

Kluwer Copyright Blog

Sia Akka / Laa v. Latvia, European Court of Human Rights (ECtHR), 562/05, 12 July 2016

Magda Pap?de (Albert Ludwig University, Freiburg) · Friday, September 2nd, 2016

In this case, brought by a Latvian collective management organisation (AKKA/LAA) against the Latvian Government, the European Court of Human Rights held as follows:

1. The protection of intellectual property rights, including the protection of copyright and the economic interests deriving from it, falls within the scope of Article 1 of Protocol No. 1 of the European Convention on Human Rights (the right to property).
2. When a national legal order attributes the protection of authors' rights to an organisation founded by the authors for this purpose, and vests it with independent rights transferred from the authors, including the right to have its own property made up primarily of deduction from royalty payments, then that organisation must be regarded as the victim of the state's measure affecting the right to property granted in Article 1 of Protocol No. 1 of the European Convention on Human Rights.
3. In a situation in which a copyright collective management organisation and user organisations cannot agree on licence terms and royalty rate over an extended period of time, there is no violation of the right to property when national courts order the parties to conclude a licence agreement and set the royalty rate, as long as these measures are lawful, in accordance with the general interest, and fairly balanced.
4. In circumstances where the parties were in principle willing to enter into an agreement, banning the broadcast of the music may not suit the best interests of copyright holders, i.e. receipt of the maximum benefit from the oeuvres.

A [full summary](#) of this case has been published on [Kluwer IP Law](#)

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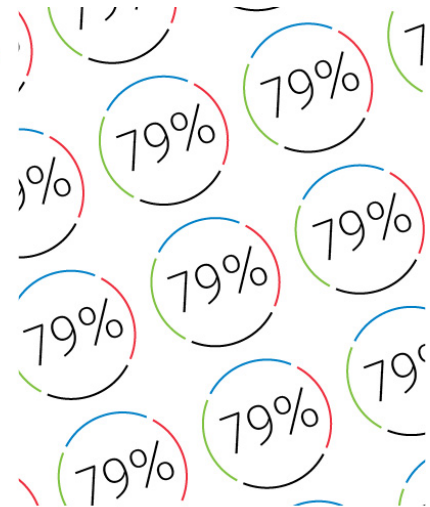
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