



Z1232/2019-12

ZMLUVA O VYTVORENÍ A POUŽITÍ DIELA

uzatvorená podľa zákona č. 185/2015 Z. z. Autorský zákon v znení neskorších predpisov medzi zmluvnými stranami:

SLOVENSKÁ NÁRODNÁ GALÉRIA, štátna príspevková organizácia Ministerstva kultúry Slovenskej republiky

IČO: 00 164 712

Sídlo: Riečna 1, 815 13 Bratislava

Štatutárny orgán: Mgr. Alexandra Kusá, PhD. – generálna riaditeľka

Bankové spojenie: Štátna pokladnica

Číslo účtu: IBAN SK85 8180 0000 0070 0011 7526

(ďalej len „SNG“ alebo „objednávateľ“)

a

Meno a priezvisko: **Michal Daubner**

Bydlisko:

Dátum narodenia:

Rodné číslo:

Bankové spojenie:

Číslo účtu: IBAN: :

(ďalej len „autor“ alebo „dodávateľ“)

Článok 1 Predmet zmluvy

1. Predmetom zmluvy je záväzok autora vytvoriť pre objednávateľa dielo špecifikované v článku 2 tejto zmluvy (ďalej len „dielo“) a záväzok objednávateľa zaplatiť autorovi za vytvorené dielo autorskú odmenu podľa článku 3 tejto zmluvy, ako aj úprava práv a povinností zmluvných strán súvisiacich s vytvorením diela a udelenie súhlasu autora na použitie diela spôsobom a na účel, dohodnutým v článku 5 tejto zmluvy.

Článok 2 Dielo, čas a miesto dodania diela

1. Autor sa zaväzuje vytvoriť svojou vlastnou tvorivou duševnou činnosťou dielo: autorská príprava a realizácia prednášky *Retro-kino*, prezentácia starej techniky a premietanie ukážok.
2. Autor je povinný odovzdať dielo v sídle vysunutého pracoviska objednávateľa - Galéria Ľudovíta Fullu v Ružomberku najneskôr do: 6.3.2019

Článok 3 Autorská odmena a platobné podmienky

1. Autorská odmena (ďalej len „odmena“) za vytvorenie diela je stanovená na základe dohody zmluvných strán vo výške 40,- € (slovom: štyridsať Eur). Táto odmena zahŕňa aj odmenu za použitie diela podľa článku 5 tejto zmluvy.
2. Zmluvné strany sa dohodli, že autor, okrem odmeny podľa odseku 1 tohto článku nemá nárok na žiadnu inú odmenu, ani úhradu nákladov, výdavkov alebo poplatkov spojených s vytvorením diela a odovzdaním veci (nosiča), ktorej prostredníctvom je dielo vyjadrené.
3. Odmena za vytvorenie diela, resp. udelenie licencie na použitie diela, bude uhradená v lehote 30 dní po riadnom dodaní diela objednávateľovi na účet vo zvolenom peňažnom ústave uvedený v záhlaví tejto zmluvy.
4. Zmluvné strany berú na vedomie, že z dohodnutej odmeny sa zráža 2 % príspevok umeleckým fondom podľa § 5 ods. 1 zákona č. 13/1993 Z. z. o umeleckých fondoch v znení neskorších predpisov.

Článok 4 Práva a povinnosti zmluvných strán

1. Autor sa zaväzuje vytvoriť dielo osobne a na vlastnú zodpovednosť.
2. Autor zodpovedá objednávateľovi za porušenie cudzích autorských práv a za spôsobenú škodu.
3. Objednávateľ môže od tejto zmluvy odstúpiť, ak nebolo dielo vytvorené podľa zadanej objednávky alebo ak má dielo neodstrániteľné nedostatky. V prípade, ak ide o odstrániteľné nedostatky, ktoré môže autor v primeranej lehote odstrániť, SNG môže odstúpiť od zmluvy len ak v tejto lehote autor nedostatky neodstráni.
4. Objednávateľ je povinný poskytnúť autorovi súčinnosť pri odovzdaní diela, v prípade potreby poskytnúť autorovi všetky potrebné podklady a zadania k vytvoreniu diela.
5. Zmluvné strany spíšu o odovzdaní a prevzatí diela odovzdávací protokol.
6. Vlastnícke právo k dielu z autora na objednávateľa prechádza okamihom odovzdania diela (veci, ktorej prostredníctvom je dielo vyjadrené).

Článok 5 Spôsob použitia diela a udelenie licencie

1. Autor udeľuje objednávateľovi licenciu na použitie svojho diela nasledovným spôsobom:
a.) verejné vykonanie diela
2. Zmluvné strany prehlasujú, že udelenie licencie je bezodplatné.
3. Autor udeľuje licenciu ako výhradnú, v neobmedzenom vecnom a územnom rozsahu na dobu trvania majetkových práv objednávateľa.
4. Autor podpisom tejto zmluvy udeľuje súhlas objednávateľovi na udelenie súhlasu tretej osobe na použitie diela vytvoreného autorom (tzv. sublicencia) a súhlas na postúpenie licencie na tretiu osobu.

Článok 6 Záverečné ustanovenia

1. Táto zmluva nadobúda platnosť dňom jej podpísania zmluvnými stranami. Táto zmluva je povinne zverejňovanou zmluvou v zmysle § 5a zákona č. 211/2000 Z. z. o slobodnom prístupe k informáciám a o zmene a doplnení niektorých zákonov v platnom znení. Zmluvné strany berú na vedomie a súhlasia, že táto zmluva vrátane všetkých jej súčastí a príloh bude zverejnená v Centrálnom registri zmlúv (ďalej len „register“). Register je verejný zoznam povinne zverejňovaných zmlúv, ktorý vedie Úrad vlády Slovenskej republiky v elektronickej podobe. Zverejnenie zmluvy v registri sa nepovažuje za porušenie ani za ohrozenie obchodného tajomstva a informácie označené v tejto zmluve ako dôverné v zmysle § 271 odsek 1 Obchodného zákonníka sa nepovažujú za dôverné informácie. Zmluva je účinná dňom nasledujúcim po dni jej zverejnenia v registri, pričom SNG sa zväzuje zabezpečiť jej zverejnenie.
2. Zmluvné strany prehlasujú, že si túto zmluvu pred jej podpísaním prečítali, že bola uzatvorená po vzájomnom prerokovaní podľa ich slobodnej vôle, určite a zrozumiteľne.
3. Táto zmluva sa riadi slovenským právnym poriadkom, predovšetkým príslušnými ustanoveniami zákona č. 185/2015 Z. z. - Autorský zákon v znení neskorších predpisov a Občianskeho zákonníka.
4. Táto zmluva je vyhotovená v štyroch exemplároch, z ktorých jeden exemplár dostane autor a ostatné ostávajú pre potrebu SNG.

V _____ dňa _____

Slovenská národná galéria
Mgr. Alexandra Kusá, PhD.
generálna riaditeľka

Michal Daubner
autor

FINANČNÁ KONTROLA			
vykonaná podľa zákona č. 357/2013 Z.z. o finančnej kontrole a audite v znení neskorších predpisov			
① 			
Finančná operácia je v súlade: <i>(príjem – poskytnutie – poskytnutie – právny úkon – iný úkon majetkovej povahy)</i>			
S rozpočtom:	Dátum	Meno	PODPIS
S osobitnými predpismi/ s uzatvorenými zmluvami	Dátum	Meno	PODPIS
S inými podmienkami poskytnutia verejných prostriedkov:	Dátum	Meno	PODPIS
So zákonom o VO v zmysle zmeny FO podľa zákona o VO	Dátum	Meno	PODPIS
Finančnú operáciu overil a súhlasí s jej vykonaním/pokračovaním:	Dátum	Meno	PODPIS

	Ministry of Health and Family Welfare Government of India
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare Department
Health and Family Welfare Department	Health and Family Welfare