



SCREENING CHAPTER 7 INTELLECTUAL PROPERTY LAW

AGENDA ITEM XI: SYSTEMS FOR THE MANAGEMENT OF RIGHTS

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



RELATED LEGISLATION:

- **LAW NO 5846 ON INTELLECTUAL AND ARTISTIC WORKS**
- **REGULATION ON COLLECTING SOCIETIES**



COLLECTING SOCIETIES (Art. 42)

Establishment

- **Authors, holders of related rights and publishers may establish collecting societies**
- **Within the same field more than one collecting society may be established**
- **Collecting societies are legal entities subject to civil law**
- **They may operate with the permission of the Ministry of Culture and Tourism**
- **Collecting societies in the same field may establish Federations**

COLLECTING SOCIETIES (Cont.)

Fields of Collecting Societies in terms of Copyright

- **Literary works**
- **Musical works**
- **Works of fine arts**
- **Cinematographic works**
- **Adaptation and compilation works**

Fields of Collecting Societies in terms of Related Rights

- **Performers**
- **Phonogram producers**
- **Radio television institutions**
- **Film producers**

Publishers



OBJECTIVES AND TASKS OF COLLECTING SOCIETIES

- To protect common interests of their members**
- To ensure the management and exercise of their members' rights in an equitable manner**
- To collect fees and royalties and distribute to the rightholders in accordance with the distribution plan.**



(Cont.)

- **To deliver information related to members and the works, performances, phonograms and productions to the Ministry**
- **To provide information about the repertoire to any person upon request**
- **To make contracts**
- **To determine the tariffs in time and announce them without delay**



DETERMINATION OF TARIFFS

- **Collecting societies may determine tariffs either by themselves or together with other collecting societies in the same field**
- **Tariffs should be determined by taking into consideration the adaptability of the social and economic conditions of international practice and changes in technology**



DETERMINATION OF TARIFFS (Cont.)

- Product prices in the relevant sectors and the share of these sectors in the gross national product**
 - Frequency of use and/or transmission of the repertoire**
 - The fact whether the payment is made as a lump sum or as a unit price**
- are considered.**



LICENCING

- **Upon membership, right holders give authorization to collecting societies to make licensing contracts.**
- **Having obtained this authorization, societies may make licensing contracts with users in accordance with the tariffs.**
- **The rights and obligations of parties are defined by these contracts.**



LICENCING (Cont.)

The parties of license contracts may be:

- Places open to public with or without an entrance fee (hotels, restaurants, bars, cafes, discotheques, etc.)**
- Radio and television organisations**
- Entities providing interactive services**



DISTRIBUTION OF REVENUES (Regulation Art. 41)

- Collecting societies distribute revenues to their members in accordance with the distribution plan**
- The fees collected by the societies will be paid to the rightholders four times a year after deducting the share of the society**
- Compensation costs will be paid to rightholders within 15 days after deducting the legal costs and societies' share.**



SUPERVISION OF COLLECTING SOCIETIES

(Law, Art. 42 – Regulation, Art. 72)

- **Collecting societies are subject to administrative and financial supervision of the Ministry**
- **The Ministry can delegate supervision to an accredited audit firm**
- **Each collecting society shall establish a Supervisory Board**
- **Supervisory Board shall inspect accounts and works of board of the directors in accordance with the principles and procedures in periods not exceeding six months**
- **Collecting societies have their accounts verified by certified public accountant**



INTERNATIONAL RELATIONS (Art. 42)

- **The rights of the authors of the work and holders of the related rights shall be exercised in Turkey only by collecting societies established in line with the Law and its related Regulation**
- **Relations of the collecting societies with foreign public organizations, and natural and legal persons are determined by the Regulation**



INTERNATIONAL RELATIONS (Regulation Art. 6)

- **Societies and federations may become member of international collecting societies**
- **They may cooperate with foreign public organisations, and natural and legal persons having the same purpose**
- **They shall inform the Ministry about the protocols they made as a consequence of this cooperation**



COLLECTING SOCIETIES IN TURKEY

TOTAL NUMBER : 19

In the Field of Copyright:

- **Literary Works**
 - **Literary Work Owners Society of Turkey (ILESAM)**
 - **Literary Work Owners Society (BESAM)**
 - **Literary Work Owners Society (EDISAM)**
 - **Informatics and Software Society (BIYEM)**
 - **Software Owners Society (YESAM)**

COLLECTING SOCIETIES IN TURKEY (Cont.)

- **Musical Works**
 - **Musical Work Owners Group Society (MSG)**
 - **Musical Work Owners Society of Turkey (MESAM)**
- **Works of Fine Arts**
 - **Artistic Work Owners Society of Turkey (GESAM)**
- **Cinematographic Works**
 - **Cinematographic Work Owners Society of Turkey (SESAM)**
 - **BSB Cinematographic Work Owners Society (BSB)**
 - **Cinematographic and Television Work Owners Society (SETEM)**



COLLECTING SOCIETIES IN TURKEY (Cont.)

In the Field of Related Rights:

- **Performers**
 - **Players of Theatre Society (TOMEB)**
 - **Artists Of Sound Recording Society (SES-BİR)**
 - **Performers Of Musical Works Society (MÜYOR-BİR)**
 - **Actors Society (OYUNCU-BİR)**
- **Phonogram Producers**
 - **Related Right Owner Producers of Musical Work Society (MÜ-YAP)**



COLLECTING SOCIETIES IN TURKEY (Cont.)

- **Radio and Television Institutions**
 - **Radio and Television Broadcasters Society (RATEM)**
- **Film Producers**
 - **Television and Cinematographic Work Producers Society (TESİYAP)**
 - **Film Producers Society (FIYAP)**



THANK YOU FOR YOUR ATTENTION