[TR] Actors are Getting Together under the Umbrella of a Collecting Society

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In recent years the number of movies and TV series produced in Turkey has shown a notable increase. Due to the deep public interest, most national TV channels prefer to broadcast series at prime time, rather than other kinds of programmes. Likewise, the cinema industry has shown a trend towards growth as a result of the remarkable success of Turkish directors as well as increasing audience attendance.

In spite of these developments, the rightsholders have been struggling to pursue their rights through the collecting societies. Currently there are eight collecting societies established by producers and joint authors of cinematographic works (namely directors, composers, scriptwriters and dialogue writers). As to actors, even though they form one of the most important groups in the field, there is no collecting society to represent them. However, a group of actors, under the leadership of famous cinema and TV stars, is trying to establish a collecting society named *Birleşik Oyuncular Meslek Grubu,* "The United Actors Collecting Society" (BİROY). The main purposes for the establishment of BIROY were the protection and pursuit of the rights of actors and to make the Turkish cinema sector reach international standards.. This initiative arose from the efforts of other collecting societies in the cinematographic field and related non-governmental organisations. According to the BİROY representatives, all those institutions were aware that it would not be possible to represent the sector completely without a collecting society established by actors. Although, in line with international standards, the actors are stated to be "related rightsholders" in the Turkish Copyright Law (LIA), they experience serious difficulties with regard to claiming their rights, as a result of the general structure of the industry. As the LIA allows the full, unrestricted transfer of rights, once a cinematographic work has been created, the producers or broadcasters demand that they obtain all economic rights as well as the authority to exercise the moral rights to financially exploit the works. Such agreements to which the authors or rightsholders usually agree form a major obstacle that keeps them from pursuing their rights effectively. The founders of BİROY believe that all these problems shall be overcome by acting collectively under the umbrella of a collecting society. Furthermore, it is expected that on the establishment of BİROY the *Türkiye Cumhuriyeti (T. C.) Kültür ve Turizm Bakanlığı* (Ministry of Culture) shall distribute the private copy levies which have been collected and deposited in a special account since 2001. In recent years the collecting societies were striving to get the collected amount in order to

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distribute it to their members but the Ministry was putting forward reasons for delaying distribution, and the lack of representation of all sides of the film industry was one of them. In Turkey it is possible to found more than one collecting society in the same area. Performers are one of the areas listed in Article 7 of the Regulation on Intellectual and Artistic Works Authors and Related Rightsholders. The actors are among the subgroup of performers. To found another collecting society in the same field, a minimum of one-third of the total number of members of the collecting society with the largest number of members set up for that field have to apply (LIA Article 42). Currently, the founders of BİROY are trying to comply with this rule. The collecting society shall begin to operate when the Ministry approves the application and grants permission.

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