[RU] State Permits Cancelled, Watchdog for Collective Societies Abolished

IRIS 2011-4:1/35

Andrei Richter
Comenius University (Bratislava)

As reported in a previous issue (see IRIS 2011-2/36) the Federal Service to Control Observance of Law in the Sphere of Protection of Cultural Heritage (Rosokhrankultura) at the Ministry of Culture was assigned and conducted in 2008-2010 the accreditation procedure in all six fields of collective management, including public performance, broadcasting and cablecasting of musical works.

The results of the accreditation process were recently successfully challenged in the courts by bidders that had failed to obtain state permits. On 25 January 2011 the Arbitration Court of the City of Moscow by resolution on case No. A40-123953/10-21-756 found the decree of Rosokhrankultura of 24 September 2010 No. 167 that awarded the Russian Union of Rightsholders (RSP) the status of an accredited organization null and void. The permit was to collect fees on all imported electronic devices and blank recordable media on behalf of authors.

On 28 December 2010, the Arbitration Court of the Ninth Circuit by resolution on case No. 09АП-26574/2010-АК found the decrees of Rosokhrankultura of 6 August 2009 No. 136 and 137 that awarded the All-Russian Organization for Intellectual Property (VOIS) the status of an accredited organization to collect fees on behalf of performers and producers of phonogrammes null and void. Both court decisions were made on the grounds that the procedures used in the accreditation were not in accordance with the provisions of the law, in particular Rosokhrankultura did not provide reasons for the refusal of permits to the competing applicants that lost in the tender. The decisions ordered Rosokhrankultura to conduct new tenders based on the earlier applications. Meanwhile the fees that are to be collected without collecting societies should be deposited in special accounts.

As of today only two of the four organisations keep the status of accredited organizations. They are the Russian Authors' Society (RAO) and the Partnership to Protect and Manage Rights in the Sphere of Arts (UPRAVIS).

Meanwhile on 9 February 2011 President Dmitry Medvedev of the Russian Federation signed the decree "On the issues of Ministry of Culture" which effectively abolishes Rosokhrankultura and merges its functions directly with those of the Ministry of Culture.

© European Audiovisual Observatory (Council of Europe) 2026

Российская Федерация - Арбитражный суд г. Москвы - Решение По делу № А40-123953/2010

http://docs.pravo.ru/document/view/10818096/5628669/

Arbitration Court of the City of Moscow, resolution on case No. A40-123953/10-21-756, 25 January 2011

Вопросы Министерства культуры Российской Федерации

http://www.kremlin.ru/acts/10283

Decree of the President On the issues of Ministry of Culture

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026