

## CHANGES IN THE REGULATION OF COLLECTIVE MANAGEMENT IN HUNGARY

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**ABSTRACT:** *The author's moral rights of intellectual property are reserved exclusively to the person or property under the completed form. In the exercise of property rights which are the subject of the traffic and exploitation genre, however, the situation is different with regard to the exercise. The evolution of technology and population, and with it a significant increase in the number of new public works enjoying copyright genres, broker / distribution channels have emerged, which made it necessary connection between the traditional author-user reinterpretation. The author works in marketing has changed the dimensions of the parties, the author and the user, distancing led to the author that is in most cases impossible to track events related to the use of plants. In this regard the nineteenth century. Since the end of the century came the need for collective management, appeared to those organizations that represented the interests of authors, helped the masses to allow the lawful use of the item.*

**KEYWORDS:** *intellectual property, copyright, collective management, EU legislation.*

**JEL CODE:** *K 11.*

Hungary held between the regulation of copyright legal framework, legislation which must meet several serious challenges. First, the technical developments mentioned that the digital age is protected by the copyright works is simple reproduction, copy, transmission, or because of ease of use is not so easily solved task. On the other hand, as a member of the European Community should be subject to national obligations, that had to lay down rules which are consistent with the Community-wide legislation. Thirdly - perhaps most importantly - the copyright interests, should be allowed the stronger enforcement.

Similarly worded justification of copyright law, according to which copyright law - including the performers and phonogram producers and broadcasters themselves of the rights - the scene of the most spectacular technological developments affecting the world of computer networks, the Internet. A crucial link in the chain of technical progress in increasing the capacity of the computer, which is already capable of full-text literary, musical and audiovisual works and all the thousands of storage today. Automatic entry of written texts called graphical methods to scanning. The other element of the broadband

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coaxial cable and optical fiber with incredible amounts of data quality, fast transmission of data compression with the new computer technology. The third is a new type of data storage and the battery cables are connected to advanced personal computer programs together. These easy access to the remote central electronic repository and its programs of cooperation possible (interactive mode). The personal computer screen in private households, in fact, the memory center "called up" the data, and the work, which is also reproduced plastic carrier. Practically created the international computer network that links together the kind of data and millions of personal computers, according to some estimates, 50 to 100 million households are connected so. (Hepp, 2008)

The essence of the economic rights of the author or authors of him receiving the user's right to the exclusive right to control the use of all kinds of work, building on each other for the use permit and get a license to give in return. The purpose of copyright is to participate in the creation, encouragement of innovation, on the other hand, some of the cultural and industrial investment. So it is understandable that the above-described technical development - the works almost limitless, inexpensive reproduction and artificial instances or not the rapid dissemination of material form - a huge challenge for the Hungarian copyright law. This is a significant challenge for the national economy; cultural (plants, establishing programs) businesses, investments affected, in addition to be a decisive influence on the development of the Hungarian culture and science.<sup>1</sup>

Protected by copyright and related rights in the content distribution, including books, audiovisual works and sound recordings, and related services, will require that the rights of the various copyright and neighboring rights holders, such as authors, performers, phonogram allow producers and publishers. By default, the holder can choose between individual or collective management of rights, provided that Member States provide otherwise EU law and the EU and its Member States in accordance with international obligations.

In the context described the birth of national legislation for the collective management of the use of the nature and circumstances of enforcing such rights to individually exercise of copyright and copyright by, regardless of whether it requires or the law organization created for the purpose by the holder of the entitled to based on his decision. Among the collective management of the organization acting to authorize or order the fee needs to enforce the use of notes other terms of the royalties and the use, monitor the use of the works and the related legal accomplishments, collects and distributes or for the purpose of allocating another collecting society gave the royalties and action against infringements of copyright or related rights.<sup>2</sup> Management of copyright and related rights includes the users authorization, users can control the exercise of its rights monitoring, copyright and related rights enforcement, royalty revenues from the exercise of rights in the collection and distribution of funds to the rightholders. The collecting societies allow the recipients to receive prizes after the uses to verify or validate themselves they would not be possible, including non-domestic markets.

If we take the areas covered by the collective management bouquet, it can be said that the Copyright Act in addition to the works of the authors of the so-called. neighboring law also grants the holders: the performers' artistic performance of their "among the sound

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<sup>1</sup> 1999 Act. I.2 common law reasoning. point

<sup>2</sup> 1999 Act. § 85 of the Act

recordings and films are the producers of the sound recording / film, and radio and television stations have broadcast their programs.

The copyright law in relation to the genre concerned with important issues that if given the genre of the author's rights to property transferred, whether in full or just use permits should be (and what is the reason). A sufficiently diverse system is able to adapt to the rights holders and the users' needs properly, however, a very complex (perhaps too fragmented) design jeopardize the acquisition should also effective. (Gyenge-Grad & Sarkady, 2013)

Under current legislation, software, data warehousing, advertising and film genres except only be licensing. For the four genres listed separately tested so the fact that the property rights holder that question, because moral rights are not transferable, in case of doubt the latter rights holders may choose. Helpful even the legal copyright repository recently set up by the National Patent Office and managed, is to facilitate copyright disputes authors voluntarily register their works.

The next step in the examination required for the collective management of collective rights management models tested. A simpler way of exercising collective agency model. The agency model based on a such a unique contract with the agency engaged in profit-making activities are not carried out solely by the copyright licensing to him requesting users, but on the one hand you researching creative, media is required privilege (which can be generated new licenses), or looking for performance has been established in respect of the potential users. Essential feature of this system is that the agent representing the relationship of the individual is entitled to (in this frame of a civil obligation). That is, instead, in the name or on its own behalf and always act in favor of the claimant and another individual accounts are, and the agent will ultimately have no obligation to respect, to represent, among other holders on the same terms, or even with mandatory selection among eligible also be part of such contracts, if it is in accordance with the competition rules. Because of this, the agency model is often not even the 'small' exercise of the rights entitled to form. Relation to our subject belong to a different movie studios commercial departments (independent subsidiaries), who provide a link for the user, but their resulting completely independent actor agencies, screenwriting agencies, who in turn in the film from the producer (or Hungary, currently providing film financing the National Film Fund) come into contact.

The collective management of the group exercising more complex, advanced, usually by law in more detail in a controlled way in which the individual is entitled in many cases may inherently that the right to want to exercise (mandatory collective management) in this way, or to exit to the right management (permitting withdrawal rights management).

Moreover, in many countries, and some eligibility groups regards the collecting society can not operate a profit-driven, not-for-profit basis (such as the performing arts societies, without exception, are organized not-for-profit basis in Europe) only.

There are significant differences between the national regulations governing the operation of collecting societies, particularly in terms of their transparency and accountability of the members and are entitled to. In many cases, led to difficulties, especially in the case of non-resident entitled to when trying to exercise their rights, as well as financial management deficiencies relating to revenue collected. Problems associated with the operation of collecting societies in the internal market inefficient

exercise of copyright and related rights result in causing disadvantage all members of the collecting societies, as well as the holders and users.

European Union level to the fore the necessity for the development of the operation of collecting societies. The 2005/737 / EC Recommendation sets out a number of principles, including the freedom to be entitled to in order to choose the collecting organization, equal treatment and a fair distribution of royalties for right holders for different categories of recommendations that called for collecting societies to prior to the grant including negotiations with sufficient information to users of the tariffs and the repertoire. In addition to the recommendations formulated accountable proprietor representation in the decision-making bodies of the collecting societies and the settlement of disputes.

It can be said that the European institutions since 2004, more and more attention is paid to the collective management of copyright. Initially only meant occasion licensing status of the growing online music services, but later expanded the EU legislature's attention on the general rules of collecting societies as well. 2010 saw the start of the pre-work legislation to the European Commission in July 2012, the Commission published a draft Directive.<sup>3</sup>

Born in 2014/26 / EU directive which aims to harmonize the national rules that apply to the activities of the management of copyright and related rights by collecting societies to access the collecting societies managing ways, and their supervisory framework. It is intended that the management, financial management, transparency and reporting to determine the requirements for collecting societies to ensure a high level. However, this does not prevent the collecting society established in the territory of the Member States bodies than those laid down in this Directive maintain or establish more stringent standards.

There is nothing to preclude the Member States that established outside the EU, but collecting bodies in the Member States to apply the same or similar provisions. Not required by the regulations, that the collecting societies operate in a specific legal form. These organizations, in practice, different legal forms of work, such as an association, cooperative or joint-stock companies, which control is exercised over the copyright and neighboring rights holders and the organizations that represent them, and which are in their possession. The collecting societies due legal form in certain exceptional cases, however, this is not the ownership or the control element. For example, the non-member is the case with foundations. The provisions of the Directive, however, extended to them. Likewise, Member States shall take appropriate measures to prevent, to fulfill the obligations under the Directive are being, through the choice of legal form. It should be noted that the organizations representing rights holders - which are also members of collecting societies - there may be other collecting societies, the right associations, trade unions and other organizations.

The law defines the collecting society and also the concept of "independence", acting on a commercial basis is a collecting society. (The example of the former can be Artisjus, say the latter is an agency that represents the rights of a purely commercial basis, a number of authors.) This is important because there is very difficult to draw the line between the two, as everyone clearly "feel" that other a copyright agency, as a nation, in essence, society has a monopoly. Both are entitled to act in favor of more inert for both,

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<sup>3</sup> [http://ec.europa.eu/internal\\_market/copyright/management/index\\_en.htm](http://ec.europa.eu/internal_market/copyright/management/index_en.htm)

how to get legal representation means the collecting society, both of which act in favor of the holder, but:

- the collecting society, or is owned by its members (under control), or non-profit
- in contrast, the "independent" business entity collecting these conditions are not true.

Most of the rules of the Directive only applies to the collecting societies, which are so much more stringent rules as the independent business societies. An example of this Directive lays down detailed rules on transparency of collecting societies - which will apply only to the rights owners of the business, if the Member States is also scope to extend to them the most important rules.

Preparation of the directive was one of the most controversial points to qualify in the joint right manager to do so to the exit from the company, without withdrawal rights, but to allow for non-commercial uses separate ways. The rule finally answer yes to this question, but in order to avoid conflicts arising from a lot of practical sets for detail writes that this may set the conditions for collecting societies. (Faludi & Tóth, 2014) This will be necessary to inform the holders separately.

Conditions apply for membership without discrimination of members can be determined (this book is still so today). Member States may provide the status and identity of the members entitled to collective management of non-members (this is already operating in Hungary: Handle the association members and non-members of the circle of authors, performers' rights are the same).

Electronic path from the members' participation in decision-making should be created. The main body of the General Assembly may, or delegates. The extent of the right to vote of the membership period, or the member may be adapted for royalty traffic (Hungary currently has the same value for all the votes of collecting guild members), and to the exclusion of the conflict of interest shall be given the voting by proxy. The main body of the powers specified in the Directive lists.

The heavy emphasis on transparency requirements. Extend to the collecting what information is required to be submitted. The second part aims to facilitate the authorization of the territory of several countries in Europe online applications. Because of the large online music services data rates are (just a few examples: iTunes, Deezer, Spotify, YouTube ...), CRMs for major change in the exact distribution of royalties.

According to the directive in the future, only those collecting societies will grant license to use multi-territorial online music services, which are able to handle the necessary databases, the resulting usage data processed in an appropriate time, and users electronically maintain contact (e-bill) as well as the royalties are divided exactly and after the data has been received without delay.

According to the national regulations of registration in the collective management activities. The records shall include rights management activities carried out by the collecting society. To another person or organization, payment, or other person or entity with rights management agreement with the activity concerned and registered organization he represents is not entitled to the direction of force, and can not escape the legal consequences of a breach of copyright. If an eligibility group a collecting society were to treat the same economic rights record, and it is a user of the collecting society to license the use, and the user is remuneration validates all entitled to question the user is entitled to rights management by the organization's point of view - this law based on the requirements or be eligible for determination under collective management - the works of

the same genre or the use of legal performance-related as well, in addition to paying for the rights to these works or performances related to royalties under the same conditions (the collective management of extended scope). If more than one collecting society registered organization, and their pre-registration is not agreed as to which gives the user permission to use or enforce remuneration rightholders, who were not represented by a collecting society, the collecting societies agree on following the entry about it. Entry into force of the Agreement, the National Copyright and Patent Office (hereinafter: the Agency) approval is required. The content of the agreement is to be provided. If you do not agree until the period for which the previous rates found expires, the Office shall be appointed by the collecting society - to represent them by not entitled to such matters as - to collecting societies extended scope body that the conditions of entry overall, it can make the most effective. This selection of the Office of the Official Gazette publishes, and - if necessary - amend collecting data on other relevant organizations to register in accordance with the motion.

It is important that if a collecting of enforcement "area" by it (genre and mode specified in respect of) will be registered and published in this regard - approved by the minister - the terms of use and pricing, then everyone who is with this contract, this field all work (lecturing performance, sound recording, etc) will be eligible for use. This is called. expanded rights management is true for both the domestic and foreign plants, whether it is in fact a member of the association, where the author or other holder or that is in the current so-called foreign body reciprocal representation contracts to collective rights managers.

It can be seen that in the absence thereof would not be broadcast on the radio or music clubs, listen to music, or the authors are not in any way after such uses would pay.

Some plants can only use the round through the relevant collecting societies to obtain the right to use, copyright or other rights holders can not be contracting. This is known as the so-called. mandatory collective management, rights management where required by the Copyright Act. The voluntary collective management is where the legislation does not provide for the rights management, but the registration to the collecting society could be justified to use only so they can effectively be enabled. The effect is almost the same as the mandatory collective management, rights management as well as the case of voluntary societies where each author uses all genres of work may be permitted to say "worldrepertoire" represent. The essential difference is that in the case of voluntary rights management can obtain the right to use the author or other holder, which means that they can be in their work contract with, the use of performance, while the same binding right management excluded.

Returning to the exceptions, ie those questions when vain is the collecting society for that use, does not grant the right to use, it can be said that Tthe one - rather symbolic - an exception to the authors or artists till September 30 of each year, a common right management protest against the collective management in the coming year ("exit"). The effect of this will be to the domestic rating will not cover the artist, only the author or artist may have about the work of the (artistic performance). (Some mandatory collective management areas can not be released, and the exit for the time being not affect either through mutual representation agreements, foreign users rating.) The list of authors and artists came out of a pre-practice irrelevant, because they are so small in number and the number of works they represent.

It also can not be obtained by collecting usage of stage works (drama, opera, operetta, musical, etc), not including the details of these - for example, that is. the successful musical Romeo and Juliet as a whole may contract with only individually, but also known as the hit single detail covered by the collective rights managers tied to "lump sum contract", so it can be played on the radio stations.

Little practical significance, but it is worth noting that the collective management of rights applies only where the secondary uses, such works have been made public. This means that if in the development of online store website graphics or else a unique item created as background music, there is no compulsory collective management of this use, and you can get a contract written permission of the author (performer) bound.

No royalties to be paid regardless of the mandatory common right management if we are ourselves the creators and performers (or separately agreed with them), but also from the need to contract with collecting bodies, but the contract does not involve a charge. Abuses are eliminated to free basis for commercial purposes, to be expected that collective rights managers tied into a contract shall include provisions which require around, we can qualify their website.

Exercise of property rights within the scope of the collecting society for collective management and during arbitral proceedings must be regarded as a holder of a copyright or related right. (Faludi, 2009) No other necessary party to the action shall be entitled to the collecting society to validate his claim before the court. Validated by the collective management fee claims and the fees collected from the breakdown are entitled to a collecting society has. The collecting society may authorize the use of tariffs as a condition for the user to pay a fee according to the charges, as well as provide information on the plants used and rights related to performance. The collecting society for rights management in his analysis of the written request of the user - it gives written notice to work individually specified by the user and related rights protection by power - in return for reimbursement.

Among the assets it manages the rights collecting society should immediately see at least the next collective management activities:

- a) determine the other terms of royalties and the use of - or participation in - and
- b) the division of royalties between the rightholders concerned, or transfer to another collecting society for the purposes of the distribution and collection of royalties.

The collective management organization shall maintain a database of domestic and foreign under the collective management of works for his analysis, performance rights related to, or authorized persons.

Proceeds from the collecting society whereabouts are unknown, or unfamiliar places proprietor and therefore can not be distributed as royalties, membership fees and non-rights-management activities arising from apportioned between holders are not required to fully, it may be used in accordance with the articles of association and the main body of the ad hoc decisions of the interests of the proprietors of for the other - in particular social and cultural - purposes (hereinafter referred to shall be allowed to use).

Appropriate legislation on copyright and rights related to copyright collecting society organizations lead the Office records.

The registration is only available as a collecting society for the association. Information on rights-management activities conducted by the association registered pursuant to amend the agreement between the Office of registered associations, where the

conditions for the registration of all relevant association also met after the amendment of the Agreement, the rights management activity they perform. To assess the association represents whether or which of several associations representing the rightholders greater part concerned by the holder in number and their works, and rate of absorption ratio and the royalties share legal outcomes are related both to be taking a significant part of the rightholders concerned account. The association to manage the associated collective management of data should be prepared waived if you maintain a work or related it represents are entitled to and within the scope of collective management, legal accomplishments, as well as a variety of uses such databases exist that allows the royalties allocation and payment of the entitled it.

The collective management organizations in the circle in which the register shall be entitled to exercise the rights, states a year and September 1 of each year shall transmit to the Office of the various modes of use in terms of royalties and other terms and conditions of use (tariff). (Faludi, 2011) The proposed application date to be recorded as of 1 January of the following year. The tariff in accordance with the principle of equal treatment must be established and applied without undue distinction between individual users. The level of fees shall take into account all the relevant circumstances of the application concerned. Must take into account the remuneration and other conditions of the use of the process of negotiating body established between the Parties in determining the procedure for the approval of tariffs and tariff.

The domestic legislation of the EU guidelines can be seen in comparison to the domestic regulation of collecting societies placed under state supervision. The regulation does not specify the details so that societies must work under what guarantees, since they verify the existence of a supervisory body. (Hir, 2011)

It is important to emphasize, however, the EU rules that the organization of societies, regarding the operation of the rule contains a number of warranty. All the conditions of correct operation and long-term guarantee for the protection of copyright interests.

On the operation of the organization in the event of domestic regulation only set the new Civil Code and association governed by the general rules of copyright. However, it is unfortunate in terms of the collective management to determine whether that are the main issues which the main body to decide how to implement them and check this out.

According to the Directive the assembly of members is decided by the Directors on the appointment and dismissal of, control overall performance, and to approve the remuneration and other benefits, hence, their monetary and non-monetary benefits, pension disbursement and -permissions, right to the other benefit payments and the right to a severance. Collecting the two-tier management body of the General Assembly members are not members of the Board of Directors decides on the approval of the appointment or dismissal of, or the remuneration and other benefits, if the power to make such decisions lies with the Supervisory Board. The powers of the general meeting of members shall cover at least the following questions ) the general policy of allocation of amounts due to the holders; general policy b) the use of a non-distributable amounts;

c) the general investment policy with regard to the royalty revenues and royalty revenues resulting from the investment of the proceeds;

d) the royalty income as well as revenue from the royalty charged on investment income deductions of general policy;

e) the use of a non-distributable amounts;

- f) risk management policy;
- g) real estate acquisition, sale or mortgaging of approval;
- h) merger and covenants, establishment of subsidiaries and other organizations, and other organizations in the approval of the outstanding shares or acquisition of rights;
- i) borrowing, lending, or approval of the loan guarantee.

Executive must respect the responsibilities of persons to provide all the necessary measures to ensure that persons who gave the collecting society may see it as their task, sound administrative and accounting procedures and internal control mechanisms, using reliable, prudent and proper manner.

Member States to ensure that all the collecting societies have supervisory responsibilities for completion of the activities and responsibilities of the parties leading organization continuously monitored.<sup>4</sup>

The distribution of royalties is also an issue in respect of which the national regulations do not currently provide detailed instructions. However, it is important to note that the collecting societies must act carefully in royalty revenue collection and management. (Sarkady, 2007) The collecting society accounts held separately from the proceeds of the royalty revenue and royalty revenue from the investment of the following; potential and its assets and such assets, management fees and income from other activities.

The Directive under warranty states that the collecting society for royalty revenue or revenue from the royalty income from the investment of limited use for distribution among those eligible, unless it may deduct or offset the management fees. Member States shall also ensure that the members of collecting societies or rightholder organization representative as soon as possible but no later than 9 months to allocate and pay off the holders of these amounts, unless after the end of the financial year in which the royalty revenue collection of collecting society or, as the case may be, members of lens - prevent the causes that comply with this deadline - especially data services by users, the rights or entitled to identifying and linking information on the works and accomplishments of the rights holders related.<sup>5</sup>

Last but not least, I find it important to be well for the content of the collective management contract provisions in domestic legislation.

To the realization of collective rights management, where the goal is to make it easier for the owner of the copyright work of dissemination, use, need proper position as proprietor of protection. The focus is on all the way to the forces that are the collecting society and the author - as a specific case, a single person - there are not cause asymmetry between. Organizational and economic relationship exists between the parties as to the copyright holder as a member benefit from the proceeds.

Both sides of the legal relationship between the parties, the holder of the copyright, who created the work, or his successor, who, as I have indicated above, in most cases, one or several natural persons. The other end of the contract, the rights management organization is a non-profit entity that legal person, statute controls the National Patent Office and the office of the court record.

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<sup>4</sup> 2014/26 / EU directive on collective rights management 8-10. article

<sup>5</sup> Article 2014/26 / EU Directive 13 (1) - (2)

The subject of the relationship of representation to enable the collecting organization. In this scope, the parties should determine the content of the right of representation, the scope so that it is acceptable to both parties. Should not the parties be borne in mind that the purpose of the relationship of the author's interests, work delivery via collecting societies to the user, so it is important that the societies with the least possible burden for the cheapest and minimum possible paperwork holder of the copyright to service to. (Sarkady, 2009) Holders of rights may instruct the collecting societies of their choice organization to manage rights species law or types of works and performances of their choice area of their choice, regardless of whether that Member State in which the place or location of the authorized establishment or place of establishment of the collecting society.

This brings fundamental issues related to the conclusion of a relationship, in my view, the relationship must be set-up societies obligation which is evidenced by their operation requirements regarding non-discrimination, and the relationship between the parties. The collecting society shall be established for the treatment of copyright works, so apart from the copyright differentiation genres, namely whether or not the defenders limit the operation of certain genres or types of distribution or not not impose any further restrictions in terms of membership in the establishment of the authors. (Detrich & Petrányi, 2009)

If agreement is made between the parties in the relationship between the content elements is absolutely necessary to include the following. Termination of relationship issues. Copyright works which extend the relationship, what might be copyright genres, which uses the societies act in what area (territorial scope), and the key issue is the question of remuneration.

The main task of collecting societies in the collection of royalties, handling payments. It is important that the society has the potential revenue and separately manage its assets and such assets, management fees or revenues from other activities resulting in royalty revenue and royalty revenue from investments.

Discussion between the parties give rise to what items can be drawn and what legal title to the royalty revenue. Obviously, the body needs to maintain himself for an administration fee charged by all means necessary. A further issue is that the royalty income is accounted for, how frequently, and you can turn this question to the payment entitlements may be what the rights managers. Evident interest of the author, not to reduce the real value of the royalty payment, the question is whether this royalty extend treatment to achieve its investment, (higher) rate of return. In view of the fact that the relationship is essentially representative of a civil contract between the parties, so be sure the agreement should be governed by this point of view, dispositive nature of the transaction consideration.

Royalties management, investments may require careful consideration of the parties' part, and the collecting side of guarantees. It is expected that if the collecting society to invest the proceeds of the royalty income or royalty income from investments, it is managed by it in respect of the rights entitled to represent the interests of fully taking into account the need to proceed in doing so.

Treatment of royalties, thus, creates a new obligation on the side of the information society has. All financial information providers to add enhanced activity linked to today's foreign currency debt of interpretation of the events of this particular item is supported. In

fulfillment of the obligation so it is right in the societies where the holder to regularly inform all vital information. A particularly important question is entitled to the allocation of royalties Policies, Rules for the use of the unallocated amounts of the deductions from royalties, Title, investment policy, and the management of collecting information concerning the annual accounts. Can decide on the basis of these data, entitled to choose which collecting society, what with the risk, responsibility and management point of view the most.

The guarantee may be entitled to, if a collecting society organizations enters into a relationship, who has supervisory bodies, such as the functioning of the management form a continuous image, and more scope in case of infringement may be subject to the liability of persons. The department supervisor can check also that the management has arranged to have sound administrative and accounting procedures and internal control mechanisms and the development of application.

The royalty revenue allocation is a key component of the relationship. It is important that the EU requirements are eligible for the distribution of royalties as soon as possible but no later than nine months after the end of the financial year in which the collection of royalty income.<sup>6</sup> If the division - for example, because the holder is unknown - it meets an obstacle, they must be allocated to the management of royalties. (Gyertyánfy, 2004) However, in this case, the rights managers should do everything in order to be eligible for exploration. This round is important to draw attention to the fact that the claimant also must work together in good faith rights manager.

As can be seen in that, although domestic legislation generally inherent in the nature of the legal relationship between the parties, but in order to protect certain aspects of copyright holders would be happy to explain more.

## REFERENCES

- Detrich, Z. & Petrányi, D., 2009. The collective management - user's eyes and Financial Services Law. 6(2), p. 12.
- Faludi, G., 2009. The copyright collective management as a regulated monopoly and Financial Services Law. Volumul 6, p. 130.
- Faludi, G., 2011. Front page. [Presentation of some elements of the recent mostly affecting the collective management section, the amendments will enter into force on 1 January 2012, the Copyright Act.]. *Information and Communications Law*, Volumul 8, p. 197.
- Faludi, G. P. & Tóth, B., 2014. Rights Management in the EU ... which way to go?. *Artisjus*, 17 02.
- Gyenge-Grad, I. & Sarkady, A., 2013. Collective administration of rights in audiovisual media. *Media Studies, Library 10*, p. 26.
- Gyertyánfy, P., 2004. In view of the Hungarian collective management requirements of the European Union. The relationship between rights holders and collecting societies. = Boytha George's jubilee. p. 146.

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<sup>6</sup> Article 13 (1) bekezdés Directive 2014/26 / EU on collective rights management

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- Hepp, N., 2008. The "law of small numbers" Triumph of the Austrian Act on the effective collective management organizations collecting the intensification. *Industrial Property and Copyright Review*, p. 21.
- Hir, Z., 2011. Is necessary whether the monopoly of collecting societies?. p. 33.
- Sarkady, I., 2007. Common rights management and media control. *White Paper on intellectual property protection*, p. 43.
- Sarkady, I., 2009. Common rights management and media control = Keepsake Michael Ficsor 70th birthday. p. 21.
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