



4.9. EE – Estonia⁶⁶

4.9.1. 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)	Yes ⁶⁷
Specific rules related to the assignment or retention of IP rights by independent producers (Relationship independent producer-AVMS)	No

- The concept of an independent producer is defined with relation to European works.
- The producer of European works is a legal person established in a member state and which has operational and financial independence from broadcasters.
- An audiovisual works production company shall be deemed independent if it holds the majority of shares or voting rights in the company, has the ownership of copyright and related rights over the audiovisual works and has produced an audiovisual work for at least two media service providers during the last two years.
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with audiovisual media service providers.

⁶⁶ The summary on Estonia incorporates the feedback received from Peeter Sookruus, advisor to the Information Society Division at the Consumer Protection and Technical Regulatory Authority during the checking round with the national regulatory authorities.

⁶⁷ According to Article 33(2) of the Estonian Copyright Act (in force from 1 January 2023, <https://www.riigiteataja.ee/en/eli/ee/527122022006/consolide/current>), unless otherwise stipulated, the authors and co-authors of an audiovisual work (the director, the script writer, the author of dialogue, the camera person and the designer), with the exception of the composers, shall be deemed to have transferred to the producer the exclusive right of exploitation of the work in question. See the Copyright Act available at: <https://www.wipo.int/wipolex/en/text/510476> and section 6.8.2.2. of the Mapping report on national remedies against online piracy of sports content, European Audiovisual Observatory, Strasbourg 2021, available at: <https://rm.coe.int/mapping-report-on-national-remedies-against-online-piracy-of-sports-co/1680a4e54c>.



4.9.2. National definition of independent producer/ independent production

Legislation	Summary of the measures
Article 12 of the Media Services Act (amended in 2022) (<i>Meediateenuste seadus</i>) ⁶⁸	The concept of an independent producer is related to the production of European works. In that sense, an independent producer is considered to be a legal entity established in a member state meeting the following criteria: a) it holds the majority of shares or the majority of voting rights in a production company established in a member state, b) it holds the copyright or related rights to the audiovisual works transferred to the production company either by a legal presumption or by contract, c) it has produced an audiovisual work for at least two media service providers during the last two years.

4.9.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A

⁶⁸ <https://www.riigiteataja.ee/en/eli/ee/514062022001/consolide/current>