[RU] Licensing Authority Keen to Protect Film Producers' Copyright Defeated in Court

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On 31 July 1999, on an order from the new head of the Russian Federal Office for Television and Radio (Federalnaya Slushba Rossii po Televideniyu i Radiovetschaniyu, - FSTR), Michail Seslavinskiy, the licence of the Udmurt television station Alwa in the city of Ishevsk was revoked.

The FSTR had received letters from major American film studios like Paramount and 20th Century Fox demanding that the presentation of feature films should not be authorised without the requisite permission of the copyright-holder.

Until then, there had been no precedents involving the revocation of a television broadcasting licence on grounds of "regular breaches of copyright". Only one day after the revocation, Mr Seslavinsky received a letter from another foreign film producer, the Motion Picture Association (USA), in which the hope was expressed that this licence revocation was only the first step in combating breaches of copyright. A few days later, Alwa brought an action against the licence revocation. The revocation was thereupon suspended by the judge pending a court decision. Regardless of this, the Udmurt Ministry of the Interior had the police seize all the transmitting equipment located in the television centre. As a result, the Ministry of the Interior and the FSTR had to make good the damage.

The conflict is still not over. At the last sitting of the Udmurt Court in early December 1998, the judge decided that the letters from the copyright-holders alone did not constitute sufficient grounds for withdrawing the licence. The judge took the view that Paramount and 20th Century Fox should bring proceedings against Alwa rather than send letters to the FSTR. Only when Alwa had lost at least two cases in court could the FSTR revoke the licence. According to the judgement, the FSTR had overstepped its powers in seeking to establish regular breach of copyright itself.

Although the authorised representative of the FSTR submitted that the legislation did not make it a requirement that a judicial decision should be obtained before a licence could be revoked, the judge maintained his opinion.

“Khugo” City of Izhevsk, No A 71-128/98-A5 dated 7 December 1998.

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