



## **SCREENING CHAPTER 7 INTELLECTUAL PROPERTY**

# **AGENDA ITEM I: COPYRIGHT IN THE INFORMATION SOCIETY**

**Country Session: Republic of TURKEY  
2-3 March 2006**



**RELATED LEGISLATION:**

**LAW NO 5846 ON INTELLECTUAL AND ARTISTIC WORKS**



## CONTENT

- **Reproduction right**
- **Right of communication to the public**
- **Distribution right**
- **Exhaustion of the distribution right**
- **Limitations**
- **Technological measures**
- **Protection of rights-management information**
- **Civil and criminal actions**



## **REPRODUCTION RIGHT (Art. 22, 80)**

**Reproduction Right: Reproducing the original or copies of work by any kind of method or procedure, in part or in whole, directly or indirectly, permanently or temporarily.**

- **Authors, of the original or copies of their works**
- **Performers, of fixation of their performances**
- **Phonogram producers, of their fixations**
- **Film producers, of their fixations**
- **Radio television organizations, of their broadcasts**

**have the exclusive rights of permitting and prohibiting the reproduction.**



## **RIGHT OF COMMUNICATION (Art. 25)**

- The right of broadcasting the original work or the reproduced copies by broadcasting organizations or by devices used for transmitting signs, sounds and/or images and**
  - The right of re-broadcasting these works to the public by different broadcasting organizations**
- belong exclusively to the author of the work.**



## **RIGHT OF COMMUNICATION (Art. 25)**

**The author shall have the right to give permission or to prohibit the sale, distribution or presentation of his/her original work or reproduced copies to the public with wired and wireless devices, and make available to the public of his/her works by providing access from a place and time chosen by the natural persons**



## **RIGHT OF COMMUNICATION (Art. 80)**

### **Holders of related rights;**

- **Performers, of fixation of their performances or reproduced copies**
- **Phonogram producers, of their fixations**
- **Film producers, of their fixations**

**have the exclusive right to give permission or to prohibit the sale, distribution or presentation to the public with wired and wireless devices, and make available to the public of his/her works by providing access from a place and time chosen by the natural persons.**



## **RIGHT OF COMMUNICATION (Art. 80)**

**Radio and television institutions have the exclusive right to give permission of making available to the public of their fixed broadcasts by providing access from a place and at a time chosen by the natural persons.**





## **DISTRIBUTION RIGHT (Art. 23)**

**Renting, lending, placing on sale or distributing in any manner of the original work or reproduced copies**

- **Author has the exclusive right of distribution**



## **EXHAUSTION OF DISTRIBUTION RIGHT (Art. 23)**

- The distribution right of the author is exhausted by the first sale or distribution of reproduced copies of a work**
- This principle is also valid for the holders of related right**
- Renting and lending right shall not be exhausted by any sale or other act of distribution of originals and copies of works**
- The principle of exhaustion is implemented at national level**



## LIMITATIONS

**The limitations may in no way prejudice unjustly the lawful interests of the rightholder and may not conflict with normal exploitation of the work**

- The limitations regarding authors' rights (Art. 30-40, 46,47, Add. Art. 11)**
- The limitations regarding related rights (Art. 80 and Arts. 30,32, 34,35, 46, 47 referred to in Art. 80, Add. Art. 11)**



## **TECHNOLOGICAL MEASURES (Art. 73)**

**Those, who deliberately keep in their possession for commercial purposes or distribute a technical instrument used solely for the purpose of disabling or removing without authorization a technical device applied solely in order to protect a computer programme shall be subject to penal sanction**



## **PROTECTION OF THE RIGHTS-MANAGEMENT INFORMATION (Add. Art. 4)**

- **The information placed on the copies or seen during the communication of the work to the public and figures or codes representing this information cannot be removed or altered without authorization**
- **The originals or the copies of the works on which the information and figures and codes containing such information are altered or removed in an unauthorized manner cannot be distributed, imported in order to be distributed, published or transmitted to the public**
- **The provisions shall also be applicable to phonograms and performances fixed on phonograms**



## **PROTECTION OF THE RIGHTS-MANAGEMENT INFORMATION (Add. Art. 4)**

**Those who deliberately and without authorization  
commit the acts mentioned above are subject to penal  
sanctions**



# **CIVIL AND CRIMINAL ACTIONS**

## **I. Civil Actions**

- **Action for Infringement (Art. 66)**
- **Action for Injunction (Art. 69)**
- **Action for Damages (Art. 70)**

## **II. Criminal Actions**



## **OTHER MEASURES REGULATED IN THE LAW ARE:**

- Interlocutory injunctions**
- Seizure, confiscation and destruction**





**THANK YOU FOR YOUR ATTENTION**