



Republika e Kosovës
Republika Kosova - Republic of Kosovo



KOMISIONI I PAVARUR PËR MEDIA
NEZAVISNA KOMISIJA ZA MEDIJE - INDEPENDENT MEDIA COMMISSION

CIMC – 2009/03

Regulation on Compliance with Copyright Obligations

Preamble:

The observance of international law and practice regarding the protection of intellectual property, including but not limited to video and audio entertainment materials, is crucial to the development of orderly and fair competition in a media market. A media market, regulated in accordance with established international practice, is in turn essential for the development of a market economy in Kosovo.

Piracy the illegal production, distribution, sale or broadcast of materials subject to international agreements on the protection of intellectual property—is a form of unfair competition in a media market. In addition to severely damaging the interests of authors and other rightowners and provoking a risk for international trade countermeasures, broadcast piracy also obstructs the development of a market economy.

Accordingly, the IMC, within its mandate to regulate broadcasting, sets the criteria for audiovisual media services, requires compliance with copyright law and accepted international practices regarding intellectual property.

The Terms and Conditions of each IMC Broadcasting License require each broadcaster to comply with copyright law, and require broadcasters to provide proof of such compliance to the IMC upon request.

For the purpose of ensuring compliance with the copyright law, this Regulation establishes the following operating requirements for licensed broadcasters by IMC, the audiovisual media services in Kosovo. This Regulation should not be seen as a comprehensive interpretation of what is allowed under international copyright law or not.

1. Fair Use of Copyrighted Material:

1.1 For purposes of scheduled news reporting and informative or educational broadcasting only, broadcasters may use reasonably brief excerpts of video, audio or text material subject to the protection granted under international copyright law and national law on intellectual property rights, provided that

the broadcaster gives clear attribution to the source. In general such excerpts are not to exceed 90 seconds.

1.2 This standard of “fair use” shall not be interpreted to permit multiple, sequential use of news materials produced by other organizations in the absence of a valid agreement from the owners of authors’ rights of such material or their authorized agents. In no instance may such “fair use” jeopardize the economic or moral interests of the owners of copyright and related rights.

2. Broadcast of Whole or Substantial Parts of Copyrighted Material:

2.1 The broadcast of whole or substantial parts of video, audio or text materials subject to copyright protection, in excess of the Fair Use standard cited in Section 1, Part 1.1, is permitted only under a valid contract with the owner of the author’s rights or with a legally authorized vendor of such materials.

1.2 In addition to the requirement in paragraph 2.1, with regard to the broadcast of video, audio, and other materials protected by copyright, the IMC requires that broadcasters obtain all such material in electronic form or on compact disks, tapes or other recorded media in a way that respects copyright obligations.

3. Sanctions for Failure to Comply with this Rule

3.1 For violation of this regulation, the sanctions will apply as determined by the IMC law.

4. Effective Date: this regulation will enter into force after the signature.

Argjentina Grazhdani
Chair of IMC Council

Date: 12/06/2009
Prishtina