



**SCREENING CHAPTER 7  
INTELLECTUAL PROPERTY  
TERM OF PROTECTION**

**AGENDA ITEM VIII: TERM OF PROTECTION REGARDING  
COPYRIGHT AND RELATED RIGHTS**

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



## **RELATED LEGISLATION:**

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

## **THE WORK AND THE AUTHOR (Art.1b/a, 2,3,4,5,8)**

- **The Work** - all kinds of artistic and intellectual products of science and literary, music, art, photography or cinematography which is carrying the mark of author.
- **The Author of the Work** - person that creates the work.
- **In cinematographic works**, the director, composer of the original music, the scriptwriter and the songwriter shall be deemed as joint authors of the work.

## **GENERAL RULES (Art. 26)**

- **The economic rights granted to authors for their works shall be limited in time, and any person may exploit the economic rights granted to the author after expiry of the term of protection**
- **A work made public with the consent of the rightholder shall be deemed to have been made available to the public (Art. 7)**
- **The term of protection shall not start until the work has been made available to the public**

## **GENERAL RULES (cont.)**

- **The dates on which the work was made available to the public are;**
  - **The publication date of the last instalment for works, which are published in instalments**
  - **The date of publication of each volume or issue for works comprising several consecutive volumes published at intervals and for works such as bulletins, magazines, periodicals and annuals.**



## **TERM OF PROTECTION**

### **AUTHOR'S RIGHTS (Art.27)**

- **The term of protection shall last for the lifetime of the author and for 70 years after his death**
- **The term of protection for works, which have been first made public after the death of the author, shall be 70 years after his death**
- **In case of joint authorship, 70 years after the death of last surviving joint-author**



## **TERM OF PROTECTION (cont.)**

### **COLLECTIVE WORKS (Art.9)**

- If a work, created by more than one person, can be divided into parts, each person shall be deemed the author of the part created by him/her**
- The terms of protection applicable to the divisions of the work shall be independent of each other**



## **TERM OF PROTECTION (cont.)**

**In the case of anonymous works, the term of protection shall run for 70 years after the work is lawfully made available to the public, unless the author reveals his identity before the expiry of this term (Art.12, 26)**

**If the rightholder of the original work is a legal person, the term of protection shall be 70 years as from the date on which the work has been made available to the public (Art.26)**





## **DURATION OF RELATED RIGHTS (Art.82)**

- For performers: 70 years as from the date of the first fixation of their performances.**
- For phonogram and film producers: 70 years as from the date on which the first fixation was made.**
- For broadcasting organizations: 70 years as from the date on which the programme was first broadcast.**



## **RIGHTS OF THIRD PARTIES**

**The provisions of the Law shall apply;**

- To all works communicated to the public for the first time in Turkey and to all works existing in Turkey but not yet communicated to the public, as also to letters and pictures existing in Turkey, irrespective of the nationality of the author (Art.88)**



## **RIGHTS OF THIRD PARTIES (cont.)**

- To all works of foreigners which have not yet been communicated to the public or which have been communicated to the public outside Turkey, subject to the relevant provisions of the international conventions to which Turkey is a party (Art.88)**
- To all foreign works, which have been produced in other countries party to international contracts and agreements to which Turkey is also a party and which have not been made public, due to the fact that the term of protection has not expired in those countries (Add. Art. 2)**

## CALCULATION OF TERM (Art. 26)

### Two categories of calculation;

- For terms of protection that start to run on the date on which the work has been made available to the public: the first day of the year following the event
- For terms of protection that start to run on the date of the author's death: the first day of the year following the year of the author's death (in case of joint authorship: the date of the last surviving author's death)



**THANK YOU FOR YOUR ATTENTION**