

RUSSIA



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McDonald's can still play music

Russian law guards the rights of performers. This general statement is echoed in the activities of a number of organisations for collective rights management. One such organisation is the All-Russian Society for Intellectual Property. Ironically, its Russian acronym is VOIS which is the same as the Russian acronym VOIS for World Intellectual Property Organization.

VOIS tracked down McDonald's for quite a time until it decided to sue it. Representatives of collective rights management organisations frequent restaurants and monitor the reproduction of music of various authors and performers. After that, they usually demand a fee in favour of the authors/performers whose music is played in the restaurant. The fee may be \$2 for each chair in the restaurant when the recorded music is played or \$3 for live music.

Back in time, VOIS initiated a court action against McDonald's and the hearing took place on March 20 2014. The claims of VOIS were about \$20,000 calculated on the basis of 31 phonograms, each at about \$700. VOIS submitted video evidence and the list of musical work. However McDonald's argued that it had a contract with another agent, Media and Advertisement Stream Technology (MAST) which in its turn has a contract with Mood Media North America, a licensee of those musical compositions.

As expected, the Moscow court dismissed the claims of VOIS. Riding on the success of this court action MAST filed a suit against the Ministry of Culture which gave accreditation to VOIS. MAST claims that VOIS obtained accreditation in violation of the law. It will be interesting to follow the developments of this court action. Whatever follows, it seems that few people will be sorry if the accreditation of VOIS is recalled.