



**AGENDA ITEM III: RENTAL RIGHT, LENDING RIGHT AND
OTHER RIGHTS RELATED TO COPYRIGHT**

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



RELATED LEGISLATION

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



CONTENTS

- **Distribution Right**
- **Exhaustion of the Distribution Right**
- **Fixation Right**
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DISTRIBUTION RIGHT (Art. 23)

Rental and public lending rights have been regulated within the scope of distribution right

- **Distribution right is defined in the Law as “Renting, lending, placing on sale or distributing in any manner of the original work or reproduced copies”**
- **The author has the exclusive right of distribution**



DISTRIBUTION RIGHT (Art. 80)

Besides Authors;

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

have the exclusive rights of permitting or prohibiting the sale, distribution, renting and public lending.

- **Radio and television institutions** have the exclusive rights of permitting or prohibiting the distribution by any technique or method of their broadcasts.



AUTHORSHIP IN CINEMATOGRAPHIC WORKS (Art. 5, 8)

- **Definition of cinematographic works**: “Animated serials of images related with each other like films of aesthetic, scientific, educational or technical nature or films about daily events or cinema films, which shall be broadcasted by related electronic and mechanical tools as a silent film or sound motion picture, regardless of the material it has been fixed”
- **Joint authors of the work in cinematographic works**: In cinematographic works, the director, composer of the original music, the scriptwriter and the songwriter, as well as the animator of the films made by animation techniques shall be deemed as joint authors of the work



EXHAUSTION OF THE RIGHT OF DISTRIBUTION (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 reproduced copies of works**
- The principle of exhaustion is implemented at national level**



FIXATION RIGHT OF HOLDERS OF RELATED RIGHT (Art. 80)

Performers and radio and television institutions have the exclusive right of permitting and prohibiting the fixation of their performances and broadcasts



RIGHT OF COMMUNICATION TO THE PUBLIC (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 TO THE PUBLIC (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 TO THE PUBLIC (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 TO THE PUBLIC (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.



RIGHT OF COMMUNICATION TO THE PUBLIC (Art. 80)

In case of public transmission of performances fixed on phonograms and films by any means whatsoever, those persons using them are liable to make a reasonable payment to the authors, as well as to the performing artists and producers or the relevant collecting societies



CONTRACTS AND TRANSFERS (Art. 48)

The author or his/her heirs may transfer to others the economic rights afforded them by law.



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 related rights (Art. 80 and Arts. 30,32, 34,35, 46, 47 referred to in Art. 80, Add. Art. 11)



THANK YOU FOR YOUR ATTENTION