management,

f) a remuneration proposal regarding individual manners of use of subject-matters,".

The up to now letters e) and f) are marked as letters g) and h).

38. In S. 80 par. 7 the letter a) is followed by a new letter b) and shall read as follows:

"b) who is applying for an authorisation for rights and to such a subject of these rights, and in case of works – then such a type, in which case the collective management is practical,".

The up to now letter b) is marked as letter c).

39. S. 80 is supplemented by par. 10 and shall read as follows:

"(10) The authorisation shall expire by dissolution of the legal entity to which the authorisation was granted, or on the basis of a decision of the Ministry regarding withdrawal of authorisation (S. 83 par. 9)."

40. In S. 81 par. 1 letter h) Article Two, the word "remuneration" is followed by comma and words "equitable remuneration".

41. In S. 81 par. 1 letter j) the word "remuneration" is followed by the words "equitable remuneration,".

42. In S. 81 par. 1 letter k) the words "collected remuneration," are followed by the words "equitable remuneration," and the words "remuneration paid out" is followed by a comma and the words "equitable remuneration, compensation of remuneration".

43. In S. 81 par. 1 letter m), the words "collected remuneration," are followed by the words "equitable remuneration,".

44. In S. 81 par. 1 letter o), the words "annual report" are followed by the words "verified by an auditor".

45. In S. 81 par. 1 letter p) the words "S. 5" are replaced by the words "S. 80".

46. In S. 81 par. 1 letter r) Article One, the words "S. 80 par. 3" are replaced by the words "S. 80 par. 3 and 4".

47. In S. 81 par. 1 letter s) the words "and equitable remuneration" are attached at the end.

48. In S. 81 par. 4 third sentence, the words "the agreements concluded by it in the execution of collective management" are followed by a comma and the words "also statutory obligations of persons obliged to make the payment of compensation of remuneration". The text after the semicolon shall read as follows: "the user or other party to such an agreement and also the person obliged to pay compensation of remuneration, shall be obliged to allow the collective management organization the execution of such activity."

49. In S. 81 par. 5 and 6 shall read as follows:

"(5) If the operator of premises or other area provides his premises or other area to an organizer of public-cultural performances for public performance or public transmission of a musical work or artistic performance, this operator shall be deemed to be the user of the musical work or artistic performance, if he fails to report to the collective management organization the data necessary for the identification of the organizer of the said public-cultural performance.

(6) In case of public performance of a musical work, the organizer of the public-cultural performance shall, at the latest within 10 days before the performance, inform the relevant collective management organization of the programme of the performance, listing the names of the authors and titles of all works that are to be produced; if the organizer fails to report the above facts to the collective management organization, the presumption is that only such works will be performed with regard to public performance of which the collective management organization has been administering the rights."

50. In S. 82 par. 7 the words "If rights to any subject-matters" are replaced by the words "If any rights pursuant to S. 78 par. 3".

51. In S. 82 par. 8 the words "replaces a written confirmation proving the conclusion of a contract with the collective management organization and written statement or consent regarding the use of subject-matters submitted pursuant to special provision. 12)" are replaced by the words "are other documents proving the conclusion of a contract with the collective management organization, which must be submitted (*by the user*) or by which he shall prove the fulfilment of obligations pursuant to special provision. 12)".

Footnote to reference 12 shall read as follows:

"12) S. 16 letter f), S. 17 par. 1 letter c), S. 46 par. 2 letter d), S. 57 par. 2 letter d) of Act No. 308/2000 Coll. on Broadcasting and Retransmission and on the amendment to Act No. 195/2000 Coll. on Telecommunication, as amended."

52. S. 83 including its heading shall read as follows:

"Section 83

Supervision by the Ministry

(1) The Ministry is performing the supervision over the execution of collective rights management organization by verifying the fulfilment of obligations by the collective management organization at the execution of collective management, and also over obtaining and analysing information and background records connected with the execution of collective management .

(2) The Ministry, at performing the supervision pursuant to par. 1, shall be entitled

- a) to request information, documents or other background records necessary for the proper carrying out of supervision from the collective management organization, and also from other persons who disposes or who could dispose with such information or background papers;
- b) to ascertain whether the collective management organization is fulfilling its obligations pursuant to S. 81 par. 1 to 3;
- c) to fix a suitable period of time for the rectification of found faults to the collective management organization;
- d) to impose a fine;
- e) to withdraw authorization.

(3) The collective management organization or other person is obliged to provide the Ministry true and complete information or background papers and co-operation, namely in the extent necessary for the performance of supervision pursuant to par. 1 and within the time period stipulated by the Ministry.

(4) If the collective management organization or other person fails to fulfil obligations pursuant to par. 3, the Ministry may impose a procedural fine up to SKK 50,000, namely also repeatedly.

(5) If the Ministry ascertains that the collective management organization has violated any of its obligations pursuant to S. 81 par. 1 to 3, the Ministry will impose a fine to the above up to SKK 500,000.

(6) If the Ministry ascertains that the collective management organization or other person has been carrying out the collective management without authorisation, the Ministry will impose a fine to the above from SKK 5,000 to SKK 1,000,000.

(7) The Ministry will withdraw the authorisation, if

- a) the authorization was granted on the basis of false data;
- b) the collective management organization ceased to fulfil the conditions for granting of authorization and it did not remedy the matter within an adequate period of time stipulated by the Ministry, or it is not possible to remedy the matter; or
- c) the collective management organization has so applied.

(8) The Ministry may withdraw the authorisation also if the collective management organization has seriously and repeatedly violated obligations pursuant to par. 3 or any obligation pursuant to S. 81 par. 1 to 3.

(9) Authorisation withdrawn pursuant to par. 7 letter a) or b) or par. 8 shall terminate on the day

stipulated in the decision on withdrawal of authorization, however at the latest on the day on which the decision becomes valid. Authorization withdrawn pursuant to par. 7 letter c) shall cease on the last day of the calendar month in which elapses a six-month period from the day on which the application was submitted to the Ministry, however not before the day on which the decision regarding withdrawal of authorization comes into force.

(10) Provision of S. 80 par. 6 shall reasonably be applied to proceedings on withdrawal of authorization pursuant to par. 7 letter c).

(11) The Proceedings on imposition of a penalty may be commenced within one year from the day on which the Ministry has learned about the violation of obligations imposed by this Act. At determining the fine amount, the Ministry will take into consideration the gravity and consequences of the violation of obligations.

(12) By imposing a fine, the obligations for the violation which the fine was imposed shall not be forfeited.

(13) The fine imposed by the Ministry is due within 30 days from the day on which the decision, by which the fine was imposed, comes into force. Fine revenues are the state budget income.”.

53. In S. 85 par. 3, the words "pursuant to S. 83 par. 1 letter c)" are deleted.

54. S. 86 is preceded by heading of Part Six and shall read as follows:

**"PART SIX
COMMON, TRANSITORY AND FINAL PROVISIONS".**

55. S. 86 including its heading shall read as follows:

"Section 86

Common provisions

(1) Rights recognized to citizens of the Slovak Republic pursuant to this Act shall also apply to citizens of other member states or EEA states.

(2) Rights recognized pursuant to this Act to a producer of phonograms, audiovisual recording producer, broadcaster, publisher of a work not released before or maker of a database having his registered office in the territory of the Slovak Republic shall also apply to a producer of phonograms, audiovisual recording producer, broadcaster, publisher of a work not released before or maker of a database having his registered office in the territory of a member state or EEA state.

(3) The protection of rights pursuant to this Act shall also apply to a subject-matter of which the country of origin is another member state or EEA state.

(4) The general provision on administrative proceedings¹³⁾ shall apply to proceedings pursuant to S. 80 and 83, if not stipulated otherwise by this Act.

(5) The equivalent of a sum expressed in EUR pursuant to S. 19 is the sum expressed in Slovak crowns according to the exchange rate of the National Bank of Slovakia fixed as of the day on which the

resale is carried out.”.

56. The following heading preceding S. 87 is deleted:

**"PART SIX
TRANSITORY AND FINAL PROVISIONS".**

57. S. 87 is followed by S. 87a and shall read as follows:

"Section 87a

(1) Legal relations arisen prior 1 March 2007 shall also be regulated by provisions of this Act; commencement of these legal relations including claims arisen therefrom and rights resulting from the responsibility for violation of contracts concluded prior 1 March 2007 shall be assessed according to legal regulations in force to 1 March 2007.

(2) Term of duration of economic rights of a producer of phonograms to the phonogram and the audiovisual recording producer to audiovisual recording that have not passed as of 1 March 2007, shall be governed by this Act also if the period commenced prior 1 March 2007. Provisions of S. 64 par. 5 and S. 70 of this Act shall also apply to the term of economic rights of a producer of phonograms to the phonogram if this term has expired prior 1 March 2007; rights arisen from the use of such a phonogram prior 1 March 2007 shall remain free from prejudice. Provisions of S. 66 par. 5 and S. 70 of this Act shall also apply to the term of economic rights of an audiovisual recording producer to the audiovisual recording if this term has expired prior 1 March 2007; rights arisen from the use of such an audiovisual recording prior 1 March 2007 shall remain free from prejudice.

(3) Administrative proceedings not rightfully closed with a final judgment prior this Act came into force shall be closed in accordance with the legal regulations effective 1 March 2007.

(4) If the user becomes entitled to use the subject-matter pursuant to S. 82 par. 7 prior 1 March 2007, this right shall terminate on 1 March 2007 in the scope which is not in accordance with these provisions, in the wording in force from 1 March 2007; the above shall not prejudice the user's obligation related to the reserve fund for the payment of remuneration for use of the subject-matter.

(5) If the collective management organization has been carrying out the collective rights management regarding adequate remuneration in a different area as it is the area pursuant to S. 78 par. 4 letter i) as of 1 March 2007, it is obliged to apply for authorisation to carry out the collective rights management in accordance with this Act to the Ministry, namely not later than 30 March 2007, otherwise the authorisation to carry out the collective rights management shall terminate; the performance of collective rights management which the collective management organization has been carrying out pursuant to hitherto provisions shall be deemed to be legitimate, namely up to the moment of lawful resolution of the Ministry in the matter.”.

58. Annexe to the Act including its heading shall read as follows:

**"Annexe
to Act No. 618/2003 Coll. as amended by Act No. 84/2007 Coll.**

**LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY AND THE
EUROPEAN UNION**

1. Council Directive 91/250/EC dated 14 May 1991 on the legal protection of computer programs (Special edition OJ of the European Union, Chapter 17/Volume 1, Official Journal L 122, 17.5.1991) as amended by Directive 93/98/EC (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal L 290, 24 November 1993).

2. Council Directive 92/100/EEC dated 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal L 346, 27 November 1992).

3. Council Directive 93/83/EEC dated 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal L 248, 6 October 1993).

4. Council Directive 93/98/EEC dated 29 October 1993 harmonizing the term of protection of copyright and certain related rights (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal L 290, 24 November 1993) as amended by 2001/29/ES of the European Parliament and of the Council (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal L 167, 22 June 2001).

5. Directive 96/9/EC of the European Parliament and of the Council dated 11 March 1996 on the legal protection of databases (Special edition OJ of the European Union, Chapter 13/ Volume 15, Official Journal L 77, 27 March 1996).

6. Directive 2001/29/EC of the European Parliament and of the Council dated 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal L 167, 22 June 2001).

7. Directive 2001/84/EC of the European Parliament and of the Council dated 27 September 2001 on the resale right for the benefit of the author of an original work of art (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal L 272, 13 October 2001).

8. Directive 2004/48/EC of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE II

Act No. 99/1963 Coll. Civil Procedure Code as amended by Act No. 36/1967 Coll., Act No. 158/1969 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll., Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992 Coll., of Act of the National Council of the Slovak Republic No. 5/1993 Coll., of Act of the National Council of the Slovak Republic No. 46/1994 Coll., of Act of the National Council of the Slovak Republic No. 190/1995 Coll., of Act of the National Council of the Slovak Republic No. 232/1995 Coll., of Act of the National Council of the Slovak Republic No. 233/ 1995 Coll., of Act of the National Council of the Slovak Republic No. 22/1996 Coll., of Act of the National Council of the Slovak Republic No. 58/1996 Coll., judgment of the Constitutional Court of the Slovak Republic No. 281/1996 Coll., Act No. 211/ 1997 Coll., judgment of the Constitutional Court of the Slovak Republic No. 359/1997 Coll., Act No. 124/1998 Coll., Act No. 144/1998 Coll., Act No. 169/1998 Coll., Act No. 187/1998 Coll., Act No. 225/1998 Coll., Act No. 233/1998 Coll., Act No. 235/1998 Coll., judgment of the Constitutional Court of the Slovak Republic No.

318/ 1998 Coll., Act No. 331/1998 Coll., Act No. 46/ 1999 Coll., judgment of the Constitutional Court of the Slovak Republic No. 66/1999 Coll., judgment of the Constitutional Court of the Slovak Republic No. 166/1999 Coll., judgment of the Constitutional Court of the Slovak Republic No. 185/1999 Coll., Act No. 223/1999 Coll., Act No. 303/2001 Coll., Act No. 501/2001 Coll., Act No. 215/2002 Coll., Act No. 232/2002 Coll., Act No. 424/2002 Coll., Act No. 451/2002 Coll., Act No. 480/2002 Coll., judgment of the Constitutional Court of the Slovak Republic No. 620/ 2002 Coll., judgment of the Constitutional Court of the Slovak Republic No. 75/2003 Coll., Act No. 353/2003 Coll., Act No. 530/2003 Coll., Act No. 589/2003 Coll., Act No. 204/2004 Coll., Act No. 371/2004 Coll., Act No. 382/2004 Coll., Act No. 420/2004 Coll., Act No. 428/2004 Coll., Act No. 613/2004 Coll., Act No. 757/2004 Coll., Act No. 36/2005 Coll. Act No. 290/2005 Coll. a Act No. 341/2005 Coll. is amended to and supplemented as follows:

1. In S. 75 par. 2, the following sentence is attached to the end:

"Proposal pursuant to par. 9 must also contain the amount of security for the compensation of detriment."

2. S. 75 is completed by par. 9 and shall read as follows:

"(9) The petitioner of preliminary injunction pursuant to S. 76 par. 1 letter h) may propose that the person who is violating or jeopardizing the intellectual property right, can, instead of abstain from such conduct, place a security deposit in the custody of the court designated for the compensation of a detriment arisen due to violation or jeopardizing the intellectual property right."

3. In S. 76 par. 1 is supplemented by letter h) and shall read as follows:

"h) to abstain from conduct by which he violates or jeopardizes the intellectual property right."

4. S. 77 is supplemented by par. 4 to 6 and shall read as follows:

"(4) In case of preliminary injunction issued pursuant to S. 75 par. 9, the lawfully awarded compensation of a detriment shall be satisfied from the security deposit; if the security deposit comes short to compensate all aggrieved parties, it shall be divided between the aggrieved parties by the court proportionally. The obligation to pay a detriment that has not been settled from this security deposit is thereby not prejudiced.

(5) After settling a claim pursuant to par. 4, the court will give the balance of the deposited security deposit back to the person who deposited the security deposit.

(6) The court will give refund the deposited security deposit, if

a) the proposal of issuance of preliminary injunction was lawfully dismissed,

b) the proceedings regarding the issuance of preliminary injunction was discontinued, or

c) the preliminary injunction terminated pursuant to par. 1 letter a) or b)."

5. S. 78a is followed by S. 78b to 78h, the wording of which including their heading shall read as follows:

"Confiscation and seizure of evidence regarding matters concerning the intellectual property right

Section 78b

(1) Prior commencement of a proceeding in the matter itself, at the proposal of the person whose intellectual property rights were infringed or jeopardized, or of the person who proved infringement or jeopardize of intellectual property rights, for the purpose of submitting evidence, it is possible to confiscate and seize

- a) goods or samples of goods through which the intellectual property rights are infringed or jeopardized,
- b) material and tools used for the production or distribution of goods specified in letter a), or
- c) documentation related to the goods specified in letter a).

(2) The court in the jurisdiction of which the evidence is confiscated and seized, or the court competent to proceedings in the matter itself is the court having jurisdiction to confiscated and seized evidence.

(3) The participants in proceedings are persons, who would have been the participants in the proceedings if the subject itself was concerned and the person who has the confiscated and seized evidence.

(4) Provision of S. 78 par. 3 applies accordingly.

Section 78c

(1) If so justified by circumstances of the case, the court shall impose a duty in the form of a resolution on the petitioner to deposit a security designated for securing the compensation of loss that would arise in connection with confiscation and seizure of evidence. The amount of the security and the time limit during which it shall be deposited shall be determined by the court according to conditions of the particular case, especially depending on the manner of confiscation and seizure of *the evidence*, the character and the extent of confiscation and seizure of the evidence. If the proposal was submitted by more petitioners, they are obliged to deposit the security jointly and severally.

(2) If confiscation and seizure of evidence claims costs, the court will impose a duty on the petitioner to deposit an adequate advance payment for costs of security.

(3) If the petitioner, within the time period stipulated by the court, fails to deposit a security pursuant to par. 1, or if he fails to deposit an advance payment pursuant to par. 2, the court will dismiss the proposal for confiscation and seizure of an evidence; missing the time period cannot be excused.

(4) The court will refund the security pursuant to par. 1, if

- a) the court has not ordered the confiscation and seizure of evidence and the proceeding regarding the proposal for confiscation and seizure of evidence was discontinued or this proposal was lawfully dismissed or rejected, or
- b) the proposal for confiscation and seizure of evidence was lawfully dismissed or rejected.

(5) If a court ordered the confiscation and seizure of evidence, the security shall, pursuant to par. 1, be refunded, if

- a) no proposal regarding the commencement of court proceedings pursuant to S. 78g par. 2 was submitted, or

b) the proposal regarding the commencement of court proceedings pursuant to S. 78g par. 2 came into force and from such a decision follows that the security pursuant to par. 1 will not be used for the right to compensation of loss.

Section 78d

(1) If conditions pursuant to S. 78b are fulfilled and the court did not decide about the dismissal or rejection of a proposal for confiscation and seizure of evidence pursuant to S. 78c par. 3, the court will issue a decision regarding the confiscation and seizure of evidence even without the interrogation of the participants.

(2) In a decision regarding the confiscation and seizure of evidence, the court will impose *a duty* on the participant to surrender the evidence into the custody of the court or of another suitable depository, otherwise the evidence will be seized.

(3) In the decision regarding the confiscation and seizure of evidence, the court will impose a duty on the petitioner to submit a proposal for the commencement of a court proceeding.

(4) A resolution to confiscate and seize evidence and a resolution pursuant to S. 78c par. 1 is served to a participant having evidence at the moment of confiscation and seizure of evidence.

Section 78e

If so requested by a participant to whom verified a substantially higher loss may be incurred due to confiscation and seizure of evidence in comparison with the amount of the deposit pursuant to S. 78c par. 1, the court may decide about the increase of the latest; provision S. 78c par. 1 applies accordingly.

Section 78f

(1) Confiscation and seizure of evidence shall cease, if

- a) the petitioner has not submitted a proposal for the commencement of court proceedings within the time period stipulated by the court;
- b) in a proceeding in the matter itself, a confiscated and seized evidence was submitted, or
- c) a proceeding in the matter itself was lawfully terminated without submitting a confiscated and seized evidence.

(2) The court will terminate confiscation and seizure of evidence by a decision, if reasons extinguish due to which the confiscation and seizure of evidence was ordered, or if the petitioner has failed to deposit a security pursuant to S. 78e.

(3) The court may terminate the confiscation and seizure of evidence by a decision, if

- a) so justified by circumstances of the case,
- b) so requested by a participant to whom may verifiably incur a loss by confiscation and seizure of evidence, and
- c) a participant pursuant to letter b) proposes that he will deposit a security for securing the compensation of loss into the custody of the court that could arise to the petitioner by the cancellation of confiscation and seizure of evidence.

(4) The court will determine the amount of the security pursuant to par. 3 letter c) and the time limit during which it shall be deposited, according to the circumstances of the case, especially according to the amount of threatened loss.

(5) If the court has decided about the termination of confiscation and seizure of evidence pursuant to par. 3, the security pursuant to par. 3 letter c) will be returned, if the petitioner has not submitted a suit pursuant to S. 78d par. 3, or the petitioner was not admitted – even partially– a claim with regard to the right to compensation of loss by a lawful decision in the matter itself.

(6) The confiscated and seized evidence will, after extinguishment pursuant to par. 1 or lawful termination of confiscation and seizure of evidence pursuant to par. 2 or 3, be returned back to the person who delivered it or to the person to whom it was confiscated and seized.

Section 78g

(1) The petitioner is obliged to pay damages for a loss to every person to whom a loss has arisen due to confiscation and seizure of evidence, if

a) confiscation and seizure of evidence has terminated pursuant to S. 78f par. 1 letter a),

b) the court has ordered confiscation and seizure of evidence and the proposal for confiscation and seizure of evidence was lawfully dismissed,

c) the court has ordered confiscation and seizure of evidence and the proceedings regarding the matter of confiscation and seizure of evidence was discontinued, or

d) the petitioner was not admitted – even partially– a claim with regard to the right to compensation of loss by a lawful decision in the matter itself.

(2) The petitioner cannot free himself of his responsibility pursuant to par. 1, except of loss arisen otherwise. Action for refund of loss must be submitted at the latest within three months from the day

a) on which the confiscation and seizure of evidence pursuant to S. 78f par. 1 letter a) expired,

b) of validity of a decision on dismissal of proposal for confiscation and seizure of evidence,

c) of validity of a decision on discontinuation of a proceeding on a proposal for confiscation and seizure of evidence, or

d) validity of a decision in the matter itself.

(3) The right to file an action for the compensation of loss pursuant to par. 1 shall expire, if the time period pursuant to par. 2 will be missed; missing the time period cannot be excused.

(4) A lawfully awarded compensation of loss shall be settled from the security deposited by the petitioner pursuant to S. 78c par. 1; if this security is not sufficient for covering all aggrieved parties, the court shall divide it proportionately between the parties. The obligation of the petitioner to cover a loss that has not been settled from the deposit is not prejudiced.

(5) After the settlement of the claim pursuant to par. 3, the court will refund the balance of the deposited security pursuant to S. 78c par. 1 to the petitioner.

Section 78h

(1) The compensation of loss lawfully awarded to the petitioner shall be settled from the security pursuant to S. 78f par. 3 letter c). The obligation of the participant pursuant to S. 78f par. 3 letter b) to cover a loss that has not been settled from this security.

(2) Following the settlement of a claim pursuant to par. 1, the court will refund the security balance pursuant to par. 3 letter c) to the participant pursuant to S. 78f par. 3 letter b).".

6. S. 89a is followed by S. 89b and shall read as follows:

"Section 89b

The court competent to confiscate and seize evidence, in case of confiscation and seizure of evidences relating to intellectual property rights is also competent to hear a suit for covering a loss pursuant to S. 78g par. 1."

7. S. 102 is supplemented by par. 3 shall read as follows:

"(3) After the commencement of a proceeding the court may, at a proposal, to confiscate and seize evidence in matters relating to an intellectual property rights; provisions of S. 78b par. 1, S. 78c, S. 78d par. 1, 2 and 4, S. 78e, S. 78f par. 1 letter b), c), par. 2 to 6, S. 78g a 78h shall apply accordingly."

8. In S. 155 par. 3, the words "unfair competition action " are followed by the words "in matters concerning the intellectual property right".

9. In S. 210a, the words "S. 43 par. 2" are followed by comma and the words "S. 78c par. 3".

10. In S. 239 par. 3, the word "fee for interpreting " is followed by comma and the words "about refusing the proposal to confiscate and seize the evidence of matters regarding the intellectual property right".

11. Heading preceding S. 373 shall read as follows:

"Common Provisions".

12. S. 374b is followed by S. 374c and shall read as follows:

"Section 374c

By this Act, the legal act of the European Community and the European Union specified in the Annexe is adopted."

13. The Act is supplemented by Annexe, including its heading it shall read as follows:

"Annexe to Act No. 99/1963 Coll. as amended by Act No. 84/2007 Coll.

LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY AND THE EUROPEAN UNION

Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE III

Act No. 40/1964 Coll. Civil Code as amended by Act No. 58/1969 Coll., Act No. 131/1982 Coll., Act No. 94/1988 Coll., Act No. 188/1988 Coll., Act No. 87/1990 Coll., Act No. 105/1990 Coll., Act No. 116/1990 Coll., Act No. 87/1991 Coll., Act No. 509/1991 Coll., Act No. 264/1992 Coll., Act of the National Council of the Slovak Republic No. 278/1993 Coll., Act of the National Council of the Slovak Republic No. 249/1994 Coll., Act No. 153/1997 Coll., Act No. 211/1997 Coll., Act No. 252/1999 Coll., Act No. 218/2000 Coll., Act No. 261/2001 Coll., Act No. 281/2001 Coll., Act No. 23/2002 Coll., Act No. 34/2002 Coll., Act No. 95/2002 Coll., Act No. 184/2002 Coll., Act No. 215/2002 Coll., Act No. 526/2002 Coll., Act No. 504/2003 Coll., Act No. 515/2003 Coll., Act No. 150/2004 Coll., Act No. 404/2004 Coll., Act No. 635/2004 Coll., Act No. 171/2005 Coll., Act No. 266/2005 Coll., Act No. 336/2005 Coll., Act No. 118/2006 Coll. a Act No. 188/2006 Coll. is amended to and supplemented as follows:

1. In S. 1, par. 3 shall read as follows:

"(3) The Civil Code also regulates legal relations resulting from intellectual property, if these relations are not regulated by other laws."

2. S. 442 is followed by S. 442a and shall read as follows:

"Section 442a

(1) In case of violating or jeopardizing the intellectual property right, other than proprietary loss shall financially be compensated, if award of other satisfaction, especially justification as a defence or making public of the court decision at the cost of the person who violated or jeopardized the intellectual property right, seem to be insufficient.

(2) In case of violating or jeopardizing the intellectual property right that can form a subject of a licence contract, the amount of compensation of loss, if it cannot be determined otherwise, must be fixed at least in the amount of remuneration which would have been usual for granting such a licence at the time of unauthorised intervention into such right; the above also appropriately applies to intellectual property rights that may be the subject of transfer."

3. S. 458 is followed by S. 458a and shall read as follows:

"Section 458a

If at violating or jeopardizing the intellectual property right it is impossible to determine the unlawful enrichment in another manner, provisions of S. 442a par. 2 shall appropriately apply to determining the monetary indemnity."

4. In S. 672 par. 2 the words "judicial executor" are replaced by the words "person authorised by the court".

5. Annexe is supplemented by Article Five and shall read as follows:

Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on the

enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004).".

ARTICLE IV

Act No. 513/1991 Coll. Commercial Code as amended by Act No. 264/1992 Coll., Act No. 600/1992 Coll., of Act of the National Council of the Slovak Republic No. 278/1993 Coll., Act of the National Council of the Slovak Republic No. 249/1994 Coll., Act of the National Council of the Slovak Republic No. 106/1995 Coll., Act of the National Council of the Slovak Republic No. 171/1995 Coll., Act of the National Council of the Slovak Republic No. 58/1996 Coll., Act of the National Council of the Slovak Republic No. 317/1996 Coll., Act of the National Council of the Slovak Republic No. 373/1996 Coll., Act No. 11/1998 Coll., Act No. 127/1999 Coll., Act No. 263/1999 Coll., Act No. 238/2000 Coll., Act No. 147/2001 Coll., Act No. 500/2001 Coll., Act No. 426/2002 Coll., Act No. 510/2002 Coll., Act No. 526/2002 Coll., Act No. 530/2003 Coll., Act No. 432/2004 Coll. a Act No. 315/2005 Coll. is amended to and supplemented as follows:

1. S. 12, par. 1 and 2 shall read as follows:

"(1) A person whose rights were prejudiced or jeopardized by the unauthorised use of his business name may demand that the unauthorised party abstains from such conduct and removes the defective condition; especially he may demand

a) destruction of unlawfully manufactured goods violating the rights to a business name, or their withdrawal from circulation, or

b) destruction of material and tools used at unlawful violation of the rights to a business name, or jeopardy of violation of the right, or their withdrawal from circulation,

c) provision of information regarding the origin and distribution of work or service violating the rights to a business name, including

1. data about the owner, manufacturer, distributor, supplier or seller of goods violating the rights to a business name or about the provider of service violating the rights to a business name,

2. data about the produced, delivered, provided, accepted or ordered amount or the price of goods or service violating the rights to a business name.

(2) Information pursuant to par. 1 letter c) shall be provided by the person, who

a) has in his possession goods violating the rights to a business name,

b) makes use of services violating the rights to a business name,

c) provides services used for violating the rights to a business name,

d) was named by a person specified in letters a) to c) as the person who participated in the production, processing or distribution of goods violating the rights to a business name or in providing services violating the rights to a business name."

2. In S. 12, par. 2 is followed by par. 3 and shall read as follows:

"(3) A person whose rights were prejudiced or jeopardized by the unauthorised use of his business name may request the surrender of unlawful enrichment and adequate satisfaction that can also be provided in the form of money. If unauthorised use of the business name resulted in damage, a compensation of the damage may be claimed pursuant to this Act. If it is impossible to set the amount of

compensation otherwise, the compensation shall be set at least in the amount of remuneration that would have been usual at the time of unauthorised use according to the licence contract."

The existing par. 3 is marked as par. 4.

3. Annexe is supplemented by Article Eight shall read as follows:

"8. Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE V

Act of the National Council of the Slovak Republic No. 233/1995 Coll. on Proving Executors and Execution (Execution Order) and on the Amendment to and Modification of other Acts as amended by Act No. 211/1997 Coll., Act No. 353/1997 Coll., Act No. 235/1998 Coll., Act No. 240/1998 Coll., Act No. 280/1999 Coll., judgment of the Constitutional Court of the Slovak Republic No. 415/2000 Coll., Act No. 291/2001 Coll., Act No. 32/2002 Coll., Act No. 356/2003 Coll., Act No. 514/2003 Coll., Act No. 589/2003 Coll., Act No. 613/2004 Coll., judgment of the Constitutional Court of the Slovak Republic No. 125/2005 Coll. a Act No. 341/2005 Coll. a Act No. 585/2006 Coll. is amended to and supplemented as follows:

1. S. 193 is supplemented by letter d) and shall read as follows:

"d) to carry out acts to which he was entrusted by the Court."

2. S. 240 is followed by S. 241, wording of which including its heading shall read as follows:

"Section 241

Final provisions in force from 1 March 2007

By this Act, the legal act of the European Community and the European Union specified in the Annexe is adopted."

3. The Act is supplemented by Annexe No. 3, wording of which including its heading shall read as follows:

"Annexe No. 3

to Act No. 233/1995 Coll., as amended by Act No. 84/2007 Coll.

LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY AND THE EUROPEAN UNION

Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE VI

Act No. 132/1989 Coll. on Protection of Rights to New Varieties of Plants and Breeds as amended by Act of the National Council of the Slovak Republic No. 22/1996 Coll. and Act No. 435/2001 Coll. is amended to and supplemented as follows:

1. S. 26 including its heading shall read as follows:

"Section 26

Protection of rights

(1) The possessor of a breeding certificate or the "author" who is not owner of a breeding certificate, the rights of who –protected by this law– were infringed upon unlawfully or the rights of who are in jeopardy to be infringed unlawfully, may especially request

a) prohibiting or jeopardising of his rights including the prohibiting to repeat such jeopardising, namely including against a person who indirectly participated in jeopardising these rights,

b) prohibiting actions resulting in unlawful infringement of his rights, namely including against a person who indirectly participated in jeopardising these rights,

c) to give information regarding the origin and distribution of goods infringing the rights protected by this Act, including

1. data about the owner, manufacturer, distributor, supplier or seller of such goods or about the provider of such services,

2. data about the produced, delivered, provided, accepted or ordered amount or the price of goods or services infringing the rights protected by this Act,

d) removal of consequences resulting from the infringement of the rights protected by this Act, at the cost of the person who unlawfully infringed or jeopardized with unlawful infringement, namely

1. by destruction of unlawfully manufactured goods infringing the rights protected by this Act or by their withdrawal from circulation, or

2. by destruction of material, tools and aids used for carrying out the unlawful infringement or jeopardy of the rights protected by this Act, or by their withdrawal from circulation,

e) compensation of loss pursuant to special regulations. 6aa)

(2) Information pursuant to par. 1 letter c) shall also be provided by the person, who

a) has in his possession goods infringing the rights protected by this Act,

b) makes use of services violating the rights protected by this Act,

c) provides services used for violating the rights protected by this Act,

d) was named by a person specified in letters a) to c) as the person who participated in the production, processing or distribution of goods infringing the rights protected by this Act or in providing services violating this right."

Footnote to reference 6aa shall read as follows:

"6aa) Civil Code Code."

2. S. 29 is followed by S. 29a and shall read as follows:

"Section 29a

By this Act, the legal act of the European Community and the European Union specified in the Annexe is adopted."

3. The Act is amended by Annexe, which, including its heading, shall read as follows:

**"Annexe
to Act No. 132/1989 Coll. as amended by Act No. 84/2007 Coll.**

**LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY
AND THE EUROPEAN UNION**

Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE VII

Act No. 55/1997 Coll. on Registered Trademarks as amended by Act No. 577/2001 Coll., Act No. 14/2004 Coll. and Act No. 344/2004 Coll. is amended to and supplemented as follows:

1. In S. 25, par. 2 is deleted.

The hitherto par. 3 is marked as par. 2.

2. S. 25 is followed by S. 25a and shall read as follows:

"Section 25a

(1) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, the owner of a registered trademark may request from the person who is infringing or jeopardizing his rights to provide him with information concerning the origin of the goods and about circumstances of putting the goods or services onto the market.

(2) Information according to par. 1 contain especially

a) the name and surname or business name or name and permanent residence or the registered office or the seat of the manufacturer, processor, warehouse provider, distributor, supplier, seller and other former holders of goods,

b) data about the manufactured, processed, delivered or ordered quantity and price of relevant goods and services.

(3) Information in compliance with par. 1 and 2 shall also provide the person, who

a) is in possession of goods infringing the rights pursuant to this Act,

b) uses services infringing the rights pursuant to this Act,

c) provides services used for the performance of activities connected with the infringement of rights

pursuant to this Act, or

d) was designated by a person specified in letters a) to c) as the person involved in the manufacture, processing or product distribution or providing services infringing the rights pursuant to this Act."

3. S. 26, par. 2 is followed by a new par. 3 and shall read as follows:

"(3) The owner of a registered trademark that has a reputable name in the Slovak Republic may exercise rights pursuant to par. 1 irrespective of the congruence or similarity of the goods or services, if use of such a registered trademark with other goods and services would unfairly result in benefit from the distinguishing qualification or reputable name of this registered trademark or would be to their detriment."

The hitherto par. 3 and 4 are marked as par. 4 and 5.

4. S. 26 par. 4 shall read as follows:

"(4) If infringement of rights to a registered trademark will result in a loss, the aggrieved party shall have the right to indemnification including reimbursement for lost profit. If infringement of rights to a registered trademark or jeopardizing of rights to a registered trademark resulted in other than proprietary loss, the aggrieved party shall have the right to adequate satisfaction, including financial compensation. 4aa)."

Footnote to reference 4aa shall read as follows:

"4aa) Civil Code."

5. S. 26a shall read as follows:

"Section 26a

(1) At the proposal, the court will order that the products, material or tools through which the rights protected by this Act are directly interfered or jeopardized, shall be

a) withdrawn from trade network

b) definitively removed from the trade network,

c) otherwise secured in order to prevent further infringement or jeopardize of the rights; simple removal of unlawfully used labelling on a counterfeited product shall not be deemed to be a measure preventing other infringement of rights,

d) disposed appropriately.

(2) Measures pursuant to par. 1 shall be taken at the expenses of the violator or infringer of rights protected by this Act, unless exceptional circumstances do not substantiate different action.

(3) Motion pursuant to par. 1 letter d) regarding the manner of destruction of subjects is not binding for the court.

(4) The court will not award the right to provide information pursuant to S. 25a, if the seriousness of threat or infringement of right is not appropriate with regard to the seriousness of the consequences

resulting from the execution of a duty thus imposed."

6. S. 30 is supplemented by par. 4 and shall read as follows:

"(4) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, the licensee shall be entitled to identical rights as the owner of a registered trademark."

7. S. 45 is followed by S. 45a, which shall read as follows:

"Section 45a

By this Act, the legal act of the European Community and the European Union specified in the Annexe is adopted."

8. The Act is amended by Annexe, which, including its heading, shall read as follows:

**"Annexe
to Act 55/1997 Coll. as amended by Act No. 84/2007 Coll.**

**LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY
AND THE EUROPEAN UNION**

1. First Directive 89/104/EEC of the Council dated 21 December 1988 to Approximate the Laws of the Member States Relating to Trademarks (Special edition OJ of the European Union, Chapter 17/ Volume 1, Official Journal ES 240, 11 February 1989).

Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE VIII

Act No. 146/2000 Coll. on Protection of Topography or a Semi-Conductor Products is amended to and supplemented as follows:

1. S. 14 is supplemented by par. 4, which shall read as follows:

"(4) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, the licensee shall be entitled to identical rights as the owner of a topography."

2. Heading preceding S. 19 shall read as follows:

"Infringement of Rights and Hearing of Cases "

3. S. 19 shall read as follows:

"Section 19

(1) In case of violating or jeopardizing rights protected by this law, the person the rights of who were infringed upon unlawfully or the rights of who are in jeopardy to be infringed unlawfully may request prohibiting or jeopardising of his rights and removal of consequences resulting from infringement.

(2) If infringement of rights according to par. 1 will result in a loss, the aggrieved party shall have the right to indemnification including reimbursement for lost profit. If infringement of rights pursuant to par. 1 or jeopardizing such rights will result in other than proprietary loss, the aggrieved party shall have the right to adequate satisfaction, including financial compensation. ^{8a)}".

Footnote to reference 8a shall read as follows:

"8a) Civil Code."

4. S. 19 is followed by S. 19a, which, including its heading, shall read as follows:

"Section 19a

Right to information

(1) (1) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, a topography owner may request from the person who infringes or jeopardizes his rights to provide information regarding the origin of topography or a semi-conductor product containing the topography violating rights pursuant to this Act and about circumstances of their putting onto the market.

(2) Information according to par. 1 contain especially

a) the name and surname or business name or name and permanent residence or the registered office or the seat of the manufacturer, processor, warehouse provider, distributor, supplier, seller and other former holders of a topography or a semi-conductor product containing the topography,

b) data about the manufactured, processed, delivered or ordered quantity and price of relevant topographies or a semi-conductor products containing the topography.

(3) Information in compliance with par. 1 and 2 shall also provide the person, who

a) is in possession of a topography or a semi-conductor product containing the topography infringing the rights pursuant to this Act,

b) uses services infringing the rights pursuant to this Act,

c) provides services used for the performance of activities connected with the infringement of rights pursuant to this Act, or

d) was designated by a person specified in letters a) to c) as the person involved in the manufacture, processing or distribution of topography or a semi-conductor product containing the topography or providing services infringing the rights pursuant to this Act."

5. S. 20 shall read as follows:

"Section 20

(1) Disputes over the rights pursuant to this Act are heard and decided by courts, if not stipulated otherwise by this Act.

(2) At the proposal of the owner of a topography, the court will prohibit actions contradicting the provisions of S. 10 par. 1, or the court will order that reproductions of a topography or semi-conductor

products containing the topography or products containing such a semi-conductor product are especially
a) withdrawn from the trade network,

b) definitively removed from the trade network,

c) otherwise secured in order to prevent further infringement or jeopardize of the rights,

d) disposed appropriately.

(3) Measures pursuant to par. 2 shall be taken at the expenses of the violator or infringer of rights protected by this Act, unless exceptional circumstances do not substantiate different action.

(4) Motion pursuant to par. 2 letter d) regarding the manner of destruction of subjects is not binding for the court.

(5) The court will not award the right to provide information pursuant to S. 19a, if the seriousness of threat or infringement of right is not appropriate with regard to the seriousness of the consequences resulting from the execution of a duty thus imposed."

6. S. 36 is followed by S. 36a and shall read as follows:

"Section 36a

By this Act, the legal act of the European Community and the European Union specified in the Annex is adopted."

7. The Act is amended by Annexe, which, including its heading, shall read as follows:

**"Annexe
to Act No. 146/2000 Coll. as amended by Act No. 84/2007 Coll.**

**LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY
AND THE EUROPEAN UNION**

1. Council Directive 87/54/EEC dated 16 December 1986 on Legal Protection of Topography of Semi-Conductor Products (Special edition OJ of the European Union, Chapter 13/Volume 8, Official Journal L 24, 27n January 1987).

Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE IX

Act No. 183/2000 Coll. on Libraries, on the amendment to Act of the National Council of the Slovak Republic No. 27/1987 Coll. on State Monument Preservation and on the amendment to and modification of Act No. 68/1997 Coll. on the League for the Advancement of the Slovak Nation as amended by Act No. 416/2001 Coll. is amended to and supplemented as follows:

1. In S. 6, par. 3 is supplemented by letters o) and p), and shall read as follows:

"o) concludes with the collective management organization ^{7a)} a cumulative licence agreement ^{7b)} to the distribution of the subject-matters through lending ^{7c)} carried out by means of the library system of the Slovak Republic,

p) through the relevant collective management organization it pays remuneration to right holders for public distribution of subject-matters through lending within the granted licence; the Ministry will stipulate the manner of payment of remuneration and its amount in the form of a measure."

Footnotes to reference 7a to 7c shall read as follows:

"7a) S. 79 Act No. 618/2003 Coll. on copyright and rights connected with the copyright (Copyright Act).

7b) S. 48 Act No. 618/2003 Coll.

7c) S. 5 par. 19 Act No. 618/2003 Coll."

2. In Footnote to reference 12, the wording "S. 24 Act No. 383/1997 Coll. Copyright Act and acts amending and modifying Customs Act as amended" shall be replaced by the wording "S. 31 Act No. 618/2003 Coll."

ARTICLE X

Act No. 435/2001 Coll. on Patents, Supplementary Certificates of Protection and on the amendment to and modification of some laws (Patents Act) as amended by Act No. 402/2002 Coll. is amended to and supplemented as follows:

1. In S. 1, comma after the word "application forms" is replaced by the word "or" and the words "or supplementary certificate of protection" are deleted.

2. In S. 2 letter a), comma after the words "[S. 3 letter e)]" is replaced by the word "and" and the words "and at application for granting a supplementary certificate of protection (S. 74)" are deleted.

3. In S. 2 letter b) comma after the word "patent" is replaced by the word "and" and the words "and for supplementary certificate of protection (S. 69 a 71)" are deleted.

4. In S. 2 letter c), the words "applicant for a supplementary certificate of protection and its owner," are deleted.

5. In S. 2 letter d) comma after the word "patent" is replaced by the word "or" and the words "or to supplementary certificate of protection" are deleted.

6. S. 24 is supplemented by par. 5, which shall read as follows:

"(5) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, the licensee shall be entitled to identical rights as the owner of a patent."

7. In S. 32, par. 2 is deleted.

The hitherto par. 3 and 4 are marked as par. 2 and 3.

8. S. 32 par. 2 second sentence shall read as follows:

"If infringement of rights pursuant to par. 1 or jeopardizing such rights will result in other than proprietary loss, the aggrieved party shall have the right to adequate satisfaction, including financial compensation. 13a)".

Footnote to reference 13a shall read as follows:

"13a) Civil Code."

9. S. 32 par. 3, the words "pursuant to par. 3" are replaced by the words "pursuant to par. 2".

10. S. 32 is followed by S. 32a, which, including its heading shall read as follows:

"Section 32a

Right to information

(1) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, the owner of patent may request from the person who infringes or jeopardizes his rights to provide him with information concerning the origin of the product infringing rights pursuant to this Act and about circumstances of their putting onto the market.

(2) Information according to Article 1 contain especially

a) the name and surname or business name or name and permanent residence or the registered office or the seat of the manufacturer, processor, warehouse provider, distributor, supplier, seller and other former holders of a product

b) data about the manufactured, processed, delivered or ordered quantity and price of relevant products.

(3) Information in compliance with Article 1 and 2 shall also provide the person, who

a) is in possession of products infringing the rights pursuant to this Act,

b) uses services infringing the rights pursuant to this Act

c) provides services used for the performance of activities connected with the infringement of rights pursuant to this Act, or

d) was designated by a person specified in letters a) to c) as the person involved in the manufacture, processing or product distribution or providing services infringing the rights pursuant to this Act."

11. S. 33 shall read as follows:

"Section 33

(1) Disputes over the rights pursuant to this Act are heard and decided by courts, if not stipulated otherwise by this Act.

(2) At the proposal, the court will order that the products through which the rights protected by this Act are interfered or jeopardized, shall be

a) withdrawn from the trade network

- b) definitively removed from the trade network,
- c) otherwise secured in order to prevent further infringement or jeopardize of the rights,
- d) disposed appropriately.

(3) Measures pursuant to par. 2 shall be taken at the expenses of the violator or infringer of rights protected by this Act, unless exceptional circumstances do not substantiate different action.

(4) Motion pursuant to par. 2 letter d) regarding the manner of destruction of subjects is not binding for the court.

(5) The court will not award the right to provide information pursuant to S. 9a, if the seriousness of threat or infringement of right is not appropriate with regard to the seriousness of the consequences resulting from the execution of a duty thus imposed."

12. Part Five is deleted.

Footnotes to reference 23 to 25 are deleted.

13. In S. 79 par. 3 is followed by a new par. 4, which shall read as follows:

"(4) Special provisions of this Act shall apply to creation, modification and termination of legal relations, the subject of which is a certificate according to special regulations, ^{22a)} including a proceeding on certificates according to special regulations 22a, if not stipulated otherwise by special regulations ^{22a)}."

The hitherto par. 4 to 9 are marked as par. 5 to 10.

Footnote to reference 22a shall read as follows:

"22a) Council Directive (EEC) No. 1768/92 dated 18 June 1992 on Creating a Supplementary Licence of Protection (Special edition OJ of the European Union, Chapter 13/Volume 11, Official Journal L 182, 2.7.1992).

Directive 1610/96/EC of the European Parliament and of the Council dated 23 July 1996 on the creation of a supplementary certificate of protection for plant protection products (Special edition OJ of the European Union, Chapter 3/ Volume 19, Official Journal L L 198, 8 August 1996)."

14. In S. 79 par. 9 shall read as follows:

"(9) Administration fees pursuant to special regulation shall be paid for acts pursuant to this Act, for the maintenance of patent validity, European patent and for filing application for a licence, proposal for termination or amendment to a certificate and for the maintenance of validity of a certificate pursuant to special regulations 22a) and 28)".

15. In S. 80, letter h) is deleted.

The hitherto letters i) to p) are marked as letters h) to o).

16. In S. 80 letter h) shall read as follows:

"h) particulars regarding the manner of filing a proposal and prerequisites of an application for termination of a certificate pursuant to special regulation 22a) and amendment to a certificate according to special regulation, 22a) and also details concerning proceedings on invalidation and amendment to a certificate pursuant to special regulation, 22a)".

17. In S. 80 letter m) the word "certificate " is followed by words "according to special provision 22a)".

18. S. 85 is followed by S. 85a, which shall read as follows:

"Section 85a

By this Act, the legal act of the European Community and the European Union specified in the supplement is adopted.

19. The Act is amended by Annex, which, including its heading, shall read as follows:

**"Annexe
to Act No. 435/2001 Coll. as amended by Act No. 84/2007 Coll.**

**LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY
AND THE EUROPEAN UNION**

1. Directive 98/44/ES of the European Parliament and of the Council dated 6 July 1998 on legal protection of biotechnological inventions (Special edition OJ of the European Union, Chapter 13/Volume 20, Official Journal L L 213, 30 July 1998).

2. Directive 2004/48/ES of the European Parliament and of the Council dated 29 April 2004 on enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/Volume 2, Official Journal L L 157, 30 April 2004)."

ARTICLE XI

Act No. 444/2002 Coll. on Design as amended by Act No. 344/2004 Coll. is amended and supplemented as follows:

1. S. 24 is supplemented by par. 7, which shall read as follows:

"(7) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, the licensee shall be entitled to identical rights as the owner of a registered design."

2. In S. 27, par. 2 shall be deleted.

The hitherto par. 3 and 4 are marked as par. 2 and 3.

3. In S. 27 par. 2 second sentence shall read as follows:

"If infringement of rights pursuant to par. 1 or jeopardizing of such rights will result in other than proprietary loss, the aggrieved party shall have the right to adequate satisfaction, including financial compensation. 5a)".

Footnote to reference 5a shall read as follows:

"5a) Civil Code."

4. S. 27 par. 3, the words "pursuant to par. 3" are replaced by the words "pursuant to par. 2".

5. S. 27 is followed by S. 27a, which, including its heading, shall read as follows:

"Section 27a

Right to information

(1) In case of infringement upon or jeopardizing of the rights protected by this Act, the owner of a registered design may request from the person who is infringing or jeopardizing his rights, to provide him with information concerning the origin of the product infringing rights pursuant to this Act and about circumstances of its putting onto the market.

(2) Information according to par. 1 contain especially

a) the name and surname or business name or name and permanent residence or the registered office or the seat of the manufacturer, processor, warehouse provider, distributor, supplier, seller and other former holders of a product,

b) data about the manufactured, processed, delivered or ordered quantity and price of relevant products.

(3) Information in compliance with par. 1 and 2 shall also provide the person, who

a) is in possession of products infringing the rights pursuant to this Act,

b) uses services infringing the rights pursuant to this Act,

c) provides services used for the performance of activities connected with the infringement of rights pursuant to this Act, or

d) was designated by a person specified in letters a) to c) as the person involved in the manufacture, processing or product distribution or providing services infringing the rights pursuant to this Act."

6. S. 28 shall read as follows:

"Section 28

(1) Disputes over the rights pursuant to this Act are heard and decided by courts, if not stipulated otherwise by this Act.

(2) At the proposal, the court will order that the products, material or tools through which the rights protected by this Act are interfered or jeopardized, shall be

a) withdrawn from trade network,

b) definitively removed from the trade network,

c) otherwise secured in order to prevent further infringement or jeopardize of the rights,

d) disposed appropriately.

(3) Measures pursuant to par. 2 shall be taken at the expenses of the violator or infringer of rights protected by this Act, unless exceptional circumstances do not substantiate different action.

(4) Motion pursuant to par. 2 letter d) regarding the manner of destruction of subjects is not binding for the court.

(5) The court will not award the right to provide information pursuant to S. 27a, if the seriousness of threat or infringement of right is not appropriate with regard to the seriousness of the consequences resulting from the execution of a duty thus imposed."

7. S. 51 is followed by S. 51a and shall read as follows:

"Section 51a

By this Act, the legal acts of the European Community and the European Union specified in the Annexe is adopted."

8. The Act is amended by Annexe, which, including its heading, shall read as follows:

**"Annexe
to Act No. 444/2002 Coll. as amended by Act No. 84/2007 Coll.**

**LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY
AND THE EUROPEAN UNION**

1. Directive 98/71/ES of the European Parliament and of the Council dated 13 October 1998 on legal protection of design (Special edition OJ of the European Union, Chapter 13/Volume 21, Official Journal L 289, 28.10.1998).

2. Directive 2004/48/EC of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE XII

Act No. 469/2003 Coll. on designating the origin of products and geographical marking of products and on the amendment to and modification of some acts is amended to and modified as follows:

1. S. 9 is supplemented by heading, that shall read as follows:

"Infringement of rights".

2. In S. 9, par. 2 shall be deleted.

The hitherto par. 3 is marked as par. 2.

3. In S. 9 par. 2 third sentence shall read as follows:

"If infringement of the rights protected by this Act or jeopardizing of such rights will result in other than proprietary loss, the aggrieved party shall have the right to adequate satisfaction, including

financial compensation. 1a)".

Footnote to reference 1a shall read as follows:

"1a) Civil Code."

4. S. 9 is followed by S. 9a, which, including its heading, shall read as follows:

"Section 9a

Right to information

(1) In case of unlawful infringement upon or jeopardizing of the rights protected by this Act, the holder of Registration Certificate holder may request from the person who is launching or would like to launch the same or similar product to provide him with information concerning the origin of the product infringing rights pursuant to this Act and about circumstances of their putting onto the market.

(2) Information according to par. 1 contain especially

a) the name and surname or business name or permanent residence or the registered office or the seat of the manufacturer, processor, warehouse provider, distributor, supplier, seller and other former holders of a product,

b) data about the manufactured, processed, delivered or ordered quantity and price of relevant products.

(3) Information in compliance with par. 1 and 2 shall also provide the person, who

a) is in possession of products infringing the rights pursuant to this Act,

b) uses services infringing the rights pursuant to this Act,

c) provides services used for the performance of activities connected with the infringement of rights pursuant to this Act, or

d) was designated by a person specified in letters a) to c) as the person involved in the manufacture, processing or product distribution or providing services infringing the rights pursuant to this Act."

5. S. 10 shall read as follows:

"Section 10

(1) Disputes over the rights pursuant to this Act are heard and decided by courts, if not stipulated otherwise by this Act.

(2) The holder of the Registration Certificate holder can propose the court to order that the products through which the rights protected by this Act are interfered or jeopardized, shall be

a) withdrawn from the market,

b) definitively removed from the market,

c) otherwise secured in order to prevent further infringement or jeopardize of the rights,

d) disposed appropriately: the court will not order the disposal, if the products through which the

infringement or jeopardize of rights protected by this Act is made, are not in possession of the person against to whom his proposal is directed.

(3) Measures pursuant to par. 2 shall be taken at the expenses of the violator or infringer of rights protected by this Act, unless exceptional circumstances do not substantiate different action.

(4) The court will not award the right to provide information pursuant to S. 9a, if the seriousness of threat or infringement of right is not appropriate with regard to the seriousness of the consequences resulting from the execution of a duty thus imposed."

6. S.38 is followed by S. 38a and shall read as follows:

"Section 38a

By this Act, the legal act of the European Community and the European Union specified in the Annexe is adopted."

7. The Act is amended by Annexe, which, including its heading, shall read as follows:

**"Annexe
to Act No. 469/2003 Coll. as amended by Act No. 84/2006 Coll.**

**LIST OF ADOPTED LEGAL ACTS OF THE EUROPEAN COMMUNITY
AND THE EUROPEAN UNION**

Directive 2004/48/EC of the European Parliament and of the Council dated 29 April 2004 on the enforcement of intellectual property rights (Special edition OJ of the European Union, Chapter 17/ Volume 2, Official Journal L 157, 30 April 2004)."

ARTICLE XIII

This Act takes effect on 1 March 2007.

**Ivan Gašparovič v.r.
Pavol Paška v.r.
Robert Fico v.r.**