

## **Law on Copyright and Related Rights**

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### **Chapter I. General Provisions** ➔

#### **Article 1.** Objective of the Law

This Law shall regulate:

- 1) copyright in literary, scientific and artistic works (copyright);
- 2) the rights of performers, producers of phonograms, broadcasting organisations and producers of the first fixation of an audiovisual work (film) (related rights);
- 3) special provisions of the legal protection of databases (sui generis right);
- 4) exercise, collective administration and enforcement of copyright and related rights.

#### **Article 2.** Main Definitions

- 1) "Audiovisual work" means a cinematographic work or any other work created by means of cinematography that comprises a series of related images expressing a motion, with or without accompanying sounds, recorded (fixed) in an audiovisual communication medium;

2) "Owner of copyright" means an author, another natural or legal person, or an enterprise which does not have the rights of a legal person, possessing the author's exclusive economic rights in cases provided for in this Law, as well as a natural or legal person, or an enterprise which does not have the rights of a legal person, to whom the author's exclusive economic rights have been transferred (successor in title);

3) "Performer" means an actor, singer, musician, dancer or another person who plays in, sings, reads, recites, or otherwise performs literary, artistic, circus works or expressions of folklore. For the purpose of this Law "performer" shall also include a director of a play or other stage performance, a leader and conductor of an orchestra, group or choir;

4) "Reproduction" means the making of a copy (copies) of a work or an object of related rights in any means and in any material form, including permanent or temporary storage of a work or an object of related rights, in whole or in part, in an electronic form;

5) "Quotation" means a relatively short passage cited from another work to demonstrate or to make more intelligible an author's own statements, or to refer to the views or thoughts of another author in an authentic manner;

6) "Database" means a collection of independent works, data or any other material arranged in a systematic or methodical way and individually accessible by electronic or other means, except for computer programmes used in the making or operation of such databases;

7) "Phonogram" means the fixation of the sounds of a performance, or of other sounds, or of the representation of sounds, by technical devices in any material sound-recording medium;

8) "Producer of a phonogram" means a natural or legal person, or an enterprise which does not have the rights of a legal person, which takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds, or the representation of sounds;

9) "Photographic work" means an image produced on surfaces sensitive to light by means of light or any other radiation, irrespective of the technology (chemical, electronic, etc.) of such fixation, provided that the composition, selection or way of capturing the chosen objects show originality; a still picture extracted from an audiovisual work is not considered to be a "photographic work", but a part of the audiovisual work concerned;

10) "Object of related rights" means the performance of a work, including direct (live) performance and its sound or visual fixation, a phonogram, the first fixation of an audiovisual work (film), radio and television broadcast or programme of a broadcasting organisation;

11) "Owner of related rights" means a performer, producer of a phonogram, broadcasting organisation, producer of the first fixation of an audiovisual work (film), another natural or legal person, or an enterprise which does not have the rights of a legal person, possessing exclusive related rights in cases provided for in this Law, as well as a natural or legal person, or an enterprise which does not have the rights of a legal person, to whom the exclusive related rights have been transferred (successor in title);

12) "Copyright or related rights management information" means information which identifies the work, author of the work, another owner of copyright or performer, his performance, phonogram, producer of a phonogram, another owner of related rights, as

well as information about the terms and conditions of use of the work, performance or phonogram, including all the numbers or codes that represent such information which is attached to a copy of the work, a fixed performance or a phonogram, or appears in connection with their communication to the public;

13) "Publication" means the production of copies of a work or of an object of related rights in quantities sufficient to satisfy the reasonable requirements of the public, regardless of the method of production, provided that such work or the object of related rights has become available for the public access with the consent of the author or other owner of copyright or related rights;

14) "Cable retransmission" means the simultaneous, unaltered and unabridged retransmission by a cable or microwave system of broadcast radio and television programmes intended for reception by the public, transmitted by wire or over the air, including that by satellite;

15) "Cable retransmission operator" means a natural or legal person, or an enterprise which does not have the rights of a legal person, running cable or microwave facilities of the reception of transmission signals and integrated reception networks;

16) "Computer programme" means a set of instructions expressed in words, codes, schemes or in any other form capable, when incorporated in a computer-readable medium, of causing a computer to perform a particular task or achieve a particular result; this notion also includes preparatory design material of such instructions, provided that the nature of the preparatory design material is such that the said set of instructions may be established from it;

17) "Work" means any original result of intellectual creation activity in the field of literature, science or art, whatever may be its artistic value, or the mode or form of its expression;-

18) "User of a work or object of related rights" means a natural or legal person, or an enterprise which does not have the rights of a legal person, who exploits originals or copies of works or objects of related rights (is engaged in their reproduction, publication, import, sale, rental, lending or other distribution, or uses them for the public performance, broadcasting, retransmission and communication to the public);

19) "Licence" means a permission of the author or his successor in title, or the owner of related rights (licensor) granting to the user of the work or the object of related rights (licensee) the right to exploit the original or copies of the work or the object of related rights (licence matter) within the specified territory in the way and under the conditions agreed upon in the copyright licencing agreement. Licences may be either exclusive or non-exclusive. A non-exclusive licence means that the licensor grants the right to the licensee to use the licence matter by retaining the right of granting such right to other licensees, too, and to exploit the licence matter himself. An exclusive licence means that the licensor, upon granting the right to the licensee to exploit the licence matter, loses the right to grant similar licences to other persons and has no right to exploit the protected subject matter with regard to the rights transferred to the licensee, himself;

20) "Infringing copy of a work or an object of related rights" means a copy of a work or of an object of related rights produced or imported into the Republic of Lithuania without the permission of the author or owner of related rights, their successor in title or a person duly authorised by them (without concluding an agreement or upon violating the terms and conditions provided in it, except for the cases specified by this Law when a work or an object of related rights may be reproduced without permission), as well as a copy of a work or of an object of related rights in which the information regarding the management of

copyright or related rights has been removed or altered without the permission of the author or owner of related rights;

21) "Rental" means making available for use, for a limited period of time and for direct or indirect commercial advantage, the original or copy of a work or an object of related rights;

22) "Lending" means making available for use free of charge, for a limited period of time, the original or a copy of a work or an object of related rights, when its is made through libraries or other establishments which are accessible to the public;

23) "Producer" means a natural or legal person, or an enterprise which does not have the rights of a legal person, who organise and/or finance the making of an audiovisual work;

24) "Work of applied art" means any hand-made or industrially made work of art, having an utilitarian function;

25) "Broadcasting" means the transmission by means of telecommunications, including by satellite, for public reception of sounds or images and sounds, or their expression; the transmission of coded signals is considered to be transmission if a broadcasting organisation provides society with special decoding devices or grants permission to acquire them;

26) "Broadcasting organisation" means a legal person or an enterprise which does not have the rights of a legal person, the main activity of which is the preparation and transmission of programmes, as well as a cable retransmission operator preparing and transmitting its own broadcasts and programmes;

27) "Public performance" means acting, dancing, playing, reciting, reading or otherwise publicly performing a work, either directly (live performance) or by means of any device or process;

28) "Communication to the public" means the transmission to the public of images and/or sounds of a work or object of related rights, or their expression by wire or wireless means, including the making available to the public of these works in such a way that members of the public may access them from a place and time individually chosen by them;

29) "Public display" means any showing of a work, its original or a copy directly (exposition) or on a screen by means of a slide, television image or similar means, as well as the showing of individual still images of an audiovisual work non-sequentially, at a place where a group of people of indefinite number are or may be present, irrespective of whether they are present at the same place and at the same time or at different places and at different time.

### **Article 3.** Scope of Application of the Law

1. The provisions of this Law shall apply to:

1) authors and owners of related rights who are citizens of the Republic of Lithuania or natural or legal persons, or enterprises, which do not have the rights of a legal person, permanently residing in the Republic of Lithuania, the office whereof is located in the Republic of Lithuania;

2) authors regardless of their citizenship or domicile, to whom the rights in works for the first time published in the Republic of Lithuania, including the works simultaneously published in

the Republic of Lithuania and abroad, belong. A work shall be considered as having been published simultaneously in several countries if it is has been published in Lithuania within thirty days of its first publication in another country;

3) authors of audiovisual works if the main office or domicile of the producer of the said works is in the Republic of Lithuania;

4) authors of the works of architecture built in the Republic of Lithuania;

5) performers who are citizens of the Republic of Lithuania or natural persons permanently residing in the Republic of Lithuania, as well as performers whose performances take place in the territory of the Republic of Lithuania or are incorporated in phonograms protected by this Law, or are carried by broadcasts or original programmes communicated by wire, qualifying for protection under the provisions of this Law;

6) broadcasting organisations and cable retransmission operators the main offices of which are located in the Republic of Lithuania, or the broadcasts and programmes of which are transmitted by the transmitters located in the territory of the Republic of Lithuania, as well as broadcasting organisations the programmes of which are communicated by satellite when the programme-carrying signals of an established frequency are transmitted to the satellite from the territory of the Republic of Lithuania.

2. The provisions of this Law concerning the special protection of databases (sui generis right) shall apply to the makers of databases who are citizens of the Republic of Lithuania or natural or legal persons, or enterprises which do not have the rights of a legal person, permanently residing in the Republic of Lithuania, the office whereof is located in the Republic of Lithuania.

3. The provisions of this Law shall also apply to authors, owners of related rights and makers of databases the rights of which shall be protected in the Republic of Lithuania in accordance with the international agreements ratified by the Republic of Lithuania, and other legal acts binding on the Republic of Lithuania according to its international obligations.

4. If the international agreements ratified by the Republic of Lithuania lay down other provisions than the provisions of this Law, the provisions of international agreements shall apply.

## **Chapter II. Copyright** ➔

### **Section I. Subject Matter of Copyright** ➔

#### **Article 4. Works Attributed to the Subject Matter of Copyright**

1. Copyright shall be applied to original literary, scientific and artistic works which are the result of intellectual creation of an author, expressed in any objective form.

2. The subject matter of copyright shall comprise in particular:

1) books, brochures, articles, diaries, computer programmes (expressed in any language and any form, including the preparatory design material) and other literary works;

- 2) speeches, lectures, sermons and other oral works;
- 3) written and verbal works of science (scientific lectures, studies, monographs, deductions, scientific projects and documented project material, as well as other works relative to science);
- 4) dramatic, dramatico-musical, pantomime, choreographic and other works created for stage performance, as well as scenarios and shooting scripts;
- 5) musical works with or without accompanying words;
- 6) audiovisual works (motion pictures, television films, video films, diafilms and other works expressed in a cinematographic medium);
- 7) works of sculpture, painting and graphic art, monumental decorative art, other works of fine art and works of scenery;
- 8) photographic works and other works created by a process analogous to photography;
- 9) works of architecture (projects, designs, sketches and models of buildings and other architectural structures, as well as completed buildings or architectural structures);
- 10) works of applied art and works not registered as industrial designs;
- 11) illustrations, maps, charts, projects of gardens and parks, sketches and three-dimensional works related to geography, topography and exact sciences;
- 12) other works.

3. The subject matter of copyright shall also include:

- 1) derivative works created on the basis of other literary, scientific or artistic works (translations, dramatisations, adaptations, annotations, reviews, essays, musical arrangements and other derivative works);
- 2) collections of works or collections of data, databases (expressed in a machine-readable form, or in any other form), which, by reason of the selection or arrangement of their contents are the result of intellectual creation of an author;
- 3) unofficial translations of legal acts, official documents of administrative, legal or regulative nature, referred to in subparagraph 2 of Article 5 of this Law.

4. Copyright in derivative works and collections shall apply without prejudice to the copyright in the work or works on the basis of which a derivative work has been created or a collection has been made, and shall not extend to the data or material, which is not attributed to the subject matter of copyright employed in the database.

**Article 5.** Works not Attributed to the Subject Matter of Copyright

1. Copyright shall not apply to:

- 1) ideas, procedures, processes, systems, methods of operation, concepts, principles,

discoveries or mere data;

2) legal acts, official documents texts of administrative, legal or regulative nature (decisions, rulings, regulations, standard acts, territorial planning and other official documents), as well as official translations thereof;

3) official state symbols and insignia (flags, coat-of-arms, anthems, banknote designs, and other state symbols and insignia);

4) officially registered draft legal acts;

5) regular information reports on events;

6) works of folk art.

## **Section II. OWNERS of Copyright ➔**

### **Article 6. Author**

1. The author shall be a natural person who has created a work.

2. A natural person, whose name is indicated on a work in a usual manner shall, in the absence of proof to the contrary, be presumed to be the author of the work. This provision shall apply even if the work is disclosed under a pseudonym, where it leaves no doubt as to the identity of the author.

### **Article 7. Joint Authorship**

1. When a work is created by two or more natural persons in joint creative endeavour, they shall be considered as co-authors, irrespective of whether such a work constitutes a single unitary whole, or consists of parts, each of which has an autonomous meaning. A part of a joint work shall be considered as having an autonomous meaning if it may be used independently of the other parts of that work.

2. Mutual relations of the co-authors and their remuneration shall be determined by an agreement between them. In the absence of such an agreement, copyright in the joint work shall be exercised jointly by the co-authors, and the remuneration shall be divided among them in proportion to the creative contribution of each co-author. None of the co-authors shall have the right to prohibit, without a valid reason, the use of the joint work.

3. Each co-author shall be entitled to use in his own discretion the part of the joint work created by him and having an autonomous meaning, unless otherwise provided in the agreement concluded between the co-authors.

4. A person who has rendered material, technical or organisational assistance in the process of the creation of a work shall not be considered to be its co-author.

### **Article 8. Copyright in Collective Works**

1. An author's economic rights in collective works (such as encyclopaedias, encyclopaedic dictionaries, periodical scientific collections, newspapers, journals, and other collective works) shall vest in the natural or legal person on the initiative and under the direction of

whom the work has been created.

2. The authors of the works incorporated in collective works shall retain exclusive rights to exploit their works independently of the use of the collective work, unless otherwise provided for by an agreement.

#### **Article 9.** Copyright in a Work Created in the Execution of Official Duties

1. The author of a work created in the execution of his duties or following the instructions given by the employer shall be a natural person or a group of natural persons who have created that work.

2. An author's economic rights in a work, other than a computer programme, created by an employee in the execution of his duties or following the instructions of the employer shall be transferred to the employer for the period of five years, unless otherwise provided for by an agreement.

#### **Article 10.** Copyright in Computer Programmes

1. The author of a computer programme shall be a natural person or a group of natural persons who have created the program.

2. The owner of an author's economic rights in a computer programme created by an employee in the execution of his duties or following the instructions given by his employer shall be the employer, unless otherwise provided by an agreement.

#### **Article 11.** Copyright in Audiovisual Works

1. Copyright in audiovisual works shall be enjoyed by their co-authors, i.e. the director, author of the screenplay, author of the dialogue, artist, cameramen and composer of music (with or without lyrics), specifically created for the audiovisual work. Authors of the pre-existing works included in, or adapted for, the audiovisual work shall enjoy copyright in their works.

2. Authors of an audiovisual work (except the authors of musical works specifically created for an audiovisual work or included in an audiovisual work) who have entered into an agreement with a producer for the creation (production) of an audiovisual work, as well as authors of the pre-existing works, who have given their authorisation to adapt or incorporate their works in an audiovisual work shall transfer their economic rights provided for in paragraph 1 of Article 15 of this Law, as well as the right to subtitle or dub the text of the audiovisual work to the producer, unless otherwise provided for by an agreement.

3. The amount of remuneration for the transferred economic rights in an audiovisual work shall be determined by an agreement between the parties for each individual mode of exploitation of the work.

4. Notwithstanding the provisions of paragraph 2 of this Article, co-authors of an audiovisual work shall retain the unwaivable right to receive equitable remuneration for the rental and lending of the original or copies of the work.

#### **Article 12.** Copyright Notice

The author or any other owner of copyright may notify the public about his rights by using the copyright notice, which consists of the following three elements: the letter C in a circle



or circular brackets, followed by the name of the author or any other owner of copyright (title) and the year of the first publication of the work.

### **Section III. Authors' Rights ➔**

#### **Article 13. Commencement of the Authors' Rights**

Authors' rights in literary, scientific and artistic works commence since the creation of such works.

#### **Article 14. Author's Moral Rights**

1. The author of a work, independently of his economic rights, even after the transfer of these rights to another person, shall have the following moral rights:

1) the right to claim assertion of authorship of the work, by indicating the author's name in a prominent way on all the copies of a published work, and in connection with any other public use of the work ( the right of authorship);

2) the right to claim or prevent the mention of the author's name in connection with any use of the work, or the right to claim that the work be disclosed to the public under a pseudonym (the right to the author's name);

3) the right to object to any distortion or other modification of a work or the title thereof, as well as to any derogatory action in relation thereto which would be prejudicial to the author's honour and reputation (the right to the inviolability of a work);

2. An author's moral rights shall not be subject to transfer to other persons. Upon the death of the author, his moral rights shall be exercised in accordance with the procedure established in paragraph 2 of Article 40 of this Law.

#### **Article 15. Economic Rights of Authors**

1. The author shall have the exclusive rights to perform or to authorise any of the following acts:

1) reproduction of a work in any form or by any means;

2) publication of a work;

3) translation of a work;

4) adaptation, arrangement, dramatisation or other transformation of a work;

5) distribution of the original or copies of a work to the public by sale, rental, lending, or by any other transfer of ownership or possession;

6) import of the copies of a work;

7) public display of the original or copies of a work;

- 8) public performance of a work in any form or by any means;
- 9) broadcasting of a work;
- 10) retransmission of a work;
- 11) communication to the public of a work.

2. Any mode of the exploitation of the original of a work or its copies without the permission of the author, his successor in title or the person duly authorised by him shall be considered illegal (with the exception of the cases provided for in this Law). The author or his successor in title shall have the right to prohibit such exploitation of the original of a work or its copies.

3. The author shall have the right to receive remuneration for each mode of the exploitation of the work. In the case of public performance or communication to the public of a work, the author shall be entitled to remuneration for both the direct (live) performance, and when the aforementioned acts are done with the help of a phonogram or audiovisual fixation, radio and television broadcast or retransmission. In the case of broadcasting and retransmission of the work, the author shall be entitled to receive remuneration for both the broadcasting and retransmission of a direct (live) performance of the work, and for the use of a phonogram or audiovisual fixation. The amount of remuneration and the payment procedure thereof shall be agreed upon in the copyright agreement, as well as in the licensing agreement negotiated between users of works and the authors or associations of collective administration of copyright.

4. The author, after the transfer of his rental or lending right in respect of a phonogram of his work to the producer of a phonogram, shall retain an unwaivable right to obtain equitable remuneration for the rental and lending of such work.

5. The provisions of subparagraph 5 of paragraph 1 of this Article shall not apply in respect of computer programmes where the program itself does not constitute the essential object of distribution (computer programmes in household appliances, etc.).

6. The exclusive right of rental and lending of the original or a copy of a work shall not apply in relation to buildings and works of applied art.

#### **Article 16.** Distribution of a Work after the First Sale

1. Upon the first sale of the original or copies of a work in the Republic of Lithuania by the author or his successor in title (or with their consent), the exclusive right of distribution of the work or its copies which are lawfully in circulation (sold) shall be exhausted within the territory of the Republic of Lithuania.

2. The provisions of paragraph 1 of this Article shall not apply to the exclusive right of rental or lending of the work or its copies subsequent to their sale.

3. When the lending of books and other publications is carried out through libraries, their authors shall have the right to receive equitable remuneration for the transferred exclusive right to lend a work. The amount of remuneration and the procedure of payment shall be established by the Government, taking into account the proposals of the Board of Copyright and Related Rights of Lithuania. This remuneration shall not be paid when the lending of books and other publications is carried out through libraries of educational and scientific

institutions.

#### **Article 17. Right to a Share in the Returns from the Resale of an Original Work**

##### **of Art or Original Manuscript**

1. The author shall have an inalienable right to a share in the returns from each sale through public auction or any other public sale of an original work of art or an original manuscript of a literary or musical work, when the sale takes place subsequent to the first transfer of the right of ownership in the work by the author himself, and where the resale price of the original work or manuscript is at least 1000 litas.

2. The share in the returns provided for in paragraph 1 of this Article constituting 5 per cent of the sale price of an original work or manuscript shall be paid to the author by the seller. The organisers of auctions and other public sale events must provide information to the authors or associations of collective administration of copyright representing them concerning the original works or manuscripts sold, the seller and the sale price of the work or the manuscript.

3. An author's right to receive the share in the returns from the resale of the original work of art or original manuscript, as provided for in paragraph 1 of this Article, shall be transferred to other persons only upon the author's death by hereditary succession.

#### **Article 18. Right of Making Available of Work of Fine Art and Work of**

##### **Architecture**

1. The owner of the original copy of a work of fine art must permit the author of the work to reproduce or display the work at his exhibition, provided that the owner's legitimate interests are not thereby prejudiced and the safety of the work is ensured.

2. The owner of the original copy of a work of fine art may not destroy the work before offering it back to the author. Where the return of the original copy is not possible, the conditions must be created for the author to make a copy of the work in an appropriate manner.

3. The person commissioning the architectural work must permit the author of the work, without payment additional remuneration, to participate in the realisation of the construction plan of a building or other architectural structure (monitoring the drafting of the construction documentation and the execution of construction works of a building or other architectural structure with regard to copyright protection), unless otherwise provided for in the copyright agreement for the commissioning of the work.

4. The owner of the work of architecture (a building or any other architectural structure) may, without the author's permission, make changes in the building or any other architectural structure, provided that this is done for technical reasons or for the purpose of any practical use.

5. The author shall have the right to take photographs of the building or the architectural structure before its demolition or basic reconstruction, or to request a copy of the design thereof.

#### **Section IV. Limitations on Economic Rights ➡**

## **Article 19.** Conditions of Limitation on Economic Rights

Any limitations on economic rights shall be permitted exclusively to the cases provided for in this Law. They must not conflict with a normal exploitation of a work and must not prejudice the legitimate interests of the author or other owner of copyright.

## **Article 20.** Reproduction of Works for Personal Use

1. It shall be permitted, without the authorisation of the author or any other owner of copyright and without the payment of remuneration, to reproduce a published work in a single copy, where the reproduction is made by a natural person exclusively for his individual use and is single-action.

2. The provisions of paragraph 1 of this Article shall not apply to the reproduction of the following works:

- 1) works of architecture in the form of building or other architectural structure;
- 2) reprographically the whole text of a book or a substantial part thereof, or a musical work in a graphic form;
- 3) computer programmes (with the exception of the cases provided for in Articles 25 and 26 of this Law);
- 4) electronic databases (with the exception of the cases provided for in Article 27 of this Law).

## **Article 21.** Quotation

1. It shall be permitted, without the authorisation of the author or any other owner of copyright, to reproduce a relatively short passage of a published work, both in the original and translated language, in the form of a quotation in another work, provided that such a reproduction is compatible with fair practice and its extent does not exceed the extent justified by the purpose.

2. The indication of the source and the name of the author must accompany the quotation if the name of the author appears in the work from which the quotation is taken.

## **Article 22.** Reproduction of a Work for Teaching and Scientific Research

### Purposes

1. The following shall be permitted without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of remuneration:

- 1) the reproduction for teaching and scientific research purposes of short published works or a short extract of a published work, by way of illustration, in writings, sound or visual recordings, provided that such reproduction does not exceed the extent justified by the purpose;
- 2) the reproduction for non-commercial purposes of lawfully published works in raised characters or any other special method meant for the blind or sight-impaired, with the

exception of works specifically created for this purpose.

2. When a work is used for the purposes specified in paragraph 1 of this Article, the name of the author and the source used shall be indicated.

#### **Article 23. Reprographic Reproduction of Works**

1. Without the authorisation of the author or other owner of copyright in a work, any library or archive may, for non-commercial purposes, reprographically make a copy of such work, where:

1) the work reproduced is a published article or any other short work or short extract of a writing, with or without illustrations, and the purpose of such a reproduction is to meet the request of a natural person, provided that the copy will be used solely for the purpose of personal studies, education or scientific research, and the act of reproduction is an isolated case occurring, if repeated, on separate and unrelated occasions;

2) a copy of a work is made for the purpose of preservation or replacement of a copy that is lost, destroyed or rendered unusable, or for the purpose of replacement of a lost, destroyed or unfit for use copy of another similar library or archive, if it is impossible to obtain such a copy by other acceptable means, and if the act of reprographic reproduction is an isolated case occurring, if repeated, on separate and unrelated occasions.

2. It shall be permitted for non-commercial purposes to reprographically reproduce for classroom teaching at the institutions of education and studies a published article or any other short work or short extract of a writing, with or without illustrations, and to the extent justified by the objective sought, provided that the act of reproduction is an isolated case occurring, if repeated, on separate and unrelated occasions.

3. When a work is used for the purposes specified in paragraphs 1 and 2 of this Article, the author's name and the source used shall be indicated on the reproduced copy of the work.

4. The author and publishers shall be entitled to equitable remuneration for reprographic reproduction (by photocopying or in any other manner reproducing on paper) of works. Such remuneration shall be paid by natural or legal persons, or enterprises which do not have the rights of a legal person, providing the services of reprographic reproduction. The Government shall establish the amount of remuneration and the procedure of payment.

#### **Article 24. Use of a Work for Information Purposes**

1. The following acts shall be permitted without the authorisation of the author or other owner of copyright in a work, however by indicating, where possible, the source and the name of the author:

1) the reproduction in newspapers, radio and television broadcasts, repeated and rebroadcast broadcasts and programmes, or other mass media, of an article published in a newspaper or other periodical on current economic, political or religious issues, or of a broadcast work of the same character. This permission shall not apply where the exclusive right to authorise or prohibit the reproduction, broadcasting, retransmission, or other communication to the public of a work is retained by the author or other owner of copyright;

2) the use of literary and artistic works the place of performance or display of which renders information on public or current events in the press, radio or television, provided that such a

use is motivated for informatory purposes and that it constitutes additional information material;

3) use in newspapers or periodicals, as well as broadcasting, retransmission, cable retransmission or other communication to the public, for the purpose of reporting current events, of political speeches, reports, lectures or other works of a similar nature delivered in public, as well as speeches delivered during court proceedings, to the extent justified by the purpose.

2. The provisions of subparagraph 3 of paragraph 1 of this Article shall not apply to the exclusive right to compile or authorise the compiling of collections of such works.

#### **Article 25. Reproduction and Adaptation of Computer Programmes**

1. A person, who has lawfully acquired a computer programme shall have the right, without the authorisation of the author or other owner of copyright, to reproduce the programme in a single copy or to adapt the computer programme, provided that the copy or adaptation is necessary:

1) for the use of the computer programme in accordance with the purpose and to the extent for which it has been acquired, including the correction of errors therein;

2) for the replacement of the lawfully acquired copy of the computer programme in the event that the copy is lost, destroyed or rendered unusable.

2. A lawful user of a computer programme shall be entitled, without the authorisation of the author or any other owner of copyright, to observe, study or test the functioning of the programme in order to determine the ideas and principles which underlie the programme or any constituent element thereof, if he does so while performing any of the acts (loading of the programme, displaying of the data provided by the programme, transmitting or storing of the data of the programme), which the user is entitled to do.

3. No copy or adaptation of a computer programme shall, without the authorisation of the author or other owner of copyright, be used for goals other than those determined in paragraph 1 of this Article.

4. Any agreements impeding the performance of the acts provided for in paragraphs 1 and 2 of this Article shall be null and void.

#### **Article 26. Decompilation of Computer Programmes**

1. The authorisation of the author or other owner of copyright shall not be required where reproduction of the code of a computer programme or translation of its form are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer programme with other programmes, provided that the following conditions are met:

1) these acts are performed by the licensee or another person having a right to use a copy of a programme, or on their behalf by a person authorised to do so;

2) the information necessary to achieve the interoperability of the programmes has not been previously readily available to the persons referred to in subparagraph 1 of paragraph 1 of this Article;

3) these acts are confined to the parts of the original programme which are necessary to achieve interoperability of the programmes.

2. The provisions of paragraph 1 of this Article shall not permit the information obtained through its application:

1) to be used for goals other than to achieve the interoperability of the independently created computer programme with other programmes;

2) to be given to other persons, except when necessary for the interoperability of the independently created program with other programs;

3) to be used for the development, production or marketing of a computer programme substantially similar in its expression, or for any other act which infringes copyright.

3. Any agreements impeding any of the acts stipulated in paragraph 1 of this Article shall be null and void.

#### **Article 27. Use of Databases**

1. A legitimate user of a database or a copy thereof shall have the right, without the authorisation of the author or other owner of copyright, to perform the acts listed in paragraph 1 of Article 15 of this Law, provided that such acts are necessary for the purposes of access to, and an appropriate use of the contents of a database.

2. Where a legitimate user of a database is authorised to use only a certain part of the database, the provisions of paragraph 1 of this Article shall apply only to that part.

3. Any agreements impeding any of the acts stipulated in paragraph 1 of this Article shall be null and void.

4. A database which has been published or otherwise communicated to the public may, without the authorisation of the author or other owner of copyright, be used for the needs of educational development or scientific research, provided that the source of the database is indicated and that the exploitation thereof is justified for non-commercial purposes, as well as if it is used for the purpose of public safety and state security or for the purposes of administrative or judicial proceedings.

#### **Article 28. Display of Works**

1. The public display of an original work of fine arts or a copy thereof without the authorisation of the author or other owner of copyright shall be permitted in the following cases:

1) where a work has been sold or its ownership has been otherwise transferred to another natural or legal person, or the enterprise which does not have the rights of a legal person, and where the author or any other owner of copyright in the work knows or has reasonable grounds to know that such a public display (exhibition) of works constitutes part of the regular economic activities of the natural or legal person who has acquired the work;

2) in any other case where such a public display of a work does not conflict with a normal exploitation of the work and does not otherwise unreasonably prejudice the legitimate interests of the author or other owner of copyright.

## **Article 29.** Obligatory Collective Administration of the Exclusive Right to

### Authorise Cable Retransmission of a Work

1. The exclusive right to authorise cable retransmission of a work may be exercised only by an association of collective administration of copyright.
2. Where the author or his successor in title has not authorised any association of collective administration of copyright to exercise his exclusive right to permit cable retransmission of a work, the association of collective administration of copyright administering the rights of the same category in the territory of the Republic of Lithuania shall be mandated such powers. Such author or other owner of copyright shall have the same rights and obligations arising from the agreements concluded between cable retransmission operators and an association of collective administration of copyright as the authors and other owners of copyright, who have authorised the respective association to exercise their rights.
3. If more than one association of collective administration of copyright administers exclusive cable retransmission rights in the Republic of Lithuania, the author or other owner of copyright may choose which of those associations shall administer his rights.
4. Cable retransmission operators and associations of collective administration of copyright shall negotiate the authorisation of cable retransmission rights. Where no agreement is reached and no agreement is concluded regarding the matter by way of negotiations between the parties, any of the parties may apply for the mediation in their negotiations.
5. The mediator shall submit proposals and mediate an agreement between the parties. If neither of the parties submits its objections to a written proposal of the mediator in writing within a period of 3 months since the date of the submission of the proposal, the proposal shall be considered to be approved by the parties. If the parties reject the proposal of the mediator, the terms and conditions shall be established by the court.

## **Section V. Terms of PROTECTION OF Copyright ➔**

### **Article 30.** Duration of Copyright

1. Author's economic rights shall run for the life of the author and for 70 years after his death, irrespective of the date when the work is lawfully made available to the public.
2. The protection of the author's moral rights shall be of unlimited duration.

### **Article 31.** Special Duration of the Economic Rights of Authors

1. The duration of the authors' economic rights in a joint work shall run for the life of co-authors and for 70 years after the death of the last surviving author.
2. With regard to anonymous and pseudonymous works, the duration of the authors' economic rights shall run for 70 years after the work is lawfully disclosed to the public. However, when the pseudonym adopted by the author leaves no doubt as to his identity, or if the author discloses his identity during the prescribed period, the duration of protection shall run for the life of the author and for 70 years after his death.
3. With regard to collective works, the duration of the authors' economic rights shall run for 70 years after the lawful communication to the public of the work. In cases where the



natural persons who have created the work leave no doubt as to their identity, provisions of paragraph 1 of this Article shall apply.

4. The duration of authors' economic rights in an audiovisual work shall extend over the life of the principal director, author of the screenplay, author of the dialogue, artist, cameraman and the composer of music specifically created for the audiovisual work, and for 70 years after the death of the last of them to survive.

#### **Article 32. Economic Rights of Authors in a Work Published after the Expiry of**

the Duration of Copyright

1. A natural or legal person who, after the expiry of the duration of copyright, for the first time lawfully publishes or lawfully communicates to the public a previously unpublished work shall have the same exclusive economic rights in the work as provided for in paragraph 1 of Article 15 of this Law.

2. The duration of the rights specified in paragraph 1 of this Article shall extend over 25 years from the date of the first lawful publication of the work or the first lawful communication to the public of the work.

#### **Article 33. Calculation of the Duration of Copyright**

1. The duration provided for in Articles 30, 31 and 32 shall be calculated from the first day of January of the year following the event which gives rise to the calculation of the duration.

2. Where a work is published in separate units (volumes, parts, issues, or episodes), the duration of protection shall be calculated for each separate unit from the date of its lawful publication.

### ***Section VI. Transfer of Authors' Economic Rights and Granting of Licences. Copyright AGREEMENTS ➔***

#### **Article 34. Transfer of Authors' Economic Rights**

1. The authors' economic rights may be transferred by an agreement, by testamentary succession or by other procedure prescribed by law.

2. The authors' moral rights shall not be subject to transfer to other persons. They exist independently of the author's economic right and are retained by the author even upon the transfer of the economic rights to other persons.

#### **Article 35. Copyright Agreements**

1. An author may transfer his economic rights specified in paragraph 1 of Article 15 of this Law to other persons under a copyright agreement for the transfer of rights or grant such rights under a copyright licensing agreement.

2. A copyright agreement for the transfer of rights shall clearly specify the economic rights to be transferred (by indicating the title of a specific work). The person to whom the author's economic rights have been transferred shall be considered a successor in title. Rights to all future works of the author may not be subject to transfer.

3. An author or his successor in title may conclude a copyright licensing agreement for the granting of exclusive rights (exclusive licence) or a copyright licensing agreement for the transfer of non-exclusive rights (non-exclusive licence). A licence shall be deemed to be exclusive only if the licensing agreement contains the words to that effect.

#### **Article 36. Terms and Conditions of Copyright Agreements**

1. A copyright agreement for the transfer of rights and a copyright licensing agreement shall stipulate the following terms and conditions:

1) the title of a work (titles of the works by foreign authors shall be indicated in the original language);

2) types of the authors' economic rights to be transferred or granted (ways of the exploitation of a work), as well as a type of the licence (the exclusive or non-exclusive licence);

3) the territory covered;

4) the term of validity;

5) the amount of remuneration, the procedure and terms of payment;

6) dispute settlement procedure and liability of the parties;

7) other conditions considered to be important to the parties.

2. If the agreement does not specify the duration of the economic rights transferred or the licence granted, any of the parties may terminate the agreement by informing in writing the other party of the termination thereof one year in advance.

#### **Article 37. Copyright Agreements for Commissioned Works**

1. Pursuant to the copyright agreement for a commissioned work, the author shall undertake to create a work corresponding to the requirements of the agreement, and to transfer the economic rights in that work or to grant the right to use that work to the person commissioning the work by indicating the mode of the exploitation of the work, whereas the person commissioning the work shall undertake to pay the remuneration to the author agreed by the parties, unless otherwise provided for by the agreement.

2. The right of ownership in the work of fine art created under the copyright agreement for commissioned works shall be transferred to the person commissioning the work, unless otherwise provided for by the agreement.

#### **Article 38. Form of Copyright Agreements**

1. Copyright agreements for the transfer of rights, copyright licensing agreements and copyright agreements for commissioned works shall be concluded in writing. A written form of an agreement shall not be required in respect of an agreement for the publication of a work in periodicals.

2. Where computer programmes and electronic databases are distributed through the

trading channels of distribution, the right to use a computer programme or an electronic database shall be granted under a licensing agreement, which is contained in the package of a computer programme or database and submitted to the purchaser (package licence). The terms and conditions stipulated by the package licence shall be binding on a user of the computer programme or the electronic database.

3. The fundamentals of the invalidity of copyright agreements shall be determined subject to the norms of the invalidity of transactions provided for by the Civil Code of the Republic of Lithuania.

#### **Article 39.** Amount and Procedure of Payment of Remuneration under

##### a Copyright Agreement

1. The amount of remuneration payable under a copyright agreement shall be determined by an agreement between the parties, unless otherwise provided for by the Law.

2. Author's remuneration determined by the agreement shall be calculated as a certain percent of the revenue obtained by the user, as a lump sum or in any other way specified by the agreement. The parties to an agreement may provide for an advance payment of the whole or part of remuneration.

#### **Article 40.** Inheritance of Economic Rights of Authors and Procedure

##### for the Protection of Moral Rights of Authors

1. Economic rights of authors shall be inherited by the operation of law or by testamentary succession.

2. The author shall be entitled to designate a person to whom he entrusts the protection of his moral rights according to the same procedure, which is applied for the designation of the executor of the will. In the absence of such instructions, an author's moral rights shall be protected by his heirs. In the absence of any heirs, as well as after the expiry of an author's economic rights, as provided for in this Law, the protection of an author's moral rights shall be executed by the institution authorised by the Government of the Republic of Lithuania.

#### **Article 41.** Alienation of the Right of Ownership in a Work

1. Copyright in a work shall not be related to the right of ownership in the material expression in which the work is embodied. If the author or other owner of copyright alienates the right of ownership in the material expression of the work, he shall not be deemed to have transferred his economic rights or to have granted a licence for the exploitation of the work, unless otherwise provided for by an agreement.

2. The author or other owner of copyright, who has transferred his economic rights or granted a licence for the exploitation of a work, shall not be deemed to have alienated the right of ownership in the material expression in which the work is embodied.

### **Chapter III. Related Rights** ➔

#### **Article 42.** Conditions for the Exercise of Related Rights

1. Related rights shall be exercised without prejudice to the copyright in literary, artistic and scientific works provided for in Chapter II of this Law.

2. When notifying about their related rights, producers of phonograms and/or performers shall be entitled to place on each copy of a phonogram or on each container of a phonogram a notice consisting of the letter P in a circle, the name (title) of the owner of exclusive related rights and the year of the first publication of a phonogram.

#### **Article 43. Moral Rights of Performers**

1. A performer, independently of his exclusive economic rights, and even after the transfer of those rights to other persons, shall retain his moral rights in his live performance or the fixation of his performance. A performer shall have the right to claim to be identified as the performer in connection with any use of his performance or the fixation thereof, and to object to any distortion or other modification of his performance or the fixation thereof, as well as other derogatory action in relation thereto which would be prejudicial to his honour or reputation.

2. A performer's moral rights shall not be subject to transfer to other persons. After the death of the performer, his moral rights shall be exercised in conformity with the provisions of paragraph 2 of Article 40 of this Law.

#### **Article 44. Economic Rights of Performers**

1. A performer shall have the exclusive rights to perform or to authorise any of the following acts:

- 1) broadcasting or retransmission of his performance or the fixation thereof;
- 2) fixation of his unfixed (unrecorded) performance;
- 3) direct or indirect reproduction of a fixation of his performance in any manner or form;
- 4) communication to the public of his performance;
- 5) distribution of the original or copies of a fixation of his performance by sale, rental, lending or any other form of transferring ownership or possession;
- 6) import of copies of the fixation of his performance.

2. The exclusive right referred to in subparagraphs 1 and 4 of paragraph 1 of this Article shall not apply in cases where the performance used in the broadcasting or the public communication is itself already a broadcast performance or is made from a fixation.

3. The exclusive right of distribution referred to in subparagraph 5 of paragraph 1 of this Article, except for the rental and lending of a fixation of a performance or its copies, shall be exhausted in the territory of the Republic of Lithuania in respect of the fixation of the performance or copies of the fixation of the performance which have been sold in the Republic of Lithuania by the performer or his successor in title, or under the authorisation of any of them, and which have been lawfully released into circulation.

4. When concluding an agreement concerning the audiovisual fixation of his performance with a producer of an audiovisual work, the performer shall transfer the rights stipulated in

subparagraphs 1, 3, 4, 5 and 6 of paragraph 1 of this Article to the producer, unless otherwise provided for by an agreement. The amount of remuneration shall be determined by an agreement between the parties for each individual economic right in the performance transferred. After the transfer of the right of rental or lending of the original audiovisual fixation of the performance or the copies thereof to the producer of audiovisual work, the performer shall retain the unwaivable right to receive equitable remuneration for the rental or lending of the audiovisual fixation of the performance or copies thereof.

5. Where a performer transfers the right of rental or lending of his performance fixed in a phonogram to a producer of a phonogram by virtue of an agreement, the performer shall retain the unwaivable right to receive equitable remuneration for the rental or lending of the phonogram or copies thereof.

6. Where a work is performed by a group (choir, ensemble, orchestra, group of actors, etc.), the rights provided for in paragraph 1 of this Article shall be exercised by a representative authorised by the group or, in the absence of such authorisation, the group's economic rights in the performance shall be exercised by the leader of the group.

7. Where a performer performs a work in the execution of his duties or following the instructions given by his employer, the performer's economic rights provided for in paragraph 1 of this Article shall be transferred to the employer for a period of five years, unless otherwise provided for by an agreement.

#### **Article 45. Rights of Producers of Phonograms**

1. The producer of a phonogram shall have the exclusive rights to perform or to authorise any of the following acts:

- 1) direct or indirect reproduction of a phonogram in any manner or form;
- 2) publication of a phonogram;
- 3) broadcasting of a phonogram or its copy;
- 4) distribution of a phonogram or copies thereof to the public by sale, rental or lending, or any other form of transferring ownership or possession;
- 5) import of copies of a phonogram or copies thereof;
- 6) communication to the public of a phonogram or copies thereof.

2. The right of distribution of a phonogram or copies thereof, provided for in subparagraph 4 of paragraph 1 of this Article, except for the rental and lending of a phonogram or copies thereof, shall be exhausted in the territory of the Republic of Lithuania in respect of the copies of the phonogram or copies thereof, which have been sold in the Republic of Lithuania by the producer of the phonogram or his successor in title, or under the authorisation of any of them, and which have been lawfully released into circulation.

#### **Article 46. Remuneration for the Exploitation of Phonograms Published**

for Commercial Purposes

1. Performers and producers of phonograms shall have the right to receive equitable

remuneration for the exploitation of phonograms or copies thereof, published for commercial purposes and distributed through the trading channels of distribution, for broadcasting, retransmission, communication to the public or public performance. Equitable remuneration shall be paid by natural or legal persons, or enterprises which do not have the status of a legal person, who use the phonograms or copies thereof. The amount of remuneration and the conditions of the payment thereof shall be determined by the agreement between the users and the producers of phonograms together with the performers or the associations of collective administration of related rights, which represent them. If the parties fail to agree upon the amount of remuneration and the conditions of the payment thereof, the amount of remuneration and the payment conditions shall be set by an institution authorised by the Government, after consultation with the Board of Copyright and Related Rights of Lithuania.

2. The remuneration provided for in paragraph 1 of this Article shall be distributed in equal shares between the performers and producers of phonograms, unless otherwise provided for by the agreement.

3. The provisions of paragraph 1 of this Article shall be exercised without prejudice to the authors' right to obtain remuneration for the use of works fixed in phonograms.

#### **Article 47. Rights of Broadcasting Organisations**

1. Broadcasting organisations shall have the exclusive rights to perform or to authorise any of the following acts:

- 1) retransmission of their broadcasts or programmes;
- 2) cable retransmission of their broadcasts or programmes;
- 3) fixation of their broadcasts or programmes;
- 4) reproduction of the fixations of their broadcasts or programmes;
- 5) communication to the public of their broadcasts or programmes, if such a communication is made in places accessible to the public against payment of an entrance fee;
- 6) distribution of the fixations of their broadcasts or programmes, or copies thereof by sale or by other transfer of ownership, or possession thereof.

2. Cable retransmission operators, which merely retransmit the broadcasts and programmes of broadcasting organisations, shall not have the rights provided for in paragraph 1 of this Article in respect of the broadcasts and programmes retransmitted.

3. The exclusive right of distribution of the fixations of broadcasts or programmes, or copies thereof, as referred to in subparagraph 6 of paragraph 1 of this Article, shall be exhausted in the territory of the Republic of Lithuania in respect of the fixations of a broadcast and programme or copies thereof, which have been sold by the broadcasting organisation or its successor in title, or under the authorisation of any of them, and which have been lawfully released into circulation.

#### **Article 48. Rights of Producers of the First Fixation of an Audiovisual**

Work (Film)

1. A producer of the first fixation of an audiovisual work (film) shall have the exclusive rights to perform or to authorise any of the following acts:

- 1) direct or indirect reproduction of the fixation of an audiovisual work (film) or a copy thereof;
- 2) broadcasting and retransmission of the fixation of an audiovisual work (film);
- 3) distribution of the fixation of an audiovisual work (film) or copies thereof by sale, rental or lending, or by other transfer ownership, or possession thereof;
- 4) import of the fixation of an audiovisual work (film) or copies thereof;
- 5) communication to the public of the fixation of an audiovisual work (film) or copies thereof.

2. The exclusive right of distribution of the copies of the fixation of an audiovisual work (film) or copies thereof as referred to in subparagraph 3 of paragraph 1 of this Article, except for the rental and lending right, shall be exhausted in the territory of the Republic of Lithuania in respect of the fixation of an audiovisual work (film) or copies thereof, which have been sold by the producer, his successor in title, or under the authorisation of any of them, and which have been lawfully released into circulation.

#### **Article 49. Limitations of Related Rights**

1. It shall be permitted, without the authorisation of the owner of related rights and without the payment of remuneration, to use a performance, phonogram, fixation of an audiovisual work (film) and a broadcast or programme of a broadcasting organisation, or the fixations thereof, for:

- 1) reproduction by a natural person exclusively for personal use not more than one copy of an object of related rights;
- 2) reproduction of short excerpts from objects of related rights for reporting current events to the extent justified by the purpose of providing information on those events;
- 3) exploitation solely for the purpose of education, teaching and scientific research;
- 4) ephemeral fixation by a broadcasting organisation by means of its own facilities and for its own broadcasts;
- 5) reproduction for non-commercial advantage for the hearing-impaired.

2. Limitations of related rights specified in paragraph 1 of this Article must not conflict with a normal exploitation of the objects of these rights and must not unreasonably prejudice the legitimate interests of performers, producers of phonograms, producers of the first fixation of an audiovisual work or broadcasting organisations.

3. The right of performers, producers of phonograms, producers of the first fixation of an audiovisual work (film) and broadcasting organisations in respect of cable retransmission shall be exercised only through associations of collective administration of related rights in conformity with the provisions of Article 29 of this Law. These provisions shall not apply to the rights of a broadcasting organisation in respect of its own broadcasts or programmes, irrespective of whether the rights concerned are its own or have been transferred to it by

other owners of copyright or related rights.

#### **Article 50. Duration of Related Rights**

1. The rights of performers shall run for 50 years after the date of the performance. If a fixation of the performance is lawfully published or lawfully communicated to the public within this period, the rights of performers shall run for fifty years from the date of the first such publication or the first such communication to the public, whichever is the earlier. The protection of the moral rights of performers shall be of unlimited duration.

2. The rights of producers of phonograms shall run for 50 years after the fixation is made. If the phonogram is lawfully published or lawfully communicated to the public during this period, the rights shall expire 50 years from the date of the first such publication or the first such communication to the public, whichever is the earlier.

3. The rights of broadcasting organisations shall run for 50 years after the first transmission of a broadcast, irrespective of whether this broadcast is transmitted by wire or over the air, including by cable or satellite.

4. The rights of producers of the first fixation of an audiovisual work (film) shall run for 50 years after the fixation is made. If the audiovisual work (film) is lawfully published or lawfully communicated to the public during this period, the rights shall expire 50 years from the date of the first such publication or the first such communication to the public, whichever is the earlier.

5. The duration specified in this Article shall be calculated from the first day of January of the year following the event which gives rise to the calculation of the duration.

#### **Article 51. Transfer of Economic Rights and Grant of Licences**

1. Economic rights of performers provided for in paragraph 1 of Article 44 of this Law may be transferred by an agreement, by testamentary succession or in accordance with other procedure prescribed by law.

2. Economic rights of producers of phonograms, broadcasting organisations and producers of the first fixation of an audiovisual work (film) may be transferred by an agreement or in accordance with other procedure established by law.

3. Economic rights of performers, producers of phonograms, broadcasting organisations and producers of the first fixation of an audiovisual work (film) in respect of objects of related rights may be granted by a licensing agreement.

4. Provisions of Articles 35 – 39 and 41 of this Law shall apply in respect of agreements for the transfer of related economic rights and licensing agreements for the grant of economic rights.

### **Chapter IV. Special Provisions on the Legal Protection of Databases (sui generis right) ➔**

#### **Article 52. Rights of Makers of Databases**



1. The maker of a database who shows that he has made a substantial qualitative and/or quantitative (intellectual, financial, organisational) investment in obtaining, arrangement, verification or presentation of the contents of that database shall have the exclusive right to perform or to authorise the following acts:

1) permanent or temporary transfer of all or a substantial part of the contents of a database to another medium by any means or in any form;

2) any form of making available to the public of all or a substantial part of the contents of a database by the distribution of copies, by renting, by on-line or other forms of transmission.

2. The rights of makers of databases referred to in paragraph 1 of this Article may be transferred to other persons under the agreement, hereditary succession or in accordance with other procedure prescribed by law.

3. The rights of makers of databases shall be protected without prejudice to copyright in the making of a database and to copyright or related rights in the works or subject matter contained in the database.

4. The exclusive right of distribution of copies of a database shall be exhausted in respect of the copies of a database, which have been sold by the maker of the database, or under his authorisation, and which have been lawfully released into circulation.

#### **Article 53.** Rights and Obligations of Lawful Users of Databases

1. The maker of a database which is lawfully made available to the public in whatever manner may not prevent lawful users of the database from extracting and re-utilising insubstantial parts of its contents, evaluated qualitatively and/or quantitatively, for any purposes whatsoever.

2. Where a lawful user is authorised to use only certain parts of the database, the provisions of paragraph 1 of this Article shall apply only to those parts of the database.

3. A lawful user of a database which is lawfully made available to the public in whatever manner may not perform acts which conflict with normal exploitation of the database or unreasonably prejudice the legitimate interests of the maker of the database.

4. A lawful user of a database which is lawfully made available to the public in any manner must not cause prejudice to the rights of the owners of copyright and related rights in respect of works or subject matter contained in the database.

5. Any agreements contrary to paragraphs 1 - 4 of this Article shall be null and void.

#### **Article 54.** Limitations of Rights of Makers of Databases

1. A lawful user of a database which is made available to the public in whatever manner may, without the authorisation of its maker, extract or re-utilise a substantial part of its contents:

1) in the case of extraction for private purposes of the contents of a non-electronic database;

2) in the case of extraction for the purposes of illustration for teaching or scientific research

in various fields, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved;

3) in the case of extraction and re-utilisation for the purposes of public and state security, an administrative or judicial procedure.

2. Repeated and systematic extractions and reutilization of small parts of the contents of a database shall be prohibited where such acts conflict with a normal exploitation of that database or unreasonably prejudice the legitimate interests of the maker thereof.

#### **Article 55. Term of Protection of Databases**

1. The rights of makers of databases provided for in Article 52 of this Law shall run for 15 years from the date of completion of the making of the database. If the database is made available to the public in whatever manner within this period, the rights of the maker of the database shall expire 15 years after the date of its making available to the public.

2. Any substantial change, evaluated qualitatively or quantitatively, to the contents of a database, including any changes resulting from the accumulation of successive additions, deletions or alterations, which may be considered to be a substantial new investment, evaluated qualitatively or quantitatively, shall qualify the database resulting from that investment for its own term of protection.

3. The term of protection of a database shall be calculated from the first day of January of the year following the date of completion or the date when the database was first made available to the public.

### **Chapter V. Collective Administration of Copyright and Related Rights**



#### **Article 56. Scope of Application of Collective Administration of Copyright**

and Related Rights

1. Authors, performers, producers of phonograms, broadcasting organisations and other owners of copyright and related rights shall have the right to give the authorisation for the exercise of their economic rights to associations of collective administration of copyright and related rights (hereinafter referred to as "collective administration associations") established for this purpose.

2. Collective administration of rights may be applied in the following spheres:

1) public performance of musical and literary works in any manner or form (including background music);

2) broadcasting and retransmission of literary, musical and other artistic works;

3) resale of original works of art and manuscripts of literary or musical works;

4) cable retransmission of works and objects of related rights, except where they constitute a cable retransmission operator's own programmes;

5) reproduction of musical and literary works in sound recordings (phonograms), reproduction of literary, musical and other artistic works in audiovisual fixations (audiovisual works);

6) exploitation for the purposes of broadcasting, retransmission, communication to the public or public performance of phonograms published for commercial advantage and distributed through the trading channels of distribution;

7) rental and lending of works and objects of related rights, except for computer programmes and databases;

8) reproduction of works of fine and applied art, photographs, charts and drawings in publications.

3. The rights provided for in subparagraph 4 of paragraph 2 of this Article may only be exercised by way of collective administration.

#### **Article 57. Collective Administration Association**

1. A collective administration association shall be established on the basis of a voluntary membership as an association of authors, performers, producers of phonograms, broadcasting organisations and other owners of copyright and related rights or their unions. A collective administration association shall be a non-profit organisation.

2. A procedure for the establishment, registration, management, operation, reorganisation and liquidation of a collective administration association shall be regulated by this Law and by the Law on Associations of the Republic of Lithuania.

3. Collective administration associations shall not have the right to engage in commercial activities. They shall be exempt for the provisions of anti-trust laws.

#### **Article 58. Responsibilities and Functions of Collective Administration**

##### Associations

A collective administration association, on behalf of authors and owners of related rights whom or which it represents, and on the basis of the agreements signed concerning the transfer of rights, shall fulfil the following functions:

1) granting of licences to users for the exploitation of works or objects of related rights;

2) collection and recovery of remuneration for the exploitation of works or objects of related rights under the licences granted;

3) distribution and paying out of collected remuneration among the owners of copyright and related rights it represents;

4) defending the rights of owners of copyright and related rights it represents without any special authorisation in court and other institutions;

5) fulfilment of any other functions of collective administration of rights in compliance with agreements for the transfer of copyright and related rights.

## **Article 59. Methods of Operation of Collective Administration Associations**

1. Decisions concerning the methods and rules for the collection and distribution of the remuneration, the amount of deductions from the remuneration for covering the costs of collective administration, as well as other important aspects of collective administration of rights, shall be taken by the members of the collective administration association at a general meeting.
2. The amount of remuneration payable under a licensing agreement for the right to use a work or any object of related rights shall be determined by a common agreement between collective administration associations and users. If no agreement is reached between the collective administration association and the user, any of the parties may apply for the mediation in their negotiations with regard to the amount of remuneration and the payment conditions thereof.
3. Without the authorisation of the authors or other owners of copyright and related rights, whose rights are administered by the association, the collective administration association may not use the collected remuneration for the purposes (cultural, social or financing of advertising activities) other than the purposes of covering the actual costs of the administration of rights involved and distribution of the remuneration.
4. The remuneration collected by collective administration associations must, after the deduction of the actual costs of collective administration of rights as well as costs for the collection and distribution of remuneration, be distributed among the authors and other owners of copyright and related rights in proportion to the actual use of their works and objects of related rights.
5. Members of collective administration associations shall have the right to receive regular information on all the activities of the collective administration association, exploitation of their works and other objects of related rights, the remuneration collected and the remuneration due (the procedure for the collection, distribution and payment of the remuneration), as well as other information related to the exercise of their rights.

## **Article 60. Collective Administration of the Rights of Foreign Owners**

### of Copyright and Related Rights

1. Collective administration associations shall exercise the rights of foreign owners of copyright and related rights in the territory of the Republic of Lithuania on the basis of bilateral and multilateral agreements concluded with respective foreign collective administration associations authorised to represent these owners.
2. When implementing the rights of owners of copyright and related rights specified in paragraph 1 of this Article, collective administration associations must treat foreign authors and owners of related rights in the same manner they treat the authors and owners of related rights - members of collective administration associations who are citizens of the Republic of Lithuania or natural persons permanently residing in Lithuania, or legal persons, or enterprises which do not have the rights of a legal person, the offices of which are located in the Republic of Lithuania.
3. Collective administration associations shall ensure the right of foreign collective administration associations and the authors or owners of related rights represented by them to receive regular information on the collective administration of their rights in Lithuania (use of works or objects of related rights, remuneration collected) and other information related

to the implementation of their rights.

#### **Article 61.** Rights and Obligations of Users of Works and Objects of Related

##### Rights

1. Users of works or objects of related rights shall have the right to receive information concerning the authors or owners of related rights represented by collective administration associations, as well as information on the agreements concluded between those associations with the respective foreign organisations.

2. The users of works or objects of related rights shall undertake:

1) to ensure for the representatives of collective administration associations full access to the information necessary for the fulfilment of the functions of collective administration of rights;

2) to provide collective administration associations with all information concerning the legitimacy of the use of works or objects of related rights, as well as information necessary for the collection and distribution of remuneration;

3) not later than 3 days before the exploitation of works or objects of related rights to apply to a collective administration association with the request for a licence to use works or objects of related rights in an appropriate manner.

#### **Article 62.** Institution Authorised by the Government in the Sphere

##### of Copyright and Related Rights

1. State policy in the sphere of copyright and related rights shall be exercised and the protection of the said rights shall, within its competence, co-ordinated by an institution authorised by the Government.

2. The institution authorised by the Government shall perform the following functions:

1) generalise the experience of the application of laws and other legal acts in the field of copyright and related rights and submit proposals for the drafting of laws and other legal acts, as well as for the amending and supplementing of the legal acts in force;

2) draft laws and other legal acts regulating protection of copyright and related rights for the submission thereof to the Government;

3) implement the provisions of international multilateral conventions and treaties for the protection of copyright and related rights;

4) upon the instruction of the Prime Minister, represent the Government in the World Intellectual Property Organisation;

5) exercise the supervision of collective administration associations of copyright and related rights;

6) upon the request of collective administration associations and users of works and objects

of related rights, mediate in the negotiations concerning the conclusion of agreements, in compliance with laws establish the amount of appropriate remuneration and the payment procedure;

7) in the cases provided by law, exercise the protection of the moral rights of authors and performers;

8) provide legal consultations and methodological assistance to collective administration associations and associations of users of works and objects of related rights, law enforcement institutions ensuring the protection and enforcement of copyright and related rights;

9) systematise legal acts in the field of copyright and related rights;

10) organise seminars, conferences, practical studies on the implementation and protection of copyright;

11) maintain contacts and co-operate with the respective foreign institutions and international organisations operating in the field of intellectual property rights.

3. All existing collective administration associations shall submit to the institution authorised by the Government the following documents:

1) copies of their statutes and rules of the collection and distribution of the remuneration, as well as any amendments thereof;

2) copies of all bilateral and multilateral agreements concerning the administration of rights of foreign owners of copyright and related rights (on the request of the institution authorised by the Government);

3) copies of the resolutions of a general meeting (conference) of the members of a collective administration association;

4) data on the governing bodies of collective administration associations and their members.

4. The institution authorised by the Government shall have the right at any time to obtain from any collective administration association information necessary to determine whether the activities of the collective administration association conforms to the provisions of this Law and other laws, and to the statutes of the collective administration association.

5. If the activities of a collective administration association do not conform to the provisions of this Law and other laws, or to the requirements of its statutes, the institution authorised by the Government may apply to court requesting the liquidation of the collective administration association.

6. In the execution of its tasks and functions of the institution authorised by the Government shall have the right to demand from public authorities, local authorities, enterprises, institutions and organisations all relevant information on the protection of copyright and related rights, as well as other information necessary for the implementation of the tasks delegated to it.

**Article 63.** Board of Copyright and Related Rights of Lithuania

1. The Board of Copyright and Related Rights of Lithuania (hereinafter referred to as the "Board") is a public institution, which, as an expert and consultant, shall investigate issues related to the implementation of the provisions of this Law and international obligations of the Republic of Lithuania in the field of copyright and related rights and shall submit conclusions and proposals to the institution authorised by the Government.

2. The Board shall consist of 12 members, 3 of whom are appointed by the Association of Art Creators, 3 - by collective administration associations, 3 - by associations of users of copyright works and objects of related rights, 2 - by associations of makers and distributors of computer programmes and makers of databases, and 1 - by the institution authorised by the Government. They may be scientists and other specialists of copyright and related rights.

3. The members of the Board shall be appointed for a two-year term. The institution authorised by the Government shall convene a constituent meeting of the Board and render its organisational-technical servicing.

4. The Board shall:

1) render conclusions and proposals to the institution authorised by the Government on the issues specified in paragraph 1 of this Article;

2) mediate in the negotiations between collective administration associations and users of copyright works and objects of related rights concerning the copyright licensing agreements, the remuneration rates and the procedure of payment thereof;

3) at the request of collective administration associations as well as users of copyright works and objects of related rights, settle disputes concerning the exploitation of works or objects of related rights and concerning the infringement of copyright and related rights.

5. Members of the Board may be delegated to work as experts in civil, criminal and administrative proceedings related to the infringement of copyright and of related rights; they shall be paid for the work done in accordance with the procedure prescribed by law.

6. Decisions of the Board taken in relation to the disputes concerning the use of works and objects of related rights shall not prevent the parties from applying to the court according to the procedure prescribed by law.

## **Chapter VI. ENFORCEMENT of Copyright and Related Rights ➔**

### **Article 64. Infringement of Copyright and Related Rights**

1. The following acts shall be deemed to be the infringement of copyright and related rights:

1) use of a work or an object of related rights (including the publication, reproduction, public performance, broadcasting and retransmission or communication to the public), distribution and import thereof without the licence of the author or owner of copyright and related rights (without the conclusion of an agreement, or upon violation of its terms and conditions);

2) import, export, distribution, transportation or keeping for commercial advantage of infringing copies of works and objects of related rights;

- 3) refusal to pay remuneration provided for by this Law or copyright agreements;
- 4) removal of any technological measures that are used by owners of copyright and related rights in connection with the exercise or protection of the rights provided for in this Law, as well as the offering to do so, and the manufacture, import, transportation, keeping for the purpose of distribution and distribution of appropriate devices specifically designed or adapted to circumvent those technological protective measures;
- 5) removal or alteration of the information regarding the management of copyright or related rights without authorisation of authors or owners of related rights, as well as distribution, import, broadcasting, communication to the public or making available to the public of works, fixations of performances, phonograms or copies thereof, where this is done without authorisation after the removal or alteration of the rights management information;
- 6) infringement of the moral rights of an author or a performer;
- 7) infringement of other provisions of this Law.

#### **Article 65. Remedies for Infringement**

1. With the aim of protecting their rights, owners of copyright and related rights shall be entitled to appeal to court in accordance with the procedure prescribed by law, which may make a decision relative to:

- 1) recognition of rights;
- 2) injunction to terminate unlawful acts;
- 3) redress of the infringed moral rights (injunction to make appropriate amendments, to announce the infringement in the press, or any other way);
- 4) exaction of unpaid remuneration;
- 5) reimbursement of losses or damage (material and/or moral), including the lost income and other expenses;
- 6) payment of compensation;
- 7) seizure or destruction of infringing copies of works, computer programmes, fixations of audiovisual works (films), phonograms and the devices or equipment used for their manufacture, as well as other devices and equipment used in connection with the infringement of rights under this Law;
- 8) other legislative measures for the protection of violated rights.

2. County courts, as courts of the first instance shall hear the civil cases related to the protection of copyright and related rights.

#### **Article 66. Claims of Collective Administration Associations Filed**

in the Interest of the Owners of Copyright and Related Rights



they Represent

1. Collective administration associations shall, in the interest of the owners of copyright or related rights they represent, and without their separate authorisation, be entitled to file claims for the recovery of remuneration from the users of works or objects of related rights exploiting the mentioned works or objects of related rights without a licence of collective administration associations.
2. The court, where it decides that the works or objects of related rights have been used without the said licence of a collective administration association, shall exact from the user to the collective administration association the remuneration 5 times as big as the original amount payable under the licence to use a work or an object of related rights would have been.
3. A repeated infringement of the procedure for the exploitation of works and objects of related rights within a one-year period from the exaction of remuneration under paragraph 2 of this Article shall result in the increase of the remuneration to be exacted from the infringer 10 times as big as the original amount payable for the rights granted under the licence to use a work or an object of related rights would have been.
4. The recovered sums of remuneration shall, in accordance with the procedure established by its statute and remuneration regulations, be distributed by a collective administration association among the authors or owners of related rights.
5. The court in its proceedings on an action of the authors or owners of related rights whose rights are not represented by collective administration associations, shall be guided by the provisions of paragraphs 2 and 3 of this Article.

**Article 67.** Reimbursement of Losses and Material Damage. Compensation

1. The procedure for the reimbursement of losses and material damage shall be regulated by the Civil Code and the provisions of this Law.
2. When assessing the amount of losses, the court shall take into account the substance of violation, the amount of the inflicted damage and the lost income, as well as other expenses incurred by the owner of copyright or related rights. Infringing copies of works or objects of related rights may be handed over to the respective owners of copyright or related rights, if requested.
3. Instead of the reimbursement of losses, the owner of copyright or related rights may claim compensation, the amount of which shall be determined according to the price of legal sale of an appropriate work or object of related rights, by increasing it up to 200 per cent, or up to 300 per cent if the infringer has committed the infringement deliberately.

**Article 68.** Compensation for Moral Damage

1. A person who has infringed moral rights of the author or performer, provided for in Article 14 and Article 43 of this Law, must compensate for moral damage inflicted, the amount of which expressed in money shall be determined by the court.
2. The amount of compensation for moral damage in each case may not be less than 5 thousand litas and not more than 25 thousand litas. In assessing the amount of moral damage expressed in money, the court must take into account the degree of the culpability

of the infringer, his financial position, the consequences of moral damage, as well as other circumstances that are of significance to the case.

#### **Article 69. Provisional Measures**

1. In urgent cases, with the presence of sufficient evidence about the infringement of copyright or related rights, the court may, upon receiving a claim application of an owner of copyright or related rights, apply provisional measures necessary for the execution of the court's decision:

1) to order persons to terminate the unlawful exploitation of works or objects of related rights;

2) to prohibit the release into circulation of infringing copies of works, fixations of audiovisual works (films) and phonograms;

3) seize infringing copies of works, fixations of audiovisual works or phonograms, as well as technical devices and equipment used for reproduction thereof, and appropriate documents;

4) to apply other similar measures.

2. Where essential irreparable damage may be caused to the owner of copyright or related rights, or where the evidence may be destroyed, the court or the judge may, at his own discretion, apply provisional measures, specified in paragraph 1 of this Article, without informing the other party and without calling it to the court hearing.

#### **Article 70. Administrative and Criminal Liability**

Administrative and criminal liability for the violations of this Law shall be applied in accordance with the Administrative Code and the Criminal Code.

#### **Article 71. Application of Customs Procedures**

Customs procedures provided for by the laws of the Republic of Lithuania, may be applied to infringing copies of works, computer programmes, fixations of audiovisual works (films) and phonograms imported into the Republic of Lithuania.

### **Chapter VII. Final Provisions** ➔

#### **Article 72. Transitional Provisions**

1. This Law shall apply to authors and owners of related rights if at the moment of the entry into force thereof the term of protection of their rights in literary, scientific and artistic works or objects of related rights, which were effective before the entry into force of this Law, has not expired.

2. Any acts done before the entry into force of this Law and not infringing the provisions of the relevant legislation in force at that time shall not constitute the infringement of rights and shall not give rise to the right to obtain remuneration granted under this Law.

3. Agreements concluded before the entry into force of this Law shall be valid as long as

they comply with the provisions stipulated by this Law.

**Article 73.** Entry into Force of the Law

1. Paragraph 3 of Article 16 and paragraph 4 of Article 23 of this Law shall enter into force on 1 July 2000.

2. Upon the entry into force of this Law, the following shall become invalid:

- 1) Chapter 4 "Copyright" and Chapter 5 of the Civil Code;
- 2) the Law on the Legal Protection of Computer Programmes and Databases.

**Article 74.** Proposal to the Government

To propose to the Government - within the period of one month after the entry into force of this Law:

- 1) to appoint an institution authorised by the Government;
- 2) to draft and approve legal acts necessary for the enforcement of this Law.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

President of the Republic VALDAS ADAMKUS