

Copy

[Round stamp]: Ministry of Culture of CR, -28

## Ministry of Culture of the Czech Republic

Milady Horákové 139  
P.B. 214  
160 41 Prague 6

Tel.: 57 08 51 11  
Fax: 24 31 81 55  
e-mail: [minkult@mkcr.cz](mailto:minkult@mkcr.cz)

OSA – Ochranný svaz autorský  
pro práva k dílům hudebním  
(Society for the Protection of the Rights  
of Music Authors and Publishers)  
Tř. Čs. Armády 20  
160 56 Prague 6

Came into legal force  
on 1 March 2001  
[illegible signature]  
[Round stamp]: Ministry of Culture of CR, -28-

Your letter Ref. No.  
5/14/2001/Sa/Hr

Our Ref. No.  
4449/2001

Dealt with by/ext.

in Prague dated  
28 February 2001

RE: Decision to Grant Authorization to Perform Collective Administration pursuant to the Copyright Act

The Ministry of Culture of the Czech Republic issues pursuant to the provisions of Section 46 of Act No. 71/1967 Coll., on Administrative Procedure (Rules of Administrative Procedure), the following

### **D e c i s i o n**

The Ministry of Culture of the Czech Republic grants, pursuant to Section 98 of Act No. 121/2000 Coll., the Act on Copyright, Rights Relating to Copyright and Amendments to Other Act (Copyright Act), to the unincorporated association OSA - Society for the Protection of the Rights of Music Authors and Publisher, having its seat in Prague 6, Tř. Čs. Armády 20, Company Identification No.: 63839997, registered by the Ministry of the Interior on 22 January 1996 under Ref. No. II/s-OS/1-29038/96-R,

### **a u t h o r i z a t i o n**

to perform collective administration of property rights of authors and other rightholders pursuant to Section 95 of the Copyright Act to musical works, with or without lyrics, and other works subject to copyright, which shall be further specified as follows:

#### **I. Mandatorily Administered Collective Rights pursuant to Section 96 of the Copyright Act**

- a) the right to remuneration for the making of reproduction for someone's personal use of a sound recording or a sound and picture recording by transferring (copying) its content by means of a device to a blank medium pursuant to Section 96(1)(a) item 3;
- b) the right to appropriate remuneration for leasing an original or reproduction of a work recorded on a sound recording or on a sound and picture recording pursuant to Section 96(1)(b);

- c) the right to use cable transmission of musical works, with or without lyrics, with the exception of musical-dramatic works pursuant to Section 96(1)(c);

## **II. Optionally Administered Collective Rights pursuant the Copyright Act**

- a) right to reproduction and distribution of sound recordings of musical works, with or without lyrics, and sound and picture recording, as regards their musical component, pursuant to Sections 13 and 14 of the Copyright Act;
- b) right to communication musical works to the public, with or without lyrics, in a manner that anybody may have access to it at the place and time of his own choice, particularly through computer or similar network pursuant to Section 18(2) of the Copyright Act;
- c) right to performance of a work from a recording means and transmission of a performance of musical works, with or without lyrics, live or from a sound recording issued for commercial purposes or other sound recording and further from sound and picture recording pursuant to Sections 19 and 20 of the Copyright Act;
- d) right to radio or television broadcasting of musical works, with or without lyrics, pursuant to Section 21 of the Copyright Act; and
- e) the right to operate radio or televisions broadcasting of musical works, with or without lyrics, pursuant to Section 23 of the Copyright Act

on the basis of collective and cumulative contracts concluded under the terms and conditions specified in Section 101 and Section 100(6) of the Copyright Act, where such contracts are applicable.

The collective administration of rights pursuant to part I a) and b) of this authorization applies to collection of remuneration for all authors, whereas the rules for distributing remuneration pursuant to Section 104 of the Copyright Act, or rules, which may be agreed between respective collective administrators, as the case may be, shall apply.

### **J u s t i f i c a t i o n**

The Ministry of Culture reviewed the contents and scope of the granted authorization and pursuant to Section 106(7) of the Copyright Act it issues a new authorization. The collective administrator shall be namely obliged to perform obligations imposed in Section 100 of the Copyright Act.

This decision replaces the Decision of the Ministry of Culture of the Czech Republic Ref. No. 4861/96 dated 30 April 1996 issued for the unincorporated association OSA - Society for the Protection of the Rights of Music Authors and Publisher, having its seat in Prague 6, Tř. Čs. Armády 20, which shall expire upon this decision coming into legal force.

### **R e m o n s t r a n c e I n s t r u c t i o n**

A remonstrance may be filed against this Decision with the Ministry of Culture of the Czech Republic within 15 days of its delivery pursuant to Section 61 of the Rules of Administrative Procedure.

*[illegible signature]*  
JUDr. Hana Masopustová  
Head of the Separate Department of Copyright  
*[Round stamp]: Ministry of Culture of CR, -28]*

By Decision of the Ministry of Culture No. 1306/2003, dated 30 January 2003, the OSA - Society for the Protection of the Rights of Music Authors and Publishers – has been granted the extended powers to perform collective management.

The Ministry of Culture of the Czech Republic  
Milady Horákové 139  
P.B. 214  
160 41 Praha 6  
minkub@mkcr.cz

phone: 257 085 111  
fax: 224 318 155  
email:

OSA - Society for the Protection of the Rights  
of Music Authors and Publishers  
Čs. armády 20  
160 56 Praha 6

Effective date:  
31 January 2003

Your ref.  
Of 09/01/03

Our ref.  
Ref.No.1306/2003

Resp. / ext. Prague  
30.01.2003

**Subject:** Decision on extension of powers to perform collective management of rights pursuant to Act no. 121/2000 Coll., Copyright Act.

The Ministry of Culture of the Czech Republic gives, pursuant to subsections 46 and 47(1) of Act No. 71/1967 Coll., the Administrative Procedure Code, as subsequently amended, the following

**Decision:**

The Ministry of Culture of the Czech Republic extends, pursuant to subsection 98 of the Copyright Act, the authorization ref. no. 4449/2001 of 28 February 2001, granted to the civil association OSA - Society for the Protection of the Rights of Music Authors and Publishers, seated in Prague 6, Čs. armády 20, ID 63839997, to perform collective management of property rights of authors and other right-holders pursuant to subsection 95 of the Copyright Act, to the musical works with or without lyrics, and to other author works, effective as of 1 March 2001, by further powers within the rights voluntarily collectively managed and specified in section II of the quoted authorization, i.e. to

**The right to lease the original or copies of musical works with or without lyrics in the form of an audio or audio/video recording pursuant to subsection 15 of the Copyright Act,**

**The right to lend the original or copies of musical works with or without lyrics in the form of an audio or audio/video recording pursuant to subsection 16 of the Copyright Act,**

on the ground of collective and bulk agreements entered into under subsection 101 of the Copyright Act.

### **Justification**

OSA - Society for the Protection of the Rights of Music Authors and Publishers (hereafter only "OSA") filed an application dated 09.01.2003 to the Ministry of Culture of the Czech Republic as the administration authority pursuant to subsection 98 of the Copyright Act, for extension of powers for performance of collective management of rights to lease audio recordings with or without lyrics and of audiovisual recordings pursuant to subsection 15 of the Copyright Act, and rights to lend the above recordings pursuant to subsection 16 of the Copyright Act, as relates to their musical component. The applicant justified its application for extension of powers by the fact that it performed both powers also under the previous authorization, and the performance of these powers had been granted to the applicant by authors and other right-holders by an agency contract, or the applicant represents them under the synallagmatic contracts closed with the foreign collective managers. The applicant also stated that lending, in principle, represents a noncommercial use provided by public libraries, and OSA thus helps the libraries in fulfilling their cultural and educational role.

The Ministry of Culture of the Czech Republic reviewed the application of OSA and granted the application to the full extent by deciding on extension of the granted authorization by performance of collective management of rights to lease or lend the audio recordings of musical works with or without lyrics and audiovisual recordings as relates to their musical component. Disposal of musical works for their audio or audiovisual recording has many specific characteristics resulting from the character of musical works that can be used concurrently at multiple locations. For instance, it does not apply to the musical works classified under the audiovisual work statutory presumption set forth in subsection 64 of the Copyright Act, as for the exercise of rights by the maker of the audiovisual work. Therefore, within the extent of the authorization extended by this decision, it is exercise of an exclusive right to lease and lend. The collective manager exercises these exclusive rights in the manner that it provides authorizations to the users under the bulk and collective contracts closed pursuant of subsection 101 of the Copyright Act.

The Decision to extend the applicant's powers does not interfere with the authorization granted to the applicant by Decision No. 4449/2001 of 28 February 2001, which includes in section I the compulsory collectively managed right to a reasonable remuneration for lease of an original or copy of a musical work with or without lyrics, recorded as an audio or audiovisual medium. The collective manager exercises the right to a reasonable remuneration in the cases, where the license contract closed pursuant to subsection 49(3) of the Copyright Act grants a license for lease to the maker of an audio or audiovisual recording, and has only the right to a reasonable remuneration from the person, which will lease the original or copy of such recorded work. In other cases of license contracts, which do not have a granted license to lease, it is necessary that the power of the collective manager included the exercise of an exclusive right, i.e. the right to allow or forbid the lease. In the same extent of either the exclusive right to lease or only the right to a reasonable remuneration, the applicant exercises the collective management for foreign authors, whose rights it manages under the synallagmatic contracts closed pursuant to subsection 99(5) of the Copyright Act.

### **Advice**

An appeal against this decision may be filed under subsection 61 of the Administrative Procedure Code within 15 days of its receipt by the Ministry of Culture of the Czech Republic.

JUDr. Hana Masopustová  
Head of the Copyright Department

