

REPUBLIC OF LITHUANIA
LAW
ON COPYRIGHT AND RELATED RIGHTS

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Vilnius

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CHAPTER I
GENERAL PROVISIONS

Article 1. General Provisions

1. 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) the rights of makers of databases (*sui generis* rights);
- 4) exercise, collective administration and enforcement of copyright and related rights, as well as the exercise and enforcement of *sui generis* rights.

2. The provisions of this Law are harmonised with the legal acts of the European Union specified in the annex of this Law.

Article 2. Main Definitions of this Law

1. “**Reproduction**” means direct or indirect, temporary or permanent making by any means and in any form, including an electronic form, of a copy (copies) of a work, an object of related rights or *sui generis* rights (in whole or in part).

2. “**Performer**” means an actor, singer, musician, dancer or another person who plays in, sings, reads, recites, or otherwise performs literary, artistic, folkloric works or circus acts. For the purpose of this Law a “performer” shall also include a leader and conductor of an orchestra, ensemble or choir.

3. “**Producer of an audiovisual work**” means a natural or legal person on the initiative and responsibility of which an audiovisual work is being made.

4. “**Audiovisual work**” means a cinematographic work or any other work created by means of cinematography, consisting of a series of related images which impart an impression of motion, whether or not accompanied by sound, and recorded (fixed) in an audiovisual recording medium.

5. “**Owner of copyright**” means an author, another natural or legal person, possessing the author’s exclusive economic rights in the cases provided for in this Law, as well as a natural or legal person to whom the author’s exclusive economic rights have been transferred (successor in title).

6. “**Quotation**” means a relatively short passage cited from another work to demonstrate or to make more intelligible author’s own statements, or to refer to the views or thoughts of another author in authentic wording.

7. “**Database**” means a compilation of 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.

8. “**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.

9. “**Producer of a phonogram**” means a natural or legal person on the initiative and responsibility of which the first fixation of the sounds of a performance or other sounds, or the representation of sounds is made.

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

11. “**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 (or) television broadcast of a broadcasting organisation.

12. “**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 possessing exclusive related rights in the cases provided for in this Law, as well as a natural or legal person to whom the exclusive related rights have been transferred (successor in title).

13. “**Rights-management information**” means any information, submitted by owners of copyright, related rights or *sui generis* rights, which identifies a work, an object of related rights or

sui generis rights, owners of such rights, or information about the terms and conditions of use of a work, an object of related rights or *sui generis* rights, as well as any numbers, graphic marks or codes that represent such information.

14. “**Publication**” means the production of copies of a work, an object of related rights or *sui generis* rights in quantities sufficient to satisfy the reasonable requirements of the public, regardless of the method of production, provided that such work, object of related rights or *sui generis* rights has been made available to the public with the consent of the owner of such rights.

15. “**Cable retransmission**” means the simultaneous, unaltered and unabridged retransmission by a cable or microwave system for reception by the public of an initial transmission, by wire or over the air, including that by satellite, of radio and (or) television programmes intended for reception by the public.

16. “**Cable retransmission operator**” means a natural or legal person which makes use of cable or microwave facilities and integrated reception networks, when signals of television and radio broadcast stations are distributed to more than 40 apartments (households).

17. “**Commercial purposes**” means purposes with which direct or indirect economic or commercial advantage is being sought; this would normally exclude acts carried out by end-consumers acting in good faith.

18. “**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 bring about a certain result; this definition also includes preparatory design material of such instructions, provided that the said set of instructions can be created from it.

19. “**Work**” means any original result of creation activities in the literary, scientific or artistic domain, whatever may be its artistic value, the mode or form of its expression.

20. “**User of a work, an object of related rights or *sui generis* rights**” means a natural or legal person which exploits originals or copies of works, objects of related rights or *sui generis* rights (reproduces, publishes, imports, sells, rents, lends or otherwise distributes them in any manner, uses them for the public performance or public display, broadcasts, retransmits or otherwise communicates to the public). A performer shall not be regarded as a user of a work or an object of related rights which is performed publicly, if the said performer does not organise and (or) finance the use of the work or the object of related rights for public performance.

21. “**Licence**” means a permit of the owner of copyright, related rights or *sui generis* rights (licensor) granting to the user of the work, the object of related rights or *sui generis* rights (licensee)

the right to exploit the original or copies of the work, the object of related rights or *sui generis* rights (licence matter) within the specified territory in the way and under the conditions agreed upon in the licensing 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 persons, and to exploit the license matter himself. An exclusive license means that the licensor, upon granting the right to the licensee to exploit the license matter, loses the right to grant similar licenses to other persons and has no right to exploit the subject matter with regard to the rights transferred to the licensee, himself.

22. **“Disability”** means a health impairment which interferes with person’s ability to independently use objects of copyright and related rights in the form they have been lawfully published or communicated to the public. As used in this Law, disability shall comprise complete and partial visual or hearing impairment, physical handicap restricting the ability to hold a book or any other publication and to manipulate them, perception (learning) disability.

23. **“Orphan work”** means a work or a phonogram with none of the rightholders in that work or phonogram identified or, even if one or more of them is identified, with none located despite a diligent search for the rightholders having been carried out and recorded in accordance with the procedure laid down by this Law.

24. **“Infringing copy”** means a copy of a work, an object of related rights or *sui generis* rights produced or imported into the Republic of Lithuania without the permission of the or owner of the rights or a person duly authorised by them (without concluding an agreement or upon violating the terms and conditions set in it, except for the cases specified by this Law when a work, an object of related rights or *sui generis* rights may be reproduced without permission), as well as a copy of a work, an object of related rights or *sui generis* rights in which rights-management information has been removed or altered without the permission of the owner of the rights.

25. **“Rental”** means making available for use, for a certain period of time and for direct or indirect commercial advantage, of the original or copy of a work, an object of related rights or *sui generis* rights.

26. **“Lending”** means making available for use free of charge, for a certain period of time, in libraries or other establishments accessible to the public, of the original or copy of a work, an object of related rights or *sui generis* rights.

27. **“Owner of *sui generis* rights”** means a maker of a database who, when selecting, arranging, verifying and presenting the contents of the database, has made substantial qualitative and

(or) quantitative (intellectual, financial, organisational) investments, as well as a natural or legal person to whom the *sui generis* rights of the maker of the database has been transferred.

28. **“Work of applied art”** means any hand-made or industrially made work of art, having an utilitarian function.

29. **“Broadcasting”** means the transmission by wireless means, including that 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.

30. **“Broadcasting organisation”** means a legal person the main activity of which is the preparation and transmission of radio and (or) television programmes, as well as a cable retransmission operator preparing and transmitting its own broadcasts and programmes.

31. **“Public performance”** means acting, singing, playing, reciting, reading, dancing or otherwise publicly performing a work, either directly (live performance) or by means of any device or equipment in a certain public place in which a group of the members of the public of an indefinite number are or may be present at the same time.

32. **“Communication to the public”** means the transmission to the public of a work, by wire or wireless means, including the making available to the public of the work in such a way that members of the public may access it from a place and at a time individually chosen by them. Communication to the public of an object of related rights means any transmission to the public of an object of related rights, including the making of the sounds or expression of the sounds recorded in a phonogram audible to the public, except broadcasting.

33. **“Public display”** means any showing of a work, its original or a copy directly (exposition) or on a screen by means of slides, television image or other similar means, as well as the showing of individual still images of an audiovisual work non-sequentially in a place where a group of the members of the public of an indefinite number are or may be present, irrespective of whether they are present in the same place and at the same time or in separate places and at different times.

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 persons permanently residing in the Republic of Lithuania, or legal persons the headquarters whereof is located in the Republic of Lithuania;

- 2) authors regardless of their citizenship or habitual residence, 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 has been published in the Republic of Lithuania within thirty days of its first publication in another country;
- 3) authors of audiovisual works if the headquarters or habitual residence of the producer of the said works is in the Republic of Lithuania;
- 4) authors of works of architecture erected in the Republic of Lithuania, or authors of other artistic works incorporated in a building or other construction works located 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 on the territory of the Republic of Lithuania or are incorporated in phonograms protected by this Law, or are used in programmes or original broadcasts qualifying for protection under this Law;
- 6) broadcasting organisations and cable retransmission operators whose headquarters are located in the Republic of Lithuania, or whose broadcasts and programmes are transmitted by the transmitters located on the territory of the Republic of Lithuania, as well as broadcasting organisations whose programmes 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 *sui generis* rights shall apply to the makers of databases who are citizens of the Republic of Lithuania or natural persons permanently residing in the Republic of Lithuania, or legal persons the headquarters 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 whose rights 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.

CHAPTER II

COPYRIGHT

SECTION 1

SUBJECT MATTER OF COPYRIGHT

Article 4. Subject Matter of Copyright

1. The subject matter of copyright shall include original literary, scientific and artistic works which are the result of creative activities of an author, whatever may be the objective form of their expression.
2. The subject matter of copyright shall comprise the following:
 - 1) books, brochures, articles, diaries, and other literary works, whatever may be the form of their expression, including an electronic form, as well as computer programmes;
 - 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 intended to be performed on the stage, theatrical productions, as well as scenarios and shooting scripts;
 - 5) musical works with or without accompanying words;
 - 6) audiovisual works (motion pictures, television films, television broadcasts, video films, diafilms and other works expressed by cinematographic means), radiophonic works;
 - 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 construction works, as well as completed buildings and other construction works);
 - 10) works of applied art;
 - 11) illustrations, maps, charts, projects of gardens and parks, sketches and three-dimensional works relative to geography, topography and exact sciences;
 - 12) other works.
3. The subject matter of copyright shall also include the following:
 - 1) derivative works created on the basis of other literary, scientific or artistic works (translations, dramatisations, adaptations, annotations, reviews, essays, musical arrangements, static and interactive Internet homepages, and other derivative works);

2) collections of works or compilations of data, databases (in machine readable form or other form), which, by reason of the selection or arrangement of their contents constitute of author's intellectual creations;

3) unofficial translations of legal acts, official documents of administrative, legal or regulative nature, referred to in point 2 of Article 5 of this Law.

4. Copyright in derivative works and compilations 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 compilation 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

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, norms, territorial planning and other official documents), as well as their official translations;

3) official State symbols and insignia (flags, coat-of-arms, anthems, banknote designs, and other State symbols and insignia) the protection of which is regulated by other legal acts;

4) officially registered drafts of legal acts;

5) regular information reports on events;

6) folklore works.

SECTION 2

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 the usual manner shall, in the absence of proof to the contrary, be regarded as 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.

3. When the pseudonym of an author appears on the work, which rises doubt as to the identity of the author, or the name of an author does not appear on a work, the publisher whose name appears on the work shall, in the absence of proof to the contrary, be deemed to represent the author, and in this capacity he shall be entitled to protect and enforce the author's rights until the author of such work reveals his identity and establishes his claim to authorship of the work.

Article 7. Joint Authorship

1. When a work is created by two or more natural persons in joint creative endeavour, they shall be regarded 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 or Fulfilment of Work Functions

1. The author of a work created in the execution of his duties or fulfilment of work functions 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 fulfilment of work functions 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. A computer programme shall be protected under this Law, provided it is original. When establishing originality of a computer programme, criteria for quality or artistic value shall not be applied.
2. The owner of an author's economic rights in a computer programme created by an employee in the execution of his duties or fulfilment of work functions 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, art director, cameraman and composer of music (with or without lyrics), specifically created for use in this 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 Article 15(1) 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, related to the transferred economic rights.

4. Notwithstanding the provisions of paragraph 2 of this Article, co-authors of an audiovisual work shall retain the unwaivable right to receive an equitable remuneration for the rental of the audiovisual work. This remuneration shall be paid by the natural or legal persons to whom a producer of an audiovisual work has transferred or assigned the right to rent audiovisual works or their copies. This right shall normally be implemented through an association of collective administration of copyright.
5. At the request of the author or the association of collective administration of copyright, a producer of an audiovisual work must provide the author or the association of collective administration of copyright with the information necessary for the enforcement of the right referred to in paragraph 4 of this Article.

Article 12. Copyright Notice

The author or any other owner of copyright may notify the public about his economic rights by using the copyright notice. It shall consist 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 3

AUTHORS' RIGHTS

Article 13. Commencement of the Authors' Rights

Authors' rights in literary, scientific and artistic works commence from 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 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 or reputation (the right to the inviolability of a work).

2. The 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 Article 49(2) of this Law.

3. The moral rights of an author of computer programs and databases may not be used in a manner which unreasonably prejudices the rights of a holder of the author's economic rights in these computer programs and databases, including the right to carry out adaptation, alteration and distribution of these works at his discretion, with the exception of the cases when such actions would be prejudicial to the author's honor or reputation.

Article 15. Economic Rights of Authors

1. The author shall have the exclusive rights to authorise or to prohibit 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, as well as by exporting and importing;
- 6) public display of the original or copies of a work;
- 7) public performance of a work in any form or by any means;
- 8) broadcasting, retransmission of a work, as well as communication to the public of a work in any other way, including the making available to the public of a work via computer networks (on the Internet).

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).

3. The author shall have the right to receive a remuneration for each mode of the exploitation of the work related to author's economic rights specified in paragraph 1 of this Article. In the case of public performance of a work, the author shall be entitled to a 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 broadcasting or retransmission. In the case of

broadcasting, retransmission or another communication to the public of the work, including the making available to the public of the work via computer networks (on the Internet), the author shall be entitled to receive a remuneration for both the broadcasting, retransmission or another communication to the public 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 right in respect of a phonogram of his work to a producer of the phonogram, shall retain an unwaivable right to obtain an equitable remuneration for the rental of such work. This remuneration shall be paid by natural or legal persons to whom who the right to rent phonograms or their copies has been transferred or granted by a producer of the phonogram. This right shall normally be enforced through an association of collective administration of copyright.
5. At the request of the author or the association of collective administration of copyright, producers of phonograms must provide the author or the association of collective administration of copyright with the information necessary for the enforcement of the right referred to in paragraph 4 of this Article.
6. The provisions of point 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.).
7. The exclusive right of rental and lending of the original or a copy of a work shall not apply in relation to buildings and to works of applied art.

Article 16. Distribution of a Work after the First Sale or other Transfer of Ownership Rights in the Work

1. After the author or his successor in title sells an original work or its copies, or otherwise transfers it/them into the ownership within territory of the countries of the European Economic Area, the exclusive right of distribution of the work or its copies, which are lawfully in circulation, shall expire (be exhausted) for him within the territory of the countries of the European Economic Area.

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, which is/are sold or transferred into ownership in any other manner.
3. When the lending of books and fine art publications (arts and photography books) is carried out through libraries, their authors or their successors in title shall be entitled to receive remuneration for the transferred exclusive right to lend a work. The amount of remuneration and the procedure of payment thereof shall be established by the Government, taking into account the proposals of the Council 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 research institutions.

Article 17. The Resale Right with Respect to an Original Work of Art or an Original Manuscript

1. The author shall enjoy a right, which cannot be waived, to receive a royalty for any resale of an original work of art and an original manuscript of a literary or musical work (the resale right), subsequent to the first transfer of the right of ownership in them by the author.
2. As used in this Article, an original work of art means works of visual art, applied art and photographic works, provided they are made by the artist himself. Copies of works of art, which have been made, numbered and signed or otherwise duly authorised by the artist himself or under his authority, shall be considered to be original works of art.
3. The resale right referred to in paragraph 1 of this Article shall apply to all acts of resale involving as sellers, buyers or intermediaries salesrooms, art galleries, museums, antique shops, organisers of auctions of works of art, other persons selling works of art, intermediating in selling or assessing them. The intermediary shall share liability with the seller for payment of the royalty.
4. A royalty shall be paid when the resale price, net of tax, of an original work of art or an original manuscript of a literary or musical work shall be the sum corresponding to not less than EUR 300. A royalty shall be calculated by applying the following rates, provided that the sum of a royalty for one resold original work of art or an original manuscript of a literary or musical work does not exceed the sum corresponding to EUR 12500:
 - 1) 5 % for the portion of the sale price up to EUR 3000;
 - 2) 4 % for the portion of the sale price from EUR 3000,01 to EUR 50000;
 - 3) 3 % for the portion of the sale price from EUR 50000,01 to EUR 200000;
 - 4) 1 % for the portion of the sale price from EUR 200000,01 to EUR 350000;

5) 0,5 % for the portion of the sale price from EUR 350000,01 to EUR 500000;

6) 0,25 % for the portion of the sale price exceeding EUR 500000.

5. Authors or their successors in title may transfer their resale right for implementation to an association of collective administration of copyright. Buyers, sellers or intermediaries must furnish to authors or an association of collective administration of copyright, representing them, the information necessary in order to implement the resale right. Such information may be requested for a period of three years after the resale.

6. The provisions of Article 34(1), Article 35(1) and (2) and Article 37(1) of this Law shall apply *mutatis mutandis* to the term of protection of the resale right.

7. Authors who are nationals of third countries or their successors in title shall enjoy the resale right, specified in paragraph 1 of this Article, in the Republic of Lithuania only if legislation in the country of which the author or his successor in title is a national permits resale right protection in that country for authors and their successors in title from the Republic of Lithuania and other Member States of the European Union.

Article 18. Right of Making Available of Work of Fine Art and Work of Architecture

1. The owner of an original work of fine art must permit the author of the work to reproduce or display the work at his exhibition, if the author's right to reproduce the work or to publicly display it have not been transferred to the owner of the original work, provided that the owner's legitimate interests are not thereby prejudiced and the safety of the work is ensured.
2. The owner of an original work of fine art may not destroy the work before offering it back to the author. Where the return of the original work 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 a work of architecture must permit the author of the work, without additional remuneration, to participate in the realisation of the construction plan of a building or other construction works (monitoring the drafting of the construction documentation and the execution of construction work of a building or other construction works 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 construction works) may, without the author's permission, make changes in the building or any other construction works, provided that this is done for technical reasons or for the purpose of any practical use of the building or other construction works, unless otherwise provided for in the agreement.
5. The author of the work of architecture shall have the right to take photographs of the building or construction works before its demolition and to get a copy of the design thereof.

SECTION 4

LIMITATIONS ON ECONOMIC RIGHTS

Article 19. Conditions of Limitation on Economic Rights

1. 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 author or other owner of copyright.

2. In the cases laid down by this Law, where limitations on economic rights may be applied only for non-commercial purposes, when determining whether or not a work, an object of related rights or *sui generis* rights has been used for non-commercial purposes account must be taken of the purpose of the use. The legal form, organisational structure and method of financing of the user of a work, an object of related rights or *sui generis* rights shall not be decisive factors in this case.

Article 20. Reproduction of Works for Private Use

1. It shall be permitted for a natural person, without the authorisation of the author of the work or any other owner of copyright in the work, to reproduce, exclusively for his individual use and not for commercial advantage, in a single copy a work lawfully published or communicated to the public.

2. Reproduction of works for personal use by means of reprography (on paper or any similar medium, effected by the use of any kind of photographic technique or by some other process having similar effects) shall be regulated by the provisions set out in Article 20¹ of this Law.

3. 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 construction works;
- 2) computer programmes (with the exception of the cases provided for in Articles 30 and 31 of this Law);

3) electronic databases (with the exception of the cases provided for in Article 32 of this Law).

4. The owners of copyright and related rights shall be entitled to receive compensatory remuneration for reproduction of audiovisual works or works fixed in phonograms referred to in paragraph 1 of this Article for personal use (hereinafter in this Article: 'the compensatory remuneration').

5. The compensatory remuneration must be paid for the devices and analogous and digital blank audio and audiovisual media listed in Annex 1 to this Law, released for circulation and sold in the Republic of Lithuania for the first time, produced in the Republic of Lithuania or imported into the territory of the Republic of Lithuania and intended for reproduction for private use (hereinafter in this Article: 'devices' and 'blank media') The compensatory remuneration must be paid by the persons selling such devices and blank media (hereinafter in this Article: 'compensatory remuneration payers') in the Republic of Lithuania.

6. A list of blank media and devices subject to the compensatory remuneration and the compensatory remuneration rates laid down out in Annex I to this Law shall be reviewed at least once in two years. Other terms and conditions and procedure for paying the compensatory remuneration shall be established by the Government taking into consideration the application or non-application of technological protection measures determined in Article 74(1) and (2) of this Law, after agreement with associations representing the compensatory remuneration payers and associations of collective administration of copyright and related rights.

7. The paid compensatory remuneration shall be refunded in accordance with the procedure laid down by the Government in the following cases:

1) where blank media and devices are acquired for professional needs. For the purposes of the present Article, professional needs shall be deemed to be the needs of broadcasting organisations and persons circulating audiovisual works and works fixed in phonograms or objects of related rights for producers of audiovisual works and phonograms, where such needs are related to the fixation of works or objects of related rights and the needs of the persons who acquire blank media and devices for the purposes evidently other than reproduction of works for private use (e.g. where works are reproduced in public administration and defence agencies and organisations, hospitals, educational institutions, libraries and state archives, museums, research institutions and organisations and where reproduction of works is meant exclusively for the operational needs of the said institutions and organisations);

2) where blank media and devices are acquired for the needs of persons with a disability;

3) where blank media and devices are brought out of the territory of the Republic of Lithuania.

8. The compensatory remuneration for the owners of rights referred to in paragraph 4 of this Article shall be collected, allocated and paid by the collective administration associations approved by the institution authorised by the Government in accordance with the procedure laid down by the Government.

9. 25 per cent of the compensatory remuneration collected in accordance with the procedure established by the Government shall be allocated for creative programmes and programmes for the protection of copyright and related rights.

10. After deducting from the collected compensatory remuneration the amount referred to in paragraph 9 of this Article and the costs incurred by collective administration associations as a result of collection, distribution and refunding of the compensatory remuneration, the remaining amount shall be allocated as follows:

1) 1/3 of the compensatory remuneration collected for blank audio recording media and devices shall be allocated to authors, 1/3 – to performers and 1/3 – to producers of phonograms (including broadcasting organisations for phonograms produced by them);

2) 1/3 of the compensatory remuneration collected for blank audiovisual media and devices shall be allocated for authors, 1/3 – for performers and 1/3 – for producers of audiovisual works (including broadcasting organisations, for the audiovisual works produced by them).

11. In the accounting documents drawn up for sale of the media and devices referred to in paragraph 5 of this Article, the amount of the compensatory remuneration shall be calculated, singled out and indicated in a separate line and the notes of the issued invoices shall indicate that the person who has acquired the media or devices is entitled to refunding of the compensatory remuneration in the cases set out in paragraph 7 of this Article.

Article 20¹. Reprographic Reproduction of Works for Private Use

1. It shall be permitted, without the authorisation of the author of a work or any other owner of copyright in this work, to reproduce by means of reprography, for private use but not for purposes of commercial advantage, a lawfully published article or any other short work, or a short extract of a writing with or without illustrations (effected by the use of any kind of photocopying technique or by some other process having similar effects, where a work is reproduced on paper or any similar medium).

2. The provisions of paragraph 1 of this Article shall not apply to the reproduction by means of reprography of the whole text of a book or a major part thereof, or sheet music.

3. The owners of copyright and publishers shall be entitled to the compensatory remuneration for the reproduction of works by means of reprography as provided for in paragraph 1 of this Article (hereinafter: 'compensatory remuneration').

4. The compensatory remuneration must be paid for services of reprographic reproduction provided to natural persons as well as for reprographic devices which are specified in Annex II to this Law, released for circulation in the Republic of Lithuania and sold there for the first time, produced in the Republic of Lithuania or brought into its territory (hereinafter in this Article: 'reprographic devices'). The compensatory remuneration must be paid by the persons who provide services of reprographic reproduction as well as the persons selling reprographic devices (hereinafter in this Article: 'payers of the compensatory remuneration') in the Republic of Lithuania.

5. A list of reprographic devices subject to the compensatory remuneration and the compensatory remuneration rates laid down out in Annex II to this Law shall be reviewed at least once in two years. Other terms and conditions and procedure for paying the compensatory remuneration shall be established by the Government taking into consideration the application or non-application of technological protection measures determined in Article 74(1) and (2) of this Law, after consultation with associations representing the compensatory remuneration payers and associations of collective administration of copyright.

6. The compensatory remuneration paid for reprographic devices shall be refunded in accordance with the procedure laid down by the Government in the following cases:

1) where reprographic devices are purchased for professional needs. Under this Article professional needs shall be the needs of persons providing reprographic services as well as the needs of persons who acquire reprographic devices for the purposes evidently other than reproduction of works for private use (e.g. where works are reproduced in public administration and defence agencies and organisations, hospitals, educational institutions, libraries and state archives, museums, research institutions and organisations and where reproduction of works is meant exclusively for the operational needs of the said institutions and organisations);

2) when reprographic devices are acquired for the needs of persons with a disability;

3) where reprographic devices are brought out of the territory of the Republic of Lithuania.

7. Collective administration associations approved by an institution authorised by the Government shall collect, distribute and pay according the procedure laid down by the Government the compensatory remuneration to the entities specified in paragraph 3 of this Article.

8. 25 per cent of the compensatory remuneration collected according to the procedure established by the Government shall be allocated for creative programmes and programmes for the protection of copyright and related rights.

9. After deducting from the collected compensatory remuneration the amount referred to in paragraph 8 of this Article and the costs incurred by collective administration associations as a result of collection, distribution and refunding of the compensatory remuneration, the remaining amount shall be allocated as follows:

- 1) 60 per cent shall be allocated to authors in the following manner: 20 per cent to authors of works of scientific and subject-related literature, 15 per cent – to authors of works of fiction and essays, 15 per cent – to authors of artistic works and 10 per cent – to authors of works of journalism (journalists);
- 2) 20 per cent shall be allocated to publishers of books;
- 3) 20 per cent shall be allocated to publishers of periodical publications.

10. In the accounting documents drawn up for provision of a service or sale of the devices referred to in paragraph 4 of this Article, the amount of the compensatory remuneration shall be calculated, singled out and indicated in a separate line and the notes of the issued invoices shall indicate that the person who has received the services or acquired the devices is entitled to refunding of the compensatory remuneration in the cases set out in paragraph 6 of this Article.

Article 21. Quotation

It shall be permitted, without the authorisation of the author or any other owner of copyright and without a remuneration, as long as the source, including the author's name, is indicated, unless this turns out to be impossible, to reproduce, publish and communicate to the public (including making it available to the public via computer networks) a relatively short passage of a literary and scientific work which has been lawfully published or made available to the public, both in the original and translated language, in the form of a quotation (for purposes such as criticism or review) in another work, provided that such use is in accordance with fair practice and to the extent required by the specific purpose.

Article 22. Reproduction of a Work for the Purpose of Illustration of Teaching or Scientific Research

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 a remuneration, but indicating, where possible, the source, including the author's name:

- 1) reproduction, communication to the public and public display, for the non-commercial purpose of illustration for teaching or scientific research, of short works lawfully published or communicated to the public or short extracts of a work lawfully published or communicated to the public, either in the original language or translated into another language, provided that this is related to study programmes and does not exceed the extent justified by the purpose to be achieved;
- 2) reproduction, communication to the public and public display, by way of illustration, for non-commercial purposes of works created to evaluate students' learning achievements, provided that this is related to study programmes and teacher professional development programmes and is done to the extent justified by the purpose of teaching or teacher professional development;
- 3) use of works held by libraries, by libraries of educational and research institutions, museums or archives, communicating them to the public, for the non-commercial purpose of research or private study, via computer networks at the terminals designated for that purpose in those establishments, if the work is not publicly traded and the copyright owners do not prohibit the use of such works. For the purpose of such limitation, the establishment referred to in this point may reproduce the acquired copies of the works, but only in order to make communication of a work to the public technically possible via computer networks. At the same time, it shall not be permitted to make accessible via computer networks more copies of a work than held by these institutions. The establishments specified in this point must ensure the use of effective technical protection measures so copies of works would not be reproduced and the content information of works would not be transferred or transmitted outside the terminals of the establishments to external networks;
- 4) public performance and public display for non-commercial purposes of a work at concerts, exhibitions of formal and non-formal education institutions and pre-school education institutions (nurseries, nursery-kindergartens, kindergartens; also nurseries, nursery-kindergartens and kindergartens for pre-school education of children with special needs), where such concerts and exhibitions constitute a part of education process carried out by these institutions.

Article 23. Use of Works to Preserve Fonds and Collections of Libraries, Educational Institutions, Museums or Archives

Without the authorisation of the author or any other owner of copyright in a work and also without remuneration, however, indicating, where possible, the source, including the author's name,

it shall be permitted to reproduce for non-commercial purposes works held by libraries, educational institutions, museums or archives, with the exception of works communicated to the public via computer networks (on the Internet), so that a lost, destroyed or rendered-unusable copy of the work of the fonds and collections of the establishments specified in this Article would be preserved or reproduced or when it is necessary to restore a lost, destroyed or rendered-unusable copy from the permanent collection of any other similar library, educational institution, museum or archives, if it is impossible to obtain such a copy by other acceptable means. Repeated acts of such reproduction shall be permitted if they are done on unrelated occasions.

Article 24. Use of a Work for Information Purposes

1. The following acts shall be permitted without the authorisation of the author of or any other owner of copyright in a work and also without remuneration, however, indicating, where possible, the source, including the author's name:
 - 1) reproduction by the press, communication to the public (including making available via computer networks) of published or communicated to the public articles on current economic, political or religious topics or of broadcast works of the same character, in cases where such use is not expressly reserved by the authors of or other owners of copyright in such works, and as long as the source, including the author's name, is indicated in the published or communicated to the public copies of the works, or in another way;
 - 2) reproduction and communication to the public of literary and artistic works the place of performance or display of which renders information on public events or current events in the press, radio or television, provided that such use is justified by the informatory purpose and constitutes additional information material;
 - 3) reproduction for the purpose of informing the public in newspapers or periodicals, or communication to the public in any other mode of political speeches, extracts of public lectures or similar works, as well as speeches delivered during court proceedings, to the extent justified by the informatory purpose to be achieved;
 - 4) reproduction, publication or communication to the public of works for the purpose of advertising the public exhibition or sale of artistic works, to the extent necessary to promote the event, excluding any other commercial use;
 - 5) reproduction and communication to the public of a work in connection with the demonstration or repair of devices.

Article 25. Use of Works in Manners Intended for Persons with a Disability

1. It shall be permitted for natural and legal persons approved by the institution authorised by the Government representing the interests of persons with a disability, when they act for non-commercial purposes, without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of a remuneration, but indicating, where possible, the source, including the author's name, to use a work lawfully published or communicated to the public in the manners laid down in paragraphs 2 and 3 of this Article, provided that only persons with a disability shall have the possibility to use and access this work, to the extent required by the specific disability, with the exception of the works specially created for this purpose.
2. For the purposes of the limitation specified in paragraph 1 of this Article, it shall be permitted to reproduce, publish, adapt and communicate to the public, including the making available to the public of a work via computer networks (on the Internet), an audio version (also in electronic form) and a Braille version of the work.
3. It shall be permitted for the needs of persons with intellectual and reading impairments to reproduce, publish, adapt and communicate to the public, including the making available to the public of a work via computer networks (on the Internet) the works specially adapted for these persons. The adaptation of works for persons with intellectual and reading impairments shall mean a transformation of works by simplifying lexis, grammar and (or) morphology, or by shortening the text, i.e. in such a manner as to make the works perceivable by persons with such impairments.

Article 26. Use of a Work during Religious Celebrations

It shall be permitted, without the authorisation of an author or any other owner of copyright and without a remuneration, to reproduce, communicate to the public and perform in public for non-commercial purposes a work during religious celebrations, as long as the source, including the author's name, is indicated, unless this turns out to be impossible.

Article 27. Use of a Work for the purposes of Public Security

It shall be permitted, without the authorisation of an author or any other owner of copyright, and without a remuneration, to reproduce and communicate to the public a work for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings.

Article 28. Limitations to Copyright in Works of Architecture and Sculptures

1. It shall be permitted to carry out the following acts without the authorisation of an author or any other owner of copyright and without a remuneration, as long as the source, including the author's name, is indicated, unless this turns out to be impossible:

1) to reproduce and make available to the public works of architecture and sculptures, made to be located permanently in public places, except for the cases where they are displayed in exhibitions and museums;

2) to use a project, design, sketch or model of a building or any other construction works for the purpose of reconstructing this building or construction works.

2. The provisions of point 1 of paragraph 1 of this Article shall not be applied when a work of architecture or a sculpture is the main subject of representation in the reproduction, and when this is done for direct or indirect commercial advantage.

3. The provisions of point 1 of paragraph 1 of this Article shall not grant the right to reproduce works of architecture in the form of buildings or other construction works, and to make copies of sculptures.

Article 29. Temporary Reproduction of a Work

It shall be permitted, without the authorisation of an author or any other owner of copyright and without a remuneration:

1) to carry out temporary acts of reproduction which are transient or incidental and an integral and essential part of a technological process and whose sole purpose is to enable an efficient transmission in a network between third persons by an intermediary, or a lawful use of a work to be made (when it is permitted by the owner of copyright or is not restricted by this Law), and which have no independent economic significance;

2) to make ephemeral recordings of works made by broadcasting organisations or a person acting on behalf of and under the responsibility of the broadcasting organisation by means of their own facilities and for their own broadcasts.

2. Recordings specified in point 2 of paragraph 1 of this Article may be preserved for a period not exceeding 30 days and must be erased after their use for broadcasting. The preservation of these recordings in state archives may, on the grounds of their exceptional documentary character, be permitted.

Article 30. Making of a Back-up Copies and Reproduction for Adaptation of Computer Programmes

1. A person who has a right to use a computer programme, shall, without the authorisation of the author or other owner of copyright, have the right to make back-up copies of the computer programme or to adapt the computer programme, provided that such copies or adaptation of the programme are necessary:
 - 1) for the use of the computer program in accordance with its intended purpose, including for error correction;
 - 2) for the use of a back-up copy of the lawfully acquired computer programme, in the event the computer programme is lost, destroyed or becomes unfit for use.
2. The person having a right to use a copy of a computer programme shall be entitled, without the authorisation of the author or any other owner of copyright in the programme, to observe, study or test the functioning of the programme in order to determine the ideas and principles which underlie any element of the program if he does so while performing the acts he is entitled to do (loads, displays, transmits or stores the data of the programme).
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 set out 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 31. 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 programs, 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 program, 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 point 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.

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;

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

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 set out in paragraph 1 of this Article shall be null and void.

Article 32. Use of Databases

1. A lawful 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 set out in Article 15(1) of this Law, provided that such acts are necessary for the purposes of access to, and an appropriate use of the contents of the database by the legitimate user of the database.

2. Where a lawful 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 set out 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 purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved, as well as for the purposes of public security or security of the State or administrative or judicial proceedings.

Article 33. Display of a Work of Fine Arts

It shall be permitted, without the authorisation of an author or any other owner of copyright and without a remuneration, as long as the author's name is indicated, unless this turns out to be impossible, to display for non-commercial purposes in public an original work of fine arts or a copy thereof, if the work has been sold or its ownership has been otherwise transferred to another natural or legal person and where the author or his successor in title knows or has reasonable grounds to know that such a public display (exhibition) of the works constitutes part of the regular activities of the natural or legal person who has acquired the work.

SECTION 5

TERMS OF PROTECTION OF COPYRIGHT

Article 34. 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 35. 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. In the case of anonymous and pseudonymous works, the term of protection of the authors' economic rights shall run for 70 years after the work is lawfully made available 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 term of protection of the author's economic rights shall run for the life of the author and for 70 years after his death.
3. In the case of collective works, the term of protection of the authors' economic rights shall run for 70 years after the work is lawfully made available to the public. 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 term of protection 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, art director, director of photography 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.
5. The economic rights of the authors of a musical composition with words shall run for the life of the authors (the composer of the musical composition and the author of the lyrics) and for 70 years after the death of the last of the authors to survive, whether or not those persons are designated as co-authors, provided that both contributions (music and words) were specifically created for the respective musical composition with words.

Article 36. Economic Rights of Authors in a Work Published after the Expiry of Copyright Protection

1. A natural or legal person who, after the expiry of copyright protection, for the first time lawfully publishes or lawfully communicates to the public a previously unpublished work, shall benefit from a protection equivalent to the exclusive economic rights in the work, laid down in Article 15(1) 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 37. Calculation of Copyright Protection

1. The terms laid down in Articles 34-36 shall be calculated from the first day of January of the year following the event which gives rise to them.
2. Where a work is published in separate units (volumes, parts, issues, or episodes), the term of protection shall be calculated for each separate item from the date of its lawful publication.

SECTION 6

**TRANSFER OF AUTHORS' ECONOMIC RIGHTS AND GRANTING OF LICENCES.
COPYRIGHT AGREEMENTS**

Article 38. 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. Transfer of author's economic rights may be full or partial, subject or not subject to payment.
3. It shall not be permitted to transfer the right in all future works of an author or author's works, which are not clearly identified. Transfer of the author's economic rights may not be applied to the modes of use of a work, which at the moment of the transfer of the author's economic rights do not exist or are unknown.
4. The authors' moral rights shall not be subject to transfer to other persons. They exist independently of the author's economic rights and are retained by the author even after the transfer of the economic rights to other persons.

Article 39. Copyright Agreements

1. Under a copyright agreement one party (an author or a holder of his rights) shall transfer or grant the other party (a successor in title or licensee) the authors' economic rights in a literary, scientific or artistic work or undertakes to create in future a work stipulated in the agreement and to transfer or grant the other party the authors' economic rights in the said work, and the other party shall undertake to use the work or to commence using it on the terms and conditions stipulated in the agreement and to pay a set remuneration, unless otherwise provided for in the agreement.
2. An author may transfer the economic rights laid down in Article 15(1) of this Law to other persons under a copyright agreement on the transfer of rights, or grant them under a copyright licensing agreement (exclusive or nonexclusive licence). A licence shall be deemed to be exclusive only if the licensing agreement contains the words to that effect. A person to whom the author's economic rights are transferred shall be regarded as a successor in title of the author's economic rights.
3. Agreements pertaining to the provision of editing, teaching, consulting, organisational and technical services or other services shall not be regarded as copyright agreements. Agreements the subject matter of which is not the transfer or granting of author's economic rights in a work shall not be regarded as copyright agreements.

Article 40. Terms and Conditions of Copyright Agreements

1. A copyright agreement must 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), except the licences issued by associations of collective administration of rights;
 - 2) description of a work (type, title of a work, principal requirements for a work);
 - 3) the authors' economic rights which are being transferred or granted (modes of the exploitation of a work), a type of the licence (an exclusive or nonexclusive licence);
 - 4) the territory in which the transfer of the rights or the licence granting the right to exploit a work is valid;
 - 5) the term of validity of the transfer of the rights or the licence;
 - 6) the amount of remuneration, the procedure and terms of payment;
 - 7) dispute settlement procedure and liability of the parties;
 - 8) other conditions of the agreement.
2. It shall be presumed that under a copyright agreement only as many rights are transferred as are necessary for the accomplishment of the purposes of a concrete agreement. If a copyright

agreement does not specify the time limits of transfer or granting of the economic rights, a party to the agreement may terminate the agreement by informing in writing the other party of the termination thereof one year in advance. If a copyright agreement does not indicate the territory covered, it shall be considered that the economic rights are transferred or granted within the territory of the Republic of Lithuania.

3. If all author's economic rights are transferred under a copyright agreement, it shall be considered that such rights are transferred only for the modes of use of a work stipulated in the agreement. If the modes of use of a work are not stipulated in a copyright agreement, it shall be considered that the copyright agreement is concluded only for those modes of use of the work necessary for the parties to achieve the purpose for which the agreement has been concluded.

Article 41. 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 42. 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, fixed in material media, 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, if after having familiarised himself with the terms and

conditions of the package licence, a user is provided with a possibility to waive the agreement and to return the acquired computer programmes or electronic databases within the reasonable period of time. They shall be presented in compliance with the requirements set out in the Law on Consumer Protection and the Law on the State Language. When computer programmes and electronic databases are transmitted via computer networks, the right to use a computer programme or a database may be granted to the user by a licensing agreement which is presented in the electronic form and which must be confirmed by the user prior to the exploitation of the computer programme or the electronic database.

3. The grounds for the invalidity of copyright agreements shall be determined by the norms regarding the invalidity of transactions provided for by the Civil Code.

Article 43. Publishing Agreement

1. Under the publishing agreement the author or any other owner of copyright shall, for a remuneration set in the agreement, transfer or grant the publisher the right to reproduce by means of printing or other mode a literary, scientific or artistic work by producing an amount of copies sufficient to satisfy the reasonable requirements of the public, as well as the right to distribute them.

2. The manuscript of a work, its copy or another medium from which the work is reproduced shall belong to the author by the right of ownership, unless otherwise provided for in the agreement.

3. Provisions regulating legal relations of publishing shall not apply to periodicals and other collective works.

4. Provisions regulating legal relations of publishing shall also apply in cases of commissioning a literary, scientific or artistic work.

Article 44. Form and Terms and Conditions of a Publishing Agreement

1. A publishing agreement shall be concluded in writing.

2. A publishing agreement must, apart from the terms and conditions laid down in Articles 40 and 41 of this Law, lay down the procedure and (or) mode of the presentation of a work, procedure and time limits of approving of the work, author's rights and responsibilities when preparing the work for publishing (altering, revision, proof-reading, etc. of the work), the biggest and (or) smallest amount of copies of the work which is being published, procedure for distribution thereof, the number of copies (author's copies – not more than ten copies of a work which is being published) of the published work to be transferred to the author, and other terms and conditions.

Article 45. Publishing of A Work as a Book

1. When a work is published as a book, the following must, apart from the conditions set out in Articles 40 and 44 of this Law, be indicated in a publishing agreement:

- 1) a language or languages in which a work must be published;
- 2) a style of finish of a publication (format, cover, illustration and other).

2. If the publishing agreement does not specify a language or languages in which a work must be published, a publisher shall have the right to publish the work only in the language of the original.

3. If the publisher does not publish a work in all the languages stipulated in the publishing agreement within five years from the transfer of the work, the author may terminate the agreement on the publication of the work in the remaining languages.

4. Paragraph 3 of this Article shall apply to translations of works of foreign authors into the Lithuanian and other languages.

Article 46. Publisher's Duties under the Publishing Agreement

1. Under the publishing agreement, the publisher must:

1) publish a work in an agreed mode and form within the time limits set in the agreement, without any alterations lacking author's consent, and indicate on each copy of the published work the author's name or pseudonym indicated by the author, or any other information identifying the author;

2) submit a work prepared for publication to the author to familiarise himself with, unless otherwise provided for in the agreement;

3) commence distribution of the published work at the set time and on the set conditions;

4) ensure that commercial distribution of the work would correspond to the usual practice in the publishing field;

5) calculate and pay remuneration in accordance with the set terms and procedure;

6) return to the author an original (manuscript) of the work, its copy or any other medium from which the work has been reproduced, unless otherwise provided for in the agreement;

7) at the author's request, furnish necessary written information together with necessary documents, or their copies, indicating the number of copies of the published work, income received from the sold copies of the published work, and the calculated remuneration.

2. A second and subsequent editions or reprints of a work are allowed only in the case, when this is agreed in the publishing agreement and the royalty for an author makes up not less than 5 per

cent of the publisher's revenues from a relevant edition or reprints. The publisher must inform the author in advance about a planned new edition or reprints of the work, so that the author would, within a reasonable period of time, be able to make necessary alterations to the work. Such alterations must not change the character of the work and increase unreasonably the expenses related to the publication of the work.

3. If a work was not published within the time limits stipulated in the agreement, the author may terminate the agreement even in the cases when this happened through no fault of the publisher. In this case the remuneration paid to the author under the agreement shall be left to the author. The author, who incurred losses which the remuneration fails to cover, may claim damages.

Article 47. Author's Duties under the Publishing Agreement

Under the publishing agreement an author:

- 1) must submit to a publisher for reproduction a work in an appropriate form within the time limits stipulated in the agreement;
- 2) must submit an original work created by him, which corresponds to the conditions set out in the agreement and which does not violate the rights of other persons;
- 3) must not, without a written consent of the publisher, transfer or grant the third persons the right to a work or part thereof, stipulated in the agreement, i.e. must not permit the use of the work in the same manner within the period of time set in the agreement, and if such period of time is not set in the agreement – within three years from the date of the publication of the work.

Article 48. 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 for each mode of use of the work, 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.

3. If the amount of remuneration is calculated as a certain percent of the revenue obtained for each mode of use of the work, the author or any other owner of copyright shall have the right to get

information on the extent of use of the work, agreements concluded by the user and his revenues obtained from the use of the work.

Article 49. 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 author's economic rights, as provided for in this Law, the protection of author's moral rights shall be executed by an institution authorised by the Government.

Article 50. 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 51. Conditions for the Enforcement 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.

3. Article 6(2) of this Law shall apply *mutatis mutandis* to owners of the related rights.

Article 52. 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 direct (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 protected in conformity with the provisions of Article 49(2) of this Law.

Article 53. Economic Rights of Performers

1. A performer shall enjoy the exclusive right of authorising or prohibiting:

1) the broadcasting, retransmission or other communication to the public of his unfixed performance, except where the performance is itself already a television or radio broadcast;

2) the fixation of his unfixed performance;

3) reproduction of a fixation of his performance;

4) making available to the public of a fixation 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 transfer of ownership or possession, as well as by importing or exporting them.

2. The right referred to in point 4 of paragraph 1 of this Article of authorising the making available to the public of a fixation of the performance shall include its transmission by wire or wireless means, in such a way that members of the public may access it from a place and at a time individually chosen by them (e.g. via computer networks (the Internet) on demand or in other ways).

3. The exclusive right of distribution of a fixation of a performance or its copies, referred to in point 5 of paragraph 1 of this Article, except for the rental and lending right concerning a fixation of a performance or its copies, shall be exhausted within the territory of the countries of the European Economic Area in respect of a fixation of the performance or its copies which have been sold or otherwise transferred into the ownership within the territory of the countries of the European

Economic Area by the performer or his successor in title, or with his consent, and which have been lawfully released for circulation within the territory of the countries of the European Economic Area.

4. When concluding an agreement concerning a audiovisual fixation of his performance with a producer of the audiovisual work, the performer shall transfer the rights stipulated in points 1, 3, 4, and 5 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 (a mode of use of an audiovisual fixation of the performance). After the transfer of the right of rental 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 an equitable remuneration for the rental of the audiovisual fixation of the performance or copies thereof.

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

6. Normally the rights to a remuneration referred to in paragraphs 4 and 5 of this Article shall be enforced through the association of collective administration of related rights. This remuneration shall be paid by natural or legal persons to whom a producer of a phonogram or audiovisual work transferred or granted the right to rent these phonograms, audiovisual fixations or their copies.

7. At the request of a performer or an association of collective administration of related rights, a producer of an audiovisual work must furnish to the performer or the association of collective administration of related rights the information necessary for the enforcement of the rights provided for in paragraph 4 of this Article.

Article 54. Rights of Producers of Phonograms

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

- 1) reproduction of a phonogram;
- 2) publication of a phonogram;
- 3) making available to the public of a phonogram or its copies;

4) distribution of a phonogram or its copies thereof to the public by sale, rental or lending, or any other form of transfer of ownership or possession, as well as by importing or exporting.

2. The right referred to in point 3 of paragraph 1 of this Article of authorising the making available to the public of a phonogram or its copies shall include its transmission by wire or wireless

means, in such a way that members of the public may access it from a place and at a time individually chosen by them (e.g. via computer networks (the Internet) on demand or in other ways).

3. The exclusive right of distribution of a phonogram or its copies, referred to in point 4 of paragraph 1 of this Article, except for the rental and lending right concerning a phonogram or its copies, shall be exhausted within the territory of the countries of the European Economic Area in respect of the phonogram or its copies which have been sold or otherwise transferred into the ownership within the territory of the countries of the European Economic Area by the producer of the phonogram or his successor in title, or with his consent, and which have been lawfully released for circulation within the territory of the countries of the European Economic Area.

Article 55. Right to Remuneration for Broadcasting or Communication to the Public

1. Performers and producers of phonograms shall enjoy the right to an equitable remuneration for the direct or indirect use of phonograms published (regardless of the place of their publication) for commercial purposes for broadcasting, retransmission or for any communication to the public. The remuneration must be paid by natural or legal persons who use the phonograms or copies thereof. The amount of remuneration and the conditions of the payment thereof shall be determined in an agreement concluded between users of phonograms and associations of collective administration of related rights. The amount of remuneration shall be fixed in per cents of user's receipts or a concrete sum of money. This remuneration shall be distributed in equal shares between the performers and producers of phonograms, unless otherwise provided for by the mutual agreement.
2. If producers of phonograms and associations of collective administration of related rights do not agree on the amount of remuneration and terms of payment thereof, each of the parties may appeal to the Council of Copyright and Related Rights of Lithuania or any other mediator requesting to mediate in negotiations. If the parties do not accept the proposal submitted in such negotiations, the amount and terms of payment shall be set by the court.
3. The remuneration referred to in paragraph 1 of this Article shall be collected and distributed to performers and producers of phonograms by the association of collective administration of related rights which administers the rights of such character on the Territory of the Republic of Lithuania, taking into account the provisions of Chapter V of this Law.
4. 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 56. Rights of Broadcasting Organisations

1. Broadcasting organisations shall have the exclusive rights to authorise or to prohibit any of the following acts:
 - 1) retransmission of their broadcasts;
 - 2) cable retransmission of their broadcasts;
 - 3) fixation of their broadcasts;
 - 4) reproduction of fixations of their broadcasts;
 - 5) communication to the public of their broadcasts, if such communication is made in places accessible to the public against payment of an entrance fee;
 - 6) making available to the public of fixations of their broadcasts or their copies, including transmission via computer networks (the Internet);
 - 7) distribution of fixations of their broadcasts or copies thereof by sale or by other transfer of ownership or possession, as well as by importing or exporting.
2. Cable retransmission operators, which merely retransmit the broadcasts of broadcasting organisations, shall not have the rights provided for in paragraph 1 of this Article in respect of the broadcasts retransmitted.
3. The exclusive right of distribution of fixations of broadcasts or its copies, referred to in point 7 of paragraph 1 of this Article, shall be exhausted within the territory of the countries of the European Economic Area in respect of a fixation of the broadcast or its copies which have been sold or otherwise transferred into the ownership within the territory of the countries of the European Economic Area by the broadcasting organisation or its successor in title, or with his consent, and which has been lawfully released into circulation within the territory of the countries of the European Economic Area.

Article 57. 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 enjoy the exclusive rights to authorise or to prohibit any of the following acts:
 - 1) reproduction of the fixation of an audiovisual work (film) or a copy thereof;
 - 2) broadcasting, retransmission or other communication to the public 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, as well as by importing and exporting;

4) making available to the public of the fixation of an audiovisual work (film) or copies thereof, including transmission via computer networks (the Internet).

2. The exclusive right of distribution of a fixation of an audiovisual work (film) or its copies, referred to in point 3 of paragraph 1 of this Article, except for the rental and lending right, shall be exhausted within the territory of the countries of the European Economic Area in respect of the fixation of an audiovisual work (film) or its copies, which have been sold or otherwise transferred into the ownership within the territory of the countries of the European Economic Area by the producer, his successor in title, or with his consent, and which have been lawfully released for circulation within the territory of the countries of the European Economic Area.

Article 58. Limitations of Related Rights

1. It shall be permitted, without the authorisation of the owner of related rights and without the payment of a remuneration, but, where possible, indicating the source, including the author's name, to use a performance, a phonogram, a fixation of an audiovisual work (film) and a broadcast of a broadcasting organisation or fixations thereof, for:

- 1) temporary acts of reproduction which are transient or incidental and constitute an integral and essential part of a technological process and whose sole purpose is to enable a transmission in a computer network between third parties by an intermediary, or a lawful (when this is permitted by an owner of related rights or does not restricted by this Law) use of an object of related rights to be made, provided that such temporary acts of reproduction have no independent economic significance;

- 2) reproduction, communication to the public of short extracts from objects of related rights in reports of current events, to the extent justified by the informatory purpose to be achieved;

- 3) use of the objects of related rights held by libraries, by libraries of educational and research institutions, museums or archives as well as specified in point 3 of Article 22 of this Law;

- 4) reproduction without seeking a direct or indirect economic or commercial advantage of an object of related rights at libraries, educational institutions, museums or archives, with the exception of an object of related rights communicated to the public via computer networks (on the Internet), so that a lost, destroyed or rendered-unusable copy of the object of related rights of the fonds and collections of the establishments specified in this Article would be preserved or reproduced or when it is necessary to restore a lost, destroyed or rendered-unusable copy from the permanent collection of any other similar library, educational institution, museum or archives, if it is impossible to obtain

such a copy by other acceptable means. Repeated acts of such reproduction shall be permitted if they are done on unrelated occasions;

5) reproduction, communication to the public, for the non-commercial purpose of illustration for teaching or scientific research, of a short object of related rights lawfully published or communicated to the public or an extract of such object, provided that this is related to study programmes and does not exceed the extent justified by the purpose to be achieved;

6) public display for a non-commercial purpose of objects of related rights at concerts of formal and non-formal education institutions and pre-school education institutions (nurseries, nursery-kindergartens, kindergartens; also nurseries, nursery-kindergartens and kindergartens for pre-school education of children with special needs), where such concerts constitute a part of education process carried out by these institutions;

7) making of ephemeral recordings of objects of related rights made by broadcasting organisations or a person acting on behalf and under the responsibility of the broadcasting organisation by means of their own facilities and for their own broadcasts. Such recordings may be preserved for a period not exceeding 30 days and must be erased after their use for broadcasting. The preservation of these recordings in state archives may, on the grounds of their exceptional documentary character, be permitted;

8) use for a non-commercial purpose in the manner specified in Article 25 of this Law;

9) use for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings;

10) reproduction and communication to the public for the non-commercial purpose during religious celebrations;

11) incidental inclusion of an object of related rights in other material;

12) use for the purpose of caricature or parody;

13) use in connection with the demonstration or repair of devices.

2. It shall be permitted, without the authorisation of an owner of related rights, for a natural person to reproduce solely for private use and for ends that are non-commercial, not more than one copy of performance, phonogram, audiovisual work (film) or broadcast of a broadcasting organisation. Remuneration for reproduction of an object of related rights for private use and for ends that are non-commercial shall be paid to owners of related rights in accordance with the procedure established in Article 20 of this Law.

3. Limitations of related rights specified in paragraph 1 of this Article must not conflict with a normal exploitation of the objects of the said 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.

4. 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 procedure established in Article 65(4) and (5) of this Law. This provision shall not apply to the rights of a broadcasting organisation in respect of its own broadcasts and 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 59. Duration of Related Rights

1. The protection of the moral rights of performers shall be of unlimited duration. The economic rights 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 economic rights of performers shall expire:

- 1) 50 years from the date of the first publication or the first communication to the public of the fixation of the performance otherwise than in a phonogram, whichever is the earlier;
- 2) 70 years from the date of the first publication or the first communication to the public of the fixation of the performance in a phonogram, whichever is the earlier.

2. The rights of producers of phonograms shall run for 50 years after the fixation is made. If during this period:

- 1) the phonogram is lawfully published, the rights shall expire 70 years from the date of the first such publication;
- 2) the phonogram is not lawfully published, however, it is lawfully communicated to the public within the said period, the rights shall expire 70 years from the date of the lawful communication to the public of the phonogram.

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 juridical fact which gives rise to the calculation of the duration.

Article 59¹. Right of Performers to Terminate Contracts on Transfer or Assignment of Rights

1. If, 50 years after the phonogram was lawfully published or, failing such publication, 50 years after it was lawfully communicated to the public, the phonogram producer or his successor in title does not offer copies of the phonogram for sale in sufficient quantity or does not make it available to the public, by wire or wireless means, in such a way that members of the public may access it from a place and at a time individually chosen by them, the performer may, in accordance with paragraph 2 of this Article, terminate the contract on transfer or assignment of the rights.

2. The contract on transfer or assignment of the rights may be terminated if the phonogram producer or his successor in title, within a year from the date of dispatch of the written notification by the performer of his intention to terminate the contract, fails to carry out any of the acts of exploitation referred to in paragraph 1 of this Article. Where a phonogram contains the fixation of the performances of a group (choir, ensemble, orchestra, etc.), the right to terminate its contract on transfer or assignment of the rights shall be implemented by a representative authorised by the group, and in the absence of authorisation to terminate the contract on transfer or assignment of the rights, by the leader of the group.

3. The right of performers to terminate a contract on transfer or assignment of the rights specified in paragraph 1 of this Article may not be waived. Waiver agreements shall be deemed invalid.

Article 59². Entitlement of Performers to Supplementary Remuneration for Use of a Phonogram

1. 50 years after the lawful publication of the phonogram or, failing such publication, 50 years after its lawful communication to the public, the performers shall become entitled to an annual supplementary remuneration from the phonogram producer or his successor in title for the reproduction, distribution and making available of a fixation of his performance in a phonogram, by wire or wireless, in such a way that members of the public may access it from a place and at a time individually chosen by them, if the contracts on transfer or assignment of the rights concluded by the performers or phonogram producers provide for a one off remuneration to the performers for the transfer or assignment of the rights to the phonogram producers.

2. The overall amount to be set aside by phonogram producers or their successors in title for payment of the annual supplementary remuneration to performers shall annually correspond to 20 % of the revenue which the phonogram producers or their successors in title derived from any of the acts of exploitation referred to in paragraph 1 of this Article, during the year preceding that in which this annual supplementary remuneration is paid. Calculation and payment of the annual supplementary remuneration shall not be affected by any advance payments or deductions defined by a phonogram producer or his successor in title in the contract of the performer and the phonogram producer or his successor in title regarding the use of a fixation of the performance in a phonogram. Phonogram producers or their successors in title must provide to performers, at their written request, any information which may be necessary in order to secure payment of the annual supplementary remuneration.

3. Phonogram producers or their successors in title shall pay the supplementary remuneration due to performers once a year, following the end of the year in which the relevant fixations of the performance in phonograms were used in accordance with the procedure laid down in paragraph 1 of this Article. This remuneration shall be collected, distributed and paid to performers by a responsible association of collective administration of copyright appointed by the institution authorised by the Government. The procedure for collecting, distributing and paying the supplementary remuneration due to performers shall be laid down by the Government or an institution authorised by it.

4. The right to obtain the supplementary remuneration referred to in paragraph 1 of this Article may not be waived by the performer. Waiver agreements shall be deemed invalid.

Article 60. Transfer of Economic Rights and Grant of Licences

1. Economic rights of performers provided for in Article 53(1) 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 38 – 46, 48 and 50 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.
5. Where a work is performed by a group (choir, ensemble, orchestra, group of actors, etc.), an agreement for the transfer of performer's economic rights and a licensing agreement shall be concluded by a representative authorised by the group. In the absence of such authorisation, an agreement may be concluded by the leader of the group.
6. 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 Article 53(1) of this Law shall be transferred to the employer for a period of five years, unless otherwise provided for by an agreement.

CHAPTER IV

RIGHTS OF MAKERS OF DATABASES

(*SUI GENERIS* RIGHT)

Article 61. 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 and presentation of the contents of that database shall have the right to prohibit 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 them, by transmitting all or a substantial part of the contents of a database via computer networks (the Internet) or any other mode 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 objects of related rights contained in the database.
4. The right of distribution of copies of a database, with the exception of the rental right, shall be exhausted in respect of the copies of the database, which have been sold or otherwise transferred into the ownership by the maker of the database or with his consent, and which have been lawfully released into circulation within the territory of the countries of the European Economic Area.

Article 62. 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 63. 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 purpose 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 security or security of the State or administrative or judicial proceedings.
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 64. Term of Protection of Databases

1. The rights of makers of databases provided for in Article 61 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 65. 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 enforcement of

their economic rights to associations of collective administration of copyright and related rights (hereinafter: '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;
- 2) broadcasting, retransmission, other communication to the public of literary and artistic works (including background music), as well as making available to the public of objects of copyright and related rights via computer networks (the Internet);
- 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) broadcasting, retransmission or other communication to the public of phonograms published for commercial advantage (including background music);
- 7) rental and lending of works and objects of related rights, except for computer programmes and databases;
- 8) collecting of remuneration, specified in Article 11(4), Article 15(4), and Article 53(4) and (5) of this Law, for the transfer of the exclusive right to rent a work or an object of related rights, or their copies;
- 9) reproduction of works of fine and applied art, photographs, charts and drawings in publications and advertising material;
- 10) reproduction on paper of works by means of reprography (effected by the use of any kind of photographic technique or by some other process having similar effects);
- 11) lending of books and other publications in libraries;
- 12) public display of works;
- 13) reproduction for private use of audiovisual works or works fixed in phonograms,
- 14) other ways of exploitation of works or objects of related rights under agreements on collective administration of rights.

3. The rights provided for in points 4, 6, 10, 11, and 13 of paragraph 2 of this Article may only be enforced by way of collective administration.

4. In the case where an owner of copyright or related rights has not authorised any collective administration association to enforce his exclusive right to permit cable retransmission of a work or an object of related rights, it shall be considered that such authorisation is held by the

collective administration association which administers the rights of such character on the territory of the Republic of Lithuania. Such owner of copyright or related rights shall enjoy the same rights and obligations under agreements concluded by cable retransmission operators and a collective administration association as other owners of the rights which have granted such authorisation to the said association. If the exclusive rights to cable retransmission of works or objects of related rights are administered by more than one collective administration association, an owner of copyright or related rights may determine which of the said associations shall be considered as the one authorised to administer his rights.

5. Cable retransmission operators and collective administration associations shall, by way of negotiations, agree on the granting of the rights in cable retransmission of works. If the parties to the negotiations fail to reach an agreement and to conclude an agreement concerning the rights to cable retransmission, each of them may appeal to the Council of Copyright and Related Rights of Lithuania or any other mediator, requesting mediation in the negotiations on the conclusion of an agreement. It shall be prohibited to terminate negotiations between the parties without valid reason, as well as to prevent individual owners of rights to participate in the negotiations.

Article 66. 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.
3. Collective administration associations shall not have the right to engage in commercial activities.

Article 67. Tasks 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 signed agreements concerning collective administration of rights, shall fulfil the following functions:

- 1) granting of non-exclusive 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 granted non-exclusive licences;
- 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 collectively administers, 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 collective administration of copyright and related rights.

Article 68. 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 general meeting of the members of a collective administration association (the conference).
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 the most possible 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 exhaustive 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 enforcement of their rights.

Article 69. Collective Administration of the Rights of Foreign Owners of Copyright and Related Rights

1. Collective administration associations shall enforce the rights of foreign owners of copyright and related rights on 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, or on the grounds of direct membership of foreign owners of copyright or related rights in Lithuanian collective administration associations.
2. When implementing the rights of owners of copyright and related rights specified in paragraph 1 of this Article, Lithuanian 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 the Republic of Lithuania, or legal persons the headquarters of which are located in the Republic of Lithuania.
3. Lithuanian 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 enforcement of their rights.

Article 70. 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 from collective administration associations concerning the authors or owners of related rights represented, as well as information on the agreements concluded between collective administration associations with the respective foreign organisations.
2. The users of works or objects of related rights must:

1) to create conditions 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 71. Institution Authorised by the Government in the Sphere of Copyright and Related Rights

1. An institution authorised by the Government shall implement the State policy in the sphere of copyright and related rights and shall coordinate the protection of such rights within the limits of its competence.
2. The institution authorised by the Government shall perform the following functions:
 - 1) to generalise the practice of the application of the laws and other legal acts in the field of copyright and related rights and to submit proposals regarding the drafting of laws and other legal acts as well as the amending and supplementing of the legal acts in force;
 - 2) to draft laws and other legal acts regulating the protection of copyright and related rights which are submitted to the Government;
 - 3) to implement the provisions of international multilateral conventions and treaties for the protection of copyright and related rights;
 - 4) to represent the Government in the World Intellectual Property Organisation;
 - 5) to exercise the supervision of associations of collective administration of copyright and related rights;
 - 6) at the request of associations of collective administration of rights and (or) users of works and objects of related rights, to mediate in the negotiations concerning the conclusion of agreements;
 - 7) in the cases provided for by this Law, to protect the moral rights of authors and performers;
 - 8) to provide legal consultations and methodological assistance to collective administration associations and associations of users of works and objects of related rights, law enforcement institutions which ensure the protection and enforcement of copyright and related rights;

- 9) to systematise legal acts regulating copyright and related rights;
- 10) to organise seminars, conferences, practical studies on the issues of the implementation and enforcement of copyright;
- 11) to liaise and co-operate with foreign institutions and international organisations operating in the field of intellectual property rights.

3. When implementing the goals and functions assigned to it, the institution authorised by the Government shall have the right to obtain necessary information from state and municipal institutions, enterprises, establishments and organizations on the issues relating to the protection and enforcement of copyright and related rights as well as any other information necessary for the implementation of its goals.

Article 71¹. Supervision of Activities of Associations of Collective Administration of Copyright and Related Rights

1. The institution authorised by the Government shall supervise activities of associations of collective administration of copyright and related rights. This institution must supervise that collective administration associations perform adequately the functions and duties set to them by this Law.

2. When supervising activities of associations of collective administration of copyright and related rights, the institution authorised by the Government shall have the right:

1) to participate through a representative in meetings (conferences) of members of such associations as well as in sittings of the management body of such associations (without the right to vote);

2) to request to furnish a set of financial statements and an audit report of the association for the previous financial year, approved by the general meeting (conference); to receive explanations regarding the facts or figures presented in the documents;

3) when necessary to request to furnish other information necessary to determine whether or not activities of the collective administration association comply with the provisions of this Law and the statutes of the collective administration association;

4) to receive information about court decisions and judicial proceedings in which the collective administration association has participated as a party to the proceedings;

5) to receive information about the overall amounts of collected remuneration, the overall amounts of distribution of remuneration to owners of copyright and related rights, the sums

deductions designated to cover the costs pertaining to collective administration of rights and collecting and distribution of remuneration.

3. Collective administration associations must submit to the institution authorised by the Government the following:

1) information about a meeting (conference) of the members which is being convened: the date, venue and agenda, drafts of documents and decision related to the agenda. Information is usually submitted fourteen days prior to the convocation of a meeting (conference);

2) copies of their statutes and amendments thereof;

3) copies of decisions on rules and methods of the collecting and distribution of the remuneration; copies of decisions on amounts of deductions from the remuneration, designated to cover the costs pertaining to collective administration;

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

5) copies of all bilateral and multilateral agreements concerning the administration of rights of foreign owners of copyright and related rights, if so requested by the institution authorised by the Government;

6) data on the governing bodies of collective administration associations and their members, if so requested by the institution authorised by the Government.

4. When performing the functions of the supervisory institution, the institution authorised by the Government shall be fully responsible for the safeguarding of the received confidential information.

5. If in the course of supervision of activities of the collective administration association in accordance with the procedure laid down by the law the institution authorised by the Government establishes that the activities of the collective administration association do not comply with this Law or the requirements of the statutes of the collective administration association, it may approach the participants of the collective administration association so that they resolve an issue concerning the suitability of the governing bodies to carry out the duties assigned to them and, if necessary, the said institution may take other measures provided for in laws to ensure the adequate activities of the collective administration associations.

Article 72. Council of Copyright and Related Rights of Lithuania

1. The Council of Copyright and Related Rights of Lithuania (hereinafter: the 'Council') 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 Council shall consist of 15 members. Council members shall be appointed by an institution authorised by the Government, in compliance with the principles of equal representation of holders, users of copyright and related rights and independent members, and taking into consideration proposals submitted by holders, users of copyright and related rights, associations of collective administration of rights, institutions of science and studies, and other interested persons. Scientists and other specialists in copyright and related rights.
3. The members of the Council shall be appointed for a two-year term. The institution authorised by the Government shall approve the composition and regulations of the Council, and render its organisational-technical servicing.
4. The Council 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, except the cases when a remuneration and the procedure for payment thereof is established by the Government;
 - 3) at the common request of collective administration associations and users of copyright works and objects of related rights, settle disputes concerning exploitation of works or objects of related rights as well as infringement of copyright and related rights.
5. The Council shall approve the rules pertaining to the mediation in negotiations and settlement of disputes, specified in points 2 and 3 of paragraph 4 of this Article. If the parties do not accept a proposal on the granting of copyright or related rights, submitted by the Council or other mediator during the negotiations, licensing conditions shall be established by the court.
6. Decisions of the Council 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, RELATED RIGHTS AND *SUI GENERIS* RIGHTS

Article 73. Infringement of Copyright, Related Rights and *Sui Generis* Rights

The acts which infringe any copyright, related rights and *sui generis* rights, protected by this Law and other laws, shall be deemed to be the infringement of copyright, related rights and *sui generis* rights.

Article 74. Technological Measures

1. For the enforcement or protection of the rights laid down in this Law, owners of copyright, related rights or *sui generis* rights may use effective technological measures (any technology, device or component) that, in the normal course of their operation, are designed to prevent or restrict acts, in respect of objects of copyright, related rights or *sui generis* rights, which are not authorised by the owners of copyright, related rights or *sui generis* rights.

2. Technological measures shall be deemed effective where the use of a protected object of copyright, related rights or *sui generis* rights is controlled by the owners of the rights through application of an access control or protection process (as encryption, scrambling or other transformation of the object of the rights) or a copy control mechanism, which achieves the protection objective. Such technological measures must not prevent the normal operation of electronic equipment and its technological development.

3. The circumvention of any effective technological measures, which the person concerned carries out in the knowledge, or with reasonable grounds to know, that he seeks to circumvent the technological measures applied by the owners of copyright, related rights or *sui generis* rights, shall be regarded as violation of technological measures.

4. The following acts related to the circumvention of any effective technological measures shall be regarded as violation:

1) the manufacture, import, distribution, sale, rental, advertisement for sale or rental, or possession for commercial purposes of devices, products or components which are primarily designed, produced or adapted for the purpose of enabling or facilitating the circumvention of, any effective technological measures, or which have only a limited commercially significant purpose or use other than to circumvent;

2) the provision of services related to the circumvention of technological measures.

5. Paragraphs 3 and 4 of this Article shall not apply to the development or use of any means of circumventing a technological measure that is necessary to enable acts set out in Article 30(2), and Article 31 of this Law.

6. Paragraphs 3 and 4 shall also apply to technological measures which are designed to ensure the right of users to benefit from the limitations set forth in Article 75(1) of this Law, and which are applied voluntarily by the owners of copyright, related rights and *sui generis* rights.

Article 75. Limitations for Application of Technological Measures

1. When technological measures applied by owners of copyright, related rights and *sui generis* rights prevent the users of such rights from benefiting from the limitations of copyright, related rights and *sui generis* rights, provided for in Article 20(1), Article 20¹(1), Article 22(1)(1), Article 25(1), Article 27, Article 29(1)(2), Article 58(1)(4), (5), (7), (8) and (9), Article 58(2), and Article 63(1) of this Law, the users of the rights must be provided with conditions or adequate means (i.e. decoding devices and other) enabling to use legitimately accessible objects of copyright, related rights or *sui generis* rights to the extent necessary for the users of the rights to benefit from the limitations of copyright, related rights and *sui generis* rights provided for their interests.

2. Paragraph 1 of this Article shall not apply to works, objects of related rights and *sui generis* rights made available to the public by way of interactive on-demand transmissions, so that members of the public may access them from a place and at a time individually chosen by them. Conditions of the provision of such services shall be set in agreements.

3. The owners of copyright, related rights and *sui generis* rights who desire to apply voluntary measures ensuring the right to benefit from the limitations of copyright, related rights and *sui generis* rights, provided for in paragraph 1 of this Law, must furnish information to the institution authorised by the Government about a measure to be applied, and other information related to the implementation of such measure, including information about going negotiations between owners of the rights, users of the rights and other interested persons. The institution authorised by the Government shall have the right to appoint its representative to take part in those negotiations

4. When the owners of copyright, related rights and *sui generis* rights do not take measures (i.e. do not provide with decoding devices, do not conclude agreements with the users of the rights, etc.) which would enable the users to benefit from the limitations specified in paragraph 1 of this Article, the users of the rights who have the right to benefit from such limitations, may apply to the Council for mediation in such dispute. The mediator(s) shall present proposals and help the parties to reach agreement. If the parties do not accept a proposal of the mediator(s), the dispute shall be settled by Vilnius regional court.

Article 76. Violation of Rights-Management Information

Violation of rights-management information shall be the removal or alteration of any rights-management information without permission of the owner of the rights; as well as distribution, importation with the aim of distributing, broadcasting, communication to the public or making available to the public of objects of copyright, related rights and *sui generis* rights in which the rights-management information has been removed or altered without permission, when the person knows, or has reasonable grounds to know, that by so doing he is inducing, enabling, facilitating or concealing an infringement of the rights protected under this Law.

Article 77. Remedies for Infringement

1. Owners of copyright, related rights and *sui generis* rights, with the aim of defending their rights, licensees of exclusive rights, with the aim of defending the rights assigned to them, as well as associations of collective administration of the rights, with the aim of defending the administered rights, shall be entitled to apply, in the manner prescribed by law, to court to demand:
 - 1) recognition of rights;
 - 2) injunction with the aim of prohibiting the continuation of unlawful acts;
 - 3) prevention from carrying out acts because of which the rights may be actually infringed or damage may be actually caused;
 - 4) redress of the infringed moral rights (injunction to make appropriate amendments, to announce the infringement in the press, or any other way);
 - 5) exaction of unpaid remuneration for unlawful use of a work, objects of related rights or *sui generis* rights;
 - 6) compensation for property damage, including the lost income and other expenses, and in the cases provided for in Article 84 – non-pecuniary damage, as well;
 - 7) payment of compensation;
 - 8) application of other measures for defence of the rights, provided for by this and other laws.
2. Seeking to ensure the enforcement of an injunction to continue the unlawful acts, as well as an injunction to prevent any acts because of which the rights may be actually infringed or damage may be actually caused (points 2 and 3 of paragraph 1 of this Article), the court may, at the request of the persons who are entitled to make such demands, obligate an infringer to lodge adequate assurance intended to ensure compensation for any possible damage.
3. Where the person, against whom an injunction aimed at prohibiting the continuation of the unlawful acts is issued or who is liable to be subject to the corrective measures referred to in

Article 82 are applied, acted unintentionally and without negligence, the court may, at the request of the said person, order pecuniary compensation to be paid to the injured party instead of applying the measures provided for in paragraph 1 of this Article, if execution of the measures in question would cause him disproportionate harm and if pecuniary compensation to the injured party appears reasonably satisfactory. It shall be considered that a person, who has paid pecuniary compensation, acquires the right to exploitation of a work, an object of related rights or *sui generis* rights.

Article 78. Right to Apply for an Injunction against Intermediaries

1. When defending their rights, owners of copyright, related rights and *sui generis* rights shall have the right to apply for an injunction against an intermediary, with the aim of prohibiting him from rendering services in a network to third parties who make use of these services infringing a copyright, related right or *sui generis* right. An injunction to render the said services shall encompass suspension of a transmission of information related to the infringement of copyright, related rights or *sui generis* rights or elimination of such information, if an intermediary have technical means to carry this out, or removal of the access to information infringing copyright, related rights or *sui generis* rights.

2. An intermediary referred to in paragraph 1 of this Article shall be a natural or legal person, including a branch or an affiliate of a foreign legal person, registered in the Republic of Lithuania, which provides network services, consisting of a transmission of information, submitted by third parties, in a network or providing of a possibility to use a network and (or) storing of the submitted information.

Article 79. Right of information

1. In the context of proceedings concerning an infringement of the rights protected under this Law and in response to a proportionate request of the claimant, the court may, during the proceedings, order that information on the origin and distribution networks of copies of the works, other objects of the rights protected under this Law, goods or services which infringe copyright, related rights or *sui generis* rights be immediately provided by the person, especially:

1) the names and addresses of the manufacturers, distributors, suppliers and other previous holders of the works, copies of other objects of the protected rights, goods (services), as well as the intended wholesalers and retailers;

2) information on the quantities of manufactured, delivered, received or ordered works, other objects of the protected rights, goods, as well as the price obtained or due for the goods or services in question;

3) information on the exploited works and objects of related rights or *sui generis* rights, the scope and duration of their exploitation, income received by the users and other information necessary for calculation of remuneration.

2. Infringers of the rights protected under this Law, other persons who possess for commercial purposes the goods and copies of works, other objects of the protected rights, which infringe the rights protected under this Law, who were found to be using on a commercial scale the services infringing the rights protected under this Law or who were found to be providing on a commercial scale services used by third persons in activities infringing the rights protected under this Law, as well as those indicated by the above mentioned persons as being involved in the manufacture or distribution of the goods or copies of works, other objects of the protected rights, which infringe the rights protected under this Law, or the provision of the services, infringing the rights defined by this Law, may be ordered to provide information referred to in this paragraph, without prejudice to the provisions which afford an opportunity for refusing to provide information which would force the person to admit to his own participation or that of his close relatives in an infringement of the rights protected under this Law and govern the protection of confidentiality of information sources or the processing of personal data.

Article 80. Evidence

1. The court may, on application by a party which has presented reasonably available evidence sufficient to support its claims, and has, in substantiating those claims, specified evidence which lies in the control of the opposing party, order in accordance with the procedure laid down in the Code of Civil Procedure that such evidence be presented by the opposing party, subject to the protection of confidential information. A reasonable sample of a substantial number of products shall be considered by the court to constitute reasonable evidence of an infringement of the rights protected under this Law.

2. Under the conditions specified in paragraph 1 of this Article, in the case of an infringement of the rights defined by this Law, committed on a commercial scale, the court may, in accordance with the procedure laid down by the Code on Civil Procedure, order the communication of banking, financial or commercial documents under the control of the opposing party, subject to the protection of confidential information. In the event of failure to provide such evidence without valid reasons

within the time limit set by the court or refusal to permit to make use of them, the court shall be entitled to take a decision on the basis of the evidence submitted to it.

Article 81. Provisional Measures and Measures for Preserving Evidence

1. Where there are sufficient grounds to suspect that an infringement of copyright, related rights or *sui generis* rights has been committed, the court may, in accordance with the procedure laid down by the Code of Civil Procedure, apply provisional measures necessary to prevent any imminent infringement, to forbid the continuation of the infringements and to enforce the final decision of the court, that is:

- 1) to forbid persons to commit any imminent infringement of the rights protected under this Law;
- 2) to order persons to discontinue, on a provisional basis, any infringement of the rights protected under this Law;
- 3) to forbid an intermediary to provide services to a third party who uses these services by infringing the rights covered by this Law;
- 4) to seize, to forbid the entry into or remove from the channels of commerce the goods and copies of works, other objects of the rights protected under this Law, suspected of infringing copyright, related rights or *sui generis* rights;
- 5) to seize the movable and immovable property of the persons allegedly infringing the rights protected under this Law, which is possessed by the said persons or third parties, including the bank accounts, the means and equipment allegedly mostly used to create or manufacture goods, copies of works, other objects of the rights of the protected rights;
- 6) to apply other measures defined by the Code of Civil Procedure.

2. If the applied provisional measures referred to in points 1 and 2 of this paragraph are infringed or such infringement continues, the court may order the alleged infringers to lodge adequate security intended to ensure damage compensation to the person who requested the application of provisional measures.

3. For the purpose of application of provisional measures, the court may, upon request of an interested person, order the competent authorities to communicate bank, financial or commercial documents, or provide appropriate access to the relevant information.

4. The court shall be entitled to require the person, who requests application of provisional measures, to provide any reasonably available evidence in order to satisfy itself with a sufficient degree of certainty that he or a person, for whose interests application of provisional measures is

requested, is the owner or user of the rights protected under this Law and that the applicant's right is being infringed, or that such infringement is imminent.

5. The court may, on application by a party who has presented reasonably available evidence to support his claims that his rights protected under this Law has been infringed or is about to be infringed, apply measures to preserve relevant evidence in respect of the alleged infringement, that is:

1) the detailed description and detention of the goods and copies of works, other objects of the protected rights, which infringe the rights protected under this Law, or only the description thereof;

2) the arrest and seizure of the goods and copies of works, other objects of the protected rights, which infringe the rights protected under this Law, and, in appropriate cases, the materials and implements used in the production and/or distribution of these goods, copies, and the documents relating thereto.

3) the application of other provisional measures covered by the Code on Civil Procedure.

6. Provisional measures and measures for preserving evidence may be applied without the defendant having been informed and heard, in particular where any delay is likely to cause irreparable harm to the applicant or where there is a demonstrable risk of evidence being destroyed. Where measures to preserve evidence are applied without the defendant having been informed and heard, the defendant must be so informed without delay after the application of the measures at the latest. Upon request of the defendant, including his request to be heard, the court may revoke the applied provisional measures and measures for preserving evidence, or other measures for the said ones in accordance with the procedure laid down by the Code of Civil Procedure.

7. Where the applied provisional measures or measures to preserve evidence are revoked by the court, or where they lapse due to any act or omission by the person who applied for the application of such measures, or where a court's decision comes into force stipulating that there has been no infringement or threat of infringement of the rights protected under this Law, or the person who applied for the application of provisional measures or measures for preservation of evidence, does not institute, within the period determined by the court, proceedings, the defendant shall be entitled to claim compensation for any injury caused by those measures.

8. The norms of the Code of Civil Procedure shall apply in respect of all other issues related to application of provisional measures and measures to preserve evidence, which are not covered by this Article.

Article 82. Corrective Measures

1. The persons referred to in Article 77(1) of this Law shall have the right to apply to the court and to request to recall, to remove from the channels of commerce the goods, copies of works, other objects of the rights protected under this Law, in such a way, that the rightholder would not incur any injury and the protection of his rights would be safeguarded (e.g., to remake into other goods or to apply similar measures), or to destroy copies and goods which the court has found to be infringing the rights protected under this Law, as well as, in appropriate cases, the materials and implements principally used in the creation or manufacture of the specified objects.

2. The measures indicated in paragraph 1 of this Article shall be applied regardless of other claims by a person, requesting the application of such measures, for compensation of the prejudice suffered by him as a result of the infringement of his rights. Moreover, these measures shall be carried out unrequitedly, at the expense of the infringer, taking into account the proportionality between the seriousness of the infringement and the remedies ordered as well as the lawful interests of third parties.

3. When the measures referred to in paragraph 1 of this Article may be applied to the person who acted unintentionally or without negligence, the court may, at the request of that person, apply the alternative measures provided for in Article 77(3) of this Law, if such measures to the injured party appear reasonably satisfactory.

Article 83. Recovery of Material Damage. Compensation

1. The procedure for recovery of material damage shall be regulated by the Civil Code and this Law.

2. When appraising the amount of damage (losses) actually caused by the infringement of the rights protected under this Law, the court shall take into account the substance of the infringement, the amount of the inflicted damage, lost profits as well as other expenses suffered by the owner of copyright, related rights or *sui generis* rights, other important circumstances. The profits made by the infringer may, at the request of the persons referred to in Article 77(1) of this Law, be recognised as losses. Infringing copies of works or other objects of the rights protected under this Law may be handed over to the respective owners of copyright, related rights or *sui generis* rights, if so requested.

3. The amount of lost profits of the persons indicated in Article 77(1) of this Law shall be set taking into account the profits that would have been received when legally using works or other objects (taking into consideration royalties and fees which are normally paid for lawful use of such works or other objects, or royalties and fees which are paid for lawful use of similar works or other

objects, or royalties and fees most suitable for the modes of use of a work or any other object), as well as taking into account concrete circumstances which might have created conditions to receive profits (works performed by owners of rights, used materials and implements, negotiations on conclusion of agreements pertaining to the use of a work, etc.).

4. Instead of requesting compensation of damage (losses) caused by the infringement of the rights protected under this Law, the persons specified in Article 77(1) of this Law may claim:

1) compensation in the amount of up to 1 000 minimum living standards (MLS), which is set by the court, taking into account the culpability of the infringer, his property status, causes of unlawful actions and other circumstances relevant to the case, as well as the criteria of good faith, reasonableness and justice; or

2) royalties or fees which would have been due if the infringer had requested authorisation to use the works or other objects of the rights protected under this Law, and where the infringer acted intentionally or with negligence – up to twice the amount of such royalties and fees.

5. Where the infringer did not knowingly, or with reasonable grounds to know, engage in infringing activity, the court may, at the request of the owner of copyright, related rights or *sui generis* rights, order the recovery of profits. The profits of the infringer shall be considered to be a total that the infringer has saved and (or) received by infringing the rights protected under this Law. The profits of the infringer shall be determined and recovered regardless of the fact whether or not the owner of the rights himself would have gained the similar profits. When determining the profits of the infringer, the owner of the rights must present only the evidence, which would confirm the gross earnings received by the infringer; the amount of the net earnings (earning after the deduction of expenses) must be proved by the infringer himself.

Article 84. Redress of Non-pecuniary Damage

A person who has infringed personal moral rights of the author or performer, referred to in Article 14 and Article 52 of this Law, must redress non-pecuniary damage. The amount of such damage expressed in money shall be set by the court, in compliance with the norms of the Civil Code, which regulate redress of non-pecuniary damage.

Article 85. Publication of Judicial Decisions

The court, which takes a decision on the infringement of the rights protected by this Law, may, at the request of the persons referred to in Article 77(1) of this Law, order the infringer to disseminate, at his own expense, the information concerning the decision, including announcing the decision in full or in part in the mass media, or in any other way. The decision of the court or the

information about the decision may be disseminated after the coming into force of the decision, unless otherwise established by the court. The manner of dissemination of the court decision and the extent of the dissemination shall be defined in the decision. The owner of copyright, related rights or *sui generis* right may request that the infringer pays in advance into the account, indicated by the court, a sum of money necessary to disseminate the information concerning the court decision or the court decision itself.

Article 86. Claims of Collective Administration Associations Filed in the Interest of 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 royalties and fees from the users of works or objects of related rights, who exploit the mentioned works or objects of related rights without a licence of a collective administration association or without paying royalties and fees to owners of the rights.

2. An amount of compensation subject to recovery or the sum of a claim shall be set on the basis of the rates fixed by collective administration associations for the use of works and objects of related rights. When works and objects of related rights are used by communicating them to the public, including background music, after a fact of unlawful use of works or objects of related rights has been established, it shall be considered that they have been used at least a month, unless otherwise proved.

3. The court, where it establishes that the works or objects of related rights have been used without a licence of a collective administration association, shall take a decision to exact from the user the remuneration 2 times larger than the one due under the granted licence to use a work or an object of related rights.

4. All recovered royalties and fees shall, in accordance with the procedure established by its regulations and remuneration payment rules, be distributed and paid by a collective administration association to the authors or owners of related rights.

Article 87. Administrative and Criminal Liability

Administrative and criminal liability for violations of copyright, related rights and *sui generis* rights shall be defined respectively by the Code of Administrative Offences and the Criminal Code.

Article 88. Application of Border Measures

Border measures provided for by legal acts of the European Union and the Republic of Lithuania, may be applied to infringing copies of works, other objects protected under this Law, goods infringing the rights protected under this Law, which are imported from third countries into the Republic of Lithuania or exported from it into third countries.

CHAPTER VII

ORPHAN WORKS AND THE CONDITIONS OF THEIR USE

Article 89. Works and Phonograms Subject to Conditions of Use of Orphan Works

1. The following works and phonograms that are first published in the Republic of Lithuania, other Member States of the European Union or the States of the European Economic Area (hereinafter: the ‘Member States’) or, in the absence of publication, first broadcast in the Republic of Lithuania or other Member States and protected by copyright or related rights shall be subject to the conditions of use of orphan works:

1) works published in the form of books, journals, newspapers, magazines or other writings contained in the collections of libraries, museums, archives, film or audio heritage institutions, educational establishments and research institutes (hereinafter: ‘cultural, educational and scientific institutions’) which are publicly accessible in the Republic of Lithuania;

2) audiovisual works and phonograms contained in the collections of cultural, educational and scientific institutions;

3) audiovisual works and phonograms produced by public-service broadcasting organisations of the Republic of Lithuania and other Member States up to and including 31 December 2002 and contained in the archives of a public broadcasting organisation of the Republic of Lithuania – the public establishment Lithuanian National Radio and Television (hereinafter: the ‘public broadcaster’).

2. The following shall also be subject to the conditions of use of orphan works:

1) works and phonograms specified in paragraph 1 of this Article which have never been published or broadcast but which have been made publicly accessible by the cultural, educational and scientific institutions or public broadcasting organisations of the Republic of Lithuania or other Member States with the consent of the rightholders, provided that it is reasonable to assume that the rightholders would not oppose the conditions and manner of use of these works and phonograms referred to in Article 94 of this Law;

2) works (illustrations, photographs, designs, sketches, maps, etc.) and other protected subject-matter that are embedded or incorporated in, or constitute an integral part of, the works or phonograms referred to in paragraph 1 of this Article and point 1 of this paragraph.

Article 90. Conditions for Considering Works and Phonograms to be Orphan Works

1. A work or a phonogram shall be considered an orphan work only after a diligent search for the rightholders in that work or phonogram has been carried out in accordance with the procedure laid down in Article 92 of this Law and the results of such search have been recorded in accordance with the procedure laid down in Article 93 of this Law,.

2. Where there is more than one rightholder in a work or phonogram, and not all of them have been identified or, even if one or more of those rightholders were identified, located after a diligent search has been carried out in accordance with the procedure laid down in Article 92 of this Law and the results of such search have been recorded in accordance with the procedure laid down in Article 93 of this Law, the work or phonogram may be used as orphan works in the manner and under the conditions set out by Article 94 of this Law provided that the rightholders of the work or phonogram that have been identified and located have, in relation to the rights they hold, authorised to use the work or phonogram.

3. The copyright in a work and the related rights in a phonogram of the rightholders, referred to in paragraph 2 of this Article, that have been identified and located shall not be subject to any restrictions concerning the implementation of these rights.

4. It may not be presumed that a work or a phonogram is an orphan work because of the following circumstances:

1) the work has been published or broadcast without the mention of the author's name or under a pseudonym, having taken account of the author's moral right to his name, as provided for in Article 14(1)(2) of this Law;

2) the phonogram has been produced or broadcast without the mention of the producer of the phonogram and/or performer, having taken account of the provisions of Article 51(2) of this Law concerning information on related rights and the provisions of Article 52(1) of this Law concerning a performer's moral rights.

Article 91. Users of Orphan Works

1. Only the cultural, educational and scientific institutions and the public broadcaster referred to in Article 89(1) of this Law (hereinafter: 'users of orphan works') may, in the areas of their

activities, use orphan works for non-commercial purposes in the ordinary management of their activities aimed at their public-interest missions in the fields of the promotion of culture, heritage protection, education, science and public information, provided that the orphan works which are being used are contained in their collection.

2. In the pursuit of their public-interest missions specified in paragraph 1 of this Article and related to the use of orphan works, the users of orphan works shall have the right to conclude with other persons service contracts, cooperation, partnership and other agreements.

3. Persons who have concluded with users of orphan works the agreements specified in paragraph 2 of this Article shall not acquire the right to use the orphan works or to control their use.

Article 92. Conditions and Procedure for the Search for Rightholders; Sources of Information

1. Prior to the use as orphan works the works and/or phonograms contained in their collection, the users of orphan works must carry out a diligent search in respect of each work. A diligent search for the rightholders shall be carried out by gathering and verifying information from relevant sources appropriate for each category of works and phonograms in question; an institution authorised by the Government shall, in consultation with associations of rightholders and users of orphan works and upon the assessment of their guidance proposals, draw up and approve a model list of search sources. Users of orphan works shall keep all search records on file until the expiration of the copyright or related rights in those works or phonograms.

2. A search for rightholders shall be carried out:

1) in the Member State of first publication of a work or phonogram or, in the absence of publication, first broadcast;

2) in the Member State where a producer of an audiovisual work has his headquarters or habitual residence;

3) in the Member State where the cultural, educational or scientific institution or the public broadcasting organisation that has made the work or phonogram, which has neither been published nor broadcast, publicly accessible with the consent of the rightholders is established.

3. If there is evidence to suggest that relevant information on rightholders is to be found not only in the Member States or it appears that a producer of an audiovisual does not have his headquarters or habitual residence in any of the Member States, search sources available in other countries shall also be consulted.

4. In order to carry out a search for the rightholders as provided for in paragraphs 1, 2 and 3 of this Article, users of orphan works shall have the right to call on other persons by means of the contracts in accordance with the procedure laid down by the law.

Article 93. Recording of Results of a Search for Rightholders. Orphan Work Status

1. Having carried out a search for the rightholders which has led to the conclusion that that a work or a phonogram is considered an orphan work, users of the orphan works shall forward the results of the search for the rightholders to the Martynas Mažvydas National Library of Lithuania (hereinafter: the ‘competent national authority’) which is responsible for the collection and recording of the results of the search for the rightholder at a single publicly accessible online database established and managed by the Office for Harmonization in the Internal Market (hereinafter: the ‘database’).

2. The following data shall be recorded at the database referred to in paragraph 1 of this Article:

- 1) the competent national authority (name and contact information);
- 2) the results of the search for the rightholders which has led to the conclusion that a work or a phonogram is considered an orphan work;
- 3) the title or short description (if it has no title) of an orphan work and its character (a writing, an audiovisual work or phonogram);
- 4) an author (co-authors), a performer (a group of performers), a producer of an audiovisual work or a phonogram, a publisher (if such information is indicated in the work or the phonogram);
- 5) a user of an orphan work (the title and the contact information);
- 6) the use of orphan works;
- 7) information about the end of orphan work status.

3. After the competent national authority has recorded the results of the search for the rightholders in accordance with the procedure laid down in paragraphs 1 and 2 of this Article, a work or a phonogram shall acquire the orphan work status and may be used in the manner and under the conditions established in Article 94 of this Law.

4. The principle of mutual recognition shall apply to the orphan work status in the Republic of Lithuania and in other Member States. According to the principle of mutual recognition a work or phonogram which has acquired the orphan work status in any Member State shall be considered an orphan work in the Republic of Lithuania. Those works may be used by the users of orphan works in the manner and under the conditions established in Article 94 of this Law.

Article 94. Permitted Manner and Conditions of Use of Orphan Works

1. Users of orphan works shall be permitted to use the orphan works contained in their collections in the following ways:

1) by acts of reproduction, within the meaning of Article 2(1) of this Law, for the purposes of digitisation, making available, indexing, cataloguing, preservation or restoration;

2) by making the orphan works available to the public by wire or wireless means, in such a way that members of the public may access the works from a place and at a time individually chosen by them (e.g. via computer networks (the Internet), etc.).

2. When using an orphan work within the meaning of paragraph 1 of this Article, users of orphan works may generate revenues for the exclusive purpose of covering their costs of reproducing the orphan works and making them available to the public.

3. Users of orphan works must ensure that the name of identified authors and/or performers and the name or title of other rightholders be indicated when using an orphan work within the meaning of paragraph 1 of this Article.

Article 95. End of Orphan Work Status

1. The orphan work status may, at any time, be put to an end at the initiative of the identified rightholder. To that end, the rightholder shall submit to the user of an orphan work a free-format request to put the orphan work status to an end, where such status is related to the rights of its authors and/or related rights (hereinafter: a 'request'). The request shall be accompanied by the documents proving the entitlement to copyright and/or related rights in the orphan work (copyright agreements for the commissioning of a work, contracts on transfer or assignment of copyright or related rights, publishing agreements, certificates of the right of inheritance of copyright or related rights, certificates of collective administration associations and other documents containing information about the management of copyright or related rights). Having evaluated the request and the documents submitted by the rightholders proving the entitlement to copyright and/or related rights in the work or phonogram, and having reached the conclusion to put an end to the orphan work status, the users of the orphan works shall furnish the competent national authority with such information to be recorded in accordance with the procedure laid down by Article 93(1) of this Law. The users of the orphan works shall retain copies of the documents submitted by the rightholders, on the basis of which the conclusion has been reached to put an end to the orphan work status, until the expiration of the duration of copyright or related rights in the said works or phonograms.

2. Upon the end of the orphan work status, the work or phonogram may be used in the manner provided for in Article 94(1) of this Law only with the permission of the rightholder or a person authorised by him (with the exception of the reproduction of a work or phonogram for the purposes of preservation as provided for in Article 23 and Article 58(1)(4) of this Law).

3. The provisions of paragraphs 1 and 2 of this Article regarding the end to the orphan work status shall apply *mutatis mutandis* to the rightholders that have not been identified and located in the works or phonograms referred to in Article 90(2) of this Law.

Article 96. Entitlement to Compensation upon the End of the Orphan Work Status

1. Upon the end of the orphan work status in accordance with the procedure laid down in Article 95(1) of this Law, the rightholders shall be entitled to one-off compensation for the use of the former orphan work in the manner specified in Article 94(1) of this Law. The rightholders shall submit applications for the payment of such compensation to an institution authorised by the Government. A decision of the payment and the amount of compensation shall be taken by the institution authorised by the Government with due consideration of the recommended findings of the panel of experts on compensation for the use of orphan works (hereinafter: the ‘panel of experts’). The decision of the institution authorised by the Government shall be taken and the recommended findings of the panel of experts shall be accepted upon having evaluated the conditions of non-commercial use of a specific former orphan work (public access to a work or phonogram, manner of its use, need to preserve or reproduce the lost, destroyed or rendered-unusable copies, importance of public-interest missions pursued by a user of orphan works, possible inflicted damage to the rightholders). The institution authorised by the Government shall set up for the period of two years and approve the regulations of a panel of experts composed of seven members – representatives of the Lithuanian Association of Artists, collective administration associations and the institution authorised by the Government.

2. Compensation for the use of an orphan work must not exceed the amount of ten base social benefits. Such amount shall be distributed and paid proportionately to the rightholders. Compensation shall be paid to the rightholders not later than 31 March of the year following that in which the institution authorised by the Government, taking into consideration the recommended findings of the panel of experts, took the decision concerning the payment and the amount of the compensation. Other conditions and procedure for paying compensation for the use of an orphan work shall be laid down by the institution authorised by the Government.

3. Compensation for the use of an orphan work shall be paid with the funds provided for such purpose in the Law on the Approval of Financial Indicators of the State budget and Municipal Budget, where the level of funding required shall be determined by having regard to the decisions concerning the payment and the amount of the compensation taken in accordance with the procedure laid down in paragraph 2 of this Article.

Annex I to
the Republic of Lithuania Law on
Copyright and Related Rights

**BLANK AUDIO AND AUDIOVISUAL MEDIA AND DEVICES FOR WHICH
THE COMPENSATORY REMUNERATION IS PAID FOR REPRODUCTION OF
AUDIOVISUAL WORKS AND WORKS FIXED IN PHONOGRAMS FOR PRIVATE USE,
AS WELL AS THE RATES OF THE COMPENSATORY REMUNERATION**

I. Blank media	Compensatory remuneration rate (in euros)
1. Compact discs of all types (CD+R, CD+RW, CD-R, CD-RW)	6 %
2. Universal discs of all types (DVD+R, DVD+RW, DVD-R, DVD-RW, DVD RAM, HD-DVD, double-layer DVD)	6 %
3. Blu-ray discs	6 %
<u>Note.</u> The compensatory remuneration shall be calculated on the basis of the price, excluding all taxes, of the first sale in the Republic of Lithuania of devices and blank media which are specified in this Annex, produced in the Republic of Lithuania or brought into its territory, and released for circulation in the Republic of Lithuania for sale.	

<p>4. Memory cards (non-integrated):</p> <p>less than 8 GB</p> <p>from 8 GB to 16 GB</p> <p>from 16.1 GB to 32 GB</p> <p>from 32.1 GB to 64 GB</p> <p>from 64.1 GB to 128 GB</p> <p>from 128.1 GB to 256 GB</p> <p>more than 256 GB</p>	<p>EUR 0.14</p> <p>EUR 0.29</p> <p>EUR 0.58</p> <p>EUR 0.87</p> <p>EUR 1.44</p> <p>EUR 2.02</p> <p>EUR 2.89</p>
<p>5. USB flash drives:</p> <p>less than 8 GB</p> <p>from 8.1 GB to 16 GB</p> <p>from 16.1 GB to 32 GB</p> <p>from 32.1 GB to 64 GB</p> <p>from 64.1 GB to 128 GB</p> <p>from 128.1 GB to 256 GB</p> <p>more than 256 GB</p>	<p>EUR 0.14</p> <p>EUR 0.29</p> <p>EUR 0.58</p> <p>EUR 0.87</p> <p>EUR 1.44</p> <p>EUR 2.02</p> <p>EUR 2.89</p>
<p>6. External and internal non-integrated solid-state drives (SSDs) and hard disk drives (HDDs) of personal computers:</p> <p>up to 512 GB</p> <p>from 512.1 GB to 1 TB</p> <p>from 1.001 to 3 TB</p> <p>more than 3 TB</p> <p><u>Note.</u> 1. Compensatory remuneration must not be paid for solid-state drives (SSDs) and hard disk drives (HDDs) of stationary computers, portable computers and hybrid computers that are integrated in such computers at the time of the sale.</p> <p>2. Moreover, compensatory remuneration must not be paid for hard disk drives (HDDs) with SCSI, iSCSI, SAS, FC, FATA connectors that are generally used for servers, disk arrays and similar professional technical needs.</p>	<p>EUR 1.44</p> <p>EUR 2.31</p> <p>EUR 2.89</p> <p>EUR 4.34</p>
II. Devices	Compensatory remuneration rate

		(in euros)
1. Digital and analogous audio and video players with the memory device and the function of audio and video recording (players of audiotapes, videotapes, players of CD, DVD, HD-DVD, Blue-ray discs, home theatre system, music systems, recorders, head units, radio sets, MP3 players, MP4 players, HD media players and other players)	less than 2 GB	EUR 0.43
	from 2.1 GB to 4 GB	EUR 1.01
	from 4.1 GB to 8 GB	EUR 1.44
	from 8.1 GB to 16 GB	EUR 2.89
	from 16.1 GB to 256 GB	EUR 4.34
2. Mobile phones with the memory device and the function of audio and video recording	from 256.1 GB to 512 GB	EUR 5.79
	from 512.1 GB to 768 GB	EUR 7.24
	from 768.1 GB to 1 TB	EUR 8.69
	from 1.001 TB to 3 TB	EUR 10.14
3. Television sets with the memory device and the function of audio and video recording	more than 3 TB	EUR 11.58
4. TV receivers (accessories) with the memory device and the function of audio and video recording:		
5. Stationary computers, portable computers, hybrid computers		EUR 5.79
6. Tablet computers and game consoles		EUR 4.34

**REPROGRAPHIC EQUIPMENT FOR WHICH
THE COMPENSATORY REMUNERATION IS PAID FOR REPRODUCTION OF WORKS
AS WELL AS THE RATES OF THE COMPENSATORY REMUNERATION**

Equipment	Equipment speed	Compensatory remuneration rates
1. Black and white copiers		1.8–2.00 %
	Low speed (between 12 and 23 pages per minute)	1.8 %
	Average speed (between 24 and 45 pages per minute)	1.9 %
	High speed (between 46 and 90 pages per minute)	2.00 %
2. Colour copiers		2.7–3.00 %
	Low speed (between 12 and 23 pages per minute)	2.7 %
	Average speed (between 24 and 45 pages per minute)	2.85 %
	High speed (between 46 and 90 pages per minute)	3.00 %
3. Black and white multifunction copiers		0.6–0.7 %
	Low speed (between 12 and 23 pages per minute)	0.6 %
	Average speed (between 24 and 45 pages per minute)	0.65 %
	High speed	0.7 %

	(between 46 and 90 pages per minute)	
4. Colour multifunction copiers		0.9–1.00 %
	Low speed (between 12 and 23 pages per minute)	0.9 %
	Average speed (between 24 and 45 pages per minute)	0.95 %
	High speed (between 46 and 90 pages per minute)	1.00 %
<p><u>Note.</u> The rate of the compensatory remuneration is fixed in percent on the price, excluding all taxes, of the first sale in the Republic of Lithuania of reprographic equipment and blank media which are specified in this Annex, produced in the Republic of Lithuania or brought into its territory, and released for circulation in the Republic of Lithuania for sale.”</p>		

Annex 3 to
The Law of the Republic of Lithuania on
Copyright and Related Rights

IMPLEMENTED LEGAL ACTS OF THE EUROPEAN UNION

1. Council Directive 93/83/EEC of 27 September 1993 on the co-ordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (OJ 2004 special edition, Chapter 17, Volume 1, p. 134).

2. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ 2004 special edition, Chapter 13, Volume 15, p. 459).

3. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2004 special edition, Chapter 17, Volume 1, p. 230).

4. Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art (OJ 2004 special edition, Chapter 17, Volume 1, p. 240).

5. Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on

the enforcement of intellectual property rights (OJ 2004 special edition, Chapter 17, Volume 2, p. 32).

6. Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (codified version) (OJ 2006 L 376, p. 28).

7. Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the term of protection of copyright and certain related rights (codified version) (OJ 2006 L 372, p. 12).

8. Directive 2009/24/EC of the European Parliament and of the Council of 23 April 2009 on the legal protection of computer programs (codified version) (OJ 2009 L 111, p. 16).

9. Directive 2011/77/EU of the European Parliament and of the Council of 27 September 2011 amending Directive 2006/116/EC on the term of protection of copyright and certain related rights (OJ 2011 L 265, p. 1).

10. Directive 2012/28/EU of the European Parliament and of the Council of 25 October 2012 on certain permitted uses of orphan works (OJ 2012 L 299, p. 5).