

## Ministry of Culture and Tourism has published the Regulation on the Authorization Certificate to be given to the Collective Management Organizations

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In accordance with article 42/A-7 of Law number 5846 on Intellectual and Artistic Works, authors, neighboring right owners, or any other financial right owners ("**Right Owners**") may track copyright by being a member of Collective Management Organizations that follow collective rights on copyright.

The authorization documents and principles to be given by the relevant right owners while being a member of the Collective Management Organizations are regulated by the Regulation on the Authorization Certificate to be given by the Owners of Intellectual and Artistic Works (the "**Regulation to be Abolished**"), which entered into force on 4 September 1986. The Regulation on the Authorization Certificate to be given to the Collective Management Organizations (the "**Regulation**"), which will become effective by repealing the aforementioned regulation on 1 January 2021, was published in the Official Gazette on 7 November 2020.

The Regulation introduces substantial alterations in terms of collective rights follow-up. Some substantial alterations and clauses introduced in the Regulation can be summarized as follows:

- The Right Owners are now obliged to authorize the collective management organizations exclusively and with full license to monitor their financial rights with the authorization certificate before coming to a member.
- Collective management organizations are exclusively authorized to monitor the financial rights of the members, to collect and distribute royalties. The period of authorization cannot be shorter than 5 years in accordance with the Regulation to be Abolished and will be renewed for once unless otherwise notified through a notary public one year ago.
- The right to pursue the rights of the collective management organizations is regulated to cover all public works of the Right Owner, but it has been stated that the issue to be taken as basis in this context is the notifications made by the method determined by the collective management organizations of the Rights Owners. On the other hand, with the authorization certificate, it also undertakes to notify owned work and related rights issues by the method to be determined by the collective management organization.
- The financial rights subject to the authorization certificate must be specified one by one in the authorization certificate in line with the Regulation to be Abolished.
- The Rights Owners who are members of the collective management organization can only allow other people to use the right subject to the authorization certificate if its' collective management organization permits.
- The representation agreements made by the collective management organizations with the same purpose institutions and organizations abroad will also be accepted as authorization certificates.
- Each collective management organization will prepare its own type of authorization certificate.

As of the effective date, the Right Owners who are members of the collective management organizations are obliged to submit the certificate of authorization in accordance with the Regulation within six months at the latest. The authorization certificates that are valid as of the effective date will be valid until 1 January 2023, even if they have not expired.

The full text of the Regulation that will be executed by the Ministry of Culture and Tourism can be accessed via the [link](#). (Only available in Turkish)

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