



4.23. PL – Poland¹²⁹

4.23.1. 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 ¹³⁰
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 is related to its operational and financial independence from broadcasters.
- A producer of audiovisual works shall be deemed independent when (s)he neither holds any shares of a broadcasting company nor allows such a company to hold any shares of the production company or to participate in the same capital group.
- Additionally, a producer of audiovisual works shall be deemed independent when (s)he has no employment relationship with a broadcasting company. Similarly, the managing board of the production company shall not comprise any person having an employment relationship with a broadcasting company.
- The national legislation does not include rules on the retention of IP rights by independent producers in their relationship with audiovisual media services.
- Ongoing discussions in Poland mostly deal with the implementation of the Directive on copyright and related rights in the Digital Single Market (2019/790/EU) and the relationship between creators and producers.

¹²⁹ The summary on Poland incorporates feedback from Albert Woźniak, an expert from the Department of Strategy of the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji* – KRRiT) during the checking round with national regulatory authorities.

¹³⁰ According to Article 70 of the Copyright Act of 4 February 1994 (as last amended on 13 February 2020), available at: <https://lexlege.pl/ustawa-o-prawie-autorskim-i-prawach-pokrewnych/>. Based on 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>. See also section 6.22.2.2 “Legal protection related to sports events”:

As a default rule under the Copyright Act, the producer of an audiovisual work (Article 70) and the producer of a videogram are presumed, by virtue of an exploitation contract for the creation of the work or of an existing work, to acquire exclusive economic rights for the exploitation of these works and are entitled to claim copyright infringement and to take legal action.



4.23.2. National definition of independent producer/ independent production

Legislation	Summary of the measures
Article 4 (26) of the Polish Broadcasting Act of 29 December 1992 (<i>Ustawa o radiofonii i telewizji</i>) ¹³¹	According to Article 4 (26) of the Polish Broadcasting Act, an independent producer is considered as the entity that meets the following criteria: <ul style="list-style-type: none">- (s)he does not have the status of a broadcaster,- (s)he does not hold any shares in a broadcasting company and does not allow such a company or its subsidiary to hold any shares in the production company,- (s)he is not related to a broadcaster through an employment contract,- the management board does not comprise any person having an employment relationship with a broadcaster or its subsidiary.

4.23.3. National rules on IPR assignment/retention

Legislation	Summary of the measures
	N/A.

¹³¹ <https://lexlege.pl/ustawa-o-radiofonii-i-telewizji/>