



REGULATION ON THE SCREENING OF
DOMESTICALLY PRODUCED FILMS
WITHOUT THE REQUIREMENT OF OBTAINING
REGISTRATION DOCUMENTS

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The differentiation made between domestically produced and exported films should be eliminated for purposes of artistic activities, and the necessary regulation should be adopted in order to enable the screening of domestically produced films without the requirement of obtaining film registration documents.

As is known, the Bylaw on the Procedures and Principles on the Evaluation and Classification of Cinema Films applies exactly the same rules to domestically produced and exported films in terms of registration, and makes no differentiation between these two groups of films up until its article 15. However, article 15, which allows for the exported films of foreign origin to be screened without registration documents, requires the domestically produced films to obtain registration documents in order to participate in artistic activities. Therefore, it imposes a restricting rule on the domestically produced films, leading to a negative discrimination.

If we examine the legal bases and determinants of this regulation to evaluate its pertinence; we see that:

- The aforementioned Bylaw has been prepared as per the Law no. 5224 on the Evaluation, Classification and Promotion of Cinema Films. Law no. 5224 article 7 stipulates that prior to entering commercial circulation and screening, domestically produced and exported cinema films will be evaluated and classified, which will also serve as basis for their registration; and the films deemed inappropriate will not be allowed to enter commercial circulation and screening. Therefore, it is clear that in scope of the aforementioned law, artistic activities such as festivals are not included in this process.
- Article 15 of the same law stipulates that the other documents constituting basis for registration and tax label transactions will be issued as per the provisions of Law no. 5846 article 13. Law no. 5846 article 13 stipulates that, without the aim of creating rights, the producers will register their productions, which contain film and music works for the purposes of preventing the violation of their existing rights, facilitating proof in determining their status as rightsholder, and pursuing their entitlement to benefit from financial rights. Therefore, the main goal of the provision, which is the principal basis of this regulation, is the protection of the rights of primarily the producers and the authors/rightsholders and the facilitation of proof. Besides, the international conventions that our country is party to, do not allow for the protection of the work to be subject to any procedures.

As the legal framework also stipulates, the registration of the work is essentially a system geared towards the protection of the rights of the authors/rightsholders in the event of commercial use.

However; fairs, film festivals, galas and similar artistic activities are differentiated from commercial circulation and screening also in the legal regulation. Moreover, these artistic screenings are not rights violations. To the contrary, they create important opportunities both for the authors/rightsholders and the society at large for meeting, making connections, and the accumulation and sharing of culture. In this sense, keeping the screenings in artistic activities even further out of procedures is a result and requirement of both the nature of the work and its legal framework. At this point there is no comprehensible reason or legal basis for article 15 of the Bylaw on the Procedures and Principles on the Evaluation and Classification of Cinema Films to differentiate between foreign-origin films and domestically produced films.

For the aforementioned reasons, necessary amendments should be adopted to eliminate the differentiation made in article 15 of the relevant bylaw between domestically produced films and foreign origin films in terms of artistic activities, and annul the requirement of registration also for domestically produced films in order to pave the way for artistic activities in line with the law and to enable the development of the film sector.