



## 4.5. CY – Cyprus<sup>53</sup>

### 4.5.1. Key Findings

Notions	Existence of definitions/rules
Independent production	No
Independent producer	Yes
Legal provisions concerning the transfer or cession of authors'/performers' rights to the producer (e.g. legal presumption, etc.) (Relationship author-producer)	No
Specific rules related to the assignment or retention of IP rights by independent producers (relationship independent producer-AVMS)	No

- The concept of the independent producer of audiovisual works is related to the operational and financial independence of the production company from broadcasters.
- In that sense, the production company shall not hold the majority of shares of a broadcaster nor the broadcaster the majority of shares of the production company. At the same time, the production company must not allocate the majority of its production to one and the same broadcaster.
- The independent producer has secondary rights over the audiovisual works produced.
- These rights are related to the transfer of copyright and related rights over a specific audiovisual work from the authors and/or the performers to the producer of such work. The law does not provide for a legal presumption for the benefit of the producer. The transfer of the above-mentioned rights shall be the subject of a contract concluded between the authors and/or the performers of an audiovisual work and the producer.
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with broadcasters.

### 4.5.2. National definition of independent producer/ independent production

Legislation	Summary of the measures
Section 27(2) of the Radio and Television Broadcasters Law	Section 27(2) of the Radio and Television Stations Law transposes Article 17 of the AVMSD without further details on the independence of the producer. However,

<sup>53</sup> The summary on Cyprus incorporates the feedback received from Dr Antigoni Themistokleous, Radio Television Officer at the Cyprus Radio Television Authority, during the checking round with the national regulatory authorities.



<p>7(I)/1998 as amended by Law 197(I)/2021 (Ο περί Ραδιοφωνικών και Τηλεοπτικών Οργανισμών Νόμος του 1998 (7(I)/1998))<sup>54</sup></p> <p>RTA Report to the Commission on the application of Directive 2010/13 Articles 13, 16, 17 for the years 2020-2021 (Αρχή Ραδιοτηλεόρασης Κύπρου Έκθεση σχετικά με την εφαρμογή των άρθρων 13, 16 και 17 όπως Οδηγίας 2010/13/ΕΕ του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου (προβολή και διανομή Ευρωπαϊκών Έργων και ανεξάρτητων παραγωγών) όπως αυτή τροποποιήθηκε μεταγενέστερα)<sup>55</sup></p>	<p>in its report to the European Commission, the national regulatory authority (RTA) defines an independent producer as meeting the following criteria:</p> <p>a) (s)he is not a broadcaster,  b) (s)he has ownership independence from broadcasters in the sense that neither the producer holds the majority of shares in a broadcaster nor the broadcaster holds the majority of shares in the production company,  c) it does not allocate the majority of its production to one and the same broadcaster,  d) (s)he has secondary rights over the audiovisual works produced.</p>
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#### 4.5.3. National rules on IPR assignment/retention

Legislations	Details of the measures
	N/A.

<sup>54</sup> The Radio and Television Broadcasters Law is available in original language at: ([http://www.cylaw.org/nomoi/enop/ind/1998\\_1\\_7/section-sc98f65558-f6ba-445d-963e-010bcd3c906b.html](http://www.cylaw.org/nomoi/enop/ind/1998_1_7/section-sc98f65558-f6ba-445d-963e-010bcd3c906b.html)) and in English (unofficial version) at:

([https://crta.org.cy/en/assets/uploads/pdfs/FINAL%20CONSOLIDATED%20LAW%20up%20to%20Amendment%20197\(I\).2021.pdf](https://crta.org.cy/en/assets/uploads/pdfs/FINAL%20CONSOLIDATED%20LAW%20up%20to%20Amendment%20197(I).2021.pdf))

<sup>55</sup> Report available at:

[https://crta.org.cy/assets/uploads/pdfs/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%95%CE%A5%CE%A1%CE%A9%CE%A0%CE%91%CE%99%CE%9A%CE%A9%CE%9D%20%CE%95%CE%A1%CE%93%CE%A9%CE%9D%202020-2021%20\(FINAL\).pdf](https://crta.org.cy/assets/uploads/pdfs/%CE%95%CE%9A%CE%98%CE%95%CE%A3%CE%97%20%CE%95%CE%A5%CE%A1%CE%A9%CE%A0%CE%91%CE%99%CE%9A%CE%A9%CE%9D%20%CE%95%CE%A1%CE%93%CE%A9%CE%9D%202020-2021%20(FINAL).pdf)