

## **THE PROBLEMS OF THE PUBLISHERS WITH REGARD TO LITERARY AND ARTISTIC WORKS AND SUGGESTIONS FOR SOLUTIONS - 2006**

### **ABSTRACT**

Having commercial activities in the field of literary and artistic works is different than having commercial activities on other fields. The rights arose from the literary and artistic works are regulated with a unique law system which is quite different than any other law of property. In this regards, the copyright owner (i.e. a book writer) always has broader rights than any other real property right owners. The Copyright Law is full of variable rules in favor of the copyright owners. It is not possible to solve any problem in the field of copyright law by evaluating the matter through classical logic of law. For example, a publisher must prepare the "publishing agreement" in the frame of the article 52 of Turkish Copyright Law. Concordantly, it is not enough and sufficient for a writer to sign an agreement only stating that "I assigned all of my economic, moral rights, copyrights to publisher X." since all of the assigned rights should be stated one by one in the agreement of assignment according to the cited article. Hence, by signing such agreement, the publisher of the work becomes an infringer as the agreement would be totally invalid. Every single copyright agreement has its own characteristics. Thus the important points in every single agreement are different than each other.

In this work, the significant and important points, which must be taken into consideration by the publishers while preparing a copyright agreement and the matter of how the piracy affects the publishing sector has been evaluated.