Transfer of Rights and Remuneration Schemes

May 29, 2015 Tbilisi, Georgia
International Legislation

Berne Convention for the Protection of Literary and Artistic Works 1886

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) 1994

WIPO Copyright Treaty (WCT) 1996

WIPO Performances and Phonograms Treaty 1996

Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations 1961
National Legislation

Main
Law of Georgia on Copyright and Related Rights – 1999

Sanctions
Georgian Code of Administrative Offences – 1984
Criminal Code of Georgia – 1999

Specific
Law of Georgia on Architectural Activity – 1998
Individual Management of Rights

Big number of right holders and users

Hard to reach all rights holders and users

Time resource

Financial Resource

However, individually deciding on amount of payment
Collective Management of Rights

Author / Performer (Intellectual and Financial Resource) → Collective Management Organization (Repertoire)

Royalty Collection and Distribution

Author / Performer (Royalty) → USER (License)

Collective Management Organization License Fee
Management of Exploitation Rights
Reciprocal Agreements with the sister societies
Setting the Tariffs
Licensing the Users
Royalty Collection
Royalty Distribution
Neighbouring Rights

Performer (Singer, Musician, Actor)

Phonogram Producer

Videogram Producer

Broadcasting Organization
Music

Law on Copyright and Neighbouring Rights

Copyright Owner

Composer
Lyricist

Neighbouring Right Owner

Performer
Phonogram Producer

Musical Work
Audiovisual Work

Authors’ Rights

Screenwriter

Director

Composer

Author of Dialogues
Audiovisual Work

Producer (Production Studio) – Exclusive Right

Performers – Rights of Actors and Other Performers
Conclusion of an agreement for the creation of an audiovisual work shall invoke transfer of the exclusive right to use the work from the authors (co-authors) to the producer of the audiovisual work.

The authors (co-authors) of the work shall retain the right to receive remuneration (royalty) from the user (a broadcasting organization, movie theater, etc.) for using the work in any form. Any other agreement between the audiovisual work producer and authors shall be null and void.

The right shall be exercised only through a collective management organization.
Positive aspects of the Beijing Treaty

Audiovisual performers will have equal protected rights as the performers of musical works have.

There will be special regulations abolishing total waiver of right of compensation.

Respective remuneration system will be established and enacted.
Implementation of the Beijing Treaty

Need of special regulations and modification of national legislation

Need of special organization for administering those rights

Need of elaboration data base of performers and other necessary information
Thank You!