

Regulations under which Subjects of Copyright have the Right to Issue Licenses for Non-commercial use of their Works

In compliance with Articles 6 and 12 of the Law on Collective Management of Copyright, subjects of copyright have the right to issue licenses for non-commercial use of their works, following the regulations of the relevant organization of collective management.

1. In compliance with the provisions of the Law on Collective Management of Copyright, AKKA/LAA General Assembly endorses the present regulations according to which subjects of copyright have the right to issue licenses for non-commercial use of their works (hereinafter the Regulations). The Regulations stipulate:
 - 1.1.the subjects of copyright that have the right to issue licenses for non-commercial use of their works;
 - 1.2.the procedure to be followed by the subject of copyright in order to issue licenses for non-commercial use of their works;
 - 1.3.the conditions to be respected concerning the works that have several co-authors;
 - 1.4.the conditions to be matched in order to believe that non-commercial use of the work is in place;
 - 1.5.certain kinds of use of work or works that are deemed non-commercial in compliance with the present Regulations.

2. The Subjects of Copyright who have the Right to issue Licenses for Non-commercial use of their works

Licenses for non-commercial use of their work or works may be issued by all subjects of copyright, except those who are defined as businesses for the purposes of the Commercial Law.

3. The Duty to Inform AKKA/LAA of the Issued Licenses for Non-commercial Use of Work or Works

- 3.1.The subject of copyright issuing licenses for non-commercial use of work or works has the duty to inform AKKA/LAA of issue of such a license as soon as possible, but no later than fifteen days prior to the use of work.
- 3.2.The subject of copyright issuing licenses for non-commercial use of work or works has the duty to enclose in the notice to AKKA/LAA:
 - 3.2.1. the category of work or works¹,
 - 3.2.2. the titles of the work or works,
 - 3.2.3. all the authors of the work or works, and all subjects of copyright²,

¹ Musical work, literary work, work of visual art etc.

- 3.2.4. the method of usage of work or works³,
- 3.2.5. the date of usage of work or works or the period that the issued license covers,
- 3.2.6. the user of work or works, quoting the name (the name and surname in the case of a natural person), the registered identification number (personal identification number in the case of a natural person) the address, the phone number to contact, and the e-mail address.

4. Requirements Concerning the Work or Works that have Several Co-authors

- 4.1. If a license for non-commercial use of work or works is issued for a works or works that have several co-authors, all the subjects of copyright concerning the work or works must agree with the issue of such a license, and all the subjects of copyright concerning the work or works shall inform AKKA/LAA of their consent in compliance with Section 3 of the present Regulations.
- 4.2. If a license for non-commercial use of work or works is issued for a work or works that have several co-authors and the protection term has expired for one of them, no formalities concerning consent or notice with regard to the co-author in question are necessary for the purposes of the present Regulations.

5. The Conditions to be Met in Order to Deem the Work Use Non-commercial for the Purposes of the Present Regulations

- 5.1. The license to use the work or works issued by the subject of copyright may not stipulate any kind of compensation or other benefit neither for the subject of copyright issuing the license nor for any third parties.
- 5.2. The user of work or works may not receive any direct or indirect gains from the use of the work or works, including the gains described in the non-exhaustive list below:
 - 5.2.1. Admission fee, voluntary contributions, payments from third parties or payments for goods or services related to the use of work or works;
 - 5.2.2. Benefits from third parties, including the state, the municipalities or their derivations, received in a framework of financing, donations, or any kind of barter deal;
 - 5.2.3. Financing from third parties attracted to secure the use of work or works;
 - 5.2.4. Direct or indirect income generated by the use of work or works;
 - 5.2.5. Direct advertising by the user, or receipt of indirect income from third parties for placement of commercials;
 - 5.2.6. Tethering of the use of the work or works to a commercial dedicated to some product or service, or to sales promotion, or to a self-promotion act on behalf of the user of work or works, or to a published item (a greeting, a CD, a book or any other present distributed to the clients or supporters of the user).
- 5.3. If the work or the works are enacted by a performer or performers, they may not receive any direct or indirect compensation in the form of fee or barter for their performance.

² The authors' inheritors that take over the economic rights (e.g. publishers, heirs etc.) are also deemed subjects of copyright.

³ Public performance, reproduction, publishing etc.

5.4.If object of neighbouring rights are used in the framework of use of the work or works, the relevant subjects of neighbouring rights may not receive any direct or indirect compensation in the form of fee or barter for the use of objects of neighbouring rights.

6. Certain Kinds of Use of Work or Works that could be Considered as Non-commercial use for the Purpose of the Present Regulations (the list included in this section is non-exhaustive and given as an example):

6.1.Use of a musical, literary or choreographic work or works in public performance:

6.1.1. Individual concerts if the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met;

6.1.2. Individual parties if the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met;

6.1.3. Individual sports events, competitions or workouts if the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met;

6.1.4. Individual circus shows in public if the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met;

6.1.5. Individual fashion shows if the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met.

6.2.Use of a dramatic or dramatic musical work or works in public performance:

6.2.1. Individual shows by amateur theatres or school theatres if the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met.

6.3.Reproduction of a work or works:

6.3.1. Reproduction of a dramatic or dramatic musical work or works in order to make a recording of a show by the theatre concerned, for promotion of the show, if the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met;

6.3.2. Reproduction of a musical work or works in a CD, provided the author(s) and the performer(s) are the same persons, the relevant data carrier does not include works by other authors, the CD is only a free gift, no third-party financing is attracted for publishing of the CD, and the circulation does not exceed 500 copies.

6.4.Use of a work or works on line (via the Internet):

6.4.1. use of a work or works at a non-commercial website, if, concerning the Internet, the criteria listed by sections 2, 3, 4 and 5 of the present Regulations are met;

6.4.2. use of a work or works at a website dedicated to the author himself/herself, or to the performing artist performing the author's works, if the website is not designed for dissemination of digital copies resulting in direct gains (license fee, downloading fee). Such a website dedicated to the author himself/herself, or to the performing artist performing the author's works may contain commercials about concerts or events where the author's works will be performed, however, it is not allowed to carry third-party advertising, where the keeper of the website may receive direct or indirect benefits.

7. The present Regulations do not concern, or apply to the rights of subjects of copyright to issue licenses that cover such categories of works and such economic rights the management of which has not been delegated by the subjects of copyright to AKKA/LAA, and which, according to the Law of Collective Management, Article 3, are not assigned exclusively to collective management.
8. If, within the framework of the same act of use, one or several subjects of copyright have issued a license for non-commercial use of one work, while another one or several subjects of copyright represented by AKKA/LAA have granted no such license for another work, AKKA/LAA follows routine procedures in management of works concerning those subjects of copyright whose work has not been licensed - either licensing the use of work or addressing the work user in connection of violation of copyright, if AKKA/LAA learns of the work use *post factum*.
9. If a subject of copyright has violated the present Regulations when issuing a license for non-commercial use of a work, such a license is null and void according to the provisions of Article 6, Law on Collective Management of Copyright, and AKKA/LAA handles the usage of economic rights of the respective subject of copyright following the routine procedure - either licensing the use of work or addressing the work user in connection of violation of copyright, if AKKA/LAA learns of the work use *post factum*.
10. Amendments or supplements to the present regulations may be made by Council, who shall inform AKKA/LAA general assembly of the adopted amendments or supplements during the next general assembly session. The General Assembly has the right to cancel amendments or supplements adopted by the Council, as well as to edit or supplement the present Regulations following its own incentive.