



SERVING AUTHORS WORLDWIDE  
AU SERVICE DES AUTEURS DANS LE MONDE  
AL SERVICIO DE LOS AUTORES EN EL MUNDO



COU10-1299

**Mr. Borut Pahor**

Prime Minister  
Gregorčičeva 20, 25  
1000 Ljubljana  
Slovenia

Neuilly sur Seine, 28/06/2010

Dear Mr. Pahor,

CISAC ([www.cisac.org](http://www.cisac.org)) and BIEM ([www.biem.org](http://www.biem.org)) are two international and non-governmental organisations, based in Paris (with regional offices in Budapest, Singapore, Santiago de Chile and Johannesburg), and uniting more than two hundred societies in over one hundred countries around the world. Through our member societies, we represent and protect the interests of no fewer than 2.5 million composers, authors and publishers covering all the artistic repertoires: music, drama, literature, audio-visual works as well as graphic and visual arts. All CISAC and BIEM members are supposed to comply with a set of Professional Rules regarding such issues as good governance, transparency, efficiency, etc.

Slovenian society SAZAS is a member of both CISAC and BIEM. In addition to its own local music repertoire, SAZAS has also been entrusted with the protection and the management of the international musical repertoire by the world's creative community.

First of all, we would like to express our appreciation for the undeniable success that Slovenia has demonstrated in respect of the intellectual property protection in the last years, which has also significantly contributed for the country's EU membership. However, with the present letter we would like to share with you our deep concern regarding the relations between our member SAZAS and the Slovenian Intellectual Property Office ("SIPO"), which relations we believe do not correspond to the normal ones between a collective management organisation ("CMO") and a supervising body in an EU member country.

Based on best European practices and models, we have always believed that the main role of a supervising body such as SIPO is to facilitate the smooth operation of the collective management of rights mechanism by supporting the legitimate, efficient and internationally recognised CMOs, which CMOs are the real guarantee for copyright protection and preservation of national identity and cultural diversity. However, in the last couple of years we have witnessed, instead of co-operation and support, a kind of increasing administrative pressure and obstructions on the activities of our member SAZAS under one or another form.

The latest example of this attitude is the Decision of SIPO from 28 May 2010/N 31221-8/2010-1(101) aimed at correcting SAZAS's Statutes in accordance with the Slovenian Copyright Act, as interpreted by SIPO. First of all, we do not understand why SIPO has given such a short (only) 1 month compliance term when it is clear that as a result of the decision several board meetings and an (extra-ordinary) General Assembly may be needed; it seems that SIPO's deadline creates on purpose a "mission impossible" for SAZAS having in mind the non-compliance with the deadline would give a formal ground to SIPO to withdraw the operational licence of SAZAS...

The above decision also contains recommendations that seem to contradict to well established international collective management practices, or deals with issues that in our opinion should be left to the membership of SAZAS to democratically decide on, and not imposed (at the risk of high cost) by an outside party. In particular, we are concerned with the view of SIPO, which does not allow to SAZAS to have different membership categories based on different criteria e.g. on the level of income generated by each right holder. Such criteria are widely used by European CMOs e.g. for preventing authors without creativity or any income to use the society as a political tool and rightly give a greater role in the society's live to the most successful creators. We also have big difficulties in understanding the position of SIPO against the provision in the present SAZAS Statutes allowing the creation of a special fund for stimulation and promotion of cultural activities of musical nature; such cultural and social deductions are widely used by our member-societies all over the world and mostly benefit the local authors; thus, in a way balancing the higher flow of royalties from small countries to big repertoire countries.

We are fully aware that the relations between a controlling body such as SIPO and a collective management society such as SAZAS should be at arm's length and each of these organizations has specific rights and obligations. However, our firm understanding is that there shall be one common denominator for their interaction, namely securing the best possible conditions for protecting the interests of the Slovenian and foreign authors, which works have been exploited in Slovenia, in accordance with all international norms in the field.

With a view of all the above, we would like to kindly ask you for urgently exercising all your authority for preventing the abuse of administrative power and the taking of any premature measures against our member SAZAS that may jeopardize the good copyright image of Slovenia. We thank you in advance for your pro-active position in defending the interests of the creators and the copyright-based industry in Slovenia, which creative industry has contributed some 5.1% to your national GDP in 2007(according to recent WIPO study).

We would like also to offer our longstanding experience in the collective management field for the proper solution of this conflict and, if deemed necessary, ready to meet in due course the relevant Slovenian authorities.

Thank you once again for your kind co-operation on this important matter for the Slovenian and international creative community.

Sincerely yours,



Martial Bernard  
Acting Director General



Ronald Mooij  
Secretary General of BIEM

cc:

Dr. Danilo Türk, President of Slovenia

Mrs. Majda Širca, Minister of Culture

Dr. Matej Lahovnik, Minister of Economy

Dr. Jurij Žurej, Director of SIPO

Mr. Kenth Muldin, Chair of the CISAC Board of Directors and of the CISAC European Committee

Mr. Thierry Desurmont, President of the BIEM Management Committee

Mr. Mitko Chatalbashev, Director of European Affairs (CISAC/BIEM)

Mr. Matjaz Zupan, President of the Board of SAZAS