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# RUSSIAN CIVIL CODE & IPTV CONTENT

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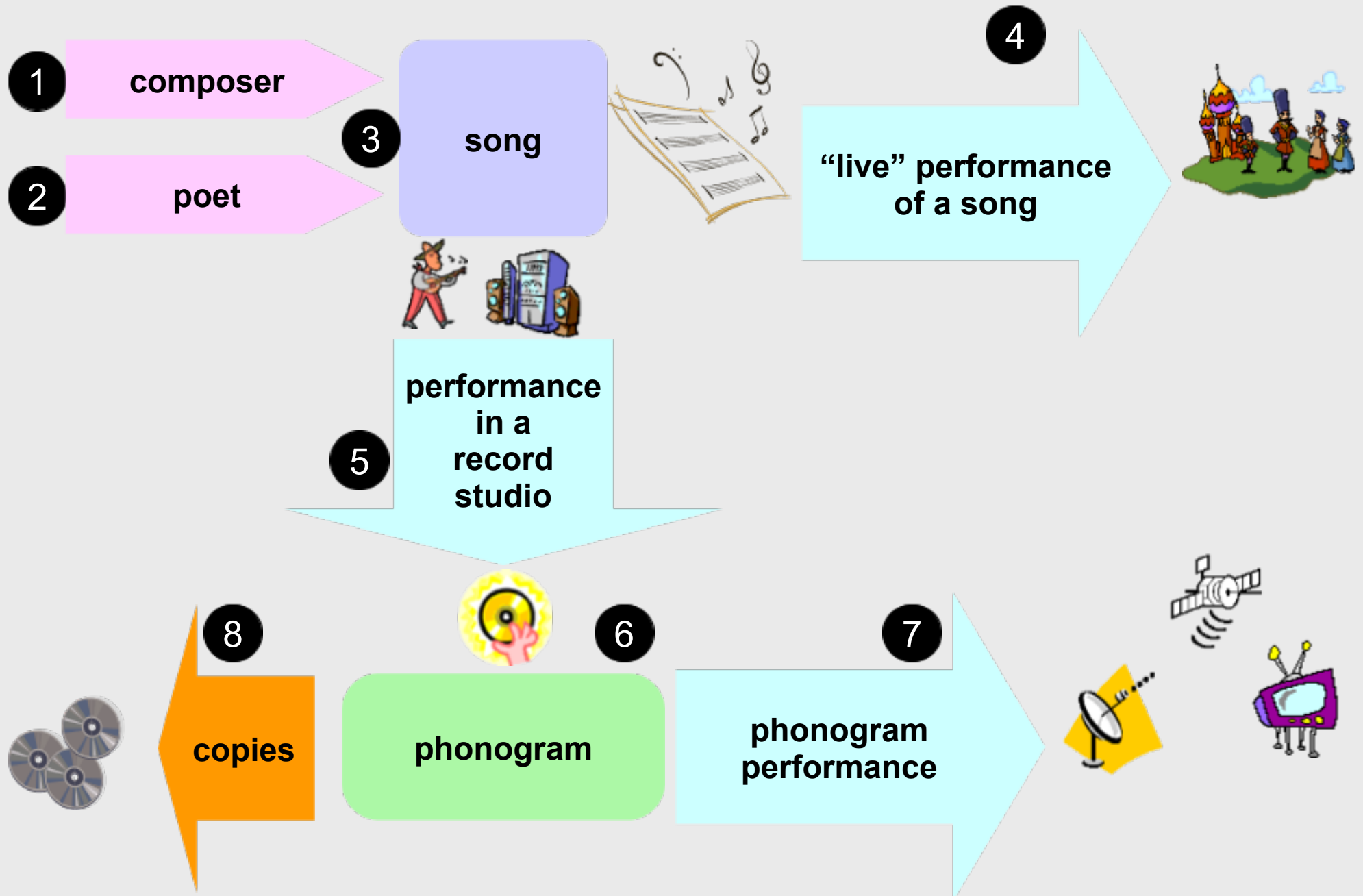
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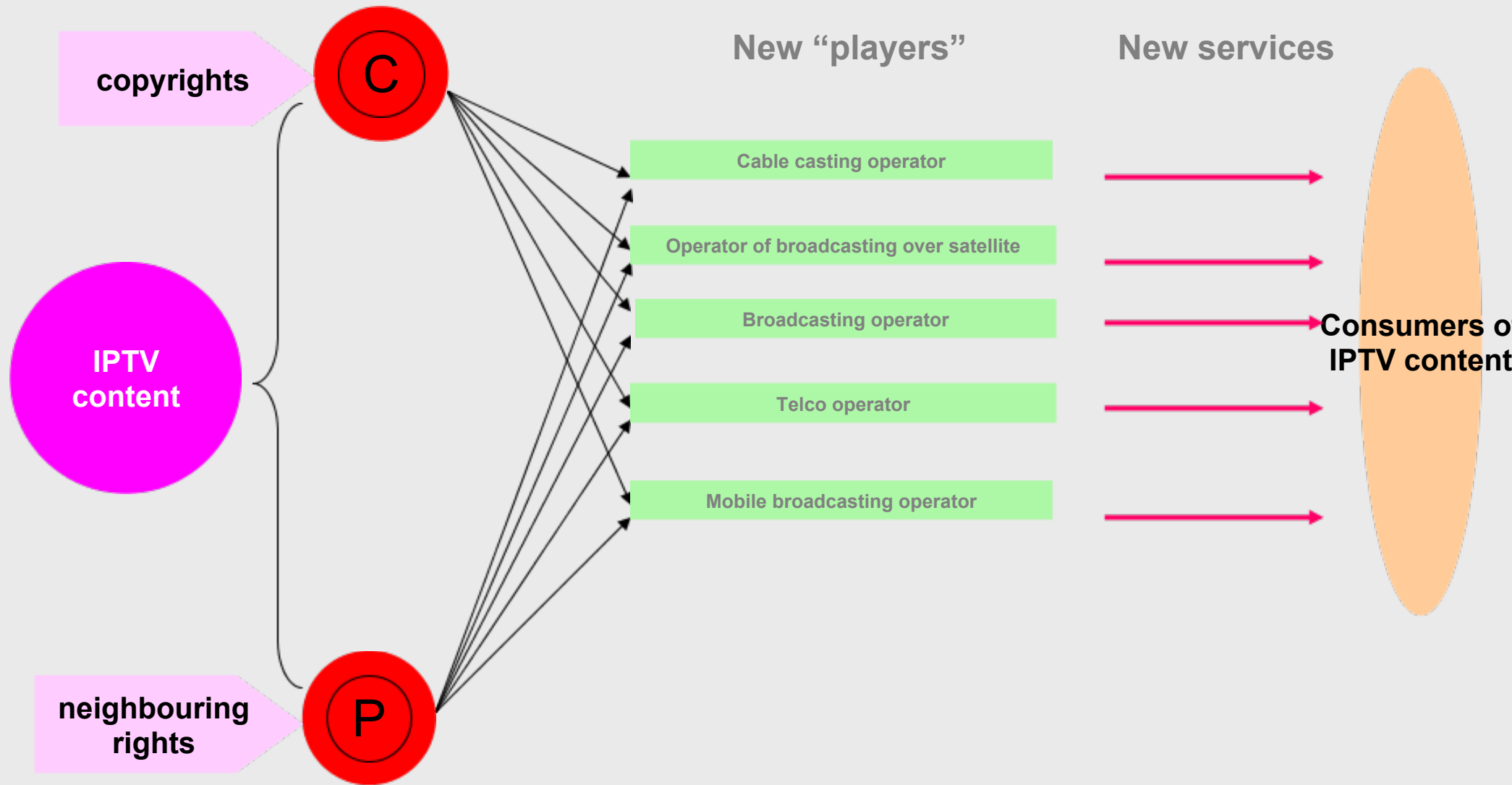
# **§1. Cardinal changes in a “Performance Right” system**



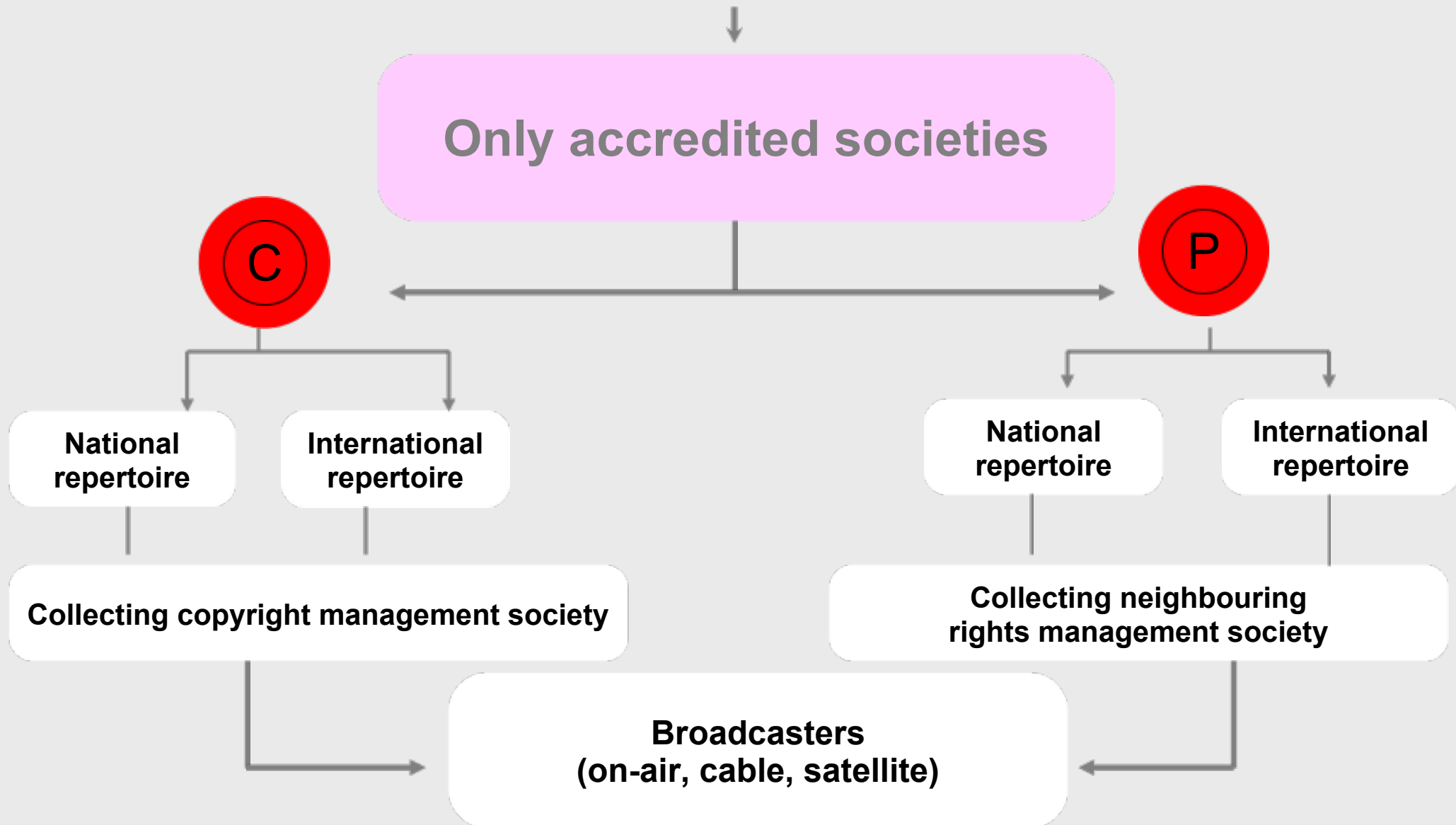
# Complex of “Performance Right”



# Main reason of changes in a “Performance Right” system is new “players” and new services



# Blanket licences from 1<sup>st</sup> of January 2008



**Annotation:**

**Blanket licence** – the licence in the name of all right holders both which transferred rights to collecting society and which did not.

**Objects of copyright for which accredited collective copyright management society can issue blanket licences after the 1st of January 2008:**



**Excerpts from dramatico-musical works**



**Musical works with text or without**

**par. 1 of art. 1244 of Civil Code of RF**



## Objects of copyright for which issuance of blanket licences after the 1st of January 2008 is impossible:

1. Literary works (including computer programs);
2. Dramatic and dramatico-musical works, scenarios);
3. Choreographic works and entertainments in dumb show;
4. Audiovisual works;
5. Works of painting, sculpture, drawing, design, graphic stories, comics and other works of art;
6. Works of decorative and applied and scenographic arts;
7. Works of architecture, town building and landscape art, including in the form of projects, drafts, images and models;
8. Photographic works, to which are assimilated works expressed by a process analogous to photography;
9. Geographical, geological and other maps, plans, sketches and plastic works relating to geography, topography and other sciences.

Broadcaster can obtain rights only on the ground

“One-off” licences

**Annotation:**

**“One-off” licence** – the licence on behalf of any right holder for one strictly specified object of copyright

**Who can issue “ONE-OFF” licences after the 1st of January 2008?**

**Collective management organizations  
operating under**

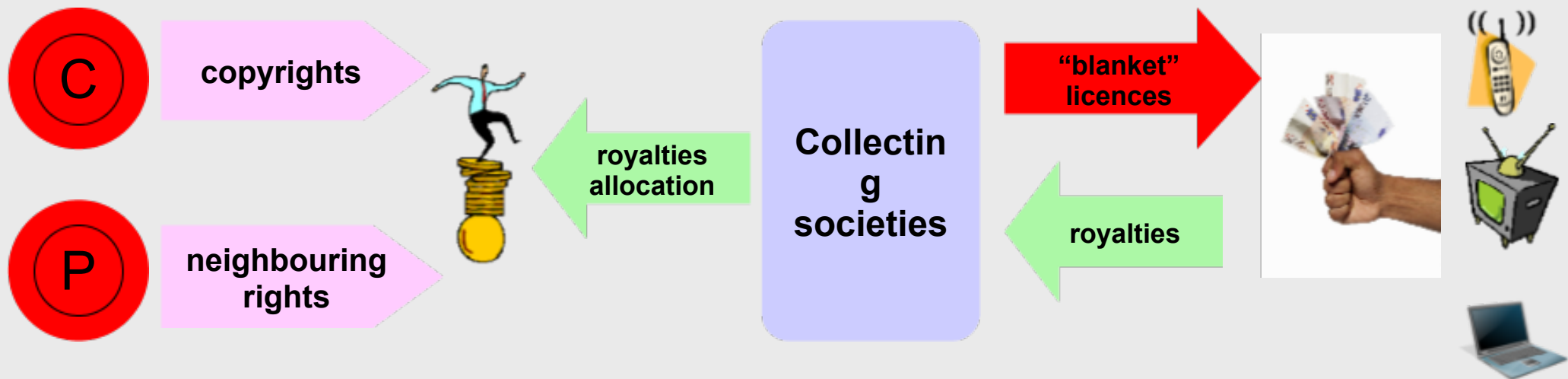
**written agreement with right holder  
authorizing to manage the rights.**

**par. 3 of art. 1242 of CC of RF**

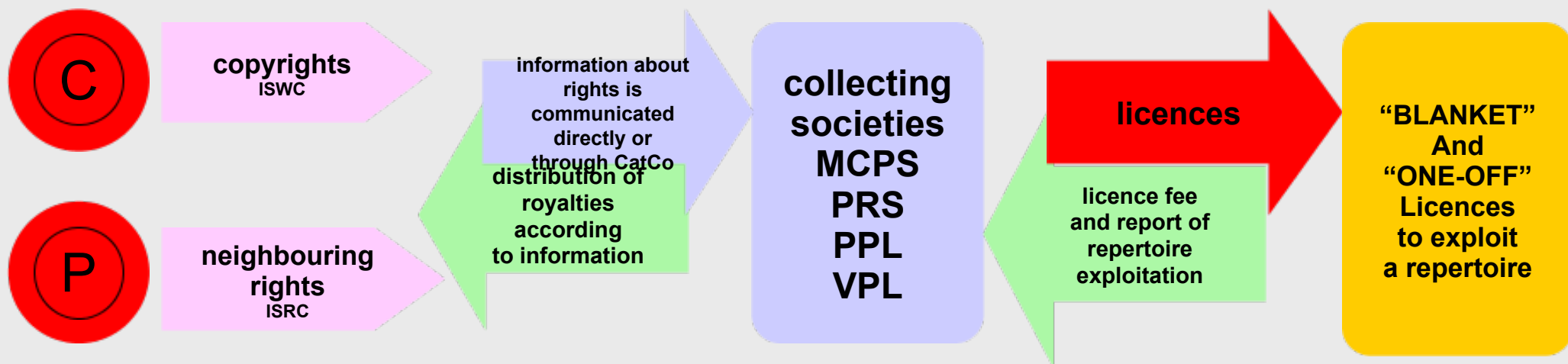
## **§2. Cardinal changes in a system of copyrights and neighbouring rights collective management (Performing Rights Societies)**



# System of collecting of “Royalties” for the “Performance Right” before the 1st of January 2008



## Система сбора «Роялти» за «Performance Right» в Великобритании



### Annotation:

**ISWC** – International Standard Musical Work Code

**ISRC** – International Standard Recording Code

**CatCO** – digital system of accounting and distribution of royalties invented by British Recording Industry (Tracking System)

**Accumulation of royalties for “Performance Right” in Great Britain is stably increasing**

# New requirements of russian legislator to “Performing Rights Societies” after the 1st of January 2008



It has to be founded in form of non-profit organization



Organizational form has to provide a “membership” of copyright and neighbouring rights owners in that organization



The ground for authorities of non-profit organization is written agreement with each of owners of copyright and neighbouring rights authorizing to manage the rights

**Organizational forms of non-profit organizations  
which are not regarded as  
“Performing Rights Societies”  
after the 1st of January 2008**



**Funds**



**State corporations**



**Private  
institutions**



**Autonomous non-profit  
organizations**

How have reacted some non-profit organizations to new requirements of russian legislator to  
**“Performing Rights Societies”** ?



They have made a request to the state institutions to keep in suspense statutory provisions of IV part of CC of RF in relation to collective management societies.



# Situation with state accreditation of “Performing Rights Societies” in Russia



It is not ruled out that the state accreditation will not occur in 2008



At best accredited collecting societies will be only in 2009

Organizations  
that consider themselves as  
**“Performing Rights Societies”**  
in a field of neighbouring rights



Cut-throat competition between “Performing Rights Societies”  
in a field of neighbouring rights (performers’ rights and producers’  
rights)

for the status of **“ACCREDITED SOCIETY”**  
and issuance of **“BLANKET LICENCES”**



V.



## “WEAK” SIDES OF “RUSSIAN PHONOGRAPHIC ASSOCIATION”



Organizational form of RPA – Autonomous non-profit organization (does not provide a “membership”)



Russian existing legislation does not provide to RPA the real possibility to re-register itself in another acceptable organizational form providing a “membership”

## “Strong” sides of “Russian Phonographic Association”

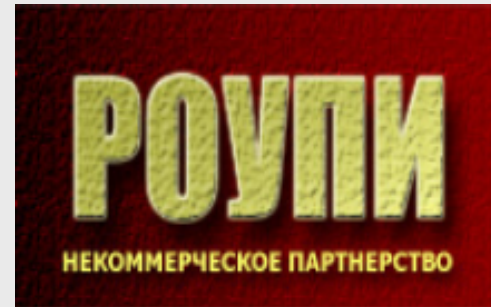


Was found under the patronage of International Federation of Phonographic Industry **(IFPI)**



Enjoys encouragement of mostly russian members of International Federation of Phonographic Industry **(IFPI)**

## “Weak” sides of “ROSP” and “ROUPI”

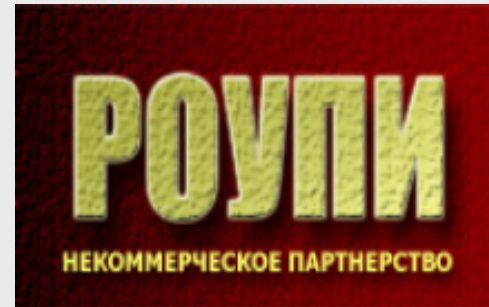


Don't have the patronage of International Federation of Phonographic Industry (IFPI)



Don't have encouragement of mostly russian members of International Federation of Phonographic Industry (IFPI)

## “Strong” sides of “ROSP” and “ROUPI”



Organizational form of ROSP ROUPI –  
Non-profit partnership (provide a  
“membership”)

# **What effect will have a competition between “Performing Rights Societies” in a field of neighbouring rights on players of IPTV market?**



**Ineffective search of owner of neighbouring rights on a certain performance or phonogram**



**Unpredictable increase of documents circulation**



**Unpredictable increase of costs on a neighbouring rights “clearance”**



**Increase the number of proceedings in which will be involuntarily the players of IPTV market**



# Your questions

you can put to us by mail:



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<http://kondrin.com>