



4.27. SI – Slovenia¹⁴⁷

4.27.1. Key findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	Yes
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	Yes ¹⁴⁸
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	Not in legislation, example found in the PSM co-production agreement template

- The concept of the independent producer of audiovisual works (natural or legal person) is related to its operational, financial and legal independence from broadcasters.
- The producer has financial independence when no broadcaster holds more than 25% of the shares or voting rights of the production company.
- The producer has operational independence when the total volume (in minutes) of the audiovisual works commissioned by a single broadcaster does not exceed 50% of the total production (in minutes) within a calendar year.
- The national legislation does not explicitly include rules on the retention of IP rights by independent producers in their relationship with broadcasters but there are rules which apply to the public service media (RTVS) when dedicating parts of its budget to independent works. These rules are contained in the RTVS co-production agreement template.

¹⁴⁷ The summary on Slovenia incorporates feedback received from Tomaž Gorjanc, head of the Electronic Media Department at the Agency for Communication Networks and Services of the Republic of Slovenia (AKOS) (for the parts related to the AVMS Act) and from Aleš Gorišek, Senior Adviser at the Ministry of Economic development and technology of the Republic of Slovenia (for the parts related to intellectual property rights) during the checking round with the national regulatory authorities.

¹⁴⁸ Article 107(2) of the Slovenian Copyright Act states as follows:

It shall be deemed that, by concluding a film production contract, co-authors have transferred to the film producer, exclusively and without limitations, all their economic rights and other rights of the author to an audiovisual work, its translation, its audiovisual transformations and photographs made in connection with this work, unless otherwise provided by contract.

See the Copyright and Related Rights Act (Official Gazette of the Republic of Slovenia No. 21/95 of 14 April 1995 as amended up to 26 October 2022) available at <https://www.wipo.int/wipolex/en/text/587464>.



- In practice, broadcasting rights are transferred to RTVS for a limited period of time within the territorial scope of the Republic of Slovenia. These rights are related either to an exclusive time-limited right to broadcast a film after its first publication or to a non-exclusive right to make the film available to the public via the RTVS website and platforms.

4.27.2. National definition of independent producer/independent production

Legislation	Summary of the measures
<p>Article 3 (26) and (27) of the Audiovisual Media Services Act – consolidated 15 December 2021</p> <p><i>(Zakon o avdiovizualnih medijskih storitvah (ZAvMS))</i>¹⁴⁹</p>	<p>An independent producer of audiovisual works is considered the natural or legal person whose activity meets the following four criteria:</p> <ul style="list-style-type: none">a) (s)he is registered for the production of audiovisual works and has its establishment either in the Republic of Slovenia or in another member state,b) (s)he has no organizational or legal connection to a broadcaster,c) no broadcaster holds more than 25% of the shares or voting rights of the production company, andd) the total volume (in minutes) of the audiovisual works produced in the previous calendar year commissioned by a specific broadcaster does not exceed 50% of the total volume (in minutes) of all audiovisual works produced in the previous calendar year. <p>The natural or legal person having its establishment in a third country (outside the EU) is considered to be an independent producer when (a) the majority of its audiovisual production in the last three years consists of European works, (b) it does not have any organisational or legal connection to a broadcaster, and (c) no broadcaster has more than 25% of the shares or the voting rights of the production company in question.</p>

¹⁴⁹ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6225>



4.27.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
RTVS Co-production Agreement Template ¹⁵⁰	<p>The Slovenian legislation makes no explicit reference to the protection of independent producers, but in practice there are rules contained in agreements between the Public Broadcaster of Slovenia (RTVS) and independent producers in the case of co-production of films. According to the terms of this agreement, RTVS, as co-producer, has the related rights provided for in the Slovenian Copyright Act (e.g. the right of the first fixation, the right of reproduction, the right to broadcast by all available means, etc.).</p> <p>Broadcasting rights granted to RTVS for the territory of Slovenia are:</p> <ul style="list-style-type: none">a) the exclusive right to broadcast audiovisual content after its first dissemination for a period of three years when RTVS' share in the project is less than 25% or for a period of five years when RTVS' share in the project is more than 25%; andb) the non-exclusive right to make the film available only to the Slovenian public via its own website or via mobile applications after its first publication and for a maximum period of 30 days. <p>For the territory outside the Republic of Slovenia, RTVS has the non-exclusive broadcasting right, except if the contracting parties agree otherwise in writing for all territories or for a specific territory. RTVS has the exclusive right to première the film to the public in the area of the Republic of Slovenia.</p>

¹⁵⁰ https://img.rtvlo.si/files/2021/12/30/17_388150946711994386_koprodukcijska-pogodba_rtv-slo.pdf