

საია საავტორო უფლებების დარღვევის აღკვეთასთან
დაკავშირებით კომისიის უფლებამოსილებას
საკონსტიტუციო სასამართლოში ასაჩივრებს



GYLA files an Appeal to Constitutional Court on Commission's Authority for Prevention of Copyright Infringement

GYLA, on behalf of “Akhali Kselebi”, has appealed against the resolution of the Georgian National Communications Commission to the Constitutional Court. The appealed resolution determines the obligation of the internet and television provider company to block the placement of products infringing the copyright at the request of the Commission. The Commission, by the appealed resolution, has defined to itself the authority to respond to the infringement, which was not given to it by the legislator. Accordingly, GYLA considers that the decision of the Commission is unconstitutional.

The Resolution of the Commission leads to the restriction of freedom of expression. In order for this restriction to be constitutional, such interference must be envisaged by law. The Law on Electronic Communications [1] gives the National Communications Commission the right to request information from electronic service provider

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companies only about copyright. Neither the Law on Electronic Communications nor any other legislative act passed by Parliament gives the National Communications Commission the right to require an Internet and Television service provider to block the products infringing the copyright. Thus, the legislature has not given the Commission the function of overseeing copyright protection and this can be done through the courts. Accordingly, the Commission has established its authority in violation of the law, which is contrary to the Constitution of Georgia.

GYLA considers that the appealed resolution of the National Communications Commission also contradicts the decision of the Constitutional Court of August 2nd, 2019 (overriding norm) in the case of "Alexander Mdzinarashvili v. Georgian National Communications Commission". Accordingly, GYLA requests that the appealed norms be annulled in a simplified manner at the directions hearing.

[1] Article 19, paragraph 2, sub-paragraph "a".