Copyright Law (2000)

Law of April 6, 2000 [1]

Latvian title: Autortiesibu likums. [2]

Entry into force: May 11, 2000. See also Transitional Provisions 3 and 4.

Chapter I. General Provisions ➦

Terms Used in this Law

1. The following terms are used in this Law:

1. “author”—a natural person as a result of whose creative abilities a concrete work has been created;

2. “work”—the original creation of an author in any material form, as well as an improvisation performed in public at the time of its performance;

3. “database”—a collection of independent works, data or other materials which are arranged in a systematic or methodical way and are individually accessible by electronic or other means;

4. “fixation”—the embodiment of sound or images into a material form which provides a possibility to communicate it to the public, perceive or reproduce it by means of a relevant device;

5. “film”—an audiovisual or cinematographic work or moving images, whether or not accompanied by sound;

6. “film producer”—a natural or legal person who finances and organizes the creation of a

film and is responsible for its completion;

7. “phonogram”—fixation of the sounds of a performance, other sounds or representations of sounds;

8. “phonogram producer”—a natural or legal person who performs the first fixation of the sounds of a performance, other sounds or representations of sounds, and is responsible for its completion;

9. “disclosure”—an action by means of which a work is made available to the public for the first time, irrespective of its form;

10. “publication”—any action by means of which copies of a work are made available to the public with the consent of the author, observing the condition that the number of copies shall satisfy a reasonable public demand for that type of work; publication shall not include performances of dramatic, dramatico-musical or audiovisual works, performances of musical works, public readings of literary works, the broadcasting of literary or artistic works, demonstrations of visual works or erected architectural works;

11. “communication to the public”—any action by means of which, either directly or through a relevant technical device, a work, performance, phonogram or broadcast is made available to the public;

12. “public performance”—the performance, reading, demonstration, presentation by an actor or any other use of any work or other subject matter protected by this Law in a public place or in places where people are outside their usual family circle, either directly or by means of any technical equipment or process;

13. “public lending”—an action by the user of the original or a copy of the work of an author, the fixation of a performance, a phonogram or a film, by means of which the work is made available to an unlimited number of people for an unlimited period of time, not for the purpose of gaining direct or indirect economic or commercial benefit;

14. “broadcasting”—the initial distribution of programs for public reception by means of ground transmitters, cable networks, or satellites in an open or encoded form. Broadcasting shall also include communication to the public through use of a satellite;

15. “reproduction”—the making of one or more copies, in any form and by any means, of a work or other subject matter protected by this Law, also the making of three-dimensional copies of a two-dimensional work or two-dimensional copies of a three-dimensional work, including short-term or long-term storage in electronic form of a work or subject matter of related rights, or a part of such;

16. “reprographic reproduction”—the making of a copy of the original of a work or of facsimiles of copies of a work by any means of photocopying, except printing. Reprographic reproduction shall include also the scanning or the making of facsimile copies by means of photocopying in an enlarged or reduced version;

17. “retransmission by cable”—any synchronous, unaltered and unhindered retransmission through a cable or microwave system of a transmission of any radio or television broadcast transmitted by communication lines or by air, including satellite transmission.

Principles of Copyright

2.—(1) Copyright shall belong to the author as soon as a work is created, regardless of whether it has been completed.

(2) Copyright shall apply to works of literature, science, art and other works referred to in Article 4 of this Law, and to unfinished works, regardless of the purpose of the work and the value, form or type of expression.

(3) Proof of copyright ownership shall not require registration, special documentation for the work or compliance with any other formalities.

(4) Authors or their successors in title may indicate their rights to a work by means of a copyright protection symbol, which shall be affixed in such a manner and in such a place that it is clearly visible. Such a sign shall include three elements:

1. the letter “C” within a circle;

2. the name (designation) of the holder of the copyright;

3. the year of first publication of the work.

(5) Copyright shall comprise moral and economic rights.

(6) Copyright shall be governed by the same legal rights as personal property within the meaning of civil law, but it may not be the subject matter of property claims.

Scope of Copyright

3.—(1) Copyright in works that have or have not been communicated in Latvia, but which exist in Latvia in any material form, shall belong to the authors or their heirs, as well as to other successors in title.

(2) Copyright in works that are simultaneously published in a foreign State and in Latvia shall belong to the authors and their heirs, as well as to other successors in title.

(3) In accordance with paragraph (2) of this Article, a work shall be deemed published simultaneously in a foreign State and in Latvia if it has been published in Latvia within 30 days after its first publication in the foreign State.

(4) Copyright in works that have been communicated in a foreign State in any material form shall be recognized for citizens of Latvia and for persons who are entitled to a non-citizen passport, or for persons whose permanent residence (domicile) is in Latvia, as well as the successors in title of such persons. Copyright in works that have been communicated or otherwise made known in a foreign State in any material form shall be recognized for other persons, in accordance with the international agreements binding on Latvia.

Chapter II. Protected and Non-Protected Works ➦

Protected Works

4. The subject matter of copyright, regardless of the manner or form of expression, shall comprise the following works of authors:

1. literary works (books, brochures, speeches, computer programs, lectures, addresses, reports, sermons and other works of a similar nature);

2. dramatic and dramatico-musical works, scripts and adaptations of audiovisual works;

3. choreographic works and pantomimes;

4. musical works, with or without words;

5. audiovisual works;

6. drawings, paintings, sculptures and graphic art and other works of art;

7. applied works of art, decorative and scenographic works;

8. design works;

9. photographic works and works which are expressed by a process analogous to photography;

10. sketches, drafts and plans for buildings, structures and architectural works, models of buildings and structures, other architectural designs, city construction works and garden and park plans and models, as well as fully or partly constructed buildings and implemented city construction or landscape objects;

11. geographical maps, plans, sketches, and molded works which relate to geography, topography and other sciences; and

12. other works of authors.

Protected Derivative Works

5.—(1) Without prejudice to the rights of authors in the original work, the following derivative works shall also be protected:

1. translations and adaptations, revised works, annotations, theses, summaries, reviews, musical arrangements, screen and stage adaptations and similar works; and

2. collections of works (encyclopaedias, anthologies, atlases and similar collections of works), as well as databases and other compiled works which, in terms of selection of materials or arrangement, are the result of creative activity.

(2) Databases the creation, obtaining, verification or presentation of which has required a substantial qualitative or quantitative investment (financial resources or consumption of time and energy), whether or not they are the objects of copyright, shall be protected pursuant to Chapter IX of this Law.

Non-Protected Works

6. The following shall not be protected by copyright:

1. regulatory enactments and administrative rulings, other documents issued by the State

and Local Governments and adjudications of courts (laws, court judgments, decisions and other official documents), as well as official translations of such texts;

2. State approved as well as internationally recognized official symbols and signs (flags, coats of arms, anthems, decorations, banknotes, and the like), the use of which is subject to specific regulatory enactments;

3. maps, the preparation and use of which are determined by regulatory enactments;

4. information provided in the press, radio or television broadcasts or other information media concerning news of the day and various facts and events;

5. ideas, methods, processes and mathematical concepts.

Chapter III. Authors and Successors in Title Holders of Copyright ➦

7.—(1) The author of a work, co-authors, including authors of audiovisual works, authors of derivative works, their heirs and other successors in title may be holders of copyright.

(2) Holders of copyright may assert the copyright in a work themselves or through their representatives (or also through organizations that administer economic rights on a collective basis).

Presumption of Authorship

8.—(1) The person whose name or generally recognized pseudonym appears on a work communicated to the public or a published or a reproduced work shall be considered the author of the work, if not proven otherwise.

(2) If a work is communicated to the public or published without reference to the author, the editor shall act in the name and interests of the author, but if the editor is also not identified, then the publisher or the authorized representative of the author shall so act. This condition shall apply until the author of a work reveals his identity and claims authorship.

Co-authors

9.—(1) If a work has two or more authors and the individual contribution of each author to the creation of the work cannot be extracted as a separate work, copyright in the work shall belong to all the co-authors jointly.

(2) If the individual contribution of each author is a separate work, each author shall have copyright in his individual contribution as a separate work.

(3) Protection against copyright infringement may be asserted by any of the co-authors, independently of the other co-authors.

(4) If one of the authors refuses to finish or, for reasons independent of his will, cannot finish his part in the creation of the work, he may not prevent the use of his part of the work in the completion of the work. Such author shall have copyright in his part of the work, as well as remuneration for it, unless otherwise specified by contract.

Compiler of a Composite Work

10.—(1) A compiler, the result of whose creative activity is the selection or arrangement of material, shall have copyright in the compilation of the composite work.

(2) Authors of works included in collections or other composite works shall each retain copyright in their respective works and may independently use them also separately from the collection or composite work.

(3) The copyright of a compiler shall not impose restrictions on other persons to independently make the selection and arrangement of the same works and material.

Authors of Audiovisual Works

11.—(1) The authors of an audiovisual work shall be the director, author of the script, author of the dialogue, author of a musical work (with or without words) created for the audiovisual work, as well as other persons who, as a result of their creative activity, have contributed to the making of the work.

(2) The producer of a work may not be recognized as an author of an audiovisual work.

(3) The authors of an audiovisual work, except the author of a musical work created for the audiovisual work, shall each retain moral rights in the parts of this work which they have created, but may not use them independently of the whole of the audiovisual work, unless otherwise specified by contract with the producer. The author of a musical work shall retain both the moral rights of an author and the economic rights of an author. The author of a script may use his work in a different type of work, unless otherwise specified by contract.

Author of a Work Created in the Course of Employment

12.—(1) If an author has created a work while performing his duties in an employment relationship, the moral and economic rights in the work shall belong to the author, except in the case specified in paragraph (2) of this Article. The economic rights of the author may be transferred, in accordance with a contract, to the employer.

(2) If a computer program has been created by an employee while performing a work assignment, all economic rights in the computer program so created shall belong to the employer, unless otherwise specified by contract.

Author's Contract for a Commissioned Work

13.—(1) If an author's contract has been entered into for a commissioned work, the author shall perform the commissioned work in accordance with the provisions of the contract and shall provide the work for use by the commissioning party within the specified term and in the manner stated in the contract.

(2) It is the obligation of an author to personally perform the work commissioned from him.

(3) Co-authors may be invited and the composition of the co-authors changed only with the written consent of the commissioning party if it is necessary for the performance of the work and is not otherwise specified in the contract. If an author does not observe the obligation to perform the work personally, the commissioning party may terminate the contract.

Chapter IV. Rights of Authors

Moral Rights of Authors

14.—(1) The author of a work shall have the following inalienable moral rights:

1. the right to be recognized as the author;

2. the right to decide whether and when the work will be disclosed;

3. the right of revocation—the right to request that the use of a work be discontinued, with the provision that the author shall compensate any losses incurred by the user due to discontinuation;

4. the right to be named—the right to require his name be appropriately shown on all copies and at any public event associated with his work or to require the use of a pseudonym or to require anonymity;

5. the right of inviolability—the right to permit or prohibit the making of any transformation, change or addition either to the work itself or to its title; and

6. the right to initiate proceedings (including unilateral repudiation of a contract without compensation for losses) for any distortion, modification or other transformation of his work, as well as for any infringement of author's rights that may damage honor or reputation.

(2) None of the rights mentioned in paragraph (1) of this Article may be transferred to another person during the lifetime of the author.

Economic Rights of Authors

15.—(1) An author, except for the author of a computer program or a database, shall have the following exclusive rights with respect to the use of his work:

1. the right to communicate the work to the public;

2. the right to reproduce the work;

3. the right to distribute the work;

4. the right to rent or to publicly lend originals or copies of the work, except for three-dimensional architectural works and works of applied art;

5. the right to retransmit the work by cable;

6. the right to translate the work;

7. the right to arrange, to adapt for stage or screen, or to otherwise transform the work;

8. the right to make the work available to the public by wire or by other means, in an individually selected location and at an individually selected time.

(2) The author of a computer program shall have the following exclusive rights with respect to the use of his computer program:

1. the right to reproduce the computer program (insofar as the loading, demonstration, use, transmission or storage of the computer program requires its reproduction, permission for such action may be granted in writing by the author);

2. the right to distribute the computer program;

3. the right to rent the computer program;

4. the right to transmit, adapt and in any other way transform the computer program and reproduce the results obtained thereby (insofar as it is not contrary to the rights of the person who transforms the program); and

5. the right to make the computer program available to the public by cable or otherwise in an individually selected location and at an individually selected time.

(3) The author of a database shall have the following exclusive rights with respect to the use of his database:

1. the right to reproduce the database;

2. the right to transmit, adapt or in any other way transform the database, as well as reproduce, distribute, communicate to the public, demonstrate or display the results of such activities;

3. the right to distribute the database;

4. the right to communicate to the public, demonstrate or display the database;

5. the right to make the database available to the public by cable or otherwise in an individually selected location and at an individually selected time.

(4) The author shall have the right to use his work in any manner, to permit or prohibit its use, receive remuneration for permission to use his work and for the use of the work, except in the cases provided for by law.

Transfer of the Rights of Authors

16.—(1) The right to communicate and to use a work and to receive remuneration for permission to use a work and for the use of the work shall pass to the heirs of the author. The heirs of an author shall be entitled to assert the moral rights of the author.

(2) Only the rights specified in paragraphs (1), (2) and (3) of Article 15 may be transferred to other successors in title (including legal persons).

(3) Copyright is not linked with property rights in the material object in which the work is expressed. Copyright in a work expressed in a material object shall be dissociated from possession of such work. Transfer of possession of a material object (including a copy of the first fixation of the work) shall not in itself result in the transfer of copyright in the work.

Copyright in Alienated Fine Art Works

17.—(1) Authors shall retain their copyright in fine art works, sketches of them, draft compositions and models of works which have been transferred to the ownership of another person. The transfer of ownership of a work of fine art from the author to another person, with or without remuneration, shall be considered the first alienation of such work. In the case of further public resale (at an auction or by a fine arts gallery or art show, a store or the like) of a work of fine art, the author shall have the right to receive five percent of the resale price.

(2) Remuneration due to an author, in accordance with paragraph (1) of this Article, may be collected, apportioned and paid by an organization that administers the economic rights of authors on a collective basis.

(3) The owner of a work shall have the obligation to give the holder of the copyright in the alienated work the opportunity to realize the right to reproduce the work, as well as to display it in a personal exhibition. The author shall have the obligation to ensure the protection of the work (security) in transit to and from the place of the exhibition or reproduction, unless specified otherwise by contract.

Chapter V. Restrictions on the Economic Rights of Authors ➦

Principles of Restrictions on the Economic Rights of Authors

18.—(1) The right of an author to permit or prohibit the use of his work and receive remuneration for its use may be restricted in those cases specified by this Law.

(2) The use of a work of an author without permission and without remuneration may not be contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author or cause losses to the author.

(3) In case of doubt, it shall be considered that the right of an author to use of the work or to receipt of remuneration is not restricted.

Use of a Work of an Author without the Consent of the Author and without Remuneration

19.—(1) Copyright shall not be considered infringed if, without the consent of the author and without remuneration pursuant to the procedures specified by this Law,

1. a work is used for informational purposes;

2. a work is used for educational and research purposes;

3. a work is reproduced in order that the visually impaired or the hearing impaired may use it;

4. a work is reproduced to meet the needs of libraries and archives;

5. a work is reproduced for the purposes of judicial proceedings;

6. a use is made of a work that is publicly accessible or on display;

7. a musical work is used during official or religious ceremonies, as well as in teaching institutions as part of a face-to-face teaching process;

8. a work is used ephemerally by broadcasting organizations;

9. a work is reproduced for technical use by a broadcasting organization;

10. computer programs are used for reproduction, compilation and other transformations pursuant to Article 29 of this Law; or

11. to ensure the interoperability of a computer program; and

12. the alienation of a work to another person occurs repeatedly, except in the cases provided for in Article 17(1) of this Law.

(2) Copyright shall not be considered infringed if the work of an author is used, without the permission of the author, but with just remuneration to him, for public lending.

Use of a Work for Informational Purposes

20.—(1) Subject to the requirement that the title of the work to be used and the name of the author are shown and that the provisions of Articles 14 and 18 of this Law are observed, it shall be permitted:

1. to reproduce works communicated to the public in the form of quotations for scientific, research, polemical, critical and informational purposes to the extent justified by the purpose of the quotation;

2. to publish in newspapers, to broadcast or otherwise make known publicly political speeches, addresses, announcements and other analogous works, to the extent justified by the informational purpose; and

3. to fix, communicate to the public and publish current events by photographic works; for a broadcasting organization—to broadcast works which have been seen or heard in the course of current events, to the extent justified by the informational purpose.

(2) The provisions of this Article shall not apply to computer programs.

Use of a Work for Educational and Research Purposes

21.—(1) Subject to the requirement that the title and name of the author of the work be shown and that the provisions of Article 18 of this Law are observed, it shall be permitted to use communicated or published works or fragments of them in textbooks which are in conformity with educational standards, in radio and television broadcasts, in audiovisual works, in visual aids and the like, which are specially created and used in the face-to-face teaching and research process in educational and research institutions for non-commercial purposes to the extent justified by the purpose of their activity.

(2) The provisions of this Article shall not apply to computer programs.

The Right of Reproduction of a Work

for the Visually Impaired

and Hearing Impaired

22. Pursuant to the provision of Article 18(2) of this Law, organizations for the visually impaired and hearing impaired, as well as libraries which provide services to the visually impaired and hearing impaired, shall be permitted to reproduce works, without remuneration, in a form perceivable by such impaired persons.

Reproduction of Works for the Needs of Libraries and Archives

23.—(1) Subject to the provisions of Article 18 of this Law, each library or archive shall be permitted to make one copy of a work by means of reprographic reproduction for non-commercial purposes if such copy is made to preserve a particularly valuable work or to replace for a particular library's or another library's or archive's permanent collection a copy which has been lost, damaged or become unusable and, moreover, it is not possible to obtain such a copy in some other acceptable manner, and the reproduction is repeated in separate and mutually unrelated cases.

(2) The provisions of this Article shall not apply to computer programs.

Reproduction of a Work for Judicial Proceedings

24.—(1) Reproduction of a work is permitted to the extent justified for the purposes of judicial proceedings without the permission of the author and without remuneration to the author.

(2) The provisions of this Article shall not apply to computer programs.

Use of a Work on Public Display

25.—(1) It shall be permitted to use images of works of architecture, photography, fine arts, design, as well as of applied arts, permanently displayed in public places, in broadcasts.

(2) The provision of this Article shall not apply to cases when the image of a work is an object for further repetition of the work, for broadcast by broadcasting organizations or for the purposes of commercial use of the image of a work.

Free Use of a Work in a Public Performance

26. A musical work may be performed in public without the consent of the author and without the payment of remuneration to the author:

1. during official and religious ceremonies, to the extent justified by the nature of the ceremony; and

2. in educational institutions in a face-to-face teaching process with the participation of teachers and learners, if the audience comprises only the teachers and learners, as well as persons who are directly associated with the implementation of an educational program.

Free Recordings for Ephemeral Use by Broadcasting Organizations

27.—(1) Subject to the provisions of Article 18(2) of this Law, a broadcasting organization may make ephemeral recordings of works which the organization has the right to use in broadcasting, if the broadcasting organization makes such recordings on its own account for its own use.

(2) The broadcasting organization shall have the obligation to destroy such recordings within six months after their preparation, if there has not been an agreement with the author regarding a longer storage time.

(3) Recordings of works that have a particular documentary or cultural and historical significance may be preserved in official archives without an agreement with the author of the work, but the use of such a work shall require the permission of the author.

Reproduction of a Work for Technical Use in a Broadcasting Organization

28. A broadcasting organization may perform technical processing of a work, including reproduction, if it is necessary in order to make professional use of the license granted by the author for the use of the work or to broadcast or make the relevant work available to the public.

Restrictions Regarding the Rights of Reproduction, Translation, Adaptation and any other Transformation of Computer Programs

29.—(1) If not specified otherwise by contract and the right to use a computer program has been lawfully obtained, its reproduction, translation, adaptation or any other transformation and the reproduction of the results of such activities shall not require any special permission from the holder of the copyright, as long as such activities (including correction of errors) are necessary for the purpose of the intended use of the computer program.

(2) A contract entered into with a person who has lawfully acquired the right to use a computer program may not prohibit the making of a back-up copy, if such copy is necessary for the use of the computer program.

(3) A person who has the right to use a computer program may, without the permission of the holder of the copyright, observe, study or test the functioning of the program in order to discover the ideas and principles which underlie any element of the computer program, if such person does so while loading, displaying, running, transmitting or storing the computer program in the computer memory.

Ensuring the Interoperability of Computer Programs

30.—(1) The permission of the holder of a copyright shall not be required if, without reproducing the code of the computer program or modifying its form, it is not possible to obtain the necessary information in order to achieve the interoperability of an independently created computer program with other computer programs. Such use shall be permitted if the following provisions are observed in their entirety:

1. a person who has lawfully acquired the right to use a copy of the computer program performs the relevant activities;

2. the information necessary to achieve interoperability may not be accessed by other means; and

3. only those parts of the computer program which are necessary to achieve interoperability, are subject to such activities.

(2) In accordance with the provisions of paragraph (1) of this Article, the information obtained may not be:

1. used for purposes other than to achieve interoperability with an independently created computer program;

2. disclosed to other persons, except in cases when it is necessary to achieve interoperability with an independently created computer program; and

3. used with the intention of developing, producing or selling a substantially similar computer program, or for any other activity whereby copyright is infringed.

Restrictions with Respect to Databases

31.—(1) A lawful user of a database or of a copy thereof may perform any action which is necessary in order to access the contents of the databases and its use. If the lawful user is authorized to use only a part of the database, the above-mentioned provision shall apply only to that part.

(2) Agreements which are contrary to the provisions of this Article shall not have effect.

Exhaustion of Distribution Rights

32. Except in cases referred to in Article 17(1) of this Law, the right of an author to control the resale of his work shall be exhausted from the moment such work is sold in Latvia for the first time if it has been done by the author himself or with his consent.

Remuneration for Recording Media

33.—(1) Natural persons may without the permission of the author, but on payment of remuneration for the recording media (blank tape levy), reproduce a film or a phonogram for personal use only. This provision shall not apply to computer programs and databases.

(2) Natural and legal persons may, without the permission of the author but on payment of just remuneration, reproduce works reprographically for personal or official use.

The Blank Tape Levy for the Reproduction of a Film or a Phonogram for Personal Use

34.—(1) The blank tape levy for the reproduction of a film or a phonogram for personal use shall be paid by manufacturers and importers of equipment used in such reproduction and blank recording media (audio recording cassettes, videotapes or video cassettes, laser discs, compact discs, minidisks and the like) before the first alienation or importation.

(2) The amount of the blank tape levy, procedures for collection and payment of the levy, as well as proportional distribution among authors, performers and phonogram and film producers shall be determined by the Cabinet.

(3) The blank tape levy shall not be paid if the equipment mentioned in paragraph (1) of this Article is imported for professional use by broadcasting organizations or if blank recording

media are imported wholesale for reproduction of works for commercial purposes.

Remuneration for Reprographic Reproduction of Works

35.—(1) Authors and publishers shall have the right to receive remuneration for the reprographic reproduction of works. The persons who provide such services shall pay remuneration for reprographic reproduction.

(2) The amount of remuneration to be paid for reprographic reproduction and the procedures for its collection and payment shall be determined by the Cabinet.

(3) Remuneration shall be collected and distributed among the authors and publishers by organizations that administer the economic rights of authors on a collective basis.

Chapter VI. Term of Copyright ➦

General Provisions Regarding the Term of Copyright

36.—(1) Copyright shall subsist for the entire lifetime of the author and for 70 years after the death of an author, except for the cases mentioned in Article 37 of this Law.

(2) An author is entitled to indicate, in the same way that an executor of an estate is appointed, the person to whom they entrust the protection of their rights after death. Such person shall exercise their powers until the end of their life. If no such instructions exist, after the death of an author the copyright shall be realized by their heirs. If the author has no heirs or the term of the copyright belonging to them has expired, protection of such right shall be realized by organizations that administer the economic rights of authors on a collective basis.

Term of Copyright for Specific Types of Works

37.—(1) Copyright in audiovisual works shall subsist for 70 years after the death of the last of the following persons:

1. the director;

2. the author of the script;

3. the author of the dialogue;

4. the author of a musical work created for an audiovisual work.

(2) Copyright in a work that has lawfully become available to the public anonymously or under a pseudonym shall subsist for 70 years from the moment when it has lawfully become available to the public. If during the time referred to the author of a work whose work has lawfully become available to the public anonymously or under a pseudonym reveals his identity or if there is no doubt about the identity, Article 36(1) of this Law shall apply.

(3) Copyright in a work created by co-authors shall subsist for the duration of the lives of all the co-authors and for 70 years after the death of the last surviving co-author.

(4) As to authors whose works were prohibited in Latvia or the use of which was restricted from June 1940 to May 1990, the years of prohibition or restriction shall be excluded from the term of the copyright.

(5) Copyright in works whose term of copyright begins at the moment of lawful publication and which are published in volumes, parts, installments or sections, shall subsist separately for each volume, part, installment or section.

(6) Any person who after expiration of copyright lawfully publishes or communicates to the public a previously unpublished work shall acquire the economic rights of an author, which shall subsist for 25 years from the first publication or communication to the public of the work.

Calculation of the Term of Copyright

38. The copyright term provided for in this Chapter shall begin on January 1 of the year following the moment of the creation of rights (legal event) and shall end on December 31 of the year in which the terms referred to in Articles 36 and 37 of this Law terminate.

Works in which Copyright has Expired

39.—(1) Works in respect of which copyright has expired may be freely used by any person, observing the right of the author to his name and inviolability of the work in accordance with the provisions of Article 14 of this Law.

(2) Remuneration shall not be paid to the author for the use of such works.

Chapter VII. Rights to the Use of Works ➦

Rights to the Use of Works

40.—(1) To obtain the right to use a work, it shall be necessary for the user of the work, for each type of use and each time it is to be used, to obtain the permission of the holder of the copyright to use the work.

(2) The permission of the holder of copyright shall be given either as a licensing agreement or as a license.

(3) Before using a work, the user of the work must enter into a licensing agreement or obtain a license for the use of the work.

(4) The document, which certifies the right to use a work shall be obtained by the organizer of a concert, performance, attraction or event at least three days prior to the relevant event.

Licensing Agreements

41.—(1) A licensing agreement is an agreement by means of which one party—the holder of copyright—gives permission to the other party—the user of the work—to use a work and specifies the type of use of the work, thereby agreeing on the provisions for the use, the amount of remuneration, the procedures and the term for the payment of remuneration.

(2) In a licensing agreement, the grant of a license for the use of a work in one or more specified ways may be provided for, as well as the right to grant a license to third parties (sublicense). The particular rights may be transferred completely or partially. If the agreement does not so specify, a license shall be limited to such actions as arise from the agreement and which are necessary for achieving the purpose of the agreement.

(3) If the amount of remuneration is not specified in the license, in the event of a dispute it shall be determined pursuant to the discretion of the court.

Types of Licenses

42.—(1) A license constitutes permission to use a particular work in such a way and in accordance with such provisions as are set out in the license. A license may be non-exclusive, exclusive or compulsory.

(2) A non-exclusive license gives the recipient of the license the right to undertake activities set out in the license concurrently with the author or other persons who have received or will receive a relevant license.

(3) An exclusive license gives the right to conduct the activities specified in the license solely to the recipient of the license.

(4) A compulsory license is issued by an organization that administers the economic rights of authors on a collective basis, and such license gives the right to use the works of all the authors represented by such organization.

Form of Licenses and Licensing Agreements

43.—(1) All licenses shall be issued in writing.

(2) A licensing agreement may be entered into either orally or in writing.

(3) The following licensing agreements shall be entered into in writing:

1. a publishing contract;

2. a contract for the communicating to the public of a work;

3. a contract for creating an audiovisual work; and

4. a contract specifying such rights as are included in a compulsory license or an exclusive license.

Term of a Licensing Agreement or License

44.—(1) The term for which a licensing agreement is entered into or for which a license is issued shall be determined by agreement of the parties.

(2) If a licensing agreement which has been entered into or a license which has been issued is not restricted as to time, the author or other holder of the copyright may terminate the licensing agreement or revoke the license, giving notice six months in advance.

(3) A provision in a licensing agreement or a license pursuant to which the author relinquishes the rights specified in paragraph (2) of this Article shall be void.

Territory in which a Licensing Agreement or License has Effect

45.—(1) A licensing agreement or a license must state the territory in which it has effect.

(2) If a licensing agreement or a license does not state the territory in which it has effect, it shall have effect in the State in which the licensing agreement was executed or the license issued.

Rental of Works

46.—(1) An author shall retain the right to receive just remuneration for rental even if he has transferred to a producer the rental rights in a phonogram, the original of the audiovisual work or copies thereof.

(2) If an author has transferred to a producer the rental rights in a phonogram, the original of the audiovisual work or copies thereof, the author shall retain the right to receive remuneration for their rental.

(3) An agreement pursuant to which the author relinquishes the right to receive remuneration for a future period shall not have effect.

Chapter VIII. Related Rights ➦

Holders and Subject Matter of Related Rights

47.—(1) Related rights are the rights of performers, phonogram producers, film producers and of broadcasting organizations.

(2) The subject matter of related rights is performances, and their fixations, phonograms, films and broadcasts.

(3) The holders of the rights specified in this Article are performers, phonogram producers, film producers, and broadcasting organizations or their successors in title and heirs.

(4) Cable operators who only retransmit the broadcasts of other broadcasting organizations are not holders of related rights.

(5) Phonogram producers, film producers and broadcasting organizations shall assert their rights within the framework of those rights which, in contracts with authors and performers, have been granted for the subject matter of copyright or related rights. Permission to use the subject matter of related rights, obtained from one holder of related rights, shall not constitute a substitute for permission that must be obtained from another holder of related rights and from the author of the work. The permission of an author and of a performer are not mutually interchangeable.

(6) Performers, phonogram producers and film producers shall assert the rights specified in this Article, observing the rights of authors of the works.

(7) No formalities shall be necessary to assert related rights. Performers, phonogram producers and film producers may utilize, on copies of phonograms or their packaging, a sign consisting of two elements: the letter “P” within a circle and the year of the first publication of the phonogram or of the year of the fixation of the film.

(8) Owners of related rights shall assert their rights directly, through an authorized person, or through organizations that administer related rights on a collective basis.

Rights of Performers

48.—(1) A performer is an actor, singer, musician, dancer or other person who acts in a role, sings, reads, plays or in any other manner performs a literary or artistic work or work of folklore, or gives a stage, circus, marionette or other type of performance.

(2) A performer, irrespective of his economic rights regarding his performance and the performance fixed in a phonogram or an audiovisual work, shall have the right to require that he be identified as a performer, except in cases when such right is not granted in connection with the type of use of the performance, as well as the right to oppose any distortion, modification or other transformation of his performance.

(3) With respect to their performance, performers shall have exclusive rights to permit or prohibit:

1. broadcasting or communicating to the public the performance, except in cases when the performance has already been broadcast or otherwise fixed;

2. fixation of a performance that has not been previously fixed;

3. direct or indirect reproduction of the fixation of a performance;

4. broadcasting or retransmission by cable of the fixation of a performance;

5. distribution of the fixation of a performance, that is, selling or otherwise making available to the public the fixation of a performance or its copies;

6. rental or public lending of the fixation of a performance;

7. making available to the public of the fixation of a performance, by wire or otherwise, in an individually selected location and at an individually selected time.

(4) If performers individually or collectively enter into a contract with a film producer for the creation of an audiovisual work, the performers may be considered to have transferred their rental rights to the producer, if the contract does not specify otherwise.

(5) If a performer has transferred his rental rights, with respect to a phonogram or the original or copy of an audiovisual work, or may be deemed in accordance with paragraph (4) of this Article, to have transferred his rental rights to the phonogram or film producer, the performer shall retain the right to receive just remuneration for such rental. An agreement regarding a waiver of the right to receive remuneration for a future period shall be void.

(6) The collection, apportionment and payment of the aforementioned remuneration shall be done in accordance with Article 51(3) of this Law.

(7) For permission granted to use a performance, and for its use, a performer shall be paid just remuneration. The remuneration shall be paid to the performer or to an authorized organization that administers related rights on a collective basis.

(8) A performer shall have the right to issue licenses as referred to in Article 42 of this Law.

Contracts for Creation of an Audiovisual Work

49.—(1) By a contract for the creation of an audiovisual work, the performer transfers to the film producer his rights to the fixation, communication to the public and reproduction of his performance. The film producer shall not have the right to use separately sounds or images fixed in the audiovisual work, unless otherwise specified in the contract.

(2) A contract for the creation of an audiovisual work shall provide for remuneration to the performer for each type of use of the particular work.

Rights of Film Producers

50. Film producers shall have exclusive rights to permit or prohibit the rental and public lending of the original and copies of their films, their direct or indirect reproduction, retransmission by cable, making films available to the public by wire or otherwise in an individually selected location and at an individually selected time, as well as to permit or prohibit their distribution, that is, to sell or otherwise make available to the public the original or copies of a film.

Rights of Phonogram Producers

51.—(1) Except in the cases specified by this Law, phonogram producers shall have exclusive rights to permit or prohibit the direct or indirect reproduction and distribution for commercial purposes of their phonograms or copies thereof, as well as making phonograms available to the public by wire or otherwise in an individually selected location and at an individually selected time. The right to distribution includes the rental and public lending rights for phonograms and their copies.

(2) In addition to the rights referred to in paragraph (1) of this Article, phonogram producers have the right to permit or prohibit the importation of lawfully produced phonograms and their copies, except in the cases specified in this Law.

(3) The collection of remuneration for the rental and public lending of phonograms, its apportionment and payment shall be done by organizations that administer economic rights on a collective basis which are authorized by performers and phonogram producers. The remuneration amounts, paid by users in compliance with the provisions of this Article, shall be divided between the phonogram producer and the performers in equal parts, if not specified otherwise by the contract with the organizations that administer related rights on a collective basis.

Use of Published Phonograms for Commercial Purposes

52.—(1) Performers and phonogram producers shall have the right to receive fair remuneration for the use of published phonograms for commercial purposes. The use shall include broadcasting, retransmission by cable, playing of phonograms in public places, as well as the communicating to the public of broadcasts consisting of published phonograms for commercial purposes.

(2) The amount of remuneration referred to in paragraph (1) of this Article shall be specified by a contract entered into between the performer, the phonogram producer, their representative or an authorized organization that administers related rights on a collective basis, and the user or an association of users of the phonogram or its copies. The agreement shall make provision for remuneration for each type of use of a phonogram, as well as for the procedures for collection and apportionment of such remuneration.

Rights of Broadcasting Organizations

53.—(1) Broadcasting organizations, with respect to their broadcasts, shall have the exclusive rights to permit or prohibit (except in the cases specified by this Law and other regulatory enactments):

1. retransmission of broadcasts by cable;

2. making a broadcast available to the public by wire or otherwise in an individually selected location and at an individually selected time;

3. distribution of broadcasts, if they are being distributed to the public for a charge or at places accessible to the public for a charge;

4. fixation of any broadcasts by means of sound or video recording equipment, direct or indirect reproduction of a fixation of a broadcast and any distribution of such fixations;

5. the acquisition of any photographic image of the screen from a broadcast (photograph of the screen) if not done for personal use, and any duplication or distribution of such photographs;

6. the distribution of a signal carrying the program with the assistance of any other broadcasting organization, cable operator, or some other distributor; and

7. the importation and distribution or the retransmission of fixations of broadcasts which is done without authorization in a State in which they are not protected against such fixation or retransmission.

(2) A broadcasting organization shall receive remuneration for permission to use broadcasts and for their use in the cases specified in paragraph (1) of this Article.

(3) A broadcasting organization shall have the right to broadcast and communicate to the public such audiovisual works and phonograms as were lawfully included in its archives until the coming into force of the Law On Copyright and Neighboring Rights (May 15, 1993) upon payment of remuneration to the holders of the copyright and the related rights in compliance with the amounts of remuneration specified by the organization that administers economic rights on a collective basis (Article 63).

Restrictions on Rights of Performers, Phonogram Producers, Film Producers and of Broadcasting Organizations

54.—(1) The use of a performance, phonogram, film and broadcast, as well as a fixation of such, without the consent of the performers, phonogram producers, film producers and broadcasting organizations and without remuneration, shall be permitted in the following cases:

1. for personal use in accordance with the provisions of Article 33 and 34 of this Law;

2. as short excerpts within reports of current events;

3. for educational and research purposes; and

4. for other purposes specified in Chapter V of this Law with respect to restriction of the economic rights of authors.

(2) The right of a holder of related rights to control the distribution of the fixation of his performance, phonogram or film, or of their copies shall be exhausted in Latvia on the day on which they are sold in Latvia for the first time, if done by the holder of the related rights himself, or with his consent.

(3) The restrictions provided for in this Article shall be applied in such a way that they do not result in hindering the normal use of work, and the use of subject matter contained in them as well as without prejudice to the lawful interests of authors, performers, phonogram producers, film producers and broadcasting organizations.

Term of Related Rights

55.—(1) The rights of performers shall subsist for 50 years as from the first performance. If during this time a fixation of the performance is lawfully published or communicated to the public, the period of protection shall be 50 years from the day of such publication or communication to the public, regardless of which action was the first. The moral rights of performers shall subsist as long as the economic rights have effect.

(2) The rights of phonogram producers and film producers shall subsist for 50 years as from the making of the fixation. If during this time a phonogram or film has been lawfully published or communicated to the public, the period of protection shall be 50 years from the day of such publication or communication to the public, regardless of which action was the first.

(3) The rights of broadcasting organizations shall subsist for 50 years as from the first transmission of a broadcast.

(4) The term for related rights provided for in this Article shall begin on January 1 of the year following the year in which the rights were created (legal event) and shall end on December 31 of the year in which the term referred to in this Article terminates.

Scope of Related Rights

56.—(1) The rights of performers shall be recognized if one of the following conditions is met:

1. the performer is a citizen of Latvia or a person entitled to a Latvian non-citizen passport or a person whose permanent residence (domicile) is in Latvia;

2. the performance occurred in Latvia;

3. the performance is fixed on a phonogram which is protected in accordance with the provisions of paragraph (2) of this Article; or

4. a performance that is not fixed in a phonogram has been included in a broadcast of a broadcasting organization which is protected in accordance with the provisions of paragraph (4) of this Article.

(2) The rights of phonogram producers shall be recognized if one of the following conditions is met:

1. the producer of a phonogram is a citizen of Latvia or a person entitled to a Latvian non-citizen passport or a person whose permanent residence (domicile) is in Latvia;

2. the first sound fixation was made in Latvia; or

3. the disclosure of the phonogram has occurred in Latvia.

(3) The rights of film producers shall be recognized if one of the following conditions is met:

1. the film producer is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport or a person whose permanent residence (domicile) is in Latvia; or

2. the first fixation of the film was made in Latvia.

(4) The rights of broadcasting organizations shall be recognized in accordance with this Chapter if the official location of the broadcasting organization is Latvia.

(5) The rights provided for in this Chapter shall be recognized for foreign natural and legal persons who have produced the first performance, sound or image fixation or broadcasting outside Latvia in accordance with international agreements binding on Latvia.

Chapter IX. Special Aspects of Protection of Databases (sui generis) ➦

Rights of Makers of Databases

57.—(1) As the maker of a database in the creation, verification, and formation of which there has been substantial qualitative or quantitative investment (Article 5(2)) shall be recognized the natural or legal person who has undertaken the initiative and the investment risk regarding the making of a database.

(2) The maker of a database shall have the right to prevent the following regarding the entire contents of the database or such parts which may be qualitatively of quantitatively regarded as substantial:

1. extraction, which means the permanent or short-term (temporary) transfer of all or a substantial part of the contents of a database to another location by any means or in any form; and

2. re-utilization, which means any form of making available to the public all or a substantial part of the contents of a database by the distribution of copies, by rental, by providing on-line or other forms of transmission.

(3) Public lending is not an act of extraction or re-utilization.

(4) The repeated and systematic extraction and re-utilization of less than substantial parts of the contents of a database if such is done by acts which conflict with the normal use of such database or which unreasonably prejudice the lawful interests of the maker of the database shall not be permitted.

Rights and Obligations of Users of Databases

58.—(1) A lawful user of a database which is available to the public shall have the right to extract or re-utilize, for any purposes, parts of its content that may be regarded as qualitatively or quantitatively less than substantial parts of its contents. This condition shall apply only to such parts of a database which a lawful user is permitted to extract or re-utilize.

(2) A lawful user of a database, which is available to the public, shall comply with the rights of the holders of copyright and related rights in the works or materials contained in the database.

(3) A lawful user of a database, which is available to the public, may not perform acts that conflict with the normal exploitation of the database or unreasonably prejudice the lawful interests of the maker of the database.

Restrictions to Rights of Protection of Databases

59.—(1) Without the consent of the maker of a database which is available to the public, the lawful users of a database may:

1. extract the contents of a non-electronic database for personal use;

2. extract a substantial part of the contents of a database for the purposes of education or scientific research, mandatorily stating the source, but only to the extent necessary for the non-commercial purpose to be achieved; and

3. extract or re-utilize a substantial part of the contents of a database for the purposes of State security, as well as for the purposes of administrative or judicial proceedings.

(2) The right of the maker of a database to control the resale of the database in Latvia shall be exhausted at the moment when the database is sold in Latvia for the first time, if it has been done by the maker of the database himself, or if it has been done with his consent.

Term of Rights of Protection of Databases

60.—(1) The rights specified in Article 57(2) of this Law shall subsist for 15 years as from the day the formation of a database was completed. The term shall begin on January 1 of the year following the day of the formation of the database.

(2) If a database has been made available to the public before the expiration of the term specified in paragraph (1) of this Article, the term of rights of protection shall begin on January 1 of the year following the day when the database was first made available to the public and shall subsist for 15 years.

(3) If any changes that may be regarded as qualitatively or quantitatively substantial are made to the contents of the database, as well as changes to it resulting from the accumulation of successive additions, deletions or changes as a result of which it may be

considered that a new investment which may be regarded as qualitatively or quantitatively substantial has been made, such database shall enjoy its own term of protection and the provisions of paragraphs (1) and (2) of this Article shall apply.

Scope of Rights of Protection of Databases

61.—(1) The rights of the maker of a database—a natural person—shall be recognized, if he is a citizen of Latvia or a person who is entitled to a Latvian non-citizen passport or if Latvia is his permanent place of residence (domicile) or if he has a permanent residence permit.

(2) The rights of a maker of a database—a legal person—shall be recognized, if such legal person has been formed in accordance with the regulatory enactments of Latvia and its legal address, administration or principal place of activities is in Latvia. If a legal person has only his legal address in the territory of Latvia, the operations of such person must be linked on an ongoing basis with the economy of Latvia.

(3) If a database is formed outside Latvia and the provisions of paragraphs (1) and (2) of this Article are not applicable to it, such database shall be protected on the basis of international agreements binding on Latvia.

Protection of Rights of Makers of Databases

62. The rights of makers of databases shall be protected in accordance with the provisions of Articles 68 and 69 of this Law.

Chapter X. Collective Administration of Economic Rights ➦

Principles of Operation of Organizations that Administer Economic Rights on a Collective Basis

63.—(1) The protection of economic rights of Latvian holders of copyright and of related rights, if such rights cannot be asserted on an individual basis or if such protection is difficult, shall be conducted by an organization that administers economic rights on a collective basis.

(2) The economic rights of the holders of copyright and of related rights shall be administered only on a collective basis in respect of:

1. a public performance, if it is occurs in cafes, shops, institutions, hotels and other similar places;

2. rental and public lending (except computer programs, databases and works of art);

3. retransmission by cable (except broadcasting organizations' own programs);

4. reproduction for personal use;

5. reprographic reproduction for personal or official use;

6. resale of works of fine art.

(3) Authors shall form an organization that administers the economic rights of authors on a collective basis. It may not represent the holders of related rights and shall act within the scope of authorizations which have been received from the authors in accordance with written contracts.

(4) An author, who simultaneously is the holder of related rights, may not participate in the development of tariffs and procedures for the collection, apportionment and payment of remuneration by an organization that administers the economic rights of authors on a collective basis.

(5) Performers, phonogram producers and other holders of related rights shall form an organization that administers related rights on a collective basis. Such organization may not represent the holders of copyright and shall act within the scope of authorizations which have been received from the holders of related rights in accordance with written contracts.

(6) A holder of related rights, who is also an author may not participate in the development of tariffs and procedures for the collection, apportionment and payment of remuneration by an organization that administers related rights on a collective basis.

Scope of Rights of Organizations that Administer Economic Rights on a Collective Basis

64.—(1) Pursuant to this Law, the activities of organizations that administer economic rights shall not be considered a monopoly and shall not be subject to restrictions set by regulatory enactments that regulate competition.

(2) Organizations that administer the economic rights of authors on a collective basis and organizations that administer related rights on a collective basis, in accordance with written contracts entered into, shall protect the economic rights of the holders of copyright and of related rights.

(3) Organizations that administer the economic rights of authors and holders of related rights on a collective basis, in their activities and in accordance with agency contracts with holders of copyright and of related rights, shall represent the rights and lawful interests of the referred to holders in all relations with any holder of public or private rights, also in court and concerning all matters pertaining to this type of activity.

(4) An organization that administers the economic rights on a collective basis may entrust the work of administration on a collective basis to another organization that administers the economic rights on a collective basis in Latvia or in a foreign State.

(5) Organizations that administer economic rights on a collective basis shall have the right to hold in their bank accounts the remuneration collected from users of works and not claimed or identified and, after three years from the day when such sums were paid into the accounts of the organization, to incorporate them into the regular amount of payment to be apportioned or to use them for other purposes in the interests of the holders of copyright or related rights represented by the organizations.

Functions of Organizations that Administer Economic Right on a Collective Basis

65.—(1) Organizations that administer economic rights on a collective basis shall perform the following functions:

1. agree with the users of works regarding the amount of remuneration, procedures for

payment and other provisions with which licenses are issued;

2. issue licenses to users for exercising the rights administered by the particular organization and collect the remuneration as specified in the licenses;

3. specify fair remuneration in cases where, in accordance with Article 63(2) of this Law, the organization has an obligation to administer the economic rights of the holders of copyright and related rights on the basis of law, and collect the specified remuneration;

4. collect remuneration for the resale of works of art, for the reproduction of works for personal use and for other types of use of works in accordance with regulatory enactments;

5. apportion the collected remuneration and pay it to the holders of copyright and of related rights.

(2) Other functions of organizations that administer economic rights on a collective basis shall be specified by the contract, which the relevant organization and the holder of the copyright or of related rights have entered into.

Duties of Organizations that Administer Economic Rights on a Collective Basis

66.—(1) Organizations that administer economic rights on a collective basis shall in the course of their activities represent the rights and lawful interests of holders of related rights in accordance with contracts entered into with respect to the use of works. Such organizations shall perform the following duties:

1. provide a report on the use of a work, performance, and other activities when paying out remuneration to holders of copyright and of related rights; and

2. after making the deductions specified in paragraph (2) of this Article, apportion the collected remuneration amounts between the holders of copyright or related rights represented by such organizations in proportion to the use of their works, performances and other activities and regularly make payments.

(2) Organizations that administer economic rights on a collective basis shall cover, from the remuneration amounts collected in accordance with contracts entered into, the actual expenditures associated with the collection, apportionment and payment of remuneration.

(3) Organizations that administer economic rights on a collective basis may develop special funds in the interests of holders of copyright and of related rights, by making deductions from the collected remuneration amounts in accordance with the goals and tasks of the organization that administers economic rights on a collective basis.

(4) Holders of copyright and related rights who have not authorized organizations to collect the remuneration specified in Article 65 of this Law shall have the right to require the organizations to pay the remuneration due them in accordance with the apportionment of the remuneration that has been made, as well as to exclude their works or performances from the licenses which such organizations issue to the users of works.

(5) Organizations that administer economic rights on a collective basis shall publish their annual reports, as well as the amount of remuneration specified in Article 65(1)3 of this Law, within the term specified by law, in Latvijas Vestnesis1.

Supervision of Organizations that Administer Economic Rights on a Collective Basis

67.—(1) The Ministry of Culture shall supervise compliance with the provisions of this Law of the activities of organizations that administer economic rights on a collective basis, particularly supervising whether:

1. the provisions regarding collection and apportionment of remuneration are fair;

2. the administration expenditures are justified;

3. the apportionment of remuneration and payments occurs in accordance with the procedures specified;

4. the issuance of a license is not denied without substantiated grounds.

(2) To rectify deficiencies that have been determined, the Ministry of Culture shall give binding instructions to the organizations that administer economic rights on a collective basis. If the organizations that administer economic rights on a collective basis fail to comply with such instructions, the Ministry of Culture shall have the right to bring an action in court regarding the dismissal of the relevant executive institution (official) of the organization.

(3) Organizations that administer economic rights on a collective basis shall submit to the Ministry of Culture their articles of association, the annual reports on their activities, as well as provide information that is necessary for the Ministry of Culture in deciding the issues within its competence.

(4) To ensure supervision, the Ministry of Culture shall establish an advisory board consisting of representatives of interested organizations, experts and holders of copyright and related rights.

Chapter XI. Protection of Copyright and Related Rights ➦

Infringement of Copyright and Related Rights

68.—(1) An action whereby the moral or economic rights of a holder of copyright or related rights are infringed, including fixation of protected subject matter, the publication, communication to the public, reproduction or distribution in any form without the consent of the holder of the rights, shall be considered an infringement on copyright and related rights.

(2) In determining whether an act qualifies as an infringement of copyright or related rights, the restrictions on copyright or related rights specified in this Law shall be taken into account.

(3) Copies of works produced as a result of illegal acts shall constitute infringing copies.

(4) Copies of works protected in Latvia which have been imported from countries where such works are not protected by copyright or where the term of protection has expired shall also be deemed to be infringing copies.

Protection of Copyright and the Rights of Holders of Related Rights

69.—(1) Holders of copyright and of related rights, organizations that administer their economic rights on a collective basis and other representatives shall have the right:

1. to require that the infringer recognize their rights;

2. to prohibit the use of their works;

3. to require that the infringer renew the status prior to the infringement of these rights, and that the illegal activity be stopped or that creative work not be threatened;

4. to require that the infringer compensate the losses, including lost profits, or also to require that an infringer provides compensation at the discretion of the court;

5. to require that the infringing copies be destroyed.

(2) To protect their rights, holders of copyright and of related rights may resort to the courts. In such matters, pursuant to a petition by the plaintiff, the court may apply measures specified by law to secure the claim also in cases when the action does not have an economic character (the action has not been brought for compensation of losses).

(3) The court may, pursuant to a petition by the plaintiff, make a decision that, regarding materials and equipment used for making of infringing copies, collection may be made to compensate the losses incurred by the author or also that such materials and equipment be given for use for charitable purposes or confiscated. The infringing copies shall be destroyed.

(4) If rights protected in accordance with the procedures specified by Chapter X of this Law have been infringed, an action for protection of the infringed rights may be brought in the name of the holders of copyright or of related rights by the holder of copyright or of related rights himself or by an organization that administers economic rights on a collective basis.

(5) In submitting an action concerning infringement of rights to a court, the holders of copyright and of related rights, as well as organizations that administer economic rights on a collective basis, shall be exempt from the State fee.

Confiscation and Destruction of Infringing Copies

70.—(1) Upon identifying infringing copies, police, customs or other competent State institutions shall confiscate them.

(2) In deciding the liability of the offender, a decision shall be taken regarding destruction of the infringing copies. If the offender is not identified, a decision regarding destruction of the infringing copies shall be taken by the institution which has confiscated them.

Liability for Infringement of Copyright or of Related Rights

71. Depending on the nature of the infringement of copyright or of related rights and the consequences thereof, the infringer shall be held liable in accordance with law.

Transitional Provisions ➦

1. The following are repealed:

1. the Law on Copyright and Neighboring Rights (Latvijas Republikas Augstakas Padomes un Valdibas Zinotajs, No. 22/23, 1993);

2. the May 11, 1993 decision of the Supreme Council on the Coming into Effect of the Republic of Latvia Law on Copyright and Neighboring Rights (Latvijas Republikas Augstakas Padomes un Valdibas Zinotajs, No. 22/23, 1993).

2. The terms of protection of copyright and related rights provided for in this Law shall apply to all the works and subject matter of rights which were subject to protection on the day of the coming into force of this Law.

3. The provision in Article 35 of this Law regarding remuneration of authors for reprographic reproduction shall come into force on January 1, 2001.

4. The provision in Article 19(2) of this Law regarding the payment of remuneration to authors in respect of libraries which are financed from the State budget or from the budgets of Local Governments shall come into force from January 1, 2003.

5. The rights of protection of a database provided for in Article 57 of this Law shall apply also to such databases the creation of which was completed not earlier than 15 years before the coming into force of this Law and which are, on the day of the coming into force of the Law, in compliance with the provisions of Article 5(2) of this Law. Protection of a database shall not restrict previously acquired rights and shall not affect contracts which have been entered into before the coming into force of this Law.

1: Source: Communication from the Latvian authorities. ➦

2: English translation communicated by the Latvian authorities and edited by the International Bureau of WIPO. ➦
