
Kluwer Copyright Blog

District court of Nicosia, September 29, 2010: Protection of performer rights of Greek actors in Cyprus

Tatiana Synodinou (University of Cyprus) · Thursday, March 17th, 2011

The issue of protection of the neighbouring rights of Greek actors in Cyprus has been examined recently by the District Court of Nicosia. The case concerned the broadcasting of Greek movies by a Cypriot broadcasting organization. The collecting society managing the performers rights in Cyprus demanded equitable remuneration for the broadcasting of films on the basis of a reciprocity agreement with the Greek collecting society for the management of the neighbouring rights of actors. The Cypriot court rejected the demand due to lack of sufficient evidence about the standing to sue of the collecting society and the lack of proof of the rights of the claimant. According to the court, the collecting society failed to prove the representation of Greek actors since the reciprocity agreement with the relevant Greek collecting society could not be considered as valid under the terms of Greek law. Moreover, neither the individual assignments by certain Greek actors could serve as a solid legal basis for their representation in Cyprus since it was not clear whether they were signed by the actors themselves or by their heirs. In the end, according to the District Court, the collecting society did not manage to prove the factual basis of the claim, since it was not clear by the evidence which was brought to the court whether the actors participated to the movies.

The case could have been considered as a leading one since the remuneration via collecting societies is still under evolution in Cypriot copyright law. It is noteworthy that a case which could be considered as a classic copyright case failed in front of court due to purely procedural arguments, such as the validity of the reciprocity agreement and the lack of representation of the actors by the Cypriot collecting society

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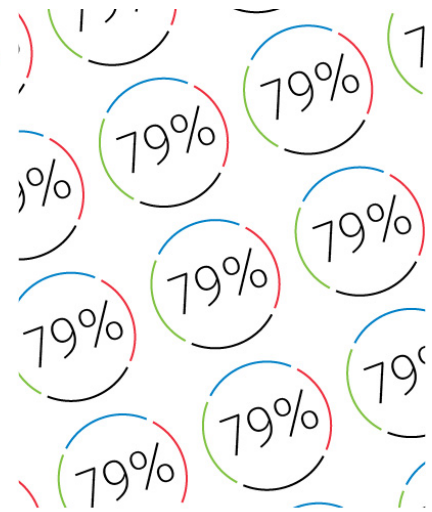
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