



SERVING AUTHORS WORLDWIDE
AU SERVICE DES AUTEURS DANS LE MONDE
AL SERVICIO DE LOS AUTORES EN EL MUNDO

COU21-0733

Mr Oleksii Liubchenko
First Deputy Prime Minister of Ukraine -
Minister of Economy of Ukraine
12/2 M. Grushevs'kyi Street
Kyiv, 01008
Ukraine

Neuilly-sur-Seine, 23 July 2021
By email: meconomy@me.gov.ua

Dear Mr Liubchenko,

Pressing need to fix the collective management of authors' rights blockage in Ukraine via new and fair accreditation procedure in the music field

I am writing to you on behalf of CISAC, the International Confederation of Societies of Authors and Composers, to seek your urgent intervention for securing a proper implementation of the 2018 Law on Collective Management of Rights ("CRM Law").

CISAC is the voice of over 4 million creators from all artistic fields including music, drama, literature, audio-visual, graphic and visual arts. These creators are affiliated to CISAC members, which are 228 authors' societies (also referred to as Collective Management Organisations, or CMOs), from 120 countries. In Ukraine, our members are NGO UACRR (representing music and theatre creators) and CINEMA (representing audio-visual creators such as film directors and screenwriters).

Regretfully, the collective management of copyright sector in Ukraine has been in dire straits for years and as a result, international and local creators are losing income on a daily basis. This is becoming even more severe now, with the challenging economic situation resulting from the Covid-19 crisis. To date, Ukrainian authorities have failed to properly implement the Law on Collective Management of Rights ("CRM Law"), adopted in 2018. The main impediment to implementation of the law has to do with the ability of your Ministry to carry out an effective and transparent accreditation process for collective management organisations in the country.

Unfortunately, this task has not been achieved to date and the last accreditation procedure from December 2020 has failed as well (for ease of reference, please see attached our letter of 22 December 2020 addressed to your predecessor). As a result, Ukrainian and international creators alike continue to be deprived of important remuneration because the organisation selected by them to represent and license their rights in Ukraine—NGO UACRR—is prevented from doing so. NGO UACRR is without a doubt the most representative music authors' rights society in Ukraine. It represents 535 regular members and about 4,000 Ukrainian creators overall. It also concluded over 100 reciprocal representation agreements with sister societies all over the world, which basically allows NGO UACRR to license the world music repertoire in Ukraine.

Considering the above total blockage of the collective management system since December 2020, I would kindly urge you to:

- organise swiftly a new CMOs accreditation process under transparent, fair and objective rules;
- allow CMOs to license their repertoire based on direct mandates from local creators and sister foreign societies, until the new accreditation process is finalised. This would help ensure that rights holders are not unjustifiably denied of their main source of income; such a provision was already introduced last year with the Covid-19 measures law that amended the CRM Law, but it was valid only until the end of 2020 (<https://zakon.rada.gov.ua/laws/show/2415-19#Text>).

I would like to underline the importance of facilitating a trustworthy, reliable and effective accreditation process for CMOs. Ukraine should select the most representative CMO in each respective field, as defined by the CRM Law. In this respect, the international representativeness of a CMO—based on the number of reciprocal agreements it has concluded with societies around the world—should serve as a key factor, as also prescribed by the 2018 CRM Law. CMOs rely on the network of reciprocal agreements with their sister societies in order to effectively exercise and protect the rights of their members around the globe in accordance with international copyright treaties.

As always, CISAC remains at the disposal of the Ukrainian authorities to assist in establishing a modern and meaningful collective management system that supports local and international creators and ensures Ukraine can reap the benefits of a healthy and prosperous creative sector.

Yours sincerely,



Gadi Oron
Director General

cc: Mr Sylvain Piat, CISAC Director for Business
Mr Mitko Chatalbashev, CISAC Regional Director for Europe
Mr Valerii Kharchyshyn, Director of NGO UACRR