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# Amendments to the Serbian IP Laws

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Intellectual Property

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On 17 September 2019 the National Assembly of Serbia has adopted amendments to the following IP laws: The Law on Copyright and Related Rights, The Law on Patents and The Law on Protection of Topography of Semiconductors Products (hereinafter: the **Laws**).

The main reason behind the adoption of these three Laws is harmonization with the European Union rules.

## **The Law on Copyright and Related Rights**

The newly adopted amendments increase the level of protection of authors of software, database producers and performers. With these amendments, The Law on Copyright and Related Rights is now aligned with eight of the ten EU directives in this field.

The key novelties introduced in respect of the protection of authors of software are provided below.

First of all, the Law envisages that an employee, as an author of software, is now entitled to require additional compensation for exploitation of such software by an employer. Also, owners of a copy of the software are now entitled to:

- permanent or temporary reproduction of a software by any means and in any form, in part or in whole;
- correction of errors within the software in alignment with its purpose;
- loading, displaying, running, transmitting or storing software if necessary, for its reproduction; and
- translation, adaptation, arrangement and any other alteration of a software and its reproduced results.

Moreover, The Law on Copyright and Related Rights now envisages the possibility of decompilation of software for the purpose of interoperability with another software.

An important novelty regarding database producers is also envisaged. From now on, database can be considered as a work of authorship if the selection and the layout of the database's content reach the originality level prescribed by the law.

Further, in respect of lawsuits in case of the copyright or related right infringements, new claims which a plaintiff may request are introduced, as follows:

- finding a violation of the right or a serious threat that the right will be violated;
- prohibition of actions that infringe the right or actions that pose a serious threat that the right will be violated, as well as a prohibition on repetition of such or similar actions under the threat of payment of an adequate amount of money to the plaintiff;
- compensation for material and non-material damage;
- exclusion from circulation, confiscation or destruction, or modification, without any compensation, of the infringed items, including copies of the protected items, their packaging, dies, negatives etc.;
- prohibition of alienation, confiscation or destruction, without any compensation, materials and objects predominantly used in the creation or production of infringing objects;
- publication of the judgment at the defendant's expense;
- providing information on third parties who participated in the infringement of rights.

Also, courts are now authorized to require information not only from the infringer, but from anyone found in possession of the infringing goods. Additionally, courts may now order the seizure of movable and immovable property or blocking of infringing bank accounts.

Lastly, revision as a legal remedy can now be filed in case of copyright and related rights infringement when the subject of the proceeding is not related to the pecuniary claims.

## **The Law on Patents**

The crucial amendments are related to the innovations made by an employee for the duration of the employment agreement. In this case an employer is allowed to submit a patent application not later than one year after the expiration of the employment agreement.

Please see our [separate Newsletter](#) for further details.

## **The Law on Protection of Topography of Semiconductors Products**

Finally, with respect to the protection of topography of semiconductors products, minor changes are introduced, regulating in more detail the protection of producers of microchips and processors for hardware and TVs.

**Application of the Laws**

The Laws entered into force on 26 September 2019.