



4.28. SK – Slovakia¹⁵¹

4.28.1. Key findings

Notions	Existence of definitions/rules
Independent production	Yes
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 ¹⁵²
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of the independent producer of audiovisual works is related to its personal, operational, ownership and legal independence from broadcasters.
- For the purposes of defining an individual “independent work” the producer has financial independence when his/her contribution to the financing of a television programme covers at least 51% of the total cost.
- The producer has operational independence when the total volume (in minutes) of the audiovisual works produced for a single broadcaster does not exceed 90% of the total volume (in minutes) of all audiovisual works, including cinematographic works, produced by the independent producer in question.
- All independent producers are entitled to use the designation “independent producer” or its equivalent in a foreign language together with their trade name. The official registry of independent producers is administered by the Slovak Audiovisual Fund. However, registration of an independent producer is voluntary.¹⁵³
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters.

¹⁵¹ The summary on Slovakia incorporates the feedback received from the Office of the Slovak Council for Media Services during the checking round with the national regulatory authorities.

¹⁵² Article 86(1) of the Slovakian Copyright Act No. 185/2015 as amended up to 2022, states that: *Unless otherwise agreed, the authors' economic rights to an original audiovisual work shall be exercised by the producer under the condition that he/she has obtained the authors' written consent and has agreed on the remuneration for the creation, as well as for each separate use of the audiovisual work in question.* See the text available at <https://www.wipo.int/wipolex/en/legislation/details/19393> and <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/185/20230201> (in Slovak).

¹⁵³ http://www.avf.sk/aboutus/zoznam_n_p.aspx



4.28.2. National definition of independent producer/independent production

Legislation	Summary of the measures
Article 65 (1), (2), (3) and Article 67 of Act No. 264/2022 on Media Services and on Amendments to Certain Acts (<i>Zákon o mediálnych službách a o zmene a doplnení niektorých zákonov</i>) ¹⁵⁴	According to Article 8(1), (2) of Act No. 40/2015, Article 65(2), (3) and Article 67 of Act No. 264/2022 on Media Services, an independent producer of audiovisual works is considered the natural or legal person whose activity meets the following criteria: a) (s)he is not a broadcaster, b) (s)he has no personal or ownership connection to a broadcaster, c) the total volume (in minutes) of the audiovisual works produced for a single broadcaster (television broadcasting) does not exceed 90% of the total volume (in minutes) of all audiovisual works, including cinematographic works, produced by the independent producer.
Article 8 (1), a), b), c) (2), (3) of Audiovisual Law and Amendments to Certain Acts, No. 40/2015 (<i>Zákon o audiovizii a o zmene a doplnení niektorých zákonov</i>) ¹⁵⁵	The producer of audiovisual works established in a member state, or a state party to the Agreement on the European Economic Area, or a state party to the European Convention on Transfrontier Television, shall be deemed independent when (s)he has no personal or ownership connection to a broadcaster and is considered as independent according to the legislation of the state in question. Additionally, according to Article 65 (2) of Act No. 264/2022 on Media Services, for a work to be recognised as an “independent production” (e.g. for the purposes of the quotas for independent production in broadcasting services) the independent producer’s contribution in an audiovisual work produced for television broadcasting (with the exception of news programmes, live sports events, entertainment games, commercial communications and teleshopping windows) should cover at least 51% of the total cost.

4.28.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A

¹⁵⁴ <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/264/20230101>

¹⁵⁵ <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/40/20230101>