

Country Report Croatia

Annual report to the IFLA CLM committee
Quebec Canada 2008

Copyright

In a recent media release the National Programme for the Digitisation of Archival, Library and Museum Holdings funded by the Ministry of Culture has been described in short. It has been stated that 'development of standards and specifications regarding digitisation procedures and functional properties of systems for digital content management and access has been envisaged'. Since the project will become accessible in September 2008 (at www.kultura.hr), it is expected that digital rights management and copyright issues will be a part of the project. Also at this moment it is not quite clear how the 'problematic' art. 84 of the Copyright Act (in accordance with the EU Directive) which allows libraries to reproduce the material in their possession in only one copy for the purpose of protection and does not solve the issue of access to digitized material 'on site', is going to be solved.

Orphan Works

The discussion about orphan works has not yet begun.

Public lending rights

Although its introduction was planned for 2007 the system has not yet been implemented.

Legal deposit

A proposal of the new Library Law was drafted by an ad hoc working group of the Croatian Library Association in the autumn of 2007 and sent to the Ministry of Culture. The new proposal includes a decrease in the total number of legal deposit copies (9 at present vs. 5 in the proposal), introduction of publishers' obligations to allow access to technically protected materials when they deposit it in the library, and drafting of a special legal instrument (regulation) on legal deposit.

Levies

In 2007 blank tape remuneration has been introduced. A new RRO was authorized by the State Institute for Intellectual Property to represent the interests of publishers and collect levies from producers, importers and owners of photocopiers. Libraries have been contacted by the RRO and asked to present information on photocopiers in their possession so that remuneration can be determined.

Legal matters

Privacy

Following the adoption of the Act on Personal Data Protection in 2003 and two accompanying regulations (on the establishment of the central register of personal data collections and on the methods of archiving and technical protection of personal data) in 2004, the Personal Data Protection Agency was established as an independent institution which organizes and maintains the central register of all institutions in the country that collect personal data. In 2007 the Agency contacted the central regional public libraries in Croatia and requested that libraries register with the Agency. The Croatian Library Association will discuss the issue of privacy of users' data at its next general meeting in the beginning of October.

Law cases

In 2007 the Constitutional Court refuted a publisher's complaint that legal deposit stipulations of the Library Act (1997) were unconstitutional, i.e. in disagreement with the right of ownership and equality guaranteed by the Constitution. The publisher pointed out that similar obligations were

not introduced for other producers of art works; he said that galleries and museums, for instance, have to purchase their exhibits while depositary libraries receive works from publishers free of charge. He proposed that libraries should provide remuneration for the copies received. The Court replied by pointing out that ownership implies obligations and that the owners of property should contribute to the general welfare. The Court also found legal basis for its decision in the international documents which emphasize the right of every individual to participate in the culture and science and the role of libraries as institutions established for the purpose of satisfying the cultural, educational and information needs of all citizens. The Court did not find that the obligations of publishers were in disproportion to their rights.

Lobby activities

Letters of support to EBLIDA's opinion opposing the European Commissioner Charles Mc Creevy proposal of extension of copyright for sound recordings from 50 to 95 years were sent to EU commissioners.

Educational activities

A Round Table on Libraries and Intellectual Property was organized by the Croatian Library Association and the Department of Information Sciences, Faculty of Philosophy in Zagreb on the 10th December 2007. Around 100 librarians from all over Croatia attended the meeting. Copyright experts from the State Institute for Intellectual Property and a representative from a RRO delivered presentations. EBLIDA Director, Andrew Cranfield and Michele Battisti, a former member of the CLM also gave presentations.

IFLA Libraries for the Blind Section, the DAISY Consortium and the Croatian Library for the Blind organized a seminar *Putting Libraries for the Blind and Print Disabled on the Agenda* in Zagreb, February 27-28 2008. Copyright was discussed regarding the needs of the blind and print disabled people. Closer collaboration of the Croatian Library Association with the Croatian library for the Blind has been envisaged in the field of copyright.

Copyright and privacy have been topics of courses organized by the Centre for Continuing Education of Librarians at the National and University Library.

An investigation of anonymity and privacy in the library setting was done as a comparative Dutch-Croatian research. The preliminary results were presented at the BOBCATSSS Symposium in January 2008, while the final results will be published in the *New Library World*. The results show that in spite of the existing legislation on the protection of personal data in both countries practicing librarians need further training. The issue of privacy seems to be especially critical in Croatian libraries where access to personal data is often open to all members of the staff and data are held far too long.

Strategic plans for future

The Croatian Library Association has to develop better contacts with the State Institute for Intellectual Property. At its next general meeting in October 2008 it will focus on lobbying for library issues, copyright included.

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