[CZ] Fee Payable for Restaurant Broadcasting Devices

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On 6 March 2007, the Supreme Administrative Court of the Czech Republic issued its verdict in a case concerning the use of television and radio receivers in restaurants. The plaintiff was the owner of a restaurant in Prague who had set up radio and television receivers on her premises. The Prague municipal authorities had fined her because she had not paid a fee to the *Ochranný svaz autorský pro práva k dílům hudebním* (copyright collecting company - OSA), which was responsible for protecting copyright in the Czech Republic, thus infringing the Copyright Act. The plaintiff argued that radio and television services were only part of the services offered by the restaurant and that similar services were offered in many other places, such as shops, doctors' surgeries or on public transport.

The court considered that the use of television receivers in the restaurant represented a public showing of protected works and was therefore subject to a fee. The argument that it formed a part of other services was irrelevant, as was the fact that the broadcaster already paid a fee to the authors, since this was a different form of exploitation and authors had the exclusive right to permit or forbid the public showing of their work. The court also ruled that the right to approve public showings included the right to determine whether works should be made accessible to the public in a restaurant.

The court of lower instance, the Prague City Court and the Supreme Administrative Court of the Czech Republic upheld the fine imposed upon the restaurant owner.

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http://www.nssoud.cz/anonymous.php

Ruling of the Supreme Administrative Court of the Czech Republic (case no.: 1 As 36/2006) of 6 March 2007

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