

AUTHORIZATION IN THE POLISH PRESS LAW

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Abstract

Since 1984, there have been regulations in the Polish press law under which the publication of verbatim statements of a person provided to the press depends on the consent of the person who made such a statement (authorization). These statements may have a creative nature on many occasions which is subject to the regimen of copyright.

The scientific purpose of the article focuses on the problem of the influence of regulations on authorization adopted in 2007 on the right to the paternity of a work. The author regards as creativity, under certain conditions, not only a press article but also original statements made to the press. Thus, the specified problem concerns the borderline area between the press law and the copyright.

An analysis of regulations which were in force until 2007, including an analysis of the legal status of statements that are subject to authorization and analysis of changes introduced to the authorization law in 2007 together with analysis of the legal status of statements subject to authorization will be used to solve the problem. The author indicates, moreover, circumstances which must be present for a statement made to the press to be regarded as a work protected by copyright and discusses the right to the paternity of the work in the context of statements made to the press. The author uses the dogmatic and legal historical method and the method of case law analysis.

In the author's opinion, the introduced changes consolidate the copyright of the person making a statement to the press and if they use the rights to authorization they are entitled to.

Keywords: authorization, the right to the paternity of a work, press law, copyright law, statement made to the press.

Introduction

The word authorization comes from the Latin *autorizare* – to authorize. In Polish, this term can be used in many contexts: you can authorize a service to perform repairs of devices of a specific company or a user on the internet by checking that he is authorized to access the desired resource, company. You can also authorize an interview. I am interested in this latter context, which is related to the very specific type of creative activity of a human being – giving expression to the press and authorizing the press to publish our statements, which can be creative in nature by themselves.

Polish law includes regulations that make the public diffusion of statements given to the press by politicians, celebrities, public officials, priests etc. dependent on the earlier consent for this publication. This consent is called authorization¹. Authorization does not have a statutory definition; however, the doctrine of press law understands this notion as: permission of the person providing such statements (mainly interviews) to publish it, but this only applies to contents that are quoted verbatim², or confirmation of the statement's authorship – its content and form³. In this second meaning of the word authorization, the obligation to authorize statements that were not made public previously corresponds to the limitation imposed on quoting works that were not made public previously. The prohibition to quote such works results from the regulations of the Act on Copyright and Related Rights that concern permitted use (fair use). Copyright regulations allows us to use works within the scope of acceptable use only in a situation when a work was previously released – i.e. made public with the author's consent. Thus, in this meaning, the regulations of the Press Law supplement the copyright regulation as regards statements that are not subject to copyright or civil law regulations as regards the protection of personal rights⁴.

There is one other connection between authorization and copyright. If we consider a statement made to the press a work, the author is entitled to the so-called personal copyright. Among them, the Polish Act on Copyright and Derivative Rights of 1994, modelled on the Berne Convention of 1886 (Art. 6-bis), indicates the right to paternity of a work (Art. 16). Under this right we can demand that other persons using our works (statements made to the press) attributed them appropriately.

As an introduction, it is also worth adding that authorization has existed in Polish legislation since 1984, it seems that it was introduced for purely political reasons. The authorities were afraid to put in the press information provided in the wake of emotions and hastily, and often simply honestly, by officers of the power apparatus, contrary to the uniform and official position of the party. Press law regulations allowing the prevention of the publication of verbatim statements by the person who said them and providing for penal liability of a journalist who, despite the lack of authorization or refusal to authorize published such a statement have existed in a basically unchanged form since the Press Law Act was adopted in 1984 until 2017 even though the Polish political system changed in 1989.

In 2017, the provisions of the press law regulating the functioning of this institution were amended. The rights and obligations of the parties to the authorization process – the journalist and the provider of information – have been clarified. The previous regulation was in practice too general and repressive, it also proved to be contrary to the European Convention on Human Rights and Fundamental Freedoms, which Poland has been a party to since 1991. It violated the provisions of this convention regarding freedom of expression.

The scientific purpose of this article focuses on the problem of the influence of regulations on authorization on the right to the paternity of a work. The author, by analysing the amendments introduced in 2007 and by comparing them with the previous regulations, will examine changes which occur as regards the right to paternity of work which the author of a statement is entitled to.

The rights to paternity of a work are extremely important from the point of view of protection of creativeness and their breach may result in plagiarism. In addition, the examination of the problem will allow for determining relations between the objectives fulfilled by the institution of authorization on the one hand and institution of personal copyright on the other.

These problems are in the borderline area between the press law and copyright have not been discussed in the Polish literature so far. There are no specific monographs devoted to this subject. Therefore, the author used the *acquis* of the press law and copyright doctrines developed as regards the authorization, characteristics of a work and personal copyright.

The author used the dogmatic and legal method to examine premises for works, to answer questions what characteristics should a statement made to the press have to be protected by copyright, regulations of copyright about the right to the paternity of a work. The views of the doctrine and case law in this area will be presented in a synthetic manner. Next, the author shall perform a historical and legal analysis of regulations on authorization which were in force until 2007 to answer the question to what degree the previous regulations protected the right to the paternity of a work. Next, a dogmatic and legal analysis of changes to the copyright introduced in 2007 will be performed, including analysis of the legal status of statements subject to authorization. On the basis of performed analyses, the influence of new regulations of authorization on the right to paternity of a work will be determined.

When can a statement made to the press considered to be a work?

In the present legal status, a statement made to the press (understood as verbal presentation of one's views on a matter or providing information about specific facts) may constitute the subject of copyright – a non-material asset, as long as it meets the conditions specified in Art. 1 of the Act on Copyright and Derivative Rights⁵. These are: creativeness condition, individuality condition and establishment condition. The first two of these are material conditions referring to characteristics of an object as the subject of copyright, while the establishment condition involves: “the possible act of communication of a creation to a person other than the author”⁶. Positions can be met in the doctrine, according to which the next obligatory condition for creativeness is human activity, i.e. the creativeness resulting from human actions^{7, 8}.

The condition of creativeness is defined in a number of ways in the literature and representatives of the doctrine define it by referring to case law as a rule. In the decision of the Court of Appeal in Poznań of 7 November 2007, the court interpreted the creativeness condition and concluded that “a work should be a result of creative activity. This condition, called the originality of work condition will be met if a subjectively new intellectual creation is created”⁹.

The case law, followed by the doctrine, takes the position of

distinguishing between objective and subjective novelty. In one of its decisions, the Supreme Court concluded that: „the novelty requirement (in the objective meaning – the author’s note) is not a necessary characteristic of creativeness as a manifestation of human intellectual activity”¹⁰. Such an approach, i.e. the lack of the objective novelty condition (novelty in an absolute sense) allows for the existence of parallel creativeness, i.e. a situation when two subjects create independent works with similar contents and/or form. The existence of parallel creativeness usually applies to musical works, simple tasks, advertising slogans. Parallel creativeness is unlikely in longer statements for the press, both in ones concerning facts and constituting opinions. However, in the copyright doctrine, it is considered that the demanding that potential works should meet only the subjective novelty condition is sufficient. It seems that this view is shared by the opinion expressed by the Supreme Court in the decision of 22 June 2010 in which the Court concluded that: “the creativeness condition is considered to have been met if the created work is new from the author’s point of view”¹¹.

Moreover, the doctrine emphasizes that the requirement for the creation-related character of creative activity means that the protection will not cover the results of actions which are routine, generic in nature, including technical work which deprives the author of freedom in the choices they make (generic work)¹². The process of creation is characterized by the fact that: “the result of the undertaken action which constitutes the projection of the imagination of its originator, aiming at fulfilling these elements of the performed task, which do not result from the application of only specific knowledge, skills, materials, devices or technologies”¹³.

The condition of individuality – the second of the necessary conditions for creativeness – is nowadays defined in the doctrine and Polish case law by referring to the assessment of the result of the creative process¹⁴. This position is reflected by the statement of the Supreme Court of 2014: “The position if a given creation meets the individuality condition is taken on the basis of the analysis of the features of the creation itself, which led to its creation” (...)¹⁵.

In consequence, a creation which is unique and does not have its counterpart in the past and bears the author’s stamp meets this condition. However, considering the interpretation of the creativeness condition – the work does not have to be new in the objective sense.

It is enough for it meet the novelty condition in the subjective sense. Thus, the condition of individual character of the work fulfils a double role: firstly, it determines the protection of the work by copyright, secondly it determines, the protection of the work within the limits of its individual character. In the situation of a dispute, a court will evaluate whether in a specific case a “work” is characterized by individuality and, in consequence, whether creativeness is involved.

The third condition for granting legal copyright protection to an object is related to the establishment of a work. The actual communication of the recipient is not necessary to establish a work. It is accepted in the doctrine that the mere possibility of creating conditions for potential perception of a work by at least one recipient is sufficient¹⁶. The establishment should concern the creative elements of a work¹⁷, established in any, also in an unsustainable form which gives to a recipient a possibility to read the aesthetic or intellectual values of a work¹⁸. Legal copyright protection covers, from the time of establishment, the work in abstract, regardless of the incorporation method.

The recognition of a statement for the press as a copyright-protected work can be problematic in a situation in which it could be qualified in the group of the so-called borderline creations of the intellect. These are creations characterized by the minimum level of creativeness. This group usually includes telephone directories, cooking books, price lists, timetables, mass online creativeness and also advertising brochures and slogans. Their legal copyright protection is disputable in the doctrine, hence, it is thought that decisions should be made *ad casum* by examining each case. However, Polish courts have granted protection to the following creations of the intellect, concluding that they have the characteristics of creativeness under specific circumstances. Those were, amongst other things, tombstone, Occupational Health and Safety instruction manual, draft of technical documentation, yacht design.

In view of the above, in the case of press statements, a significant element conditioning the award of legal copyright protection, apart from fulfilling the condition from Art. 1 of the Act on Copyright would be the length, volume and also the statement which, as a rule, contains opinions on an issue. Thus, single words uttered by a journalist’s interlocutor will not be protected – and only combined words which have an autonomous creative value. It should also

be remembered that the so-called simple press releases have been excluded from the protection (Art. 4 of the Act on Copyright). This notion does not have its statutory definition, however, it has been adopted in the doctrine that these are, as a rule, short releases about facts.

Right to press statement paternity

Authors of a work in the Polish copyright are entitled to a property right—property copyright and non-property right—personal copyright. An example of personal copyright is the so-called paternity right (from French *droit de la paternite*), expressed in Art 16. Personal copyright protects the emotional, mental and intellectual bond between the author and work¹⁹. This bond is unlimited in time, is not subjected to a waiver or disposal, it is not affected by the author's different will, as their emotional connection with the creation of the intellect may be small or even non-existent²⁰.

The right to paternity includes: the right to authorship of a work described in Art. 16 Sec. 1 of the Act on Copyright and the right to mark the work with one's name or pseudonym or to make it available anonymously (Art. 16 Sec. 2 of the Act on Copyright).

The right to authorship of a work is the right to respect the bond between the author and the work that they created. The contents of this right boil down to the possibility of demanding by the author for his name to be connected with a specific work or its fragment (the positive aspect). In the negative aspect, the author is also entitled to demand that his bond with the work (or its fragment) should remain undisturbed, e.g. by omitting their name in connection with the distribution of the work.

The author is also entitled to mark a work with their name, pseudonym or to make it available anonymously. It should be noted that if a statement is made which has the features of a work to the press, the author usually agrees to make public their name or pseudonym (often also cryptonym). They can, however, declare to the journalist that a statement is made anonymously and that they do not agree to the distribution of their data in connection with the publication of their work. This request should be respected by the journalist in absolute terms, as it results from the right to paternity.

In view of the above, a journalist using the creative statements

of other people is obliged to respect the author's emotional bond with the work in absolute terms. This boils down to the attribution of authorship according to the author's will, i.e. by marking the work with the author's name, pseudonym or by making it available anonymously.

What were the rules on authorization before the amendment?

Legal regulations concerning authorization were included in Art. 14 of the Press Law Act which also regulated other conditions of statement (which outside the author's scope of interest). Article 14 was amended twice before 2017: once in 1990²¹, next in 2011²². These amendments did not affect the essence and the principles of authorization.

The basis of this analysis for me is the text of the act in the version applicable immediately before the amendment of 2017 entered into force²³. This regulation read as follows:

- 1. Publishing or distributing audio or video information requires the consent of persons providing information.*
- 2. A journalist cannot refuse authorization of the quote by the person providing information unless it was published before.*
- 3. A person providing information may stipulate extend and time of the publication due to substantial social reasons.*
- 4. Providing information cannot be conditioned by, with exception of section 2, the fashion of comment or approval of journalistic expression.*
- 5. A journalist cannot publish information if a person providing it stipulated it being subject to professional confidentiality.*
- 6. It shall not be permissible to publish information and data on private life without consent of the person concerned, unless it is directly connected with public activity of such a person²⁴.*

As shown above, the problems of authorization were brought up in section 2 of the article quoted above. Authorization concerned only this fragment of the press material, which was literally quoted, (not the text of a journalistic commentary). The journalist was not obliged to send the entire press material to the interested person. The interested person could not authorize the press material or introduce changes to it on their own – authorization applied only to this person's statements that were quoted verbatim. This position

is consistent with the assumptions of copyright which protects the author's copyright to the work. This approach assumes that the entire press material is constitutes a journalist's own creativeness and the use of non-distributed creativeness of other persons requires their consent.

Some representatives of the press law doctrine undermine the soundness of this institution in this wording. W. Machała wrote that authorization in its legal status, which refers only to a fragment of a statement that is quoted verbatim does not limit "in any way the journalist's right to present thoughts contained in the reported statement in a descriptive manner"²⁵. This view should be partly negated. It is not acceptable to claim that the journalist has no right to formulate the contents of the article on their own and each conversation with the informer should be quoted verbatim. On the other hand, however, it is problematic if the journalist presented the thoughts of their interlocutor descriptively and identified them as the author of the fragment and did not authorize the statement. Such a situation could give rise to the journalist's and the board of editor's liability if the presented statements turned out to be distorted or inaccurate. Kowalski, whose inaccurate statement was published in the press, could demand that it should be corrected by calling upon the editor-in-chief to publish a text providing accurate information in the press. As a result, they could also demand that a correction should be published before a common court. The editor's-in-chief failure to follow the court decision to publish a correction resulted in the possibility of penal sanctions – a fine or imprisonment in the previous legal situation.

The authorization requirement concerned unpublished statements. If a journalist only reproduced the text in line with principles specified in regulations on permitted use from copyright, he/she did not have to meet the requirements of authorization, i.e. contact the person whose statement was quoted. In the case of reproduction, the journalist was obliged to indicate the author of the fragment of the work and to provide the source of the statement. This obligation results from the Act on Copyright and Derivative Rights and is still in force in Polish law.

The authorization procedure was initiated by the interlocutor (but there were no deadlines for exercising the right). Before starting a conversation or interview, the journalist did not have a

legal obligation to advise the informer about the right to demand statement authorization. This obligation resulted rather from ethical principles in a certain work ethos, that journalist was obliged to comply with. It was emphasized in the literature commenting on the regulation that authorization released journalists from liability for an infringement of third-party rights which only the person making the statement could know about²⁶. This opinion remains valid also after the amendment of the act in 2017.

In practice, a lot of journalists conducting interviews or long conversations submitted them for authorization to their interlocutors without being asked to do so. An interesting answer to the question about reasons for submitting a text for authorization was given by Teresa Torańska, eminent Polish reporter: “I have my texts authorized because I want to convene my interlocutors’ views faithfully. I also want to get as much as possible from my interlocutor to show them in confrontation with various questions and views. The authorization allows you to add a lot of interesting information about a person to the article. Speaking and answering questions asked by journalists, the interlocutor often does not realize that they are being funny, archaic or weird. Of course, it happens that the interlocutor wants to have removed fragments that are the most interesting from the journalist’s point of view. The defence of what was said and how we presented the interlocutor is an element of journalists’ tools. It seems to me that I have managed to defend the texts I have prepared in 99% of cases”²⁷.

The journalist could not refuse authorization or not give permission for it. The infringement of obligation described in Art. 14 of Press Law consisting of refusal to authorize was classified as the so-called „press offense” subject to criminal liability and a fine or imprisonment. It was also possible to impose a criminal sanction even in the case where a journalist, although he did not obtain the authorization of the text, but he published a text completely corresponding to the content of the statement.

In view of the above, in the years 1984-2007, there were no regulations which imposed on journalists the duty to inform interlocutors about the right to authorize statements. If the person making the statement was not aware of the right to authorization, properly phrased but distorted statements may have appeared in the press. Such a situation could lead to a breach of the right to paternity

of a work. The author has right to an undisturbed bond with a specific creation of the intellect.

How is the authorization regulated in the current right state?

Changes to the regulations pertaining to authorization involved the introduction of correction to the existing regulations of the Press Law contained in Art. 14; the addition of Art. 14a, Art. 49b and Art. 54c – concerning procedural issues. After the amendment, Art. 14 pertains to the obligation of the press to obtain consent to the publication of specific information and it looks as follows:

Art. 14.

Publishing or distributing audio or video information requires the consent of persons providing information.

(deleted)

A person providing information may stipulate extend and time of the publication due to substantial social reasons.

Providing information cannot be conditioned by, with the reservation resulting from Art. 14a, the fashion of comment or approval of journalistic expression.

A journalist cannot publish information if a person providing it stipulated it being subject to professional confidentiality.

It shall not be permissible to publish information and data on private life without consent of the person concerned, unless it is directly connected with public activity of such a person.

As compared to the previous status, it can be seen that the provision referring to the journalist's duty – authorization of a statement quoted verbatim was deleted and a provision referring to the newly created Art. 14a was added to Sec. 2 which reads as follows:

- 1. The journalist may not refuse to authorize a statement quoted verbatim to a person providing information, unless it was previously quoted or was presented in public.*
- 2. The journalist informs the person providing information before information is provided about their right to authorize statements that are quoted verbatim.*
- 3. The person providing information reports the demand for authorization of a statement quoted verbatim immediately after obtaining information which is referred to in Sec. 2 from the journalist.*

4. *The person providing information authorizes a statement quoted verbatim immediately, however, no later than within:*
 - 1) 6 hours – as regards newspapers,
 - 2) 24 hours – as regards magazines – unless agreed otherwise by the parties.
5. *The time limits which are referred to in Sec. 4 begin to run the moment the text of the statement quoted verbatim to be published is provided in a mutually agreed manner to the person providing information or to the person authorized by them so that this person can read the contents of this text.*
6. *The proposal of additional information or answers or a change in the sequence of statements in the text being authorized intended for publication in press shall not constitute authorization.*
7. *In the case of a failure or refusal to authorize within the time limits specified in Sec. 4, the statement quoted verbatim shall be considered to have been authorized without any reservations.*

The amendment maintains the current principle according to which: the journalist cannot refuse to the person providing the authorization information of the literally quoted statement; authorization is not required for statements that have already been published. At the same time, the amendment introduced a second exception, according to which a journalist will not have to obtain the authorization of a public statement, for example during a press conference or other type of public statement by a person providing information. A person wishing to exercise their right of authorization should submit such a request to a journalist immediately after giving their utterance.

At the same time, it will be the duty of the journalist to inform the interlocutor about the possibility of exercising the right of authorization.

Deadlines for authorization have been introduced. In the case of giving a statement to the journal, the person giving the statement has 6 hours from the moment of handing over (or an authorized person) in a mutually agreed text to be published in the press containing the statement. A 24-hour deadline for authorization has been introduced in relation to the utterances given for magazines.

It will not be considered as an authorization of the situation when the interlocutor: will suggest adding new questions, providing

additional information or answers, changing the order of statements in the authorized text of the material to be published in the press. It should be concluded that this kind of intervention has characteristics of an intervention into a press article created by a journalist. Such an action may not be treated as authorization.

After the deadlines set out in the law, a journalist may publish a quoted phrase. Pursuant to the Act, failure to authorize in a given period means that the person has consented to the publication of a literally quoted statement in the wording presented by the journalist.

From the point of view of the freedom of speech, the most significant change was introduced by Art. 49b. Article 49b penalizing the publication of statements without allowing its authorization. According to current regulation, this is an offense and not a crime, and the article reads as follows:

1. *Anyone who publishes a statement that is quoted verbatim without allowing the person who provides information to perform authorization in line with the principles specified in Art. 14a shall be liable to a fine.*
2. *The penalty which is referred to in Sec. 1 shall not apply to a person who publishes a statement identical with the one provided by the person providing information.*

The aforementioned regulation sanctions a fine by publishing a quoted phrase in a situation where an information provider is prevented from being authorized. However, the journalist's action is not sanctioned if, despite the breach of the obligation to allow authorization, he will publish a statement that is fully consistent (identical) with the statement given. The situation that would exclude liability will therefore be the diligence of the journalist in citing the statement. The provision quoted above corresponds to article 54 c which was added, according to which the decision on cases regarding acts of art. 49b is based on the provisions of the Act of 24 August 2001 – Code of conduct in offense cases. Penal and legal sanctions do not have, in the author's opinion, influence on the execution of the right to the paternity of a work. Their change is closely related to the decision of the European Court of Human Rights in the *Wizerkarniuk vs. Poland* case. In its decision, the ECHR decided that the regulations under which Wizerkarniuk had been sentenced were too restrictive and "could not be considered consistent with the assumptions of a democratic society and a place

of freedom of speech in such a society”²⁸.

In view of the above, by introducing changes in 2007, a duty was imposed on journalists to inform interlocutors about the right to authorize statements. In the author’s opinion, the journalist consolidates the right to paternity of a work in its positive aspect understood as the right to demand by the author that they should be connected with a particular work or its fragment. On the other hand, deadlines for authorization were introduced. After their expiration, the person who did not use their rights is deprived of the possibility of controlling whether the journalist respected their copyright. Such a regulation should be regarded as appropriate in accordance with the Roman *paroemia vigilantibus non dormientibus jura inveniunt*, i.e. law does not protect entities that do not take care of their rights.

Summary

The research conducted allowed for the fulfilment of the objective stated in the introduction related to the determination of the influence of the regulations on authorization on the right to paternity adopted in 2007. In the author’s opinion, the analysis of legal regulations leads to the conclusion that the introduced changes consolidate the copyright of the person making a statement to the press and if they use the rights to authorization they are entitled to. The author presented detailed conclusions in the summary of each subsection. The undertaken research may be continued for the influence of the amended authorization regulations on other non-material, i.e. the right to the integrity of the work. According to the author, the currently shaped legal model of authorization sanctions the balance between journalists’ interests (press) and those of persons who make creative statements to the press.

References

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- ² M. Brzozowska-Pasieka, Art. 14 (in:) *Prawo prasowe. Komentarz praktyczny*, Wydawnictwo Prawnicze LexisNexis, available online: <https://sip.lex.pl/#/commentary/587603995/401435>, [accessed on: 2018-04-18].
- ³ E. Ferenc-Szydełko, Art. 14 (in:) *Prawo prasowe. Komentarz*, LEX, available online: <https://sip.lex.pl/#/commentary/587237030/150963>, [accessed on: 2018-04-18].
- ⁴ See Art. 28 of the Act on Copyright and Related Rights of 4.02.1994, *Journal of Laws 1994, No. 24, item 83 as amended*.
- ⁵ Act on Copyright and Related Rights of 4.02.1994, *Journal of Laws 1994, No. 24, item 83 as amended*.
- ⁶ R. M. Sarbiński, *Komentarz do art. 1 ustawy – Prawo autorskie i prawo pokrewne*, (in:) R. M. Skarbiński (ed.), M. Siciarek (ed.) *Prawo autorskie. Komentarz do wybranych przepisów*, LexisNexis 2014, available online: www.lex.pl [accessed on: 2017-06-27].
- ⁷ In the doctrine, also a condition derived on the basis of Art. 1 of the Act on Copyright and Related Rights, can be met which is necessary for creativeness – human activity. W. Machała, *Utwór, jako przedmiot prawa autorskiego*, Warszawa 2013, CH Beck, p.121.
- ⁸ K. Grzybczyk, Art. 1, (in:) P. Ślęzak, *Ustawa o prawie autorskim i prawach pokrewnych. Komentarz*, Warszawa 2017, p. 7.
- ⁹ Decision of the Court of Appeal in Poznań of 7 November 2007, I ACa 800/07, LEX no. 370747.
- ¹⁰ Decision of the Supreme Court of 25 January 2006, I CK 281/05, LEX no. 181263.
- ¹¹ Decision of the Supreme Court of 22 June 2010, IV CSK 359/09, LEX no. 694269.
- ¹² J. Barta, R. Markiewicz, *Komentarz do art. 1 ustawy – Prawo autorskie i prawa pokrewne*, thesis number 5 (in:) J. Barta (ed.), R. Markiewicz (ed.), *Ustawa o prawie autorskim i prawach pokrewnych. Komentarz*, LEX 2011, available online: www.lex.pl, [accessed on 2017-06-27].
- ¹³ *Ibidem*, thesis number 12.
- ¹⁴ *Ibidem*, thesis number 10, R.M. Skarbiński, *Komentarz do art. 1 ustawy – Prawo autorskie i prawo pokrewne*, op. cit., thesis number 22.
- ¹⁵ Decision of the Supreme Court of 6 March 2014, V CSK 202/13, LEX no. 1486990.
- ¹⁶ R. M. Skarbiński, *Komentarz do art. 1 ustawy – Prawo autorskie i prawo pokrewne*, thesis number 72.
- ¹⁷ *Ibidem*, thesis number 72.

- ¹⁸ Ibidem, thesis number 74.
- ¹⁹ Decision of the Supreme Court of 21 March 2014, IV CSK 407/13, OSNC 2015, No. 3, item 36.
- ²⁰ Thus, the doctrine states that the existence of a bond between the author and their work is objective in nature. See A. Szpunar, *Zadośćuczynienie za szkodę niemajątkową*, Bydgoszcz 1999, p. 121.
- ²¹ The Act of 11 April 1990 on repealing the act on control of publications and showings, the abolition of control authorities and on the amendment of the Act – Press Law, *Journal of Laws* 1990, No. 29, item 173.
- ²² The Act of 5 August 2010 on protection of undisclosed information, *Journal of Laws* 2010, No. 182, item 1128.
- ²³ The Act of 26 January 1884 Press Law, *Journal of Laws* 1984, No. 5, item 24 as amended until the change introduced by the Act of 10.01. 2013 on the amendment of the Press Law Act, *Journal of Laws* 2013, No. 771.
- ²⁴ Translation of Polish Press Law Act, Available from: http://www.researchgate.net/publication/319872633_Translation_of_Polish_Press_Law_Act [accessed on: 2018-04-18].
- ²⁵ W. Machała, *Autoryzacja – ograniczenie czy gwarancja wolności słowa?* *Palestra*, 2006, No. 7-8. p. 110.
- ²⁶ E. Ferenc-Szydelko, Art. 14. (in:) *Prawo prasowe. Komentarz*, LEX, available online: <https://sip.lex.pl/#/commentary/587237030/150963> [accessed on: 19/04/2018].
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- ²⁸ Judgement of the ECHR of 5.07.2011 r. on the case of Wizerkaniuk against Poland, complaint no. 18990/05.

Anotācija

Kopš 1984. gada Polijas preses darbību regulējošajos likumos ietverti noteikumi, saskaņā ar kuriem informācijas publicēšanai ir nepieciešama informācijas sniedzēja atļauja. Vienlaikus žurnālista radošais darbs ir autortiesību objekts. Rakstā analizētas juridiskās problēmas, kas rodas informācijas sniedzēja interešu, raksta autora personisko tiesību un sabiedrības tiesību uz informāciju īstenošanā. Autore uzskata, ka ar zināmiem nosacījumiem radošās darbības objekts ir ne tikai preses raksts, bet arī oriģināli paziņojumi presei. Tādējādi problēmas var rasties arī saistībā ar sniegtās informācijas juridiskā statusa noteikšanu, preses likumā noteikto prasību un autora personisko tiesību saskaņošanu. Problēmas risināšanai 2007. gadā tika izdarīti grozījumi, kas vērsti uz minēto problēmu novēršanu. Autore secina, ka ieviestais regulējums ļauj presei darboties, ievērojot visu iesaistīto intereses.