

Instruction for use

The database's subject coverage currently includes the legal provisions concerning authors' right and related rights on cinematographic and audiovisual works in ten Mediterranean countries as well as international and European instruments (directives and regulations).

The content will be updated on a regular basis and completed by cinema and audiovisual provisions as well as jurisprudence, official comments and doctrine articles.

The subject is presented in two ways:

– First of all, through the integral text of each law or instrument in force.

These texts are gathered in the "Collection of Laws" section of the database

The « Collection of Laws» includes texts in force regularly updated, as well as transitory provisions whenever they exist.

These texts as well as the international and European instruments are classified according to a chronological order for each country.

Click here <http://www.euromedaudiovisuel.net/Files/2008/01/16/1200503669457.pdf> to print the "Collection of Laws" table of contents.

– moreover, according to a classification by concepts, through an index which enables to consult legal provisions (not only national laws but also international and European instruments) relating to each copyright and related rights concept in the field of cinematographic and audiovisual works.

These texts are gathered in the "Index of Concepts" section of the database.

Note: it is advisable to have a printed version of the index of concepts when reading the following explanations. Click here <http://www.euromedaudiovisuel.net/Files/2008/01/16/1200500969697.pdf> to print the index of concepts.

The « Index of concepts » is classified as follows:

A first division has been operated into seven parts:

1. The subject of protection and the rights holders
2. Rights on copyright works and subject matters protected by related rights
3. Ownership and transfer of rights
4. Remuneration of rights holders
5. Proceedings and sanctions
6. Collective management bodies
7. Applicable law

Each part is divided into chapters:

1. The subject of protection and the rights holders
 - 1.1. Subject of protection
 - 1.2. Rights holders in cinematographic and audiovisual works

- 1.3. The beneficiaries of protection (international protection)
- 1.4. Term of protection
- 1.5. Works and subject matters excluded from protection
2. Rights on copyright works and subject matters protected by related rights
 - 2.1. General definition
 - 2.2. Economic rights
 - 2.3. Moral rights
 - 2.4. Exceptions to the rights
3. Ownership and transfer of rights
 - 3.1. First ownership of rights
 - 3.2. Transfer of rights *inter vivos*
 - 3.3. Transfer of rights *mortis causae*
 - 3.4. Transitional provisions
4. Remuneration of rights holders
 - 4.1. Remuneration in case of exploitation of exclusive rights
 - 4.2. Remuneration in case of exception to the rights
 - 4.3. Seizure of remuneration
5. Proceedings and sanctions
 - 5.1. Facts constituting infringements of protected rights
 - 5.2. Recourse to legal proceedings
 - 5.3. Procedure
6. Collective management bodies
 - 6.1. Definition, object and general provisions
 - 6.2. Approval of collective management bodies
 - 6.3. Obligations of collective management bodies
 - 6.4. Supervision and control of collective management bodies
7. Applicable law

The seventh part regarding applicable law only includes this title. The future development of this subject however implies to create a title of its own.

Each chapter is divided in a certain number of sections and sub-sections classified in a tree structure. The subjects' classification, which leads for some of them to a seven levels tree structure, is founded as much as possible on redundant structures.

Therefore:

- Provisions concerning authors' rights always comes before provisions concerning related rights
- related rights are always presented as follows:
 - Performers

- Producers of audiovisual recordings
 - Broadcasting organizations
- General provisions on a specific concept are always presented before "special" provisions which are themselves organized as here below:
- Special provisions concerning cinematographic and audiovisual works
 - Special provisions concerning certain forms of exploitation
 - Special provisions concerning certain contracts
 - Special provisions concerning certain holders of related rights
 - Special provisions concerning certain exceptions ("Exceptions to the rights")

It is thus always useful not only to read the section regarding special provision (concerning certain works, certain contracts, certain forms of exploitation, etc ...) but also the section on general provisions which comes before it.

Within each section, each redundant concept has a number which remains the same for the entire section and which always constitutes the last number of the numerical identification. The latter is preceded by the number that identifies the section to which it belongs. This choice explains that if the index of concepts' numbering is continuous, that of the database is not, i.e., there is some « blanks » in the database, since there are no applicable legal provisions for certain concepts.

Let's take section 3.2.1.2. as an example:

- The first number (3) means we are in the third part entitled « Ownership and transfer of rights»
- The second number (2) means we are in chapter 2 of this part entitled « Transfer of rights *inter vivos*»
- The third number (1) means we are in section 1 of this very chapter, entitled « Transfer of rights by the first owner»
- The fourth number (2) means we are in the second sub-section entitled « Forms and content of contracts»

This sub-section is divided in two parts:

- 3.2.1.2.1. Provisions concerning authors' rights
- 3.2.1.2.2. Provisions concerning the holders of related rights
(the fifth number identifies the authors (1) and the holders of related rights (2). This number remains the same throughout the database).

Eventually, each of these parts includes the five same concepts:

- General provisions
- Special provisions concerning audiovisual production contracts
- Special provisions concerning publishing contracts of audiovisual works
- Special provisions concerning performance contracts
- Special provisions concerning broadcasting contracts

The index of concepts for this section appears as follows:

- 3.2.1.2.1. Provisions concerning authors' rights
 - 3.2.1.2.1.1. General provisions
 - 3.2.1.2.1.2. Special provisions concerning audiovisual production contracts
 - 3.2.1.2.1.3. Special provisions concerning publishing contracts of audiovisual works
 - 3.2.1.2.1.4. Special provisions concerning performance contracts

3.2.1.2.1.5. Special provisions concerning broadcasting contracts

3.2.1.2.2. Provisions concerning the holders of related rights

3.2.1.2.2.1. General provisions

3.2.1.2.2.2. Special provisions concerning audiovisual production contracts

3.2.1.2.2.3. Special provisions concerning publishing contracts of audiovisual works

3.2.1.2.2.4. Special provisions concerning performance contracts

3.2.1.2.2.5. Special provisions concerning broadcasting contracts

Only the concepts for which applicable provisions are available in law texts will appear in the database:

3.2.1.2.1. Provisions concerning authors' rights

3.2.1.2.1.1. General provisions

3.2.1.2.1.2. Special provisions concerning audiovisual production contracts

3.2.1.2.1.3. Special provisions concerning publishing contracts of audiovisual works

3.2.1.2.1.4. Special provisions concerning performance contracts

3.2.1.2.2. Provisions concerning the holders of related rights

3.2.1.2.2.1. General provisions

3.2.1.2.2.4. Special provisions concerning performance contracts

3.2.1.2.2.5. Special provisions concerning broadcasting contracts

Therefore, it can be noticed that in part 3.2.1.2.2., number 4 (which identifies performance contracts) comes immediately after number 1 (which identifies general provisions) while it would have been logical to see a "2" after the number "1".

This is however necessary since:

- Number 4 identifies performance contracts in seven sub-sections of this section, concerning as well authors and holders of related rights, while number 2 identifies audiovisual production contracts. A same concept should always be identified in the same way so as to keep the database consistent;
- Sections 3.2.1.2.2.2. and 3.2.1.2.2.3. which have no content right now, could have some in the future, e.g. if a law changes or a jurisprudence decision appears. This section should therefore be reserved.

The classification by concepts in the "Index of Concepts" section of the database enables all users to have a quick access to the legal information. An efficient use of this part of the database implies that the user knows how the information is classified. It is therefore advisable that all users get used to the index of concepts and have a printed version of it.

Click here <http://www.euromedaudiovisuel.net/Files/2008/01/16/1200500969697.pdf> to print the index of concepts.

Last but not least, the reader will note that the subject herewith presented is currently composed of law texts and international instruments in force in various countries while law does not restrict to legislation in force, the latter being completed by jurisprudence, doctrine and custom. Moreover, the lack of specific legislation on a determined concept in a country does not mean this concept does not abide by the law in this very country. Every kind of legislation research undertaken shall therefore be completed by a research at the jurisprudence, doctrine and custom level in this very country. In some cases, the subject can also be governed by general principles of applicable law in the concerned country.