

IV. Accession States

1. Table of Copyright Acts

Countries	English version of copyright law	Original titles	Future developments
Cyprus	<p>The Copyright Laws 1976 to 1993 (Law No. 59, of December 3, 1976, as last amended by Law No. 18 (I) of Mai 7, 1993)</p> <p>http://clea.wipo.int/clea/lpext.dll?f=templates&fn=main-h.htm&2.0</p> <p>Amendment 2002 (No English version available; not used in the survey)</p> <p>Amendment 2003 (Implementation of Directive 2001/29/ EC) (No English version available; not used in the survey)</p>		
Czech Republic	<p>Law No. 121/2000 Coll. of 7 April 2000 on Copyright, Rights Related to Copyright and on the Amendment of Certain Laws (Copyright Act)</p> <p>www.uvdt.cz/dokumenty/azanglicky.doc</p>	<p>121 ZÁKON ze dne 7. dubna 2000 o právu autorském, o právech souvisejících s právem autorským a o změně některých zákonů (autorský zákon)</p> <p>www.nkp.cz/o_knihovnach/00-121.htm</p>	
Estonia	<p>Copyright Act Passed 11 November 1992 (RT¹ 1992, 49, 615; consolidated text RT I 2000, 16, 109), entered into force 12 December 1992, amended by the following Acts: 16.10.2002 entered into force 18.11.2002 — RT I 2002, 92, 527; 19.06.2002 entered into force 01.09.2002 — RT</p>	<p>Autoriõiguse seadus Vastu võetud 11. novembril 1992. a. (RT 1992, 49, 615; terviktekst RT I 2000, 16, 109), jõustunud 12. detsembril 1992. a., muudetud järgmiste seadustega: 16.10.2002 jõust. 18.11.2002 — RT I 2002, 92, 527; 19.06.2002 jõust. 01.09.2002 — RT I</p>	

	<p>I 2002, 63, 387; 05.06.2002 entered into force 01.07.2002 — RT I 2002, 53, 336; 06.06.2001 entered into force 01.09.2001 — RT I 2001, 56, 335; 16.05.2001 entered into force 11.06.2001 — RT I 2001, 50, 289; 27.09.2000 entered into force 22.10.2000 — RT I 2000, 78, 497.</p> <p>www.legaltext.ee/en/andmebaas/tekst.asp?loc=text&dok=X40022K4&keel=en&pg=1&ptyyp=RT&tyyp=X&query=copyright</p>	<p>2002, 63, 387; 05.06.2002 jõust. 01.07.2002 — RT I 2002, 53, 336; 06.06.2001 jõust.01.09.2001 — RT I 2001, 56, 335; 16.05.2001 jõust.11.06.2001 — RT I 2001, 50, 289; 27.09.2000 jõust.22.10.2000 — RT I 2000, 78, 497.</p> <p>www.legaltext.ee/en/andmebaas/ava.asp?m=022</p>	
Hungary	<p>Copyright Act</p> <p>Act No. LXXVI of July 1999- entered into force on September 1999</p> <p>www.kibernet.hu/hungart/Act_No._LXXVI._of_1999_on_Copyright.html</p> <p>amended by Law No. LXXVII of 2001</p> <p>(No English version available; not used in the survey)</p>	<p>1999. évi LXXVI. törvény a szerzői jogról</p> <p>www.hpo.hu/szkv/199911/shlaw.cgi?728:1r</p>	<p>New Act about exhaustion of rights and satellite broadcasting</p> <p>(not available)</p>
Latvia	<p>Copyright Act of April 6, 2000</p> <p>www.ttc.lv/New/lv/tulkojumi/E0098.doc</p>		
Lithuania	<p>Law on Copyright and Related Rights Act</p> <p>Law No. VII- 1185 18/5/1999</p> <p>amended by Law No. VII- 1886 20/7/2000</p> <p>www3.lrs.lt/cgi-bin/getfmt?c1=w&c2=106588</p> <p>amended by Law No. IX- 1355 5/3/2003</p> <p>(No English version available; not used in the survey; for a summary see</p> <p>www.litlex.lt/portal/ml/start.asp?act=legupd&lang=eng&biulid=69&srid=62&strid=300)</p>		<p>Protection of Computer Programs Act</p> <p>(not available)</p>

Malta	<p>Copyright Act Act XIII of 2000 as amended by Act VI 2001 http://docs.justicegov.mt/lom/legislation/english/leg/vol_13/chapt415.pdf</p>		
Poland	<p>Law on Copyright and Neighboring Rights of February 4, 1994 http://clea.wipo.int/clea/lpext.dll?f=templates&fn=main-h.htm&2.0 as amended 9/6/2000 as amended 28/10/2002 http://baltic.mg.gov.pl/buisnes/act_x.htm Database Protection Act 27/6/2001 (No English Version available; not used in the survey)</p>		<p>Implementation of Directive 29/2001/EC (not available)</p>
Slovakia	<p>Copyright Act 1997 Law No. 383/1997 5/12/1997 www.culture.gov.sk/english/LEG/leg1.html Copyright (Collective Administration) Act Law No. 283/ 1997 03/10/1997 http://clea.wipo.int/clea/lpext.dll?f=templates&fn=main-h.htm&2.0 as amended by Law No. 234/ 2000 of June 20, 2000 www.rada-rtv.sk/a/a1.7.html</p>		
Slovenia	<p>Copyright and Related Rights Act 2001 Law No. 30/ 2001 www.sipo.mzt.si/laws/ZASP_EN.pdf</p>		<p>Text of a draft: Act amending The Copyright and related rights acts of October 20, 2003 www.sipo.mzt.si/GLAVAGB.htm</p>

2. Survey of national provisions

c) Cyprus

<p>CYPRUS</p> <p>The Copyright Laws 1976 to 1993</p> <p>(Law No. 59, of December 3, 1976, as last amended by Law No. 18(1), 1993)</p> <p>Please note: There are already more recent acts which are implementing the Directives concerning copyright and database protection law into Cyprus law. Unfortunately, there are no English versions of these Acts available yet.</p>	
<p>Protected Works</p>	
<p>Categories of protected works</p>	<p>3.-(1) Subject to the provisions of this section, copyright shall subsist in the following works</p> <p>(a) scientific works;</p> <p>(b) literary works;</p> <p>(c) musical works;</p> <p>(d) artistic works;</p> <p>(e) cinematograph films;</p> <p>(f) photographs;</p> <p>(g) sound recordings;</p> <p>(h) broadcasts.</p> <p>(...)</p> <p>(Copyright in works of Government and international bodies)</p> <p>6.-(1) Copyright shall subsist by virtue of this section in every work which is eligible for copyright under this Law and which is made by or under the direction or control of the Government and of such international bodies or other government organisations as may be prescribed and which has not been the subject of copyright conferred by section 4 or 5.</p> <p>(2) Copyright subsisting by this section in a scientific, literary, musical or artistic work, other than a photograph, shall expire fifty years after the end of the year in which it was first published.</p> <p>(3) Copyright subsisting by this section in a cinematograph film, photograph, sound recording or broadcast shall have the same duration as provided for by section 4 in relation to the same type of work.</p>
<p>Conditions for protection</p>	<p>3.-(1) ...</p> <p>(2) No copyright shall subsist in a literary, musical or artistic work unless it is of an original character, and has been reduced to writing, audio recorded, recorded in any way by electronic or other means or has otherwise been reduced to some material form.</p> <p>(3) No copyright shall subsist in a scientific or artistic work if at the time when the work is made it is intended by the author to be used as a model or pattern to be multiplied by any industrial process.</p> <p>(4) A work shall not be ineligible for copyright by reason only that the making of the work, or the doing of any act in relation to the work, involves an infringement of copyright in some other work.</p>

Database protection	<p>2. (1)...</p> <p>'literary work' means, irrespective of literary quality, any of the following, or works similar thereto:</p> <p>(...)</p> <p>(g) table or compilation;</p> <p>....</p> <p>'work' includes translations, adaptations, new versions or arrangements of pre-existing works, and anthologies, collections or works which, by reason of the selection and arrangement of their content, present an original character...</p>
Computer Software	<p>2. (1)... 'literary work' means, irrespective of literary quality, any of the following, or works similar thereto:</p> <p>(...)</p> <p>(h) electronic computer programme;...</p> <p>14A.-(1) The circulation, sale, rental, distribution of any audio recording, cinematograph film or electronic computer program will only be allowed as long as it carries affixed by the author or his authorised representative on a visible place, a special sticker which will be made available in the manner that the Minister will determine and the affixing of this sticker by the author or his authorised representative certifies that the making available for trade, or the circulation in any way of the audio recording, cinematograph film, or electronic computer program does not constitute an infringement of the copyright of the author.</p> <p>(2) Anyone who knowingly acts in breach of this section shall commit an offence and in case of his conviction shall be liable to a fine not exceeding one thousand five hundred (1,500) pounds for every copy or to imprisonment for a term not exceeding two (2) years or to both such penalties and in case of a second or subsequent conviction to a fine which shall not exceed two thousand (2,000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>7.-(1) Copyright in a scientific, literary, musical or artistic work or a cinematograph film or photograph shall consist in the exclusive right to control the doing in the Republic of any of the following acts: the reproduction in any form, sale, rental, distribution, lending, advertising, exhibiting in public, the communication to the public, the broadcasting, the translation, adaptation and any other arrangement, of the whole work or a substantial part thereof:</p> <p>(...)</p>
Right of communication to the public and right of making available	<p>7.-(1) Copyright in a scientific, literary, musical or artistic work or a cinematograph film or photograph shall consist in the exclusive right to control the doing in the Republic of any of the following acts: the reproduction in any form, sale, rental, distribution, lending, advertising, exhibiting in public, the communication to the public, the broadcasting, the translation, adaptation and any other arrangement, of the whole work or a substantial part thereof:</p> <p>(...)</p>

Distribution right	7.-(1) Copyright in a scientific, literary, musical or artistic work or a cinematograph film or photograph shall consist in the exclusive right to control the doing in the Republic of any of the following acts: the reproduction in any form, sale, rental, distribution, lending, advertising, exhibiting in public, the communication to the public, the broadcasting, the translation, adaptation and any other arrangement, of the whole work or a substantial part thereof: (...)										
Moral rights											
Right of publication											
Recognition of authorship	7.- (...) (4) Copyright in a scientific, literary, musical or artistic work, in a cinematograph film or photograph includes the right of the author, during his lifetime, to claim authorship of the work ...										
Distortion of the work	7.- (...) (4) Copyright in a scientific, literary, musical or artistic work, in a cinematograph film or photograph includes the right of the author, during his lifetime, ... to object to any distortion, mutilation or other alteration thereof which would be prejudicial to his honour or reputation: Provided that an author who authorizes the use of his work in a cinematograph film or a television broadcast may not oppose modifications which are absolutely required on technical grounds or for the purpose of commercial exploitation of the work.										
Duration of Protection	4.- (...) (2) The duration of copyright subsisting by virtue of this section shall be calculated in accordance with the following schedule <table border="0"> <thead> <tr> <th><i>Type of Work</i></th> <th><i>Date of Expiration of Copyright</i></th> </tr> </thead> <tbody> <tr> <td>(i) Scientific, literary, musical or artistic works other than photographs</td> <td>Fifty years beginning from the end of the year in which the author dies.</td> </tr> <tr> <td>(ii) Cinematograph films and photographs</td> <td>Fifty years beginning from the end of the year in which the work was first published.</td> </tr> <tr> <td>(iii) Sound recordings</td> <td>Fifty years beginning from the end of the year in which the recording was made.</td> </tr> <tr> <td>(iv) Broadcasts</td> <td>Fifty years beginning from the end of the year in which the broadcast took place.</td> </tr> </tbody> </table> (3) In the case of anonymous or pseudonymous scientific, literary, musical or artistic works the copyright therein shall expire fifty years beginning from the end of the year in which the work was first published, but in any case not later than the end of the year in which it is reasonable to presume that the author has been dead for fifty years: Provided that in the event of the identity of the author becoming known the duration of copyright shall be calculated in accordance with the provisions of section 4(2)(i). (4) In the case of a work of joint authorship, reference in the schedule in subsection (2) to the death of the author shall be taken to refer to the author who dies last, whether or not he is a qualified person.	<i>Type of Work</i>	<i>Date of Expiration of Copyright</i>	(i) Scientific, literary, musical or artistic works other than photographs	Fifty years beginning from the end of the year in which the author dies.	(ii) Cinematograph films and photographs	Fifty years beginning from the end of the year in which the work was first published.	(iii) Sound recordings	Fifty years beginning from the end of the year in which the recording was made.	(iv) Broadcasts	Fifty years beginning from the end of the year in which the broadcast took place.
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Exceptions and limitations	
Educational and scientific purposes	<p>7.-(1) (...) Provided that copyright in any such work shall not include the right to control</p> <p>(a) the doing of any of the aforesaid acts by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, on condition that, if such use is made in public, it shall be accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast;</p> <p>(...)</p> <p>(f) the quotation of passages from published works if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used;</p> <p>(g) the reproduction by the press and the inclusion in a broadcast or a communication to the public of articles published in newspapers or magazines on current economic, political or religious topics, if such reproduction or inclusion has not been expressly reserved and provided that the source is clearly indicated;</p> <p>(i) the reading or recitation in public or in a broadcast by one person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement;</p> <p>(...)</p> <p>(n) the reproduction by the press, the broadcasting and the communication to the public of lectures, addresses and other works of the same nature which are delivered in public, if such use is justified by its informative purpose.</p> <p>(...)</p>
Scope of exceptions	<p>7.-(1) (...) Provided that copyright in any such work shall not include the right to control</p> <p>(a) the doing of any of the aforesaid acts by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, on condition that, if such use is made in public, it shall be accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast;</p> <p>(...)</p> <p>(e) the inclusion of a work in a broadcast, communication to the public, sound recording, cinematograph film or collection of works, if such inclusion is made by way of illustration for teaching purposes and is compatible with fair practice and provided that mention is made of the source and of the name of the author which appears on the work thus used;</p> <p>(f) the quotation of passages from published works if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used;</p> <p>(...)</p>

	<p>(n) the reproduction by the press, the broadcasting and the communication to the public of lectures, addresses and other works of the same nature which are delivered in public, if such use is justified by its informatory purpose.</p>
Libraries and archives	<p>7.-(1) (...) Provided that copyright in any such work shall not include the right to control (...) (j) any use made of a work by such public libraries, non-commercial collection and documentation centres and scientific institutions as may be prescribed, where such use is in the public interest, no revenue is derived therefrom and no admission fee is charged for the communication, if any, to the public of the work thus used; (...)</p>
Acknowledgement of source	<p>7.-(1) (...) Provided that copyright in any such work shall not include the right to control (a) the doing of any of the aforesaid acts by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, on condition that, if such use is made in public, it shall be accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast; (...) (e) the inclusion of a work in a broadcast, communication to the public, sound recording, cinematograph film or collection of works, if such inclusion is made by way of illustration for teaching purposes and is compatible with fair practice and provided that mention is made of the source and of the name of the author which appears on the work thus used; (f) the quotation of passages from published works if they are compatible with fair practice and their extent does not exceed that justified by the purpose, including extracts from newspaper articles and magazines in the form of press summaries, provided that mention is made of the source and of the name of the author which appears on the work thus used; (g) the reproduction by the press and the inclusion in a broadcast or a communication to the public of articles published in newspapers or magazines on current economic, political or religious topics, if such reproduction or inclusion has not been expressly reserved and provided that the source is clearly indicated; (h) (i) the reading or recitation in public or in a broadcast by one person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement; (...)</p>
Private use	<p>7.- (...) Provided that copyright in any such work shall not include the right to control (a) the doing of any of the aforesaid acts by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, on condition that, if such use is made in public, it shall be</p>

	accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast (...).
How to acquire rights if necessary?	
Right-holder	
Authorship	<p>11.-(1) Copyright subsisting by virtue of this Law shall vest initially in the author: Provided that, notwithstanding the provisions of subsection (5) of section 12, where the doing of a work</p> <p>(a) is commissioned by a person or body corporate who is not the author's employer under a contract of service or apprenticeship, or</p> <p>(b) not having been so commissioned, is made in the course of the author's employment as part of his duties under his contract of employment, the copyright shall be deemed to be transferred to the person or body corporate who commissioned the work or to the author's employer, subject to any agreement between the parties excluding or limiting such transfer.</p> <p>(2) The name on a work purporting to be the name of its author shall be deemed as such, unless the contrary is proved.</p> <p>(3) In the case of an anonymous or pseudonymous work, the publisher whose name is indicated on the work as such shall be deemed to be, unless the contrary is proved, the lawful representative of the anonymous or pseudonymous author and shall be entitled to exercise and protect the rights belonging to the author under this Law.</p> <p>(4) In the case of an unpublished work where the identity of the author is unknown, but where there are reasons supporting the view that he is a citizen of the Republic the copyright subsisting by virtue of this Law shall be deemed to vest in the Minister of Education.</p> <p>(5) The provisions of subsections (3) and (4) shall cease to apply as soon as the identity of the author becomes known.</p>
Joint authors/ compound works/ authors in employment	<p>11.-(1) Copyright subsisting by virtue of this Law shall vest initially in the author: Provided that, notwithstanding the provisions of subsection (5) of section 12, where the doing of a work</p> <p>(a) is commissioned by a person or body corporate who is not the author's employer under a contract of service or apprenticeship, or</p> <p>(b) not having been so commissioned, is made in the course of the author's employment as part of his duties under his contract of employment, the copyright shall be deemed to be transferred to the person or body corporate who commissioned the work or to the author's employer, subject to any agreement between the parties excluding or limiting such transfer.</p> <p>(...)</p> <p>2.-(1) In this Law, unless the context otherwise requires.... 'work of joint authorship' means a work produced by the collaboration of two or more authors in which the contribution of each author is not separable from the contribution of the other author or authors....</p>
Collecting Societies	<p>15. (1)...</p> <p>(2)...'licensing body' means a society, firm or other organization which has as its main object, or one of its main objects, the negotiation or granting of licences in respect of copyright works, and includes an individual carrying on the same activity</p> <p>(...)</p>

Contract Law/Licenses	
Transfer of rights	<p>12.-(1) Subject to the provisions of this section, copyright shall be transmissible by assignment, by testamentary disposition, or by operation of law, as movable property.</p> <p>(2) An assignment or testamentary disposition of copyright may be limited so as to apply to some only of the acts which the owner of the copyright has the exclusive right to control, or to part only of the period for which the copyright is to subsist or to a specified country or other geographical area.</p> <p>(3) No assignment of copyright and no exclusive licence to do an act the doing of which is controlled by copyright shall have effect unless it is or is granted in writing.</p> <p>(4) A non-exclusive licence to do an act the doing of which is controlled by copyright may be written or oral, or may be inferred from conduct.</p> <p>(5) An assignment, licence or testamentary disposition may be effectively granted or made in respect of a future work, or an existing work in which copyright does not yet subsist, and the prospective copyright in any such work shall be transmissible by operation of law as movable property.</p> <p>(6) A testamentary disposition of the material on which a work is first written or otherwise recorded shall, unless the will has provided otherwise, be deemed to include any copyright or prospective copyright in the work which is vested in the deceased.</p> <p>15.-(1) In any case where it appears to the competent authority that a licensing body-</p> <p>(a) is unreasonably refusing to grant licences in respect of copyright; or</p> <p>(b) is imposing unreasonable terms or conditions on the granting of such licences, the competent authority may direct that, as respects the doing of any act relating to a work with which the licensing body is concerned, a licence shall be deemed to have been granted by the licensing body at the time the act is done, provided the appropriate fees fixed by such competent authority are paid or tendered before the expiration of such period or periods as the competent authority may determine and such other reasonable terms and conditions as may be prescribed by the competent authority are fulfilled.</p> <p>(2) In this section- 'competent authority' means the authority consisting of not more than five persons appointed by the Minister from amongst persons having experience in and knowledge of matters of copyright, at least three of which are not members of the public service, for the purpose of exercising jurisdiction under the provisions of this Law whenever any matter requires to be determined by such authority;....</p> <p>(...)</p>
Remuneration Schemes/ compensation	
Protection of technological measures and rights management information	
Consequences of copyright infringement	<p>13.-(1) Copyright shall be infringed by any person who does, or causes or permits any other person to do, without the licence of the owner thereof, an act the doing of which is controlled by copyright.</p>

	<p>(2) Copyright shall also be infringed by any person who, without the licence of the owner of the copyright, imports into the Republic or exports from the Republic, otherwise than for his private and domestic use, or distributes therein by way of trade or sells or rents or lends or communicates to the public or exhibits in public or in any way advertises any article in respect of which copyright is infringed under subsection (1).</p> <p>(3) In an action for infringement of copyright-</p> <p>(a) copyright shall be presumed to subsist in the work, unless the defendant puts the question in issue;</p> <p>(b) where the subsistence of copyright is not in issue, the plaintiff is presumed to be the owner of the right claimed, unless the defendant puts his ownership in issue;</p> <p>(c) the work in question shall be presumed to be original, and in the case of a publication, the date and place alleged by the plaintiff shall be presumed to be correct, unless, in either case, the contrary is proved.</p> <p>(4) Subject to the provisions of this Law, infringements of copyright shall be actionable at the suit of the owner of the copyright, and in any action for such an infringement all such relief, by way of damages, injunction, accounts or otherwise, shall be available to the plaintiff as is available in any corresponding proceedings in respect of infringement of other rights including the right of delivery up to the owner of copyright, who is deemed to be their owner, of all the copies which appear to the Court to be infringing copies of the copyright in the work.</p> <p>(5) Where in an action for infringement of copyright it is proved or admitted-</p> <p>(a) that an infringement was committed, but</p> <p>(b) that at the time of the infringement the defendant was not aware, and had no reasonable grounds for suspecting, that copyright subsisted in the work to which the action relates,</p> <p>the plaintiff shall not be entitled under this section to any damages against the defendant in respect of the infringement, but shall be entitled to an account of profits in respect of the infringement whether any other relief is granted under this section or not.</p> <p>(6) Where in an action under this section an infringement of copyright is proved or admitted, and the Court, having regard (in addition to all other material considerations) to-</p> <p>(a) the flagrancy of the infringement; and</p> <p>(b) any benefit shown to have accrued to the defendant by reason of the infringement, is satisfied that effective relief would not otherwise be available to the plaintiff, the Court, in assessing damages for the infringement, shall have power to award such additional damages by virtue of this subsection as the Court may consider appropriate in the circumstances.</p> <p>(7) No injunction shall be issued in proceedings for infringement of copyright which requires a completed or partly built building to be demolished or prevents the completion of a partly built building.</p> <p>(8) (...)</p> <p>14.-(1) If any person knowingly</p> <p>(a) makes for sale or hire any infringing copy in which copyright subsists or</p> <p>(b) sells or lets for hire or advertises the sale or hire, or by way of trade exposes or offers for sale or hire any such copy or</p> <p>(c) obtains possession or distributes such copies either for the purposes of</p>
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	<p>trade or to such an extent as to affect prejudicially the owner of the copyright or</p> <p>(d) by way of trade exhibits in public any such copy or</p> <p>(e) exports from and/or imports into the Republic for sale or hire any such copy</p> <p>shall commit an offence and shall, on his conviction, be liable to a fine not exceeding one thousand five hundred (1,500) pounds or to imprisonment for a term not exceeding two (2) years or to both such penalties and in the case of a second or any subsequent conviction he shall be liable to a fine not exceeding two thousand (2,000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.</p> <p>(2) Any person who knowingly makes or has in his possession any plate for the purpose of making infringing copies of any work in which copyright subsists shall commit an offence and shall, on his conviction, be liable to a fine not exceeding one thousand five hundred (1,500) pounds or to imprisonment for a term not exceeding two (2) years or to both such penalties, and, in the case of a second or any subsequent conviction, he shall be liable to a fine not exceeding two thousand (2,000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.</p> <p>(3) Any person who knowingly causes or permits a scientific, literary, artistic or musical work to be performed in public thereby infringing a copyright which subsists in such work shall commit an offence and shall, on his conviction, be liable to a fine not exceeding one thousand five hundred (1,500) pounds or to imprisonment for a term not exceeding two (2) years or to both such penalties, and, in the case of a second or any subsequent conviction, he shall be liable to a fine not exceeding two thousand (2,000) pounds or to imprisonment for a term not exceeding three (3) years or to both such penalties.</p> <p>(4) With regard to any procedure relating to criminal offences in contravention of the present Law, within the meaning of the term 'author', every person who reproduces with the consent of the author, as well as every authorised representative of his, shall be included.</p> <p>(5) The Court before which any such proceedings are taken may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or to be plates for the purpose of making infringing copies, shall be destroyed or delivered up to the owner of the copyright or otherwise be dealt with as the Court may think fit.</p> <p>(6) For the purposes of this section 'Court' means the President of the District Court or Senior District Judge or District Judge having territorial jurisdiction to try any offence under this section and impose the penalties prescribed thereunder.</p>
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d) Czech Republic

Czech Republic	
Law No. 121/2000 Coll. of 7 April 2000	
on Copyright, Rights Related to Copyright and on the Amendment of Certain Laws	
Protected Works	
Categories of protected works	<p>Article 2</p> <p>(1) The subject of copyright shall be a literary work or other work of art or a scientific work which are the unique outcome of the creative activity of the author and are expressed in any objectively perceivable manner including electronic form, permanent or temporary, irrespective of their scope, purpose or significance (henceforth referred to as 'work'). A work shall be namely a literary work expressed by speech or in writing, a musical work, a dramatic work or dramatico-musical work, a choreographic work and pantomimic work, a photographic work and a work produced by a process similar to photography, an audiovisual work like a cinematographic work, a work of fine arts like a painting, graphic or sculptural work, an architectonic work including a town-planning work, a work of applied art, and a cartographic work.</p> <p>(...)</p> <p>(3) Copyright shall apply to the work in its entirety, to its individual developmental phases and to parts of the work, including its title and the names of its characters, if these comply with the conditions stipulated in paragraph 1, or in paragraph 2 if the items are subjects of copyright as defined by that paragraph.</p> <p>(4) A work which is the outcome of the creative adaptation of another work, including its translation into another language, shall also be the subject of copyright. This shall not prejudice the rights of the author of the adapted or translated work.</p>
Conditions for protection	<p>Article 2</p> <p>(1) ...the unique outcome of the creative activity of the author and are expressed in any objectively perceivable manner...</p> <p>(...)</p> <p>(6) For the purpose of this Act a work shall not mean, namely, the subject of the work as such, the news of the day and any other fact as such, an idea, procedure, principle, method, discovery, scientific theory, mathematical and similar formula, statistical diagram and similar item as such.</p> <p>Article 3: Protection does not apply to</p> <p>a)...official works</p> <p>b) creations of traditional folk culture...</p> <p>c) a political speech and address presented during official proceedings; the author's right to use such works in a collection remains unaffected</p>
Database protection	<p>Article 2</p> <p>(...)</p> <p>(2) ... a database shall be considered a work if due to the manner of its selection or arrangement of its content it is the author's own intellectual creation; a photograph which is original in the sense of the first clause shall be protected as a photographic work.</p> <p>(...)</p>

	<p>(5) A collection like a journal, encyclopaedia, anthology, broadcast programme, exhibition, or other database (Art. 88), which is a collection of independent works or other elements that by reason of their selection and of the arrangement of the content constitute a unique outcome of the creative activity of the author, is a work of collection</p> <p>Article 36 Restriction of copyright to a collection</p> <p>Copyright to a collection shall not be infringed by the legitimate user of the collection work if he uses such work for the purposes of accessing its content and for the normal utilisation of its content.</p> <p>The right sui generis of the maker of the database</p> <p>Article 88</p> <p>(1) ...a database shall be a collection of independent works, data, or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means, irrespective of the form of their expression. Rights sui generis to a database shall be due to the maker of a database which is a qualitatively or quantitatively substantial contribution to the acquisition, verification or presentation of its content, irrespective of whether the database or its content are the subject of copyright or of other protection.</p> <p>Article 89 The maker of the database</p> <p>The maker of the database is the natural person or legal entity who, on his own responsibility, has compiled the database, or who has had a database compiled by another person or entity.</p> <p>Article 90 Content of the right sui generis of the maker of the database</p> <p>(1) The maker of the database shall have the right to extraction or re-utilisation of the whole content of the database or of its qualitatively or quantitatively substantial part, and the right to grant to another person the authorisation to execute such right.</p> <p>(2) The extraction pursuant to paragraph (1) means the permanent or temporary transfer of all or substantial part of the content of a database to another medium by any means or in any form.</p> <p>(3) The re-utilization pursuant to paragraph (1) shall mean any form of making available to the public all or a substantial part of the content of a database by the distribution of copies, by rental, by on-line or other forms of transmission.</p> <p>(...)</p> <p>(5) The repeated and systematic extraction or re-utilization of insubstantial parts of the content of the database implying acts which is not habitual, is inappropriate and which unreasonably prejudices the legitimate interests of the maker of the database, shall not be permitted.</p> <p>(6) The right of the maker of a database is transferable.</p> <p>Article 91 Restriction of the right sui generis of the maker of the database</p> <p>The right of the maker of the database which has been made available in any way to the public shall not be infringed by the legitimate user who extracts or re-utilises qualitatively or quantitatively insubstantial parts of the content of the database or of its part, and that for whatever purpose, on condition that such user uses the database in a habitual and appropriate manner, not systematically or repeatedly, and without damaging the legitimate interests of the maker of the database, and that he does not cause damage to the author or the rightholder of rights related to the</p>
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	<p>copyright to works or other protected items contained in the database.</p> <p>Article 92 Statutory licences</p> <p>The right of the maker of the database made available by him shall not be infringed by the legitimate user who extracts or re-utilises a substantial part of the content of the database: for his personal use; the provision of Article 30 paragraph (1) of the clause following the semicolon shall remain unaffected, for scientific or educational purposes if he indicates the source, within the scope justified by the desired non-gainful purpose, and for the purposes of public security or an administrative or judicial procedure.</p> <p>Article 93 Duration of the right sui generis of the maker to the database</p> <p>The right sui generis of the maker of the database shall run for 15 years from the making of the database. If however the database is made available during such period, the special right of the maker of the database shall expire 15 years from the date when the database has thus been made available.</p> <p>Article 88</p> <p>(...)</p> <p>(2) Any new qualitatively or quantitatively substantial contribution to a database, consisting of supplementation, abbreviation or other adjustments, shall result in the start of a new run of duration ...</p> <p>Article 94 Application of the provisions of Title I</p> <p>The provisions of Article 3 clause a), Article 4 and Article 6, Article 9 paragraphs (2) to (4), Article 12 paragraph (2), Articles 13 to 15, Article 18 paragraph (2), Article 27 paragraph (7), Article 28 paragraph (1), Article 29, Article 30 paragraph (1), Articles 40 to 44, Articles 46 to 48, Article 49 paragraphs (1) to (5), Articles 50, 51, 55 and 57 shall apply appropriately also to the provider of the database.</p> <p>Article 58 (7) Computer programs and databases shall be deemed employee works</p>
Computer Software	<p>Article 1</p> <p>(...)</p> <p>(2) A computer program shall also be considered a work if it is original in the sense of being the author's own intellectual creation;</p> <p>(...)</p> <p>Article 65 General provision</p> <p>(1) A computer program, irrespective of the form in which it is expressed, including preparatory design material, shall be protected as a literary work.</p> <p>(2) The ideas and principles which underlie any element of a computer program, including those which underlie its interfaces, are not protected pursuant to this Act.</p> <p>Article 66 Restriction of the scope of the author's rights to a computer program</p> <p>(1) The legitimate user of a reproduction of a computer program shall not infringe copyright if unless agreed otherwise, he reproduces, translates, adapts, arranges or otherwise alters the computer program if this is necessary for the utilisation of the computer program in compliance with its purpose, including the correction of program errors, he makes a back-up copy of the computer program, if this is necessary for its utilization, he observes, studies or tests, by himself or through another person on his</p>

	<p>behalf, the functioning of the program in order to determine the ideas and principles underlying any element of the program, if he does so while performing any of the acts of loading, displaying, running, transmitting or storing the program, he reproduces the code or translates its form during the reproduction of the computer program, or during its translation or other adaptation, adjustment or other alteration either by himself or through another person on his behalf, if such reproduction or translation is necessary to obtain the information needed to achieve the interoperability of an independently created computer program with other programs, where the information needed for the achievement of interoperability is not otherwise easily available to these persons and such activity is restricted to those parts of the computer program which are necessary for the achievement of interoperability.</p> <p>(2) The making of a reproduction needed for the loading and storage of the computer program into the memory of the computer, as well as for its display, run and transmission, shall also be deemed the reproduction of the computer program.</p> <p>(3) The information acquired during the activity pursuant to paragraph (1) d) may not be given to third parties or used for purposes other than to achieve the interoperability of the independently created computer program. In addition, this information may not be used for the development, production or marketing of a computer program substantially similar in its expression, or for any other act which infringes copyright.</p> <p>(4) The provisions of paragraph (1) d) and paragraph (2) may not be interpreted in such a way as to allow its application to be use in a manner which unreasonably prejudices the legitimate interests of the author or conflict with a normal exploitation of the computer program.</p> <p>(5) Unless agreed otherwise, the provision of Article 54 shall not apply to computer programs.</p> <p>Article 58</p> <p>(...)</p> <p>(7) Computer programs and databases shall be deemed employee works</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>Article 12</p> <p>(...)</p> <p>(4)The right to use a work shall mean right of reproduction of the work (Art. 13),</p> <p>(...)</p> <p>Article 13</p> <p>(1) The reproduction of the work shall mean the making of permanent or temporary, direct or indirect reproductions of the work, and that by any means and in any form, for the purpose of making the work available by means of such reproductions.</p> <p>(2) The work is reproduced especially in the form of a printed, photographic, audio, visual or audiovisual reproduction, of an erection of an architectonic work or in the form of another three-dimensional reproduction, or in an electronic form including its analogue and digital expression.</p>

<p>Right of communication to the public and right of making available</p>	<p>Article 12 (...) (4)The right to use a work shall mean (...) right of exhibition of the original or a copy of the work (Art. 17), right of communication of the work to the public (Art. 18), namely the right of performing live or from a fixation, and the right of transmitting the performance of the work (Art. 19 and 20), the right of broadcasting the work (Art. 21), the right of rebroadcasting and retransmitting of the broadcast of the work (Art. 22), 4. the right of performing of the broadcast of the work (Art. 23).</p> <p>Article 17 Exhibition The exhibition of the original or reproduction of the work shall mean making the work available in a tangible form by the facilitation of the possibility to view or perceive in any other manner the original or reproduction of, especially, a work of fine arts, of a photographic work, of an architectonic work including a town-planning work, of a work of applied art, or of a cartographic work. Exhibition shall not mean making the work available in accordance with Art. 18 paragraph (2).</p> <p>Communication to the public</p> <p>Article 18 (1) The communication of the work to the public shall mean making the work available in an intangible form, live or from a recording, by wire or wireless means. (2) The communication of the work to the public pursuant to paragraph (1) shall mean also making the work available in such a way that members of the public may access to the work from a place and at a time individually chosen by them, especially by using a computer or similar network. (3) The communication of the work to the public shall not mean the mere operation of a facility enabling or facilitating such communication.</p> <p>Article 19 Live performance of the work and its transmission (1) The live performance of the work shall mean making available the work performed live by a performer, especially of live recited literary work, live performed musical work with or without words or of a dramatic or dramatico-musical, choreographic or pantomimic work performed live on stage. (2) The transmission of the live performance of a work shall mean making simultaneously available the live performance of the work by the means of a loudspeaker, screen or similar device located beyond the space of the live performance, with the exception of the uses of the work pursuant to Articles 21 to 23.</p> <p>Article 20 Performance of the work from a recording and its transmission</p> <p>Article 21 Broadcasting</p> <p>Article 22 Rebroadcasting and retransmitting of the broadcast</p> <p>Article 23 Performing of the broadcast.</p>
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	<p>Article 45</p> <p>Copyright shall also be infringed by whoever uses for his work a title or external design that has been legitimately used earlier by another author for a work of the same kind if this could lead to the danger of confusion of the two works, unless ensuing otherwise from the nature of the work or from its designation.</p>
Distribution right	<p>Article 12</p> <p>(...)</p> <p>(4)The right to use a work shall mean</p> <p>(...)</p> <p>b) right of distribution of the original or a copy of the work (Art. 14),</p> <p>c) right of rental of the original or a copy of the work (Art. 15),</p> <p>d) right of lending of the original or a copy of the work (Art. 16),</p> <p>Article 14 Distribution</p> <p>(1) The right to distribute the original or copies of the work shall mean making the work available in a tangible form by sale or other transfer of property right to the original or to the copies of the work, including their offer for such purpose.</p> <p>(2) The first sale or other transfer of property right to the original or a copy of the work, by which the work is distributed lawfully on the territory of the Czech Republic, shall exhaust the author’s right to distribute such original or a copy of the work on the territory of the Czech Republic; the right of rental and the right of lending of the work shall remain unaffected.</p> <p>Article 15 Rental</p> <p>The rental of the original or a copy of the work shall mean making the work available for the purpose of direct or indirect economic or commercial advantage by providing the original or a copy of the work for a limited period of time for personal use.</p> <p>Article 16 Lending</p> <p>The lending of the original or a copy of the work shall mean making the work available through an establishment which is accessible to the public not for the purpose of direct or indirect economic or commercial advantage by providing the original or a copy of the work for a limited period of time for personal use.</p>
Moral rights	
Right of publication	<p>Article 11</p> <p>(1) The author shall have the right to decide about making his work public.</p> <p>(...)</p>
Recognition of authorship	<p>Article 11</p> <p>(...)</p> <p>(2) The author shall have the right to claim authorship, including the right to decide whether and in what manner his authorship should be indicated during the making public of his work.</p>
Distortion of the work	<p>Article 11</p> <p>(...)</p> <p>(3) The author shall have the right to the inviolability of his work, especially</p>

	<p>the right to grant consent to any alteration of, or other intervention into his work, unless stipulated otherwise by this Act. Where the work is utilized by another person, the utilization may not be executed in a manner that depreciates the value of the work. The author shall have the right of supervision over compliance with this obligation by the other person (author's supervision), unless ensuing otherwise from the nature of the work or of its utilisation, or unless it is not possible to fairly require of the user to allow the author the exercise of the right to author's supervision.</p>
Duration of Protection	<p>Article 27</p> <p>(1) Unless stipulated otherwise, economic rights shall run for the life of the author and for 70 years after his death (...).</p> <p>(...)</p>
Exceptions and limitations	
Educational and scientific purposes	<p>Article 31 Quotation</p> <p>Copyright shall not be infringed by whoever quotes, to a justified degree, in his own work, excerpts from the published works of other authors, includes into his independent scientific, critical or technical work, or into a work designated for teaching purposes, for the clarification of its content, small published works in their entirety, uses a published work in a lecture exclusively for scientific, teaching or other instructive or educational purposes; the name of the author, unless the work is an anonymous work, or the name of the person under whose name the work is being introduced in public must however always be indicated; the title of the work and source must also be indicated.</p> <p>Article 34 Official and reporting licence</p> <p>(1) Copyright shall not be infringed by whoever uses, to a justifiable degree, the work for official purposes in compliance with the law, within the course of reporting on a current event during which such work is being performed, exhibited or otherwise used, borrows in the periodical press or other mass communication medium articles with a content of topical importance on political, economic or religious matters, which have already been published in another mass communication medium, or their translations; such borrowing shall not be admissible if it is explicitly forbidden.</p> <p>(2) The provision of Article 31 of the clause following the semicolon shall apply appropriately('Acknowledgement').</p> <p>Article 35 Utilization of the work as a part of civil and religious ceremonies, as a part of school performances and the utilisation of a school work</p> <p>(...)</p> <p>(2) Copyright shall not be infringed by whoever utilizes a work for non commercial purposes during school performances performed exclusively by the pupils, students or teachers of the school or of the school or educational establishment.</p> <p>(3) Copyright shall also not be infringed by the school or school or educational establishment if they use for non commercial purposes for their own internal needs a work created by a pupil or student as a part of their school or educational assignments ensuing from their legal relationship with the school or school or educational establishment (school work).</p> <p>(4) The provision of Article 31 of the clause following the semicolon shall apply for paragraphs (2) and (3) appropriately.</p> <p>Article 37 Use of the work by reproduction and distribution of reproductions</p> <p>(1) Copyright shall not be infringed by the library, archive and other non</p>

	<p>commercial school, educational and cultural establishment 4) which makes a reproduction of the work for their archival and conservation purposes.</p> <p>(2) Copyright shall not be infringed by whoever makes, during the use of the work, a transient and incidental reproduction of the work in electronic form, which on its own has no economic significance, and the purpose of which is the facilitation of</p> <p>the use of the work, and whose making is an inseparable and indivisible part of the technological process of making the work available, including such reproduction which allows the effective functioning of the transmission system.</p>
Scope of exceptions	<p>Article 29</p> <p>(1) Copyright may be restricted only in certain special cases provided for by this Act; these may not however be interpreted in a manner that would conflict with a normal exercise of copyright and would unreasonably prejudice the legitimate interests of the author.</p> <p>(2) A reproduction made pursuant to the provisions of Article 31 a) and b), Articles 32 to 34, and Article 37 paragraph (2) b) and c) may also be distributed non-gainfully within the scope justified by the purpose of the lawfully made reproduction.</p>
Libraries and archives	<p>Article 37 Use of the work by reproduction and distribution of reproductions</p> <p>(1) Copyright shall not be infringed by the library, archive and other non commercial school, educational and cultural establishment 4) which makes a reproduction of the work for their archival and conservation purposes.</p> <p>(...)</p> <p>Article 38 Use of the work by lending and rental of the original or a copy</p> <p>(1) Copyright shall not be infringed by the entity referred to in Article 37 paragraph (1) which lends the originals or copies of published works.</p> <p>(2) The provision of paragraph (1) shall not apply to computer programs and to copies of audio or audiovisual fixations, unless the lending occurs for exclusive use by persons with health disabilities in connection with their disability.</p>
Acknowledgement of source	<p>Article 31 Quotation: Acknowledgement necessary</p> <p>Article 34 Official and reporting licence Acknowledgement necessary</p> <p>Article 35 Utilization of the work as a part of civil and religious ceremonies, as a part of school performances and the utilisation of a school work Acknowledgement necessary</p>
How to acquire rights if necessary?	
Right-holder	
Authorship	<p>Article 5</p> <p>(1) The author is the natural person who has created the work.</p> <p>(...)</p> <p>Article 6 Legal presumption of authorship</p> <p>The author shall be the natural person whose real name is indicated (...).</p>
Joint authors/ compound works/ authors in employment	<p>Article 8 Joint authors</p> <p>(1) The copyright to a work which has been produced until the time of the completion of the work as a single work by the creative activity of two or more authors (work by joint authors) shall belong to all the joint authors</p>

	<p>jointly and inseparably. The establishment of a work by joint authors shall not be prejudiced if the creative contributions to the work by the individual joint authors can be distinguished, unless such contributions are capable of being used independently.</p> <p>(2) A joint author shall not be a person who has contributed to the establishment of the work merely by providing assistance or advice of a technical, administrative or expert nature or by providing documentation or technical material, or who has merely given the impulse to the generation of the work.</p> <p>(3) All the joint authors shall be jointly and inseparably authorised to perform, and liable for legal acts pertaining to their joint work.</p> <p>(...)</p> <p>Article 5</p> <p>(....)</p> <p>The author of a collection in its entirety is the natural person who has selected the components or arranged them in a creative manner; this shall not prejudice the rights of the authors of the works included into the collection.</p> <p>Article 58 Employee work</p> <p>(1) Unless agreed otherwise, the author's economic rights to a work created by the author in fulfilling his duties arising from the employment or civil service contract to the employer or from an employment relationship between a co-operative and its member (henceforth referred to as employee work) shall be exercised exclusively by the employer in his own name and on his own account. The employer may assign the exercise of the right pursuant to this paragraph to a third person only with the author's consent, unless this occurs during the sale of the undertaking or of its part.</p> <p>(2)...</p> <p>(3) Where the employer does not at all utilize the economic rights to an employee work, or utilizes them inadequately, the author shall have the right to ask the employer to grant him the licence under habitual conditions, unless there is a serious reason on the part of the employer to refuse it.</p> <p>(4) The author's personal rights to an employee work shall remain unaffected. Where the employer exercises the economic rights to an employee work it shall be deemed, however, that the author has given his consent to the work being made public, altered, adapted including translation, joined with another work, included into a collective work and, unless agreed otherwise, also being introduced in public under the employer's name.</p> <p>(5) ...</p> <p>(6) Unless agreed otherwise, the author of the employee work is entitled to an appropriate supplementary remuneration from the employer if the wages paid to the author by the employer are in evident disproportion to the profit from the utilisation of rights to the employee work and to the importance of such work for the achievement of this profit; this provision shall not apply to works referred to in paragraph (7), be they employee works or considered as such, unless agreed otherwise</p> <p>(7) Computer programs and databases, and cartographic works which are not collective works shall be deemed employee works also where they have been created to order; the person who ordered them shall in such case be considered the employer. The provisions of Article 61 shall not apply to such works.</p>
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	<p>(...)</p> <p>Article 59 Collective work</p> <p>(1) A collective work shall mean a work created with the participation of more authors, and which is being created at the initiative and under the management of a natural person or legal entity and made available to the public under that person's or entity's name under the condition that the contributions involved in such work shall not be capable of independent use.</p> <p>(2) Collective works shall be deemed employee works pursuant to Article 58 also in the case when they have been created to order; the person who has made the order shall in such case be considered the employer. The provision of Article 61 shall not apply to these works.</p> <p>An audiovisual work and works used audiovisually are not collective work.</p> <p>Article 61 A work created to order and a work created for a competition</p> <p>(1) A work created on the basis of a contract for work (a work created to order) may be used by the person who ordered it only for the purpose defined by the contract. Unless stipulated otherwise by this Act, the customer shall be authorised to use the work in extension of such purpose only on the basis of a licence agreement.</p> <p>(2) Unless agreed otherwise, the author may use the work made to order himself and to grant a licence also to another party if this does not contravene the legitimate interests of the customer.</p> <p>(3) The provisions of paragraphs (1) and (2) shall apply analogously to the work created by the author as a competitor in a public competition (a work created for a competition).</p>
Collecting Societies	Regulated in articles 95 ff
Contract Law/Licenses	
Transfer of rights	<p>Article 11</p> <p>(...)</p> <p>(4) The author may not waive his personal rights; these rights are non-transferable and become extinct on death of the author. The provision of paragraph (5) shall not be affected.</p> <p>Article 12</p> <p>(1) The author shall have the right to use his work and to grant by contract authorisation to another person to exercise this right; the other person may use the work without such consent only in the cases stipulated by this Act.</p> <p>Article 26</p> <p>(1) Economic rights may not be waived by the author; such rights are not transferable and are not subject to the execution of a ruling; this provision shall not apply to claims arising from such economic rights.</p> <p>(2) Economic rights are inheritable...</p> <p>Licence agreement</p> <p>Article 46 Basic provisions</p> <p>(1) The author shall grant by means of a licence agreement to the licensee authorisation to exercise the right to use the work (licence) in individual manners or in all manners of use within a restricted or unrestricted scope, and, unless agreed otherwise pursuant to Article 49 paragraph (2) b), the licensee shall undertake to remunerate the licensor.</p>

	<p>(2) The author may not grant authorisation to exercise the right to use the work in a manner which has not been known at the time of the conclusion of the agreement.</p> <p>(3) The licensee shall be obliged to utilize the licence, unless stipulated otherwise in the agreement. The provision of Article 53 shall remain unaffected.</p> <p>(4) If the licence is granted as an exclusive licence, the agreement must be in writing.</p> <p>Article 47 Exclusive or non-exclusive licence</p> <p>(1) A licence may be granted as an exclusive licence or as a non-exclusive licence. Unless stipulated otherwise by the agreement, it shall be deemed that the licence is non-exclusive.</p> <p>(2) In the case of an exclusive licence, the author may not grant the licence to a third party and shall be obliged, unless agreed otherwise, to refrain from the exercise of the right in the same manner of utilisation to which he had granted the licence.</p> <p>(3) In the case of a non-exclusive licence, the author shall continue to be authorised to exercise the right to use the work in the manner to which he had granted the licence as well as to grant the licence to third parties.</p> <p>(4) A non-exclusive licence acquired by the licensee before the subsequent granting of an exclusive licence to a third party shall be retained, unless agreed otherwise by the author and the licensee of such a non-exclusive licence.</p> <p>(5) The agreement by which the author has granted a licence to a third party while the exclusive licence of the licensee to the same manner of utilization is still in effect shall be invalid, unless the licensee of the exclusive licence has given his consent to the conclusion of such an agreement.</p> <p>Article 48 Granting of authorisation to a third party</p> <p>Article 50 Restriction of licence</p> <p>(1) A licence may be restricted to individual manners of utilization of the work; the manners of the utilization of the work may be restricted in scope, especially in amount, location or time.</p> <p>(2) Where the agreement does not stipulate the individual manners of utilization of the work or the scope of utilization for which the licence is being granted, it shall be deemed that the licence has been granted for such manners of utilization and within such scope as would be necessary for the implementation of the purpose of the agreement.</p> <p>(3) Unless stipulated otherwise by the agreement, or unless ensuing otherwise from its purpose, it shall be deemed that the territorial scope of the licence is restricted to the territory of the Czech Republic, the time scope of the licence is restricted to the habitual time for the given type of work and manner of utilization, not longer however than one year from the date of the granting of the licence; where the work ought to be delivered only after the granting of the licence, the term shall be one year from the date of delivery, the quantity scope of the licence is limited to the habitual quantity for the given type of work and manner of utilization.</p> <p>(4) Unless stipulated otherwise by agreement, the licence to reproduce a work shall imply the authorisation to make direct and indirect reproductions, permanent and temporary reproductions, in whole or in part, by any means and in any form; in the case of reproductions in electronic form this shall include both on-line and off-line reproductions.</p>
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	<p>(5) Unless stipulated otherwise by the agreement, the licence to reproduce a work shall imply the licence to distribute the reproductions thus made.</p> <p>(6) Unless stipulated otherwise by the agreement or unless arising otherwise from its purpose, the licence to the broadcast of a work shall imply also the authorisation to make an ephemeral fixation of the work by the broadcaster by means of his own facilities and for his own single broadcast.</p> <p>Article 51 Restriction of the licensee</p> <p>The licensee may not adapt or otherwise alter a work, its title or indication of the author, unless agreed otherwise or unless the adaptation or other alteration of the work or of its title is of such a kind where it is possible to reasonably expect that the author would, in view of the circumstances of its utilization, give his consent; even in the latter case, however, the licensee may not alter the work or its title if the author has reserved his consent even for such alterations and the licensee has been notified of such reservation. The same shall apply in the case of the joining of the work with another work or of the inclusion of the work into a collection.</p> <p>Article 52 Complimentary reproduction</p> <p>Where it may be fairly required of the licensee, and if this is a habitual custom, the licensee shall be obliged, at his own cost, to make available to the author at least one reproduction of the author's works from the reproductions acquired by the licensee on the basis of the relevant licence.</p> <p>Article 53 Withdrawal from agreement due to inactivity of licensee</p> <p>Article 54 Withdrawal from the agreement due to change of author's conviction</p> <p>(1) The author may withdraw in writing from the agreement if his work, which has not yet been made public, no longer corresponds with his conviction and where the making public of the work would have a significantly unfavourable effect on his legitimate personal interests. The agreement shall expire on the day of the delivery to the licensee of the written withdrawal from the agreement.</p> <p>(2) The author shall be obliged to compensate the licensee for the damage incurred by his withdrawal from the agreement.</p> <p>(...)</p> <p>Article 55 Termination of the licence</p> <p>(1) In the event of the dissolution of the legal entity which has been granted the licence, the rights and duties ensuing from the licence agreement shall pass on the legal successor of such entity. The licence agreement may eliminate such passage of rights and duties on the legal successor.</p> <p>(2) In the event of the death of the natural person who has been granted the licence, the rights and duties ensuing from the licence agreement shall pass on the heirs, if the licence agreement permits it.</p> <p>Article 56 Special provisions for a publisher's licence agreement</p>
Remuneration Schemes/ compensation	<p>Article 24 Right to remuneration on the resale of the original of a work of art</p> <p>(1) Where the original of a work of art which has been transferred by its author into the ownership of another person is subsequently sold, the author shall be entitled to the remuneration stipulated by the rate schedule attached in the annex to this Act, if the sale is being executed by a gallery operator, auctioneer or other person in the course of their business activities (henceforth 'the seller'), irrespective of whether such persons are acting on their own behalf or on the behalf of the owner.</p>

	<p>(...)</p> <p>Article 25 Right to remuneration in connection with the reproduction of the work for personal use</p> <p>(1) In the case of works made public which can be reproduced for personal use on the basis of an audio or audiovisual fixation, a broadcast, or a print or other graphic expression by their transfer by means of a technical device to empty record carriers, or by means of a technical device for making printed reproductions on paper or other similar base, the author shall be entitled to a remuneration in connection with the reproduction of the work for personal use.</p> <p>(...)</p> <p>Article 49 Remuneration</p> <p>(1) Unless stipulated otherwise hereinafter, the agreement shall stipulate the amount of the remuneration or at least the manner of its determination.</p> <p>(2) Where the amount of the remuneration or at least the manner of its stipulation is not provided for by the agreement, the agreement shall be invalid, with the exception of cases when the will of the parties to conclude an agreement implying remuneration without stipulating the amount of the remuneration ensues from the negotiations between the parties on the conclusion of the agreement; in such case the licensee shall be obliged to pay remuneration to the author in an amount habitual at the time of the conclusion of the agreement under contractual terms similar in their content to this agreement for such type of work, or the parties to the agreement agree to grant the licence without remuneration.</p> <p>(3) The author who grants a licence for the rental of an original or a copy of the work fixed as an audio or audiovisual fixation to the producer of such fixation shall be entitled to a reasonable remuneration from the person who rents the original or a copy of the work fixed in such manner; the author may not waive this right.</p> <p>(4) Where the amount of the remuneration has been agreed in dependence on the proceeds from the utilization of the licence, the licensee shall be obliged to facilitate to the author an audit of the relevant accounting or other documentation to establish the real amount of the remuneration. Where the licensee thus provides the author with information marked by the licensee as confidential, the author may not divulge such information to a third party nor use it for his own need in contravention of the purpose for which it has been made available to him.</p> <p>(5) The licensee shall be obliged to submit to the author, at agreed time intervals, regular statements of settlement of the remuneration referred to in paragraph (4); unless stipulated otherwise, he shall be obliged to do not less than once a year.</p> <p>(6) Where the remuneration has not been derived from the proceeds of the utilization of the work and where it is so low that it is in obvious disproportion to the profit from the utilization of the licence and to the importance of the work for the achievement of such profit, the author shall be entitled to an appropriate supplementary remuneration, unless agreed otherwise.</p>
Protection of technological measures and rights management information	<p>Article 43</p> <p>(1) Copyright shall also be infringed by whoever, for the purpose of achieving economic gain, develops, produces, offers for sale, rental or lending, imports, disseminates or utilizes, as a part of the provision of services or for any other purpose, aids designed for the removal,</p>

	<p>deactivation, or limitation of the function of technical devices or of other means applied for the protection of rights.</p> <p>(2) Other means pursuant to paragraph (1) shall mean any procedure, product or component integrated into a procedure, device or product designed to avoid or prevent infringement of copyright to a work which is made available only by application of a code or of another method enabling decoding.</p> <p>Article 44</p> <p>Unauthorised intervention into copyright shall also mean: removal or alteration of any electronic data identifying rights, distribution of reproductions of the work, including their import, as well as communication to the public of works whose electronic data identifying the rights to the work have been removed or altered</p> <p>without the author's consent.</p> <p>(2) Data identifying rights to a work pursuant to paragraph (1) shall mean data expressed in figures, codes or in any other manner, which by decision of the author accompany the work to identify the work and the rights relating to it.</p>
<p>Consequences of copyright infringement</p>	<p>Article 40</p> <p>(1) The author whose rights have been infringed or whose rights have been exposed to infringement may claim, namely</p> <p>a) recognition of his authorship,</p> <p>prohibition of the exposure of his right, including impending repetition of exposure, or of the infringement of his right, especially the prohibition of the unauthorized production, unauthorized commercial sale, unauthorized import or export of the original or reproduction or imitation of his work, unauthorized communication of the work to the public, as well as its unauthorized promotion including advertising and other forms of campaigns, disclosure of details of the origin of the illicitly made reproduction or imitation of his work, of the manner and scope of its utilization, and of the identity of the persons who have participated in the unauthorized making of the reproduction or of its unauthorized distribution, as the case may be, remedy of the consequences of the infringement of his right, namely by: seizure of the illicitly made reproduction or imitation of the work or of the aid pursuant to Article 43 from sale or other utilization, the destruction of the illicitly made reproduction or imitation of the work or of the aid pursuant to Article 43,</p> <p>provision of appropriate satisfaction for the nonfinancial damage caused, namely in the form of apology payment of a financial amount where the acknowledgement of a different kind of satisfaction would prove inadequate; the amount of the financial satisfaction shall be determined by a court which will take into account, especially, the gravity of the damage incurred and the circumstances under which the infringement of the right occurred; this shall not preclude an amicable settlement,</p> <p>(...)</p> <p>(3) The entitlement to compensation of damage and to the surrender of unjust enrichment pursuant to a special law shall remain unaffected; the amount of unjust enrichment incurred on the part of whoever uses the work unlawfully without having been granted the necessary licence shall be double the remuneration that would have been awarded under habitual conditions at the time of unauthorised use of the work.</p> <p>Article 41</p> <p>Where the author grants another person exclusive authorisation to exercise</p>

	<p>the right to use the work, or where the exercise of economic rights to the work is entrusted to such person by statute, the right to claim damages in accordance with Article 40 paragraph (1) b) to d), and paragraphs (2) and (3) shall be extended only to such person whose exclusive authorisation acquired thus by contract or by statute has been exposed or infringed; the entitlement of the author to make the remaining claims, as well as in this context the claim pursuant to Article 40 paragraph (2) shall remain unaffected.</p> <p>Article 42</p> <p>Co-operation of the author with custom authorities</p>
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e) Estonia

Estonia	
Copyright Act of 11 November 1992 as last amended by law of October 16, 2002 entered into force on November 18, 2002	
Protected Works	
Categories of protected works	<p>§ 4. Works in which copyright subsists</p> <p>(1) Copyright subsists in literary, artistic and scientific works.</p> <p>(2) For the purposes of this Act, 'works' means any original results in the literary, artistic or scientific domain which are expressed in an objective form and can be perceived and reproduced in this form either directly or by means of technical devices. A work is original if it is the author's own intellectual creation.</p> <p>(3) Works in which copyright subsists are:</p> <ol style="list-style-type: none"> 1) written works in the fields of fiction, non-fiction, politics, education, <i>etc</i>; 2) scientific works or works of popular science, either written or three-dimensional (monographs, articles, reports on scientific research, plans, schemes, models, tests, <i>etc</i>); 3) computer programs that shall be protected as literary works. Protection applies to the expression in any form of a computer program; 4) speeches, lectures, addresses, sermons and other works which consist of words and which are expressed orally (oral works); 5) scripts and script outlines, librettos; 6) dramatic and dramatico-musical works; 7) musical compositions with or without words; 8) choreographic works and entertainments in dumb show; 9) audiovisual works (§ 33); 10) (Repealed — 09.12.1999 entered into force 06.01.2000 — RT I 1999, 97, 859) 11) works of painting, graphic arts, typography, drawings, illustrations; 12) productions and works of set design; 13) works of sculpture; 14) architectural graphics (drawings, drafts, schemes, figures, plans, projects, <i>etc</i>), letters of explanation explaining the contents of a project, additional texts and programs, architectural works of plastic art (models, <i>etc</i>), works of architecture and landscape architecture (buildings, constructions, parks, green areas, <i>etc</i>), urban developmental ensembles and complexes; 15) works of applied art; 16) works of design and fashion design; 17) photographic works and works expressed by a process analogous to

	<p>photography, slides and slide films; 18) cartographic works (topographic, geographic, geological, <i>etc</i> maps, atlases, models); 19) draft legislation; 191) standards and draft standards; 20) opinions, reviews, expert opinions, <i>etc</i>; 21) derivative works, <i>ie.</i> translations, adaptations of original works, modifications (arrangements) and other alterations of works; 22) collections of works and information (including databases). For the purposes of this Act, 'database' means a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means. The meaning of database does not cover computer programs used in the production or operation thereof. In accordance with this Act, databases which, by reason of the selection or arrangement of their contents, constitute the author's own intellectual creation shall be protected as such by copyright and no other criteria is applied. 23) other works.</p> <p>(4) An author shall also enjoy copyright in the results of the intermediate stages of creating a work (drafts, <i>sketches</i>, plans, figures, chapters, preparatory design material, <i>etc</i>) if these are in compliance with the provisions of subsection (2) of this section.</p> <p>(5) The original title of a work is subject to protection on an equal basis with the work.</p> <p>(6) The protection of a work by copyright is presumed except if, based on this Act or other copyright legislation, there are apparent circumstances which preclude this. The burden of proof lies on the person who contests the protection of a work by copyright.</p>
<p>Conditions for protection</p>	<p>See above: author's own intellectual creation (§ 4 (1))</p> <p>§ 5. Results of intellectual activities to which this Act does not apply</p> <p>(1) This Act does not apply to:</p> <ol style="list-style-type: none"> 1) ideas, images, notions, theories, processes, systems, methods, concepts, principles, discoveries, inventions, and other results of intellectual activities which are described, explained or expressed in any other manner in a work; 2) works of folklore; 3) legislation and administrative documents (acts, decrees, regulations, statutes, instructions, directives) and official translations thereof; 4) court decisions and official translations thereof; 5) official symbols of the state and insignia of organisations (flags, coats of arms, orders, medals, badges, <i>etc</i>) and banknotes; 6) news of the day; 7) facts and data; 8) ideas and principles which underlie any element of a computer program, including those which underlie its user interfaces. <p>§ 6. Creation of copyright regardless of purpose, value, form of expression or manner of fixation of work The purpose, value, specific form of expression or manner of fixation of a work shall not be the grounds for the non-recognition of copyright.</p> <p>§ 7. Moment of creation of copyright</p> <ol style="list-style-type: none"> (1) Copyright in a work is created with the creation of the work. (2) The creation of a work means the moment of expression of the work in any objective form which allows the perception and reproduction or fixation of the work. (3) The registration or deposit of a work or completion of other formalities is

	<p>not required for the creation or exercise of copyright.</p> <p>§ 8. Copyright in works not made available to public and works made available to public Copyright subsists in works not made available to the public and in works made available to the public (published, performed in public, displayed in public or communicated to the public). 'The public' means an unspecified set of persons outside the family and immediate circle of acquaintances.</p> <p>Definitions:</p> <p>§ 9. Published works § 10. Works performed in public, displayed and communicated to public § 10.2. Communication of works to public by satellite § 10.3. Cable retransmission</p>
Database protection	<p>§ 4 (3) No. 22</p> <p>§ 18. Free private use of works (...) (2) The following shall not be reproduced for private use without the authorisation of the author and without payment of remuneration: (...) 3) electronic databases; (...)</p> <p>§ 25.1. Free use of database The lawful user of a database or of a copy thereof is entitled, without the authorisation of the author and without payment of additional remuneration, to perform any acts which are necessary for the purposes of access to the contents of the database and normal use of its contents. If the lawful user is authorised to use only part of the database, this provision shall only apply to the corresponding part of the database or of a copy thereof. Any contractual provisions which prejudice the exercise of the right are void.</p> <p>§§ 75.1-75.6: special provisions on rights of makers of databases</p> <p>§ 75.2. Definition of database For the purposes of this Chapter, 'database' means a collection of works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means. The definition of database does not cover computer programs used in the making or operation thereof.</p> <p>§ 80 Protection of rights of makers of databases (...) (2) ...provisions concerning the protection of copyright...apply to the protection of the rights of makers of databases, unless otherwise provided</p> <p>§ 90. Protection of databases upon assession to EU (exhaustion of rights, when copies are sold elsewhere in the EU and applicability of provisions to member state citizens and others)</p>
Computer Software	<p>§ 4 (3) No. 3: protected as literary works</p> <p>§ 18. Free private use of works (...) (2) The following shall not be reproduced for private use without the authorisation of the author and without payment of remuneration: (...) 4) computer programs, except in the cases prescribed in §§ 24 and 25 of this Act;</p>

	<p>(...)</p> <p>§ 24. Free use of computer programs</p> <p>(1) Unless otherwise prescribed by contract, the lawful user of a computer program may, without the authorisation of the author of the program and without payment of additional remuneration, reproduce, translate, adapt and transform the computer program in any other manner and reproduce the results obtained if this is necessary for:</p> <p>1) the use of the program on the device or devices, to the extent and for the purposes for which the program was obtained;</p> <p>2) the correction of errors present in the program.</p> <p>(2) The lawful user of a computer program is entitled, without the authorisation of the author of the program or the legal successor of the author and without payment of additional remuneration, to make a back-up copy of the program provided that it is necessary for the use of the computer program, or to replace a lost or destroyed program or a program rendered unusable.</p> <p>(3) The lawful user of a computer program is entitled, without the authorisation of the author of the program and without payment of additional remuneration, to observe, study or test the functioning of the program in order to determine the ideas and principles which underlie any element of the program if he or she does so while performing any act of loading, displaying, running, transmitting or storing the program which he or she is entitled to do.</p> <p>(4) (Repealed — 09.12.1999 entered into force 06.01.2000 — RT I 1999, 97, 859)</p> <p>(5) Any contractual provisions which prejudice the exercise of the rights specified in subsection (2) or (3) are void.</p> <p>§ 25. Decompilation of computer programs (..reproduction and translation of a program...)</p> <p>§ 91. Protection of computer programs upon accession to EU</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>§ 13. Economic rights</p> <p>(1) An author shall enjoy the exclusive right to use the author's work in any manner, to authorise or prohibit the use of the work in a similar manner by other persons and to receive income from such use of the author's work except in the cases prescribed in Chapter IV of this Act. The author's rights shall include the right to authorise or prohibit:</p> <p>1) reproduction of the author's work (right of reproduction of the work). 'Reproduction' means making one or several temporary or permanent copies of the work or a part thereof in any form or by any means;</p> <p>(...)</p>
Right of communication to the public and right of making available	<p>§ 13. Economic rights.... except in the cases prescribed in Chapter IV of this Act</p> <p>(...)</p> <p>4) translation of the author's work (right of translation of the work);</p> <p>(...)</p> <p>7) public performance of the work as a live performance or a technically mediated performance (right of public performance);</p> <p>8) displaying the work to the public (right of exhibition of the work).</p>

	<p>'Exhibition of a work' means presentation of the work or a copy thereof either directly or by means of film, slides, television or any other technical device or process;</p> <p>9) communication of the work by radio, television, cable network, satellite and by means of other technical devices (right of communication of the work);</p> <p>(...)</p> <p>§ 13.1. Exercise of author's economic rights</p> <p>(...)</p> <p>(2) A work may only be communicated to the public if the person organising the communication of the work to the public has been granted prior authorisation (licence) therefor by the author, his or her legal successor or the collective management organisation representing the author. If several persons organise the communication of a work to the public, one of them shall apply for the authorisation under an agreement between the persons.</p> <p>(3) The procedure prescribed in subsection (2) of this section also applies if a work is planned to be communicated to the public by technical means (record, cassette or CD player, <i>etc....</i>) in a place open to the public.</p> <p>(4) A work may be communicated by radio, television, cable or satellite or by other technical means only if the person communicating the work has been granted prior authorisation (licence) therefor by the author, the author's legal successor or the collective management organisation representing the author.</p> <p>(5) The procedure prescribed in subsection (2) of this section also applies if a work communicated by means specified in subsection (4) of this section is planned to be communicated by radio, television or cable in a place open to the public or in such a way that persons may access the work from a place and at a time individually chosen by them.</p> <p>(6) For the purposes of subsections (3) and (5), 'place open to the public' means the territory, building or room which is public or granted for use by the public or to which its owner or holder allows individual access (a street, square, park, sports facility, festival grounds, market, recreation area, theatre, cinema, club, discotheque, shop, mass caterer, service enterprise, public means of transport, hotel, motel, <i>etc....</i>).</p> <p>§ 75.4: special provisions for makers of databases</p> <p>§§ 95-96. Communication by satellite and cable retransmission upon accession to EU</p>
Distribution right	<p>§ 13. Economic rights.... except in the cases prescribed in Chapter IV of this Act</p> <p>(...)</p> <p>2) distribution of the author's work or copies thereof (distribution right). 'Distribution' means the transfer of the right of ownership in a work or copies thereof (sale, giving as gift, <i>etc....</i>) or any other form of distribution to the public, including the rental and lending, except for the rental and lending of works of architecture and works of applied art. The right specified in this clause shall be exhausted and copies of a work may be further distributed without the authorisation of the author if the author or rightholder has sold copies of the work, except in the cases provided for in subsection (2) of this section.</p> <p>(...)</p> <p>(2) An author shall enjoy the exclusive right to authorise or prohibit the rental or lending of copies of his or her works to the public even in the case</p>

	<p>where the distribution right has been exhausted (clause (1) 2)), except in the cases provided for in subsection (6) of this section.</p> <p>(3) For the purposes of this Act, 'rental' means making a work, copies thereof or any other results specified in this Act available for use, for a limited period of time and for direct or indirect economic or commercial advantage.</p> <p>(4) For the purposes of this Act, 'lending' means making a work, copies thereof or any other results specified in this Act available for use through establishments which are accessible to the public, for a limited period of time and not for direct or indirect economic or commercial advantage.</p> <p>(5) The first sale of a copy of a database pursuant to clause (1) 2) of this section shall exhaust the right to control resale of the copy of the database.</p> <p>(6) An author does not have the right to prohibit the lending of copies of his or her works from public libraries but the author has the right to obtain, pursuant to the procedure provided by law, equitable remuneration for such lending. The list of public libraries which pay remuneration for lending, the amount of such remuneration, the conditions for payment thereof and the payment procedure shall be established by the Government of the Republic.</p> <p>§ 94. Rental and Lending upon accession to EU</p>
Moral rights	
Right of publication	<p>§ 12 Moral Rights</p> <p>1) The author of a work has the right to:</p> <p>(...)</p> <p>6) decide when the work is ready to be performed in public (right of disclosure of the work);</p> <p>7) supplement and improve the author's work which is made public (right of supplementation of the work);</p> <p>8) request that the use of the work be terminated (right to withdraw the work);</p> <p>(...)</p> <p>(2) The rights specified in clauses (1) 7), 8) and 9) of this section shall be exercised at the expense of the author and the author is required to compensate for damage caused to the person who used the work.</p>
Recognition of authorship	<p>§ 12 Moral Rights</p> <p>1) The author of a work has the right to:</p> <p>1) appear in public as the creator of the work and claim recognition of the fact of creation of the work by way of relating the authorship of the work to the author's person and name upon any use of the work (right of authorship);</p> <p>2) decide in which manner the author's name shall be designated upon use of the work — as the real name of the author, identifying mark of the author, a fictitious name (pseudonym) or without a name (anonymously) (right of author's name);</p> <p>(...)</p> <p>9) request that the author's name be removed from the work which is being used.</p> <p>(2) The rights specified in clauses (1) 7), 8) and 9) of this section shall be exercised at the expense of the author and the author is required to compensate for damage caused to the person who used the work.</p>

Distortion of the work	<p>§ 12 Moral Rights</p> <p>1) The author of a work has the right to: (....)</p> <p>3) make or permit other persons to make any changes to the work, its title (name) or designation of the author's name and the right to contest any changes made without the author's consent (right of integrity of the work);</p> <p>4) permit the addition of other authors' works to the author's work (illustrations, forewords, epilogues, comments, explanations, additional parts, <i>etc...</i>) (right of additions to the work);</p> <p>5) contest any misrepresentations of and other inaccuracies in the work, its title or the designation of the author's name and any assessments of the work which are prejudicial to the author's honour and reputation (right of protection of author's honour and reputation); (...)</p> <p>§ 13. Economic rights.... except in the cases prescribed in Chapter IV of this Act (...)</p> <p>5) making adaptations, modifications (arrangements) and other alterations of the work (right of alteration of the work);</p> <p>6) compilation and publication of collections of the author's works and systematisation of the author's works (right of collections of works); (...)</p>
Duration of Protection	<p>§ 38. Term of protection of copyright</p> <p>(1) The term of protection of copyright shall be the life of the author and seventy years after his or her death, irrespective of the date when the work is lawfully made available to the public, except in the cases prescribed in §§ 39 — 42 of this Act. (...)</p> <p>§ 39. Term of protection of copyright in case of joint authorship or co-authorship The term of protection of copyright in a work created by two or more persons as a result of their joint creative activity (§ 30) shall be the life of the last surviving author and seventy years after his or her death.</p> <p>§ 40. Term of protection of copyright in anonymous or pseudonymous works In the case of anonymous or pseudonymous works, the term of protection of copyright shall run for seventy years after the work is lawfully made available to the public (...).</p> <p>§ 41. The term of protection of copyright in collective works, works created in execution of duties, audiovisual works and serials (...)</p> <p>§ 43. Beginning of term of protection of copyright The term prescribed in this Chapter begins on the first of January of the year following the year of the death of the author (subsection 38 (1) and § 39) or of the year following the year when the work was lawfully made available to the public or of the year following the year of creation of the work (subsection 38 (2); §§ 40, 41 and 42).</p> <p>§ 44. Protection of authorship of work, name of author, honour and reputation of author and title of work without term</p> <p>(1) The authorship of a certain work, the name of the author and the honour and reputation of the author shall be protected without a term.</p>

	<p>(2) The use of the title (name) of a work by another author for a similar work when the term of protection of copyright has expired is not permitted if such use may result in identification of authors which would mislead the public.</p> <p>§ 45. Use of works after term of protection of copyright expires Works whose term of protection of copyright has expired may be freely used by all persons pursuant to the provisions of § 44 of this Act and the Heritage Conservation</p> <p>Act (RT I 1994, 24, 391; 1996, 49, 953; 86, 1538; 1997, 93, 1559). § 75.7. Term of protection of rights of makers of databases</p> <p>(1) The rights of the maker of a database shall run from the date of completion of the database, which is the date on which the making of the database is completed.</p> <p>(2) The term of protection of the rights of the maker of a database shall expire in fifteen years from the first of January of the year following the date when the database was completed.</p> <p>(....special provisions....)</p> <p>§ 92. Terms of protection upon accession to EU</p>
<p>Exceptions and limitations</p>	
<p>Educational and scientific purposes</p>	<p>2. Use of Works without Authorisation of Author and without Payment of Remuneration</p> <p>§ 19. Free reproduction of works for scientific, educational, informational, judicial and administrative purposes The following is permitted without the authorisation of the author and without payment of remuneration if mention is made of the name of the author of the work, if it appears thereon, the title (name) of the work and the source publication:</p> <p>(...)</p> <p>2) the use of a lawfully published work or parts thereof for the purpose of illustration for teaching or scientific research to the extent justified by the purpose and on condition that such use is not carried out for commercial purposes;</p> <p>3) the reprographic reproduction of articles lawfully published in newspapers, journals or other periodicals and of excerpts from published works for the sole purpose of teaching or scientific research in educational and research institutions whose activities are not carried out for commercial purposes;</p> <p>(...)</p> <p>§ 22. Free public performance of works, The public performance of works in the direct teaching process in educational institutions by the teaching staff and students without the authorisation of the author and without payment of remuneration is permitted if mention is made of the name of the author of the work used, if it appears thereon, on the condition that the audience consists of the teaching staff and students or other persons (parents, guardians, caregivers, <i>etc</i>) who are directly connected with the educational institution where the work is performed in public.</p> <p>3. Use of Works without Authorisation of Author but with Payment of Remuneration</p> <p>§ 26. Private use of audiovisual works and sound recordings of works</p> <p>(1) Audiovisual works or sound recordings of such works may be reproduced for the private use (scientific research, studies, <i>etc</i>) of the user without the</p>

	<p>authorisation of the author. The author as well as the performer of the work and the producer of phonograms have the right to obtain equitable remuneration for such use of the work or phonogram (§ 27).</p> <p>(2) Subsection (1) of this section does not apply to legal persons.</p> <p>§ 74.1. Related rights in previously unpublished works and critical or scientific publications</p> <p>(1) A 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 economic rights of the author (§ 13), within twenty-five years from the time when the work was first published or communicated to the public.</p> <p>(2) A person who publishes a critical or scientific publication of a work unprotected by copyright has rights to the publication equivalent to the economic rights of an author (§ 13), within thirty years from the time when the publication was first published.</p> <p>§ 75. Limitation to related rights</p> <p>(...)</p> <p>1) for private use, taking account of the provisions of §§ 26 and 27 of this Act; 2) solely for the purposes of teaching or scientific research; (...)</p> <p>5) for an ephemeral recording of the performance, broadcast or phonogram by a broadcasting organisation and for reproduction thereof by means of its own facilities and for the purpose of its own broadcasts, provided that the broadcast organisation is entitled to broadcast the performance, broadcast or phonogram. Such recordings and reproduction thereof (copies) shall be destroyed after thirty days from their making, except for one copy which may be preserved as an archive copy;</p> <p>6) in other cases where the rights of authors of works are limited pursuant to Chapter IV of this Act.</p> <p>(...)</p> <p>§ 75.6: special limitations for makers of databases</p> <p>A lawful user of a database which is lawfully made available to the public in whatever manner may, without the authorisation of its maker and without payment of remuneration, extract or re-utilise a substantial part of the database in the case of:</p> <p>(...)</p> <p>2) extraction for the purposes 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;</p> <p>(...)</p>
Scope of exceptions	<p>Limitations on Exercise of Economic Rights of Authors (Free Use of Works)</p> <p>1. Fundamental Provisions</p> <p>§ 17. Limitation to economic rights of authors</p> <p>Notwithstanding §§ 13 — 15 of this Act, but provided that this does not conflict with a normal exploitation of the work or does not unreasonably prejudice the legitimate interests of the author, it is permitted to use a work without the authorisation of its author and without payment of remuneration only in the cases directly prescribed in §§ 18 — 25 of this Act.</p>

	§ 19. (see above): use justified by purpose and no commercial purposes
Libraries and archives	<p>§ 13. Economic rights</p> <p>(...)</p> <p>(6) An author does not have the right to prohibit the lending of copies of his or her works from public libraries but the author has the right to obtain, pursuant to the procedure provided by law, equitable remuneration for such lending. The list of public libraries which pay remuneration for lending, the amount of such remuneration, the conditions for payment thereof and the payment procedure shall be established by the Government of the Republic.</p> <p>§ 20. Reproduction of works by libraries, archives or museums</p> <p>(1) A work included in the funds or collection of a library, archives or museum may be reproduced as a single copy without the authorisation of its author and without payment of remuneration, in order to:</p> <p>(a) replace a work or a copy thereof which has been lost, destroyed or rendered unusable or, in the likelihood of such danger, make a copy to ensure the preservation of the work. There is a likelihood of danger if a work or a copy thereof is the single one in a library, archives or a museum and the termination of its lending or display is contrary to the functions under the articles of association of the library, archives or museum;</p> <p>(b) replace a work or a copy thereof which belonged to the permanent collection of another library, archives or museum if the work is lost, destroyed or rendered unusable.</p> <p>(2) The reproduction of a work prescribed in subsection (1) of this section is permitted if the activities of the library, archives or museum concerned are not aimed at obtaining direct or indirect economic advantage and acquisition of another copy of the work is impossible.</p> <p>(3) Libraries, archives and museums have the right to reproduce works or parts thereof which belong to their funds or collections on orders from natural persons for private use (subsection 18 (1)).</p> <p>(4) Libraries, archives and museums have the right to reproduce works or parts thereof which belong to their funds or collections on orders from a court or a state agency for the purposes prescribed in clause 19 (8) (judicial and administrative procedure) of this Act.</p> <p>(5) The activity prescribed in subsections (3) and (4) of this section shall not be carried out for commercial purposes.</p> <p>§ 23. Use of ephemeral recordings of works by broadcasting organisations</p> <p>(...)</p> <p>(3) Ephemeral recordings prescribed in this section shall not be destroyed if they have considerable value in terms of cultural history. In such case, the recordings shall be preserved, without the authorisation of the author, in the archives of the broadcasting organisation as works of solely documentary character. Works to be preserved in the archives shall be decided on by the broadcasting organisation or, in the case of a dispute, by the State Archivist.</p>
Acknowledgement of source	<p>§ 19, § 75.6. (see above)</p> <p>..use permitted....if mention is made of the name of the author of the work, if it appears thereon, the title (name) of the work and the source publication....</p>

How to acquire rights if necessary?	
Right-holder	
Authorship	<p>§ 16. Copyright and right of ownership</p> <p>(1) Copyright in a work shall belong to the author or his or her successor regardless of who has the right of ownership in the material object in which the work is expressed. The manner in which the economic rights of the author or his or her successor are exercised shall be determined by an agreement between the author or his or her successor and the owner.</p> <p>(2) In order to make a copy of a work of visual art, the author of the work has the right to request access to the original of the work which is in the ownership or lawful possession of another person.</p> <p>(3) An author may, with the owner's consent, improve, supplement or process in any other manner the author's work of visual art, architecture, applied art, design, <i>etc</i></p> <p>§ 28. Author of work</p> <p>(1) The moral and economic rights of an author shall initially belong to the author of a work unless otherwise prescribed by this Act with regard to the economic rights of the author.</p> <p>(2) The author of a work is the natural person or persons who created the work.</p> <p>(3) Copyright shall belong to a legal person only in the cases prescribed in this Act.</p> <p>(4) Copyright shall belong to the state only in the cases prescribed in this Act.</p> <p>§ 29. Presumption of authorship</p> <p>(1) The authorship of a person who publishes a work under his or her name, a generally recognised pseudonym or the identifying mark of the author shall be presumed until the contrary is proved. The burden of proof lies on the person who challenges authorship.</p> <p>(2) The author of a work which is communicated to the public anonymously or under a pseudonym or the identifying mark of the author shall enjoy copyright in the work. Until the moment when the author reveals his or her real name and proves his or her authorship, the economic rights of the author are exercised by the person who lawfully published the work.</p> <p>(3) The person who represents the author in the cases prescribed in subsection (2) of this section shall retain the rights to use the work acquired by the person during the time the person acts as a representative unless otherwise prescribed by an agreement between the person and the author.</p>
Joint authors/ compound works/ authors in employment	<p>§ 30. Joint authorship and co-authorship</p> <p>(1) Copyright in a work created by two or more persons as a result of their joint creative activity shall belong jointly to the authors of the work.</p> <p>(2) A work created as a result of joint creative activity may constitute an indivisible whole (joint authorship) or consist of parts each of which has independent meaning of its own (co-authorship). A part of a work is deemed to have independent meaning if it can be used independently of other parts of the work.</p> <p>(3) Each co-author of a work shall enjoy copyright in the part of the work with independent meaning created by him or her and the co-author may use that part of the work independently. Such use shall not prejudice the interests of other co-authors or contradict the interests of joint use of the</p>

	<p>co-authors of the work.</p> <p>(4) Relations between joint authors in the exercise of copyright, including the distribution of remuneration, shall be determined by an agreement between them. In the absence of such agreement, all authors shall exercise copyright in the work jointly and remuneration shall be divided equally between them.</p> <p>(5) Each of the joint authors and co-authors may have recourse to the courts or take other measures to protect the jointly created work and eliminate any infringement of copyright.</p> <p>(6) Consulting authors, performing the functions of administrative management, editing a work, drawing graphs, schemes, <i>etc</i> and providing other technical assistance to authors shall not constitute the basis for the creation of joint authorship or co-authorship.</p> <p>(7) If a work is created under an employment contract in execution of the direct duties of a person, in order to form a group of authors, the prior consent of the person is necessary in order to include him or her in the group of authors. Refusal to participate in the work of a group of authors for good reason shall not be considered breach of work discipline.</p> <p>§ 31. Copyright in collective works</p> <p>(1) A collective work is a work which consists of contributions of different authors which are united into an integral whole by a natural or a legal person on the initiative and under the management of this person and which is published under the name of this natural or legal person (works of reference, collections of scientific works, newspapers, journals and other periodicals or serials, <i>etc</i>).</p> <p>(2) Copyright in a collective work shall belong to the person on whose initiative and under whose management the work was created and under whose name it was published unless otherwise prescribed by contract.</p> <p>(3) The authors of the works included in a collective work (contributions) shall enjoy copyright in their works and they may use their works independently unless otherwise determined by contract. Authors of contributions are not deemed to be joint authors or co-authors.</p> <p>§ 32. Copyright in works created in execution of duties of employment</p> <p>(1) The author of a work created under an employment contract or in the public service in the execution of his or her direct duties shall enjoy copyright in the work but the economic rights of the author to use the work for the purpose and to the extent prescribed by the duties shall be transferred to the employer unless otherwise prescribed by contract.</p> <p>(2) An author may use the work created in the execution of his or her direct duties independently for the purpose prescribed by the duties only with the prior consent of the employer whereupon mention must be made of the name of the employer. In such case, the author has the right to receive remuneration for the use of the work.</p> <p>(3) An author may use the work created in the execution of his or her duties independently for a purpose not prescribed by the duties unless otherwise prescribed by the employment contract. If a work is used in such manner, mention must be made of the name of the employer.</p> <p>(4) In the cases prescribed by legislation, the author of a work created in the execution of duties shall be paid, in addition to his or her pay (wages), remuneration for the use of the work. Payment of remuneration may also be prescribed in an agreement between the employer and the author.</p> <p>(5) The author of a computer program or the author of a database who creates the program or database in the execution of his or her duties or</p>
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	<p>following the instructions given by his or her employer shall enjoy a copyright in the program or database but the employer has the exclusive licence to exercise all economic rights unless otherwise provided by contract.</p> <p>(6) Economic rights in a work created in the public service shall transfer to the state unless otherwise prescribed by contract. The rights shall be exercised by the state agency which assigned, commissioned or supervised the creation of the work.</p> <p>§ 33. Copyright in audiovisual works</p> <p>§ 34. Copyright of compilers</p> <p>§ 35. Copyright in derivative works</p> <p>§ 36. Rights of successors</p> <p>(1) Succession of copyright shall be intestate succession or testate succession according to the general provisions of the law of succession.</p> <p>(2) The economic rights of an author specified in §§ 13-15 of this Act shall transfer to an intestate successor for the term of protection of copyright unless otherwise prescribed by a will.</p> <p>(3) Unless otherwise prescribed by an author during his or her lifetime, the following moral rights shall transfer to his or her successor:</p> <p>(a) the right to permit the addition of other authors' works to the author's work (illustrations, forewords, epilogues, comments, explanations, additional parts, <i>etc</i>) (right of additions to the work);</p> <p>(b) the right to contest any misrepresentations of and changes and other inaccuracies in the work, its title (name) or the designation of the author's name and any assessments of the author or his or her work which are prejudicial to the author's honour and reputation (right of protection of author's honour and reputation);</p> <p>(c) the right to make an unpublished work available to the public (right of disclosure of the work).</p> <p>(4) An author has the right to designate, pursuant to the same procedure as that pursuant to which an executor of will is designated, a person to protect the inviolability of the author's work and the author's honour and reputation after the author's death. Such person shall exercise his or her authority during his or her lifetime.</p> <p>(5) Copyright transferred to the state by way of succession shall be exercised by the Ministry of Culture.</p>
Collecting Societies	<p>§ 13.1. Exercise of author's economic rights</p> <p>(1) Authors exercise their economic rights either independently or through collective management organisations (Chapter IX).</p> <p>(...)</p> <p>Chapter IX (§§ 76-79.1) Collective Exercise of rights)</p>
Contract Law/Licenses	
Transfer of rights	<p>§ 11. Content of copyright</p> <p>(...)</p> <p>(2) The moral rights of an author are inseparable from the author's person and non-transferable.</p> <p>(3) The economic rights of an author are transferable as single rights or a set of rights for a charge or free of charge.</p> <p>(...)</p>

	<p>§ 37. Copyright of legal successors of authors who are not successors Only the economic rights of an author may transfer, on the basis of a contract entered into with the author or in the cases directly prescribed in this Act, to natural and legal persons who are not successors of the author.</p> <p>§ 46. Use of works by other persons</p> <p>(1) Works shall be used by other persons only in the case of transfer (assignment) of the author's economic rights by him or her or on the basis of an authorisation (licence) granted by the author except in the cases prescribed in Chapter IV of this Act.</p> <p>(2) (repealed 2002)</p> <p>(3) The transfer of the author's economic rights by him or her or the grant of an authorisation to use a work may be limited with regard to certain rights and to the purpose, term, territory, extent, manner and means of using the work.</p> <p>§§ 47-61: detailed provisions on licenses, contracts and their performance(many amendments 2002)</p> <p>§ 47. Sublicense to use work</p> <p>(1) ...only permissible with the consent of the author...</p> <p>§ 48. Definition of author's contract</p> <p>(1) An author's contract is an agreement between the author or his or her legal successor and a person who wishes to use the work for the use of a work on the basis of which the author or his or her legal successor transfers the author's patrimonial rights to the other party or grants an authorisation to use the work to the extent and pursuant to the procedure prescribed by the conditions of the contract.</p> <p>(2) An author's contract may be entered into to use an existing work or to create and use a new work.</p> <p>(3) ...law of obligations applies unless otherwise provided</p>
Protection of technological measures and rights management information	
Consequences of copyright infringement	

f) Hungary

Hungary	
Act No. LXXVI. of 1999 on Copyright	
Protected Works	
Categories of protected works	<p>The Subject Matter of Copyright Protection</p> <p>Article 1</p> <p>(1) This Act shall provide protection for literary, scientific and art creations.</p> <p>(2) All creations of literature, science and art — regardless whether or not specified by this Act — shall fall under the protection of this Act. Such creations are, in particular:</p>

	<p>a) literary works (<i>eg</i> fictional works, technical works, scientific works, journalistic works <i>etc</i>),</p> <p>b) speeches delivered in public,</p> <p>c) computer program creations and related documentation (hereinafter referred to as software), whether fixed in source code or object code or in any other form, including application programs and operation systems,</p> <p>d) dramatic works, musico-dramatic works, ballets and mimes,</p> <p>e) musical works with or without words,</p> <p>f) radio and television plays,</p> <p>g) cinematographic creations and other audiovisual works (hereinafter jointly referred to as cinematographic creations),</p> <p>h) creations produced by drawing, painting, sculpturing, engraving, lithography or in other like manner, and designs thereof,</p> <p>i) artistic photographs,</p> <p>j) maps and other cartographic creations,</p> <p>k) architectural creations and plans thereof, and plans of building complexes and town planning projects,</p> <p>l) designs of engineering structures,</p> <p>m) applied art creations and designs thereof,</p> <p>n) costume and scenery designs,</p> <p>o) industrial design creations.</p> <p>p) databases qualifying as collections of work</p> <p>(...)</p>
<p>Conditions for protection</p>	<p>Article 1</p> <p>(...)</p> <p>(3) The creation shall enjoy copyright protection based on its individual, original nature originating from the intellectual activity of the author. The protection shall not be subject to any quantitative, qualitative and aesthetic characteristics, or to value judgements relating to the standard of the creation.</p> <p>(4) The protection provided by this Act shall not cover legal provisions, other means of state direction, court and other official resolutions, announcements and documents issued by an authority or other official organ, as well as standards made obligatory by law and other similar regulations.</p> <p>(5) (repealed)</p> <p>(6) No idea, principle, concept, procedure, method of operation or mathematical operation may be the subject matter of copyright protection.</p> <p>(7) The expressions of folklore may not enjoy copyright protection. However, this provision does not prejudice copyright protection due to the author of a folk-art-inspired work of individual, and original nature.</p> <p>(8) Performances of performers, producers of phonograms, radio and television organisations, film producers and producers of databases shall enjoy protection specified by this Act.</p> <p>Authors' Right</p> <p>Article 4</p> <p>(...)</p> <p>(2) Without prejudice to the rights of the author of an original work, the</p>

	<p>alteration, adaptation or translation of the original work, shall be under copyright protection if the work thus obtained is of individual, original character.</p> <p>Collection of Works</p> <p>Article 7</p> <p>(1) Collection of works shall be under copyright protection if the selection, arrangement or editing of its contents is of individual, and original nature. The protection shall apply to the collection of works even if its parts or components do not or may not enjoy copyright protection.</p> <p>(...)</p>
Database protection	<p>Collection of Works</p> <p>Article 7</p> <p>(...)</p> <p>(3) The protection of a database, operated by computer devices or in any other manner, rated as a collection of works shall not extend to the data and other components making up its contents.</p> <p>Article 35 free use for private purposes</p> <p>(1) shall not apply to databases operated by a computing device</p> <p>(...)</p> <p>(3) Having a work copied by someone else with computer or on electronic data carrier, even if this is done for private purpose, shall not be considered as falling within the scope of free use.</p> <p>(...)</p> <p>Article 39</p> <p>The public libraries may freely lend out copies of a work. This provision shall not apply to software and to database operated by computer devices.</p> <p>Article 60/A: special provisions for databases</p> <p>Article 60/A</p> <p>(1) For the purposes of this Act, database shall mean a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means.</p> <p>(2) Provisions applicable to databases shall apply mutatis mutandis to the documentation necessary for the operation or consultation of the database.</p> <p>(3) Provisions applicable to databases shall not apply to computer programs used for the making or operation of databases accessible by electronic means.</p> <p>Article 61</p> <p>(1) Databases qualifying as collections of works (Article 7) shall fall under copyright protection.</p> <p>(2) The economic rights covering databases shall be transferable.</p> <p>(3) The provisions of Article 30, paragraphs (3) and (4) — remuneration for the author, when right is transferred — shall not apply to the database created by the author as a job duty.</p> <p>Article 62</p> <p>(1) The performance of acts necessary for the purposes of access to the contents of the database and to the normal use of the contents thereof by the lawful user shall not be subject to the authorisation of the author of the</p>

	<p>database qualifying as a collection of works.</p> <p>(2) Where the authorisation for use has been obtained only for a part of the database, the provisions of paragraph (1) shall apply only to that part.</p> <p>(3) The provision of Article 33, paragraph (2)(fair use...), shall apply mutatis mutandis to the acts falling under the provisions of paragraphs (1) and (2).</p> <p>(4) Any provision of a licensing agreement contrary to the provisions of paragraphs (1) and (2) shall be null and void.</p> <p>(5) Where the copies of the database are acquired in commercial distribution, the obligation to draw up the licensing agreement in writing shall not apply.</p> <p>The Protection of Producers of Databases</p> <p>Article 84/A</p> <p>(1) Unless otherwise provided by this Act, the authorisation of the producer of a database (Article 60/A) shall be sought for where all or a substantial part of the content of the database</p> <p>a) is reproduced [Article 18 (1) b)] by making copies (hereinafter referred to as 'extraction');</p> <p>b) is made available to the public by the distribution of copies of the database or, as stipulated in paragraph (8) of Article 26 by communication to the public (hereinafter referred to as 're-utilization').</p> <p>(2) Distribution referred to in point b) of paragraph (1) shall mean the following forms of distribution: the putting into circulation by sale or transfer of ownership in any other form, importation into the country with the purpose of putting into circulation, and rental. The provisions of paragraph (5) of Article 23 shall apply mutatis mutandis to the rights of the producer of a database.</p> <p>(3) The authorisation of the producer of a database shall also be sought for the repeated and systematic extraction or re-utilization of insubstantial parts of the contents of the database, if this act would conflict with a normal exploitation of the database or unreasonably prejudice the legitimate interests of the producer of a database.</p> <p>(4) The uses provided for in paragraphs (1) to (3) shall be subject to remuneration unless otherwise provided by this Act.</p> <p>(5) The producer of a database shall enjoy the rights referred to in paragraphs (1) to (3) if the obtaining, verification or presentation of the contents of the database involved substantial investment.</p> <p>(6) The rights referred to in paragraphs (1) to (3) shall belong to such natural or legal persons, or business associations without legal personality who take the initiative, in their own name and at their own risk to produce a database, and provide for the necessary investment.</p> <p>(7) The producer of a database shall enjoy the rights referred to in paragraphs (1) to (3) irrespective of the eligibility of that database for protection by copyright or any other rights. Moreover, the producer of a database shall enjoy these rights irrespective of the eligibility of the parts or elements of that database for protection by copyright or by other rights.</p> <p>(8) The rights of the producer of a database are without prejudice to the rights of the authors of individual works included in the database or to other rights existing in respect of certain elements of the contents of the database.</p> <p>(9) Unless otherwise provided by international agreement, the protection specified by this Act shall belong to producers of a databases, who</p> <p>a) are of Hungarian nationality or have their habitual residence in Hungary;</p> <p>b) are legal persons or business associations without legal personality which</p>
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	<p>have been registered in Hungary, and having their registered office, central administration or principal place of business in Hungary.</p> <p>(10) In the case referred to in point b) of paragraph (9), the legal person or the business association without legal personality having only its registered office in Hungary shall only enjoy the protection specified by this Act, if its operations are genuinely linked on an ongoing basis with the economy of the Republic of Hungary.</p> <p>Article 84/B</p> <p>(1) The authorisation of the producer of a database which is made available to the public shall not be required if a lawful user, even repeatedly and systematically, extracts or re-utilizes insubstantial parts of the contents of a database.</p> <p>(2) Where the authorisation for use has been obtained only for a part of the database, the provisions of paragraph (1) shall apply only to that part.</p> <p>(3) A lawful user of a database which is made available to the public may not perform acts which conflict with a normal exploitation of the database or unreasonably prejudice the legitimate interests of the producer of the database.</p> <p>(4) The provisions contained in paragraphs (1) and (2) shall be without prejudice to the rights of authors of individual works included in the database or to neighbouring rights existing in respect of other elements of the contents of the database.</p> <p>(5) Any provision of a licensing agreement contrary to the provisions of paragraphs (1) to (4) shall be null and void.</p> <p>Article 84/C</p> <p>(1) The extraction of a substantial part of the contents of a database for private purposes is allowed to anyone to the extent justified by the non-commercial purpose to be achieved. This provision shall not apply to electronic databases.</p> <p>(2) For the purposes of illustration for teaching or scientific research, extraction of a substantial part of a database is allowed, in a manner and to the extent consistent with such purposes, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved.</p> <p>(3) For the purposes of evidence in judicial or administrative proceedings, extraction or re-utilization of a substantial part of a database is allowed in a manner and to the extent consistent with such purposes.</p> <p>(4) Article 33 shall apply mutatis mutandis to the exceptions to the rights of the producer of a database as stipulated in paragraphs (1) to (3).</p> <p>Article 84/D</p> <p>(1) The rights covered by this Chapter shall be protected for the following periods of time: for fifteen years from the first day of the year following the year in which the database was first made available to the public, or for fifteen years from the first day of the year following the year of the completion of the making of the database, if the database was not made available to the public during the latter period.</p> <p>(2) The term of protection of the database calculated according to the provisions of paragraph (1) shall recommence if the contents of the database are altered substantially, which results in the altered database being considered to be a substantial new investment in itself. A substantial change of the contents of the database may result from the accumulation of successive additions, deletions or alterations.</p>
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	<p>Article 84/E</p> <p>(1) Paragraph (1) of Article 83 shall apply mutatis mutandis to the rights covered by this Chapter.</p> <p>(2) Where remuneration shall be due to the producer of a database under this Act, the provision on the proportionality rule of the remuneration laid down in the first sentence of paragraph (4) of Article 16, shall apply mutatis mutandis to the producer of a database.</p> <p>(3) Unless otherwise provided by legislation, where any other law or regulation refers to a neighbouring right or neighbouring rights, this shall also mean the right or the rights of the producer of a database, except for acts promulgating international agreements.'</p>
Computer Software	<p>Article 1(2)c) see above</p> <p>Article 39 see above</p> <p>Article 58 ff: special provisions</p> <p>Article 58</p> <p>(1) no copyright protection for the idea, principle, concept, procedure, method of operation or mathematical operation on which the software interface is based.</p> <p>(2) No translation from one program language to another one is allowed</p> <p>(3) The economic rights relating to software shall be assignable.</p> <p>(4) The provisions of Article 30, paragraphs (3) and (4)(remuneration for the author, when transferring the right), shall not apply to the software created by the author as a job duty.</p> <p>Article 59</p> <p>(1) Unless otherwise agreed, the author's exclusive right shall not cover reproduction, alteration, adaptation, translation and any other modification of the software — including the correction of mistakes — as well as the reproduction of the product of these acts in so far as these acts of use are carried out by the person authorized to acquire the software in compliance with the intended purpose of the software.</p> <p>(2) No provision in the licensing agreement shall prohibit the user from making a back-up copy of the software if it is necessary for the use.</p> <p>(3) The person entitled to use a copy of the software shall be entitled, without the author's authorization, to observe and study the operation of the software and to make a trial use thereof in the processes of its loading, display on the monitor, running, transmission or storage in order that he can get to know the idea or principle serving as a basis for any of the software components.</p> <p>Article 60</p> <p>(1) No authorization of the author shall be required for the reproduction or translation of the code which is indispensable for the acquisition of the information necessary to know for the combined operation of the independently created software with another software supposing that</p> <p>a) these acts of use are performed by the authorized user or another person entitled to use the copy of the software or a person put in charge of performing these acts by the persons referred to in this Item;</p> <p>b) the information necessary to know for the combined operation has not been easy of access to the persons referred to in Item a);</p> <p>c) these acts of use are limited to those parts of the software which are necessary for permitting combined operation.</p>

	<p>(2) The information obtained through application of the provision of paragraph (1) shall not be</p> <p>a) used for a purpose other than the combined operation of the independently created software;</p> <p>b) communicated to another person unless this is required for the combined operation with the independently created software;</p> <p>c) used for the development, production and putting into circulation of another software essentially similar as regards its form of expression or for other acts resulting in the infringement of the copyright.</p> <p>(3) The provision of Article 33, paragraph (2), shall apply mutatis mutandis to the operations falling under the provisions of paragraphs (1) and (2).</p> <p>(4) Paragraph (2) of Article 34 and paragraph (1) of Article 38 shall be inapplicable to the software. The term defined in Article 49, paragraph (1), shall be four months in the case of software.</p> <p>(5) In case copies of the software are procured through commercial distribution, it is not obligatory to lay down in writing a contract relating to the use of the software.</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
General provisions	<p>Article 16</p> <p>(1) Under the copyright protection the author shall have the exclusive right to use his work in any tangible or intangible form and to grant licence for each and every use of his work. Unless otherwise provided by this Act, authorization may be obtained for the use of the work by a licensing agreement.</p> <p>(2) The use of the title of the work, if it is unique, shall be subject to the author's authorization, too.</p> <p>(3) The commercial utilization of any characteristic and original character in the work and the authorization of such utilization shall be subject to the exclusive right of the author.</p> <p>(...)</p> <p>Article 17</p> <p>As uses of the work shall be rated in particular:</p> <p>a) its reproduction (Article 18 and 19),</p> <p>b) its distribution (Article 23)</p> <p>c) its public performance (Articles 24 and 25)</p> <p>d) its communication to the public by broadcasting or in any other manner (Articles 26 and 27),</p> <p>e) retransmission of the broadcast work to the public with the involvement of another organization than the original one (Article 28),</p> <p>f) its alteration (Article 29),</p> <p>g) its exhibition (Article 69).</p>
Right of reproduction	<p>The Right of Reproduction</p> <p>Article 18</p> <p>(1) It shall be the author's exclusive right to reproduce his work and to grant authorization therefor. Reproduction shall be taken to mean:</p> <p>a) the direct or indirect fixation of the work in any manner on a tangible</p>

	<p>carrier, whether definitively or temporarily, and</p> <p>b) the making of one or several copies of the fixation.</p> <p>(2) As reproduction of the work shall be rated in particular the fixation of the work in a mechanical, cinematographic or magnetic way and making copies of it by printing, the production of audio or video recording of the work, its fixation for purposes of communication to the public by broadcasting or by cable, the storage of the work in a digital form on electronic devices, and the production in a tangible form of the work transmitted by the computer network. In the case of architectural creations the primary and secondary construction of a creation laid down as a design shall likewise be rated as reproduction.</p> <p>Article 19</p> <p>(1) The producer of a sound recording, the creator of a multimedia work, and the compiler of an electronic database may require that the repeated reproduction of already disclosed non-dramatic musical works and lyrics for music and parts of musico-dramatical works fixed on sound recordings and video recordings, in a multimedia work or an electronic database distributed on digital carriers, and the distribution by copies of such reproductions against the payment of a fair and equitable fee shall be authorized for them too. The licensing agreement shall be concluded with the organization performing the collective administration of rights related to literary and musical works.</p> <p>(2) The provision in Paragraph (1) shall not apply to the right of adaptation and the exercise of this right.</p>
<p>Right of communication to the public and right of making available</p>	<p>The Right of Public Performance</p> <p>Article 24</p> <p>(1) The author shall have the exclusive right to perform his work to the public and to authorize another person therefor. The making of the work perceptible to those present shall be taken to mean performance.</p> <p>(2) As performance shall be rated in particular</p> <p>a) the performance of the work to the public by a performer in person, including stage performance, concert, recital, reading out ('live performance');</p> <p>b) making the work perceptible by any technical device or manner, including the projection of a cinematographic creation, making the work communicated or distributed (as a copy) to the public become audible by loudspeaker or visible on a screen.</p> <p>(3) A performance shall be taken to be public if it occurs in a place accessible to the public or in any other place where people other than the members of a family and their acquaintances gather or may gather.</p> <p>Article 25</p> <p>(1) The author's authorization of the public performance of an already disclosed musical work or literary work shall be considered as granted if the remuneration determined by the organization administering authors' rights in musical and literary works collectively has been paid to this organization.</p> <p>(...)</p> <p>The Right of Communication of the Work to the Public</p> <p>Article 26</p> <p>(1) The author shall have the exclusive right to have his work communicated to the public by broadcasting and to authorize another person therefor. The making of the work perceptible to people at a distance by the transmission of</p>

	<p>sounds or pictures and sounds or the technical presentation of these without the use of cable or other like device shall be taken to mean broadcasting.</p> <p>(...detailed definitions of broadcasting...)</p> <p>Article 27: broadcasting of already disclosed works</p> <p>Article 28: rebroadcasting</p>
Distribution right	<p>The Right of Distribution</p> <p>Article 23</p> <p>(1) The author shall have the exclusive right to distribute his work and to authorize others therefor. The making accessible to the public of the original copy or the reproduced copies of the work through putting into circulation or their offer for putting into circulation shall be taken to mean distribution.</p> <p>(2) The distribution shall in particular imply the transfer of the title of ownership of the copy of the work and the rental of the copy of the work as well as the importation into the country of the copy of the work with the purpose of putting it into circulation.</p> <p>(3) In the case of cinematographic creations, works included in sound recordings and software, the lending to the public of individual copies of the work shall likewise be covered by the right of distribution.</p> <p>(4) The right of distribution through rental shall only cover the designs within the domains of architecture, applied arts and industrial designing.</p> <p>(5) If the copy of the work has been put into circulation domestically by the rightholder or by another person expressly authorized therefor by the rightholder through sale or the transfer of title of ownership in any other manner, the right of distribution shall further on be exhausted with regard to the copy of the work thus put into circulation, however, this shall be without prejudice to the right of rental, lending and importation.</p> <p>(...)</p>
<p>Moral rights</p> <p>(explanatory note: Under Hungarian copyright law rights referred to in article 10 ff are deemed to be economic rights, though some of them correspond with rights which are generally understood as moral rights. However, in Article 67 ff some of these rights are stated also as moral rights, where special exceptions apply))</p>	
Right of publication	<p>Divulging of the Work</p> <p>Article 10</p> <p>(1) The author shall decide whether his work may be made public.</p> <p>(2) Before the divulging of the work, any information on the substance of its contents may be provided for the public only subject to the author's consent.</p> <p>(3) Unless otherwise provided, the conclusion of a license agreement shall imply the author's consent to the user providing information on the contents of the work for the public in a manner complying with the purpose of the use.</p> <p>(4) As regards a work becoming known after the author's death, it shall be presumed — failing other declaration by the author or his legal successor or the introduction of evidence proving the contrary — that the author intended his work to be divulged to the public.</p> <p>Article 11</p> <p>Referring to a sound reason, the author may withdraw his authorization to divulge his work or may prohibit the continued use of his work already divulged; however, he is obliged to repair any damage having accrued till the time of such declaration. This shall not prejudice the employer's right to</p>

	exploit the work and shall not prevent, in the case of the assignment of the economic rights, the acquirer of rights from uses based on the economic rights.
Recognition of authorship	<p>Indication of the Author's Name</p> <p>Article 12</p> <p>(1) The author shall have the right to have an indication on his work or in the communication on his work — subject to the scope and nature of the communication — referring to him as the author; reference shall be made to the author in the event of including part of his work in another work, and citing or reviewing his work. The author may exercise the right to have his name indicated subject to the nature of the use and in a manner complying with it.</p> <p>(2) The name of the author of a work shall be indicated on the alteration, adaptation or translation which is based on the author's work.</p> <p>(3) The author shall be entitled to have his work divulged without the indication of his name or under a pseudonym. The author may require that his work having been divulged to the public with the indication of his name shall, in the case of a new authorized use, be further on used without the indication of his name.</p> <p>(4) The author may demand that his author's capacity shall not be called in doubt.</p> <p>Article 67</p> <p>(...)</p> <p>(2) The designer shall have the right to determine where and how his name and the date of designing should be indicated on the building or engineering structure. However, the exercise of this right shall be subject to the requirement that no unjustified and disproportionate infringement of the rights and lawful interests of the owner, the user or the operator shall thereby be caused.</p> <p>(3) The author's name has to be indicated on a view if this is intended to present a specific fine art, architectural, applied art or industrial design creation or engineering structure. The author's name has likewise to be indicated if such creations are used for presentation in scientific and educational lectures as well as for school education purposes (Article 33, paragraph (4)).</p> <p>(4) In the case of further uses in an unaltered form of the design of an architectural or technological creation and the further uses of standard designs only the name of the author of the original design has to be indicated.</p> <p>(5) The provision of Article 34, paragraph (1), shall not be applicable to the use of fine art, artistic photographic and applied art creations.</p>
Distortion of the work	<p>Protection of the Integrity of the Work</p> <p>Article 13</p> <p>The distortion, mutilation or any other alteration of the work of the author which prejudices the honour or reputation of the author shall be taken to infringe his moral right.</p> <p>The Right of Alteration (economic right)</p> <p>Article 29</p> <p>The author shall have the exclusive right to alter his work or to authorize another person therefor. The translation of the work, its dramatic or musical adaptation, its adaptation for a cinematographic production, the adaptation of the cinematographic creation, and any other alteration of the work as a</p>

	<p>result of which another work is derived from the original one shall be taken to mean alteration.</p> <p>Article 67</p> <p>(1) The alteration without the author's consent of the design of an architectural creation or engineering structure which influences the appearance or the intended ordinary use shall be taken to be an unauthorized alteration of the work.</p> <p>(...)</p>
Duration of Protection	<p>The Term of Protection</p> <p>Article 31</p> <p>(1) The authors' rights shall enjoy protection during the lifetime of the author and for seventy years following his death.</p> <p>(2) to (7): details</p>
Exceptions and limitations	
Educational and scientific purposes	<p>Article 34 ('Quotation Right')</p> <p>(1) From a disclosed work any part may be cited by indication of the source and naming the author indicated as such. Such citation shall be true to the original and its scope shall be justified by the nature and purpose of the borrowing work.</p> <p>Article 67 (5): Article 34 (1) does not apply for the use of fine art, artistic photographic and applied art creations.</p> <p>(2) Part of a literary or musical work or a work of minor size disclosed to the public may be borrowed for purposes of school education and scientific educational lectures with the indication of the source and the author referred to therein. The inclusion of a work in another work to an extent which goes beyond the scope of citation shall be taken to mean borrowing.</p> <p>(3) The reproduction and distribution of the borrowing work referred to in Paragraph (2) are not subject to the author's authorization if the borrowing work is, pursuant to the relevant legislation, declared to be a textbook or reference book and the school purpose is indicated on the title page.</p> <p>Article 35</p> <p>(...)</p> <p>(4) In a manner and to the extent complying with the intended purpose as well as for internal use in an institution, if this is outside the scope of commercial activity, a copy may be made for own purposes if it is not designed for earning or increasing income even in an indirect way and</p> <p>a) it is required for scientific research,</p> <p>b) it is made from an own copy for the files to be used for scientific purpose or for the supply of a public library, or</p> <p>c) it is made of a limited part of a published work or of an article in a newspaper or periodical.</p> <p>(5) Specific parts of a work published as a book as well as newspaper and periodical articles may be reproduced for purposes of school education in a number corresponding to the number of pupils in a class, or for purposes of exams in public and higher education in a number necessary for the said purpose.</p> <p>(...)</p> <p>Article 36</p>

	<p>(1) Communications containing facts and news may freely be borrowed, with the indication of the source. The contents of public negotiations and speeches may freely be used, however, the use of educational, scientific, popular and entertainment lectures as well as the publication of speeches in a collective work are subject to the author's authorization.</p> <p>(...)</p> <p>Article 37 ('Quotation Right' for news programs/ timely programs)</p> <p>(1) Related to daily events, specific works may be included in the political news program or other timely programmes of the broadcasting organisation to the extent justified by the given occasion. In such cases the indication of the author's name shall not be required.</p> <p>(2) Art, photographic, architectural, applied art and industrial design creations displayed in public exhibition may be presented by dailies and periodicals, as well as the news programmes and other timely programmes of the broadcasting organisations.</p> <p>(3) A program informing on or presenting an event related to a specific point of time and including minor parts of specific works only within this framework shall be considered as timely.</p> <p>Article 38</p> <p>(1) If the performance is not designed to earn or increase income even in an indirect manner and the participants do not receive remuneration, the works may be performed in the following cases:</p> <p>(...)</p> <p>b) for purposes of school education or at celebrations held at school,</p> <p>(...)</p> <p>(3) A dancing party held at a school shall not be taken to mean performance for purposes of school education.</p> <p>(...)</p> <p>Article 68</p> <p>(1) (...)</p> <p>(2) For purposes of scientific or educational lectures [Article 33, paragraph (4)] as well as instruction, the picture of a fine art, architectural, applied art and industrial creation, furthermore artistic photographs may be used without the authorization of the author and paying remuneration to him.</p>
Scope of exceptions	<p>The Free Use of the Work and Other Limitations to the Copyright</p> <p>General Provisions</p> <p>Article 33</p> <p>(1) Uses falling within the scope of the free use shall not be subject to the payment of any consideration and to any authorization of the author. Only works disclosed to the public may be used freely pursuant to the provisions of this Act.</p> <p>(2) The use under the provisions relating to free use is permitted and not subject to the payment of a fee only so far as it does not conflict with a normal exploitation of the work and does not unreasonably prejudice the legitimate interests of the author, and it is in compliance with the requirements of fairness and is not designed for a purpose incompatible with the intention of free use.</p> <p>(3) The provisions relating to free use shall not be interpreted in an extensive manner.</p>

	(...)
Libraries and archives	<p>Article 35 IV b) see above</p> <p>Article 39</p> <p>The public libraries may freely lend out copies of a work. This provision shall not apply to software and to database operated by computer devices.</p> <p>Article 40</p> <p>The copies reproduced within the scope of free uses shall not be distributable without the author's authorization, except for lending between libraries.</p>
Acknowledgement of source	<p>Article 34 (2): acknowledgement of source required</p> <p>Exception: Article 37 (1): no indication if the work is used in relation to daily events</p>
How to acquire rights if necessary?	
Right-holder	
Authorship	<p>Authors' Right</p> <p>Article 4</p> <p>(1) The copyright shall belong to the person who has created the work (author).</p> <p>(...)</p> <p>Works Published Anonymously or Under a Pseudonym</p> <p>Article 8</p> <p>If a work was published anonymously or under a pseudonym, the author's rights shall be exercised, until the author becomes known, by the person who first published the work.</p>
Joint authors/ compound works/ authors in employment	<p>Article 5 Works of Joint Authorship</p> <p>(1) The authors of a joint work, the parts of which cannot be used independently, shall enjoy the copyright protection jointly and — in case of any doubt — in equal proportions, however, any of the joint authors may take action independently in the event of the infringement of the copyright.</p> <p>(2) In case a joint work is made up of parts which can be used independently (connected works), independent copyright shall belong to each of the joint authors with regard to the respective individual part. The authorization of all authors of the original joint work is required if any part of the work consisting of joint works and created jointly is wanted to be joined with a different work.</p> <p>Article 6</p> <p>(1) In the case of a collective work (<i>eg</i> a national standard), the copyright shall be transferred by legal succession to the natural or legal person or economic organisation without legal entity at whose initiative and under whose instructions the work was created and who disclosed it to the public in his own name.</p> <p>(2) As a collective work shall be rated a work if the contributions of the authors co-operating in the creation of the work are combined in the product of joint creation in a manner which makes the separate determination of the individual authors' rights impossible.</p> <p>Article 7 Collection of Works</p> <p>(1) A collection shall be protected by copyright, if the selection, arrangement or editing of its contents is of an individual and original nature (collection of</p>

	<p>works). Copyright protection shall apply to a collection of works even if its parts or elements do not or may not enjoy copyright protection.</p> <p>(2) Regarding the whole of the collection of works, the copyright shall belong to the editor, however, this shall be without prejudice to the independent rights of the authors of those individual works and of the rightholders of those performances protected by neighbouring rights which were selected for inclusion in the collection.</p> <p>(3) The copyright protection of a collection of works shall not extend to the elements making up the contents of the collection of works.</p> <p>Work Created Under Employment or Other Service Relations</p> <p>Article 30</p> <p>(1) Unless otherwise agreed, the delivery of the work to the employer shall imply the transfer of the economic rights upon the employer as successor in title to the author, if the creation of the work is the author's duty under an employment contract.</p> <p>(2) The economic rights acquired pursuant to the provision of Paragraph (1) shall be transferred upon the successor in title to the employer if there has occurred such succession in title.</p> <p>(3) The author shall be entitled to an appropriate remuneration if the employer authorizes another person to use the work or transfers to another person the economic rights relating to the work.</p> <p>(4) The author shall continue, even in the case of the acquisition of rights by the employer, to be entitled to the remuneration which is due to him even after the transfer of the right of use pursuant to this Act.</p> <p>(5) If the creation of the work is the author's duty under an employment contract, the delivery of the work to the employer shall be considered as an act of consent to the disclosure of the work to the public. In the case of the author's declaration aimed at withdrawing his work (Article 13) the employer is obliged to make no mention of the author's name. The author's name shall likewise be left unmentioned, at the author's request, if availing himself of his employer's rights the employer makes alterations in the work without the author's agreement.</p> <p>(6) Declarations of legal nature made with regard to the work created by way of fulfilment of the author's duty under an employment contract shall be laid down in writing.</p> <p>(7) The provisions relating to a work created as duty under an employment contract shall be applied mutatis mutandis if the work has been created by a person employed as public or civil servant, a person belonging to the professional staff of the armed forces and police forces and being in active service, or a co-operative member employed under legal relations similar to those of employment relations.</p>
Collecting Societies	<p>Article 14 (2): Exercise of moral rights after expiry of the term of protection</p> <p>Article 20, 21</p> <p>... Enforcement of claims to remuneration only by the agency of the organization performing the collective administration of their rights ...</p>
Contract Law/Licenses	
Transfer of rights	<p>The Origin of Authors' Rights; Authors' Rights and their Exploitation</p> <p>Article 9</p> <p>(1) The entirety of authors' rights — moral rights and economic rights — shall belong to the author from the time of the creation of the work.</p> <p>(2) The author may not assign his moral rights, these may not devolve on</p>

	<p>anyone else, and may not be renounced by the author.</p> <p>(3) Subject to the exceptions in Paragraphs (4) to (6), the economic rights may not be assigned, may not devolve on anyone else, and may not be renounced.</p> <p>(4) The economic rights shall pass by inheritance, and the author is free to dispose of them to that end for the case of his death.</p> <p>(5) The persons becoming holders of economic rights by inheritance may dispose of them to each other's benefit.</p> <p>(6) In the cases and under the conditions specified by this Act the economic rights may be assigned or may pass to (an)other person(s). Unless otherwise provided in the assignment contract, the acquirer of rights may dispose of the economic rights he has acquired.</p> <p>Article 15</p> <p>The user may also take action for the protection of specific moral rights of the author if this is expressly consented to by the author in the licensing agreement.</p> <p>Article 16</p> <p>(1) Under the copyright protection the author shall have the exclusive right to use his work in any tangible or intangible form and to grant licence for each and every use of his work. Unless otherwise provided by this Act, authorisation may be obtained for the use of the work by a licensing agreement.</p> <p>(2) The use of the title of the work, if it is unique, shall be subject to the author's authorization, too.</p> <p>(...)</p>
Remuneration Schemes/ compensation	<p>Article 16</p> <p>(...)</p> <p>(4) Unless otherwise provided by this Act, remuneration shall be due to the author against the licence he has given for the use of his work, which remuneration — unless otherwise agreed — shall be in proportion to the revenue earned by the use of the work. The author may waive his claim to remuneration only by an express representation to that end. Should the law stipulate a specific form for the licensing agreement to be valid, the waiver of the remuneration shall itself be valid in the specific form only.</p> <p>(5) In the cases as specified by this Act, remuneration shall be due to the author for the use of his work even if he has no exclusive right to authorize the use. The law may exclude the right to waive such remuneration, and should such provision fail to obtain, the author may only waive the remuneration by an express representation to that end.</p> <p>(6) A use shall be deemed unlawful in particular if no authorization has been given therefor by the statute or by the author in a contract, or if the user makes use of the work beyond the limitations of his authorization.</p> <p>(7) Unless otherwise provided by this Act, the user is obliged to inform the author or his successor in title or the organization performing the collective administration of rights (Articles 85 to 93) on the manner and scope of the use.</p> <p>Article 20</p> <p>(1) A fair and equitable remuneration shall be due, on the private-purpose copying of their works, performances and sound recordings, to the authors of works, the performers of performances, and the producers of sound recordings broadcast in the programmes of radio and television organisations, included in the programmes of those communicating their own programmes to the public by cable, and released for distribution on video or audio carriers.</p>

	<p>(...)</p> <p>Article 21: remuneration for reprography</p> <p>Article 22: information duty for manufacturers of blank video and audio carriers</p> <p>Article 23</p> <p>(...)</p> <p>(6) If the right of rental relating to a cinematographic creation or a work included in a sound recording has been transferred, or otherwise licensed, by the author to the producer of the film or sound recording, the author shall retain a claim to the producer of the film or sound recording for a fair and equitable remuneration regarding the distribution of the work through rental. This right may not be waived by the author, however, he may enforce his claim to a remuneration only via an organization performing the collective administration of rights (Articles 85 to 93).</p> <p>(7) In the case of the lending to the public of works not referred to in Paragraph (3) — as far as architectural, applied art and industrial creations are concerned, of their design —, a fair and equitable remuneration shall be due to the authors. This claim to a remuneration may be enforced only via the collective administration of rights and the rightholders may waive such remuneration only following the date of its distribution and to the extent of the amount due to them.</p> <p>28 (2) — (6): remuneration for rebroadcasting and retransmission</p>
<p>Protection of technological measures and rights management information</p>	<p>Article 95</p> <p>(1) The consequences of the infringement of the copyright shall apply to all acts — including the production and distribution of devices and the provision of services — which enable or facilitate an unlawful circumvention of effective technological measures designed to provide protection for the copyright and which have no particular aim or no major economic significance other than the mere circumvention of the technological measure. This provision shall be applicable only if the person performing the acts referred to knows, or with the care expected to obtain in the given situation has reasonable grounds to know, that the acts unlawfully enable or facilitate the circumvention of the effective technological measure designed to provide protection for the copyright.</p> <p>(2) For purposes of the provision of paragraph (1), technological measures shall mean all devices, products, components, procedures and methods which are designed to prevent or hinder the infringement of the copyright. A technological measure shall be considered effective if as a result of its execution the work becomes accessible to the user through performing such actions — with the authorisation of the author — as require the application of the procedure or the supply of the code necessary therefore.</p> <p>Article 96</p> <p>(1) The consequences of the infringement of the copyright shall apply to the unauthorized removal or alteration of the rights management information as well as to the unauthorized distribution, importation for distribution, broadcasting or communication to the public in a different manner of works from which the right management information have been removed or on which such information have been altered without authority, supposing that the person performing any of the acts referred to knows, or with the care expected to obtain in the given situation has reasonable grounds to know, that the acts unlawfully enable or facilitate the infringement of the copyright or induce others to commit such infringement.</p> <p>(2) Rights management information shall mean all particulars provided by</p>

	<p>the rightholders which identify the work, the author of the work, the owner of any right in the work, or inform about the terms and conditions of the use of the work, including any numbers or codes that represent such information, when such data are attached to a copy of the work or are made perceptible in connection with the communication of the work to the public.</p>
<p>Consequences of copyright infringement</p>	<p>Civil Law Consequences</p> <p>Article 94</p> <p>(1) With his rights infringed, the author may assert various civil law claims, depending on the circumstances of the case. He may, in particular, claim:</p> <ul style="list-style-type: none"> a) the declaration by the Court of an infringement of right having occurred b) the termination of the infringement of right and the injunction of the infringer to continue such action; c) that the infringer should give satisfaction for his action — by declaration or in other appropriate manner — and that in case of need such satisfaction should be given due publicity on the part and at the cost of the infringer; d) that the infringer should provide particulars about those participating in the production and distribution of the objects and the supply of the services affected by the infringement of rights as well as about the business relations established for the unlawful uses; e) the restitution of the increase in wealth achieved through the infringement of right; f) the termination of the infringement and the restoration on the part or at the cost of the infringer of the state of things as it existed prior to the infringement of right as well as the destruction of the device or material exclusively or primarily used for the infringement of right or making it unsuitable therefor. <p>(2) Damages shall be paid according to the provisions of civil law responsibility in the case of the infringement of authors' rights. Damages shall also be paid if the author's moral rights are infringed.</p> <p>(3) In lawsuits instituted on grounds of the infringement of authors' rights the provisional measure shall be taken as needed if the applicant gives evidence of the work being under copyright protection and of he being the author, the successor in title of the author, or the user of the work or the organisation performing the collective administration of authors' rights who/which is entitled to take action against the infringement of right on his/its own behalf.</p> <p>(4) details on provisional measures</p> <p>(5) details on provisional measures</p> <p>(6) details on the procedures</p> <p>(7) details on the procedures</p> <p>Article 97</p> <p>Measures taken by the customs authorities</p> <p>The Consequences in Case of a Licensing Contract</p> <p>Article 98</p> <p>(1) In the case of the infringement of the authors' right the exclusive licensee (Art. 43 (1)) may call the author to take the necessary measures to stop the infringement. The licensee is entitled to initiate such a legal action in his or her own name, when the author fails to take the measures within 30 days of the notification.</p> <p>(2) In the case of a non-exclusive license the licensee is entitled to initiate a legal action under subparagraph (1) only on express authorization given in the licensing agreement.</p>

	<p>The Consequences of the Infringement of the Rights Related to Copyright [The title preceding Art. 99, as well as Art. 99 was replaced by Art. 10 of the Act LXXVII of 2001 amending Act LXXVI of 1999 on Copyright. Entry into force on 1 of January 2002]</p> <p>Article 99</p> <p>The provisions of Articles 94 to 97 shall apply mutatis mutandis to the infringement of the provisions of Chapter XI and XI/A, as well as to the protection of the technological measures and rights management information relating to the rights covered by these Chapters</p>
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g) Latvia

<p>Latvia Copyright Right Act 2000 Adopted by the Saeima on 6 April 2000</p>	
<p>Protected Works</p>	
<p>Categories of protected works</p>	<p>Section 2. Principles of Copyright (...)</p> <p>(2) Copyright shall apply to works of literature, science, art and other works referred to in Section 4 of this Law, also unfinished works, regardless of the purpose of the work and the value, form or type of expression.</p> <p>Section 4 Protected Works</p> <p>The objects of copyright, regardless of the manner or form of expression, shall comprise the following works of authors:</p> <ol style="list-style-type: none"> 1) literary works (books, brochures, speeches, computer programs, lectures, addresses, reports, sermons and other works of a similar nature); 2) dramatic and dramatic-musical works, scripts and treatments of audio-visual works; 3) choreographic works and pantomimes; 4) musical works with or without words; 5) audio-visual works; 6) drawings, paintings, sculptures and graphic art and other works of art; 7) applied works of art, decorative and scenographic works; 8) design works; 9) photographic works and works which are expressed by a process analogous to photography; 10) sketches, drafts and plans for buildings, structures and architectural works, models of buildings and structures, other architectural designs, city construction works and garden and park plans and models, as well as fully or partly constructed buildings and implemented city construction or landscape objects; 11) geographical maps, plans, sketches, and moulded works which relate to geography, topography and other sciences; and 12) other works of authors. <p>Section 5. Protected Derivative Works</p> <p>(1) Without prejudice to the rights of authors as to the original work, the</p>

	<p>following derivative works shall also be protected:</p> <p>a) translations and adaptations, revised works, annotations, theses, summaries, reviews, musical arrangements, screen and stage adaptations and similar works; and</p> <p>b) collections of works (encyclopaedias, anthologies, atlases and similar collections of works), as well as databases and other compiled works which, in terms of selection of materials or arrangement, are the result of creative activity.</p> <p>(2) Databases the creation, obtaining, verification or presentation of which has required a substantial qualitative or quantitative investment (financial resources or consumption of time and energy), whether or not they are the objects of copyright, shall be protected pursuant to Chapter IX of this Law.</p>
Conditions for protection	<p>Section 1. Terms Used in this Law (...)</p> <p>a) work — the original creation of an author in any material form, as well as an improvisation performed in public at the time of its performance;</p> <p>Section 3. Scope of Copyright</p> <p>(1) Copyright to works that have or have not been communicated in Latvia but which exist in Latvia in any material form, shall belong to the authors or their heirs, as well as to other successors in interest to copyright.</p> <p>(2) Copyright to works that are simultaneously published in a foreign state and in Latvia shall belong to the authors and their heirs, as well as to other successors in interest to the copyright.</p> <p>(3) In accordance with Paragraph two of this Section, a work shall be deemed published simultaneously in a foreign state and in Latvia if it has been published in Latvia within 30 days after its first publication in a foreign state.</p> <p>(4) Copyright to works that have been communicated in a foreign state in any material form shall be recognised as to citizens of Latvia and as to persons who are entitled to a non-citizen passport, or as to persons whose permanent residence (domicile) is in Latvia, as well as to the successors in interest to such persons. Copyright to works that have been communicated or otherwise made known in a foreign state in any material form shall be recognised as to other persons, in accordance with the international agreements binding on Latvia.</p> <p>Section 6. Non-Protected Works</p> <p>The following shall not be protected by copyright:</p> <p>1) regulatory enactments and administrative rulings, other documents issued by the State and Local Governments and adjudications of courts (laws, court judgements, decisions and other official documents), as well as official translations of such texts;</p> <p>2) State approved as well as internationally recognised official symbols and signs (flags, Coats of Arms, anthems, decorations, bank notes, and the like), the use of which is subject to specific regulatory enactments;</p> <p>3) maps, the preparation and use of which are determined by regulatory enactments;</p> <p>4) information provided in the press, radio or television broadcasts or other information media concerning news of the day and various facts and events; and</p> <p>5) ideas, methods, processes and mathematical concepts.</p>
Database protection	Section 1. Terms Used in this Law

	<p>3) database — a collection of independent works, data or other materials, which are arranged in a systematic or methodical way and are individually accessible by electronic or other means;</p> <p>Section 5. Protected Derivative Works</p> <p>(1) Without prejudice to the rights of authors as to the original work, the following derivative works shall also be protected:</p> <p>(...)</p> <p>b) collections of works (encyclopaedias, anthologies, atlases and similar collections of works), as well as databases and other compiled works which, in terms of selection of materials or arrangement, are the result of creative activity.</p> <p>(2) Databases the creation, obtaining, verification or presentation of which has required a substantial qualitative or quantitative investment (financial resources or consumption of time and energy), whether or not they are the objects of copyright, shall be protected pursuant to Chapter IX of this Law.</p> <p>Section 15. Economic Rights of an Author</p> <p>(...)</p> <p>(3) With respect to the use of a database, the author of a database shall have the following exclusive rights:</p> <p>a) to reproduce the database;</p> <p>b) to transmit, adapt or in any other way transform the database, as well as reproduce, distribute, communicate to the public, demonstrate or display the results of such activities;</p> <p>c) to distribute the database;</p> <p>d) to communicate to the public, demonstrate or display the database; and</p> <p>e) to make the database available to the public by cable or in another individually selected location and at an individually selected time.</p> <p>Section 31. Restrictions with Respect to Databases</p> <p>(1) A lawful user of a database or of a copy thereof may perform any action, which is necessary in order to access the contents of the databases and its use. If the lawful user is authorised to use only part of the database, the above-mentioned provision shall apply only to that part.</p> <p>(2) Agreements, which are contrary to the provisions of this Section, shall not be in effect.</p> <p>Section 57. Rights of a Maker of a Database(sui generis)</p> <p>(1) As the maker of such database, in the creation, verification, and formation of which there has been substantial qualitative or quantitative investment (Section 5, Paragraph two) shall be recognised the natural or legal person which has undertaken initiative and the investment risk regarding the making of a database.</p> <p>(2) The maker of a database shall have the right to prevent the following regarding the entire contents of the database or such parts of which may be qualitatively or quantitatively regarded as substantial:</p> <p>a) extraction, which means the permanent or short-term (temporary) transfer of all or a substantial part of the contents of a database to another location by any means or in any form; and</p> <p>2) re-utilisation, which means any form of making available to the public all or a substantial part of the contents of a database by the distribution of copies, by rental, by providing on-line or other forms of transmission.</p> <p>(3) Public lending is not an act of extraction or re-utilisation.</p> <p>(4) The repeated and systematic extraction and re-utilisation of less than</p>
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	<p>substantial parts of the contents of a database if such is done by acts which conflict with a normal use of such database or which unreasonably prejudice the lawful interests of the maker of the database are not permitted.</p> <p>Section 58. Rights and Obligations of Users of a Database</p> <p>(1) A lawful user of a database which is available to the public shall have the right to extract or re-utilise, for any purposes, parts of its content that may be regarded as qualitatively or quantitatively less than substantial parts of its contents. This condition shall apply only to such part of a database which a lawful user is permitted to extract or re-utilise.</p> <p>(2) A lawful user of a database, which is available to the public, shall observe the rights of the holders of copyright and neighbouring rights related to the works or materials contained in the database.</p> <p>(3) A lawful user of a database, which is available to the public, may not perform acts that conflict with the normal exploitation of the database or unreasonably prejudice the lawful interests of the maker of the database.</p> <p>Section 59. Restrictions to Rights of Protection of Databases</p> <p>(1) Without the consent of the maker of a database which is available to the public the lawful users of a database may:</p> <ul style="list-style-type: none">a) extract the contents of a non-electronic database for personal use;b) extract a substantial part of the contents of a database for the purposes of education or scientific research, mandatorily indicating the source, moreover only to the extent necessary for the non-commercial purpose to be achieved; andc) extract or re-utilise a substantial part of the contents of a database for the purposes of State security, as well as for the purposes of administrative or judicial proceedings. <p>(2) The right of the maker of a database to control the resale of the database in Latvia shall be exhausted at the moment when the database is sold in Latvia for the first time, if it has been done by the maker of the database himself or herself, or if it has been done with his or her consent.</p> <p>Section 60. Term of Rights of Protection of Databases</p> <p>(1) The rights specified in Section 57, Paragraph two of this Law shall be in effect for 15 years from the day when the formation of a database was completed. The term shall begin on 1 January of the year following the day of the formation of the database.</p> <p>(2) If a database has been made available to the public before the expiration of the term specified in Paragraph one of this Section, the term of rights of protection shall begin on 1 January of the year following the day when the database was first made available to the public and shall be in effect for 15 years.</p> <p>(3) If any changes that may be that may be regarded as qualitatively or quantitatively substantial are made in the contents of the database, as well changes in it resulting from the accumulation of successive additions, deletions or changes as a result of which it may be considered that a new investment which may be regarded as qualitatively or quantitatively substantial, has been made, such database shall have the right to its own term of protection, and the provisions of Paragraphs one and two of this Section shall apply.</p> <p>Section 61. Scope of Rights of Protection of Databases</p> <p>(1) The rights of the maker of a database — a natural person — shall be recognised, if he or she is a citizen of Latvia or a person who is entitled to a</p>
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	<p>Latvian non-citizen passport, or if Latvia is their permanent place of residence (domicile) or if he or she has a permanent residence permit.</p> <p>(2) The rights of a maker of a database — a legal person — shall be recognised, if such legal person has been formed in accordance with the regulatory enactments of Latvia, and its legal address, administration or principal place of activities is in Latvia. If a legal person has only its legal address in the territory of Latvia, the operations of such person must be linked on an ongoing basis with the economy of Latvia.</p> <p>(3) If a database is formed outside Latvia and the provisions of Paragraph one and two of this Section are not applicable to it, such database shall be protected on the basis of international agreements binding on Latvia.</p> <p>Section 62. Protection of Rights of Makers of Databases</p> <p>The rights of makers of databases shall be protected in accordance with the provisions of Section 68 and 69 of this Law.</p>
Computer Software	<p>Section 4. Protected Works</p> <p>The objects of copyright, regardless of the manner or form of expression, shall comprise the following works of authors:</p> <p>a) literary works (... computer programs...);</p> <p>Section 15. Economic Rights of an Author</p> <p>(2) With respect to the use of a computer program, the author of a computer program shall have the following exclusive rights:</p> <p>a) to reproduce the computer program (insofar as the loading, demonstration, use, transmission or storage of the computer program requires its reproduction, permission for such action may be granted in writing by the author);</p> <p>b) to distribute the computer program;</p> <p>c) to rent the computer program;</p> <p>d) to transmit, adapt and in any other way transform the computer program and reproduce the results obtained thereby (insofar as it is not contrary to the rights of the person who transforms the program); and</p> <p>e) to make the computer program available to the public by cable or in another individually selected location and at an individually selected time.</p> <p>Section 29. Restrictions Regarding the Rights of Reproduction, Translation, Adaptation and any other Transformation of Computer Programs</p> <p>(1) If not specified otherwise by contract, and the right to use a computer program has been lawfully obtained, its reproduction, translation, adaptation or any other transformation and the reproduction of the results of such activities shall not require any special permission from the holder of the copyright, as long as such activities (including correction of errors) are necessary for the purpose of the intended use of the computer program.</p> <p>(2) A contract entered into with a person who has lawfully acquired the right to use a computer program may not prohibit the making of a back-up copy, if such copy is necessary for the use of the computer program.</p> <p>(3) A person who has the right to use a computer program may, without the permission of the holder of the copyright, observe, study or test the functioning of the program in order to discover the ideas and principles which underlie any element of the computer program, if such person does so while loading, displaying, running, transmitting or storing the computer program in the computer memory.</p> <p>Section 30. Ensuring the Interoperability of Computer Programs</p>

	<p>(1) The permission of the holder of a copyright shall not be required, if, without reproducing the code of the computer program or modifying its form, it is not possible to obtain the necessary information in order to achieve the interoperability of an independently created computer program with other computer programs. Such use shall be permitted, if the following provisions are observed in their entirety:</p> <p>a) a person who has lawfully acquired the right to use a copy of the computer program performs the relevant activities;</p> <p>b) the information necessary to achieve interoperability may not be accessed by other means; and</p> <p>c) only those parts of the computer program, which are necessary to achieve interoperability, are subject to such activities.</p> <p>(2) In accordance with the provisions of Paragraph one of this Section, the information obtained may not be:</p> <p>a) used for purposes other than to achieve interoperability with an independently created computer program;</p> <p>b) disclosed to other persons, except in cases when it is necessary to achieve interoperability with an independently created computer program; and</p> <p>c) used with the intention of developing, producing or selling a substantially similar computer program, or for any other activity whereby copyright is infringed.</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>Section 15. Economic Rights of an Author</p> <p>(1) With respect to the use of a work, an author, except the author of a computer program or a database, shall have the following exclusive rights:</p> <p>(...)</p> <p>b) to reproduce the work;</p> <p>(...)</p> <p>f) to translate a work;</p> <p>g) to arrange, to adapt for stage or screen, or to otherwise transform a work</p> <p>(...)</p>
Right of communication to the public and right of making available	<p>Section 15. Economic Rights of an Author</p> <p>(1) With respect to the use of a work, an author, except the author of a computer program or a database, shall have the following exclusive rights:</p> <p>a) to communicate the work to the public;</p> <p>(...)</p> <p>8) to make the work available to the public by wire or by other means, in an individually selected location and at an individually selected time.</p> <p>(...)</p>
Distribution right	<p>Section 15. Economic Rights of an Author</p> <p>(1) With respect to the use of a work, an author, except the author of a computer program or a database, shall have the following exclusive rights:</p> <p>(...)</p>

	<p>c) to distribute the work;</p> <p>d) to rent or to publicly lend originals or copies of a work, except for three-dimensional architectural works and works of applied art;</p> <p>5) to retransmit the work by cable;</p> <p>(...)</p> <p>e) to arrange, to adapt for stage or screen, or to otherwise transform a work; and</p> <p>f) to make the work available to the public by wire or by other means, in an individually selected location and at an individually selected time.</p> <p>(...)</p> <p>Section 32. Exhaustion of Distribution Rights</p> <p>Except in cases referred to in Section 17, Paragraph one, of this Law, the right of an author to control the resale of his or her work shall be exhausted from the moment when such work is sold in Latvia for the first time, if it has been done by the author himself or herself, or with his or her consent.</p>
Moral rights	
Right of publication	<p>Section 14. Moral Rights of an Author</p> <p>(1) The author of a work shall have the inalienable moral rights of an author to the following:</p> <p>(...)</p> <p>2) a decision whether and when the work will be disclosed;</p>
Recognition of authorship	<p>Section 14. Moral Rights of an Author</p> <p>(1) The author of a work shall have the inalienable moral rights of an author to the following:</p> <p>1) authorship — the right to be recognised as the author;</p> <p>(...)</p> <p>4) name — the right to require his or her name to be appropriately indicated on all copies and at any public event associated with his or her work, or to require the use of a pseudonym or anonymity;</p> <p>(...)</p>
Distortion of the work	<p>Section 14. Moral Rights of an Author</p> <p>(1) The author of a work shall have the inalienable moral rights of an author to the following:</p> <p>(...)</p> <p>5) inviolability of a work — the right to permit or prohibit the making of any transformations, changes or additions either to the work itself or to its title.</p> <p>(...)</p>
Duration of Protection	<p>Section 36. General Provisions Regarding the Term of Copyright</p> <p>Copyright shall be in effect for the entire lifetime of an author and for 70 years after the death of an author, except for the cases mentioned in Section 37 of this Law.</p> <p>(...)</p> <p>Details Section 37 ff</p>
Exceptions and limitations	

<p>Educational and scientific purposes</p>	<p>Section 19. Use of a Work of an Author without the Consent of the Author and without Remuneration</p> <p>(1) Copyright shall not be considered infringed if a work of an author is used without the consent of the author and without remuneration pursuant to the procedures specified by this Law:</p> <ol style="list-style-type: none"> 1) a work is used for informational purposes; 2) a work is used for educational and research purposes; <p>(...)</p> <p>7) a musical work is used during official or religious ceremonies, as well as in teaching institutions as part of a face-to-face teaching process(...)</p> <p>Section 20. Use of a Work for Informational Purposes</p> <p>(1) It being mandatory that the title of the work and the name of the author to be used are indicated and that the provisions of Sections 14 and 18 of this Law are observed, it is permitted:</p> <ol style="list-style-type: none"> 1) to reproduce works communicated to the public in the form of quotations for scientific, research, polemical, critical and informational purposes to the extent justified by the purpose of the quotation; 2) to publish in newspapers, to broadcast or otherwise make known publicly given political speeches, addresses, announcements and other analogous works, to the extent justified by the informational purpose; and 3) to fixate, communicate to the public and publish current events by photographic works; for a broadcasting organisation — to broadcast works which have been seen or heard in the course of current events, to the extent justified by the informational purpose. <p>(2) The provisions of this Section shall not apply to computer programs.</p> <p>Section 21. Use of a Work for Educational and Research Purposes</p> <p>(1) It being mandatory that the title and name of the author of the work are indicated and that the provisions of Section 18 of this Law are observed, it is permitted to use communicated or published works or fragments of them in textbooks which are in conformity with educational standards, in radio and television broadcasts, in audio-visual works, in visual aids and the like, which are specially created and used in the face-to-face teaching and research process in educational and research institutions for non-commercial purposes to the extent justified by the purpose of their activity .</p> <p>(2) The provisions of this Section shall not apply to computer programs.</p> <p>Section 25. Use of a Work on Public Display</p> <p>(1) It is permitted to use images of works of architecture, photography, fine arts, design, as well as of applied arts, permanently displayed in public places, in broadcasts.</p> <p>(2) That which is referred to in this Section shall not apply to cases when the image of a work is an object for further repetition of the work, for broadcast by broadcasting organisations or for the purpose of commercial use of the image of a work.</p> <p>Section 26. Free Use of a Work in a Public Performance</p> <p>A musical work may be performed in public without the consent of the author and without the payment of remuneration to the author:</p> <ol style="list-style-type: none"> 1) during official and religious ceremonies, to the extent justified by the nature of the ceremony; and
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	<p>2) in educational institutions in a face-to-face teaching process with the participation of teachers and learners, if the audience comprises only the teachers and learners, as well as persons who are directly associated with the implementation of an educational programme.</p>
Scope of exceptions	<p>Section 18. Principles of Restrictions on Economic Rights of an Author</p> <p>(1) The right of an author to permit or prohibit the use of his or her work and receive remuneration for its use may be restricted in cases specified by this Law.</p> <p>(2) The use of a work of an author without permission and without remuneration may not be contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author, or cause losses to the author.</p> <p>(3) In case of doubt, it shall be considered that the right of an author to the use of the work or to the receipt of remuneration is not restricted.</p>
Libraries and archives	<p>Section 19. Use of a Work of an Author without the Consent of the Author and without Remuneration</p> <p>(1) Copyright shall not be considered infringed if a work of an author is used without the consent of the author and without remuneration pursuant to the procedures specified by this Law: (...)</p> <p>4) a work is reproduced to meet the needs of libraries and archives(...)</p> <p>(2) Copyright shall not be considered infringed if the work of an author is used, without the permission of the author, but with just remuneration to him or her, for public lending.</p> <p>Section 23. Reproduction of Works for the Needs of Libraries and Archives</p> <p>(1) Observing the provisions of Section 18 of this Law, every library or archive shall be permitted to make one copy of a work by means of reprographic reproduction for non-commercial purposes, if such copy is made to preserve a particularly valuable work or to replace for a particular library's or another library's or archive's permanent collection a copy which has been lost, damaged or become unusable and, moreover, it is not possible to obtain such a copy in some other acceptable manner, and the reproduction is repeated in separate and mutually unrelated cases.</p> <p>(2) The provisions of this Section shall not apply to computer programs</p>
Acknowledgement of source	<p>Section 14. Moral Rights of an Author</p> <p>(1) The author of a work shall have the inalienable moral rights of an author to the following:</p> <p>4) name — the right to require his or her name to be appropriately indicated on all copies and at any public event associated with his or her work, or to require the use of a pseudonym or anonymity</p> <p><i>eg</i> section 20, 21 (see above)</p>
Private use	<p>Section 33. Remuneration for Recording Media</p> <p>(1) Natural persons may without the permission of the author, but on payment of remuneration for the recording media (blank tape levy), reproduce a film or a phonogram for personal use only. This provision shall not apply to computer programs and databases.</p> <p>(2) Natural and legal persons may, without the permission of the author but on payment of an just remuneration, to reproduce works reprographically for</p>

	personal or official use.
How to acquire rights if necessary	
Right-holder	
Authorship	<p>Section 1. Terms Used in this Law</p> <p>1) author — a natural person, as a result of whose creative abilities a concrete work has been created;</p> <p>Section 2. Principles of Copyright</p> <p>(1) Copyright shall belong to the author as soon as a work is created, regardless of whether it has been completed.</p> <p>Section 7. Holders of Copyright</p> <p>(1) The author of a work, co-authors, including authors of audio-visual works, authors of derivative works, their heirs and other successors in interest may be a holder of copyright.</p> <p>(2) Holders of copyright may realise the copyright to a work themselves, or through their representatives (also through organisations that administer economic rights on a collective basis).</p> <p>Section 8. Presumption of Authorship</p> <p>(1) The person whose name or generally recognised pseudonym appears on a work communicated to the public or a published or a reproduced work shall be considered to be the author of the work, if it is not proven otherwise.</p> <p>(2) If a work is communicated to the public or published without reference to the author, the editor shall act in the name and interests of the author, but if the editor is also not identified, then the publisher or the authorised representative of the author. This condition shall be in effect until the author of a work reveals his or her identity and claims authorship.</p>
Joint authors/ compound works/ authors in employment	<p>Section 10. Compiler of a Composite Work</p> <p>(1) A compiler, the result of whose creative activity is the selection or arrangement of material, shall have copyright to the compilation of the composite work.</p> <p>(2) Authors of works included in collections or other composite works shall each retain copyright to their respective work and may independently use it also separate from the collection or composite work.</p> <p>(3) The copyright of a compiler shall not impose restrictions on other persons to independently make the selection and arrangement of the same works and material.</p> <p>Section 11. Authors of Audio-visual Works</p> <p>(1) The authors of an audio-visual work shall be the director, author of the script, author of the dialogue, author of a musical work (with or without words) created for the audio-visual work, as well as other persons who, as a result of their creative activity, have contributed to the making of the work.</p> <p>(2) The producer of a work may not be recognised as an author of an audio-visual work.</p> <p>(3) The authors of an audio-visual work, except the author of a musical work created for the audio-visual work, shall each retain moral rights to their work, but may not use it independently of the whole of the audio-visual work, if it is not specified otherwise by contract with the producer. The author of a musical work shall retain both the moral rights of an author and the economic rights of an author. The author of a script may use his or her</p>

	<p>work in a different type of work, unless specified otherwise by contract .</p> <p>Section 12. Author of a Work Created in the Course of Employment</p> <p>(1) If an author has created a work performing his or her duties in an employment relationship, the moral and economic rights to the work shall belong to the author, except in the case specified in Paragraph two of this Section. The economic rights of the author may be transferred, in accordance with a contract, to the employer.</p> <p>(2) If a computer program has been created by an employee while performing a work assignment, all economic rights to the computer program so created shall belong to the employer, unless specified otherwise by contract.</p>
Collecting Societies	<p>Section 63. Principles of Operation of Organisations that Administer Economic Rights on a Collective Basis</p> <p>(1) The protection of economic rights of Latvian holders of copyright and of neighbouring rights, if such rights can not be ensured on an individual basis or if such protection is difficult, shall be conducted by an organisation that administers the economic rights on a collective basis.</p> <p>(...)</p> <p>see section 63 ff for details</p>
Contract Law/Licenses	
Transfer of rights	<p>Section 14. Moral Rights of an Author</p> <p>(2) None of the rights mentioned in Paragraph one of this Section may be transferred to another person during the lifetime of the author.</p> <p>Section 16. Transfer of the Rights of an Author</p> <p>(1) The right to communicate and to use a work and to receive remuneration for permission to use a work, and for the use of the work shall pass to the heirs of the author. The heirs of an author shall have the right to protect the moral rights of the author.</p> <p>(2) Only the rights specified in Part one, two and three of Section 15 may be transferred to other successors in interest to copyright (including legal persons).</p> <p>(3) Copyright is not linked with property rights to the material object in which the work is expressed. Copyright to a work expressed in a material object shall be dissociated from possession of such work. Transfer of possession of a material object (also a copy of the first fixation of the work) shall not of itself result in the transfer of copyright to the work.</p> <p>Section 17. Copyright to Alienated Fine Art Works</p> <p>(1) Authors shall retain copyright to fine art works sketches of them, draft compositions and models of works, which have been transferred to the ownership of another person. The transfer of ownership in a work of fine art from the author to another person, with or without remuneration, shall be considered the first alienation of such a work. In the case of the further public resale (at an auction, or by a fine arts gallery or art salon, a store or the like) of a work of fine art, the author shall have the right to receive five percent of the resale price.</p> <p>(2) Remuneration due to an author, in accordance with Paragraph one of this Section, may be collected, apportioned and paid by an organisation that administers the economic rights of authors on a collective basis.</p> <p>(3) The owner of a work shall have the obligation to give the holder of the copyright to the alienated work the opportunity to realise the right to reproduce the work, as well as to display it in a personal exhibition. The</p>

	<p>author shall have the obligation to ensure the protection of the work (security) in transit to and from the place of the exhibition or reproduction, unless specified otherwise by contract.</p> <p>Section 13. Author’s Contract for a Commissioned Work</p> <p>(1) If an author’s contract has been entered into for a commissioned work, the author must perform the commissioned work in accordance with the provisions of the contract and must provide the work for use by the commissioning party, within the specified term and in the manner indicated in the contract.</p> <p>(2) It is the obligation of an author to personally perform the work commissioned from them.</p> <p>(3) Co-authors may be invited and the composition of co-authors changed only with the written consent of the commissioning party if it is necessary for the performance of the work and is not specified otherwise in the contract. If an author does not observe the obligation to perform the work personally, the commissioning party may terminate the contract.</p> <p>Section 40. Rights to the Use of Works</p> <p>(1) To obtain the right to use a work, it is necessary for the user of the work, for each type of use and each time it is to be used, to receive the permission of the holder of the copyright to the use of the work.</p> <p>(2) The permission of the holder of copyright shall be issued both as a licensing agreement and as a licence.</p> <p>(3) Before using a work, the user of the work must enter into a licensing agreement or obtain a licence for the use of the work.</p> <p>(4) The document, which certifies the right to the use of a work shall be in possession of the organiser of a concert, performance, attraction or event at least three days prior to the relevant event.</p> <p>Section 41. Licensing Agreements</p> <p>(1) A licensing agreement is an agreement by means of which one party — the holder of the copyright — gives permission to the other party — the user of the work — to use a work and specifies the type of use of the work, thereby agreeing on the provisions for the use, the amount of remuneration, the procedures and the term for the payment of remuneration.</p> <p>(2) In a licensing agreement, the grant of a licence for the use of a work in one or more specified ways may be provided for, as well as the right to grant a licence to third parties (sub-licence). The particular rights may be transferred completely or partially. If the agreement does not so specify, a licence shall be limited to such actions as arise from the agreement and which are necessary for achieving the purpose of the agreement.</p> <p>(3) If the amount of remuneration is not specified in the licence, in case of a dispute it shall be determined pursuant to the discretion of the court.</p> <p>Section 42. Types of Licences</p> <p>(1) A licence constitutes permission to use a particular work in such a way and in accordance with such provisions as are indicated in the licence. A licence may be non-exclusive, exclusive or compulsory.</p> <p>(2) A non-exclusive licence gives the recipient of the licence the right to undertake activities indicated in the licence concurrently with the author or other persons who have received or will receive a relevant licence.</p> <p>(3) An exclusive licence gives the right to conduct the activities specified in the licence solely to the recipient of the licence.</p> <p>(4) A compulsory licence is issued by an organisation that administers the</p>
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	<p>economic rights of authors on a collective basis, and such licence gives the right to use the works of all the authors represented by such organisation.</p> <p>Section 43. Form of Licences and Licensing Agreements</p> <p>(1) All licences shall be issued in writing.</p> <p>(2) A licensing agreement may be entered into either orally or in writing. The following licensing agreements shall be entered into in writing:</p> <ol style="list-style-type: none"> 1) a publishing contract; 2) a contract for the communicating to the public of a work; 3) a contract for creating an audio-visual work; and 4) a contract specifying such rights as are included in a compulsory licence or an exclusive licence. <p>Section 44. Term of a Licensing Agreement or a Licence</p> <p>(1) The term for which a licensing agreement is entered into or for which a licence is issued shall be determined by agreement of the parties.</p> <p>(2) If a licensing agreement which has been entered into or a licence which has been issued is not restricted as to time, the author or other holder of the copyright may terminate the licensing agreement or revoke the licence, giving a notice six months in advance.</p> <p>(3) A provision in a licensing agreement or a licence pursuant to which the author relinquishes the rights specified in Paragraph two of this Section is void.</p> <p>Section 45. Territory in which a Licensing Agreement or a Licence is in Effect</p> <p>(1) A licensing agreement or a licence must indicate the territory in which it is in effect.</p> <p>(2) If a licensing agreement or a licence does not indicate the territory in which it is in effect, it shall be in effect in the state in which the licence agreement was executed or the licence issued.</p> <p>Section 46. Rental of a Work</p> <p>(1) An author shall retain the right to receive just remuneration for a rental even if he or she has transferred to a producer the rental rights to a phonogram, the original of the audio-visual work or copies thereof.</p> <p>(2) If an author has transferred to a producer the rental rights to a phonogram, the original of the audio-visual work or copies thereof, the author shall retain the right to receive remuneration for their rental.</p> <p>(3) An agreement pursuant to which the author relinquishes the right to receive remuneration for a future period shall not be in effect.</p>
Remuneration Schemes/ compensation	<p>Section 15. Economic Rights of an Author</p> <p>(4) The author shall have the right to use his or her work in any manner, to permit or prohibit its use, receive remuneration for permission to use his or her work and for the use of the work except in cases provided for by law.</p> <p>Section 34. The Blank Tape Levy for the Reproduction of a Film or a Phonogram for Personal Use</p> <p>See above</p> <p>Section 35. Remuneration for Reprographic Reproduction of Works</p> <p>(1) Authors and publishers have the right to receive remuneration for reprographic reproduction of works. The persons who provide such services</p>

	<p>shall pay remuneration for reprographic reproduction.</p> <p>(2) The amount of remuneration to be paid for reprographic reproduction, and the procedures for its collection and payment, shall be determined by the Cabinet.</p> <p>(3) Remuneration shall be collected and distributed among the authors and publishers by organisations that administer the economic rights of authors on a collective basis.</p>
Protection of technological measures and rights management information	
Consequences of copyright infringement	<p>Section 68. Infringement of Copyright and Neighbouring Rights</p> <p>(1) An action whereby the moral or economic rights of a holder of copyright or neighbouring rights are infringed, including fixation of protected objects, their publication, communicating them to the public, their reproduction or distribution in any form without the consent from the holder of the rights, shall be considered as an infringement of copyright and neighbouring rights.</p> <p>(2) In determining whether an action qualifies as an infringement of copyright or neighbouring rights, the restrictions of copyright or neighbouring rights specified in this Law shall be taken into account.</p> <p>(3) Copies of works produced as a result of illegal actions are infringing copies.</p> <p>(4) Copies of works protected in Latvia which have been imported from countries where such works are not protected by copyright or where the term of protection has expired shall also be deemed to be infringing copies.</p> <p>Section 69. Protection of Copyright and the Rights of Holders of Neighbouring Rights</p> <p>(1) Holders of copyright and of neighbouring rights, organisations that administer their economic rights on a collective basis, and other representatives shall have the right:</p> <ol style="list-style-type: none"> 1) to require that the infringer recognise their rights; 2) to prohibit the use of their works; 3) to require that the infringer renew the status prior to the infringement of these rights, and that the illegal activity be stopped or that creative work not be threatened; 4) to require that the infringer compensate the losses, including lost profits, or also to require that an infringer provide compensation pursuant to the discretion of the court; and 5) to require that the infringing copies be destroyed. <p>(2) To protect their rights, holders of copyright and of neighbouring rights may resort to the courts. In such matters pursuant to a petition by the plaintiff, the court may apply measures specified by law to secure the claim also in cases when the action does not have an economic character (the action has not been brought for compensation of losses).</p> <p>(3) The court may, pursuant to a petition by the plaintiff, make a decision that, regarding materials and equipment used for making of infringing copies, collection may be made to compensate the losses incurred by the author, or also that such materials and equipment be given for use for charitable purposes or confiscated. The infringing copies shall be destroyed.</p>

	<p>(4) If rights protected in accordance with the procedures specified by Chapter X of this Law have been infringed, an action for protection of the infringed rights may be brought by in the name of the holders of copyright or of neighbouring rights, by the holder of copyright or of neighbouring rights himself or herself, or by an organisation that administers economic rights on a collective basis.</p> <p>(5) In submitting an action concerning infringement of rights to a court, the holders of copyright and of neighbouring rights, as well as organisations that administer economic rights on a collective basis, shall be exempt from the State fee.</p> <p>Section 70. Confiscation and Destruction of Infringing Copies</p> <p>(1) Upon identifying infringing copies, police, customs or another competent State institution shall confiscate them.</p> <p>(2) In deciding the liability of the offender, a decision shall be taken regarding destruction of the infringing copies. If the offender is not identified, a decision regarding destruction of the infringing copies shall be taken by the institution, which has confiscated them.</p> <p>Section 71. Liability for Infringement of Copyright or of Neighbouring Rights</p> <p>Depending on the nature of the infringement of copyright or of neighbouring rights and the consequences thereof, the infringer shall be held to liability in accordance with law.</p>
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h) Lithuania

Lithuania	
LAW ON COPYRIGHT AND RELATED RIGHTS	
5 March 2003 No. IX-1355	
Protected Works	
Categories of protected works	<p>Article 4. Subject Matter of Copyright</p> <p>(...)</p> <p>2. The subject matter of copyright shall comprise the following:</p> <p>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;</p> <p>2) speeches, lectures, sermons and other oral works;</p> <p>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);</p> <p>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;</p> <p>5) musical works with or without accompanying words;</p> <p>6) audiovisual works (motion pictures, television films, television broadcasts, video films, diafilms and other works expressed by cinematographic means), radiophonic works;</p> <p>7) works of sculpture, painting and graphic art, monumental decorative art, other works of fine art and works of scenery;</p>

	<p>8) photographic works and other works created by a process analogous to photography;</p> <p>9) works of architecture (projects, designs, <i>sketches</i> and models of buildings and other construction works, as well as completed buildings and other construction works);</p> <p>10) works of applied art and works not registered as industrial designs;</p> <p>11) illustrations, maps, charts, projects of gardens and parks, <i>sketches</i> and three-dimensional works relative to geography, topography and exact sciences;</p> <p>12) other works.</p> <p>3. The subject matter of copyright shall also include the following:</p> <p>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);</p> <p>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;</p> <p>3) unofficial translations of legal acts, official documents of administrative, legal or regulative nature, referred to in subparagraph 2 of Article 5 of this Law.</p> <p>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.</p>
<p>Conditions for protection</p>	<p>Article 4. Subject Matter of Copyright</p> <p>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.</p> <p>(...)</p> <p>Article 2. Main Definitions of this Law</p> <p>(...)</p> <p>18. '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.</p> <p>Article 5. Works not Attributed to the Subject Matter of Copyright</p> <p>Copyright shall not apply to:</p> <p>1) ideas, procedures, processes, systems, methods of operation, concepts, principles, discoveries or mere data;</p> <p>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;</p> <p>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;</p> <p>4) officially registered drafts of legal acts;</p> <p>5) regular information reports on events;</p> <p>6) folklore works.</p>

Database protection	<p>Article 4. Subject Matter of Copyright</p> <p>(...)</p> <p>3. The subject matter of copyright shall also include the following:</p> <p>(...)</p> <p>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;</p> <p>(...)</p> <p>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.</p> <p>Article 2. Main Definitions of this Law</p> <p>(...)</p> <p>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.</p> <p>Article 20. Reproduction of Works for Personal Use</p> <p>(...)</p> <p>2.The provisions of paragraph 1 of this Article shall not apply to the reproduction of the following works:</p> <p>(...)</p> <p>3) electronic databases (with the exception of the cases provided for in Article 32 of this Law).</p> <p>Article 32. Use of Databases</p> <p>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 paragraph 1 of Article 15 of this Law, provided that such acts are necessary for the purposes of access to, and an appropriate use of the contents of the database by the legitimate user of the database.</p> <p>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.</p> <p>3. Any agreements impeding any of the acts set out in paragraph 1 of this Article shall be null and void.</p> <p>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 purpose of public and State security or for the purposes of an administrative or judicial procedure.</p> <p>Article 61. Rights of Makers of Databases</p> <p>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: permanent or temporary transfer of all or a substantial part of the contents</p>
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	<p>of a database to another medium by any means or in any form; 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 over computer networks (the Internet) or any other mode of transmission.</p> <p>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.</p> <p>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.</p> <p>4. The exclusive right of distribution of copies of a database shall be exhausted in respect of the copies of a database, which have been sold by the maker of the database, or under his authorisation, and which have been lawfully released into circulation.</p> <p>Article 62. Rights and Obligations of Lawful Users of Databases</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5. Any agreements contrary to paragraphs 1 — 4 of this Article shall be null and void.</p> <p>Article 63. Limitations of Rights of Makers of Databases</p> <p>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:</p> <p>1) in the case of extraction for private purposes of the contents of a non-electronic database;</p> <p>2) in the case of extraction for the purposes of illustration for teaching or scientific research in various fields, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved;</p> <p>3) in the case of extraction and re-utilisation for the purposes of public and state security, an administrative or judicial procedure.</p> <p>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.</p> <p>Article 64. Term of Protection of Databases</p> <p>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</p>
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	<p>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.</p> <p>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.</p> <p>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.</p>
Computer Software	<p>Article 4. Subject Matter of Copyright</p> <p>1. (...)</p> <p>2. The subject matter of copyright shall comprise the following:</p> <p>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;...</p> <p>Article 2. Main Definitions of this Law</p> <p>(...)</p> <p>17. '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.</p> <p>Article 10. Copyright in Computer Programmes</p> <p>1. The author of a computer program shall be a natural person or a group of natural persons who have created the program. A computer program 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.</p> <p>2. The owner of an author's economic rights in a computer program 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.</p> <p>Article 20. Reproduction of Works for Personal Use</p> <p>1 (...)</p> <p>2.The provisions of paragraph 1 of this Article shall not apply to the reproduction of the following works:</p> <p>1) (...)</p> <p>2) computer programmes (with the exception of the cases provided for in Articles 30 and 31 of this Law);</p> <p>(...)</p> <p>Article 29. Temporary Reproduction of a Work</p> <p>1.It shall be permissible to carry out the following acts without the authorisation of an author or any other owner of copyright, and without a remuneration:</p> <p>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</p>

	<p>made (when it is permitted by the owner of copyright or is not restricted by this Law), and which have no independent economic significance;</p> <p>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.</p> <p>2. Recordings specified in subparagraph 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 recordings of an exceptional documentary character may be transferred to official State archives for preservation.</p> <p>Article 30. Making of a Back-up Copies and Reproduction for Adaptation of Computer Programmes</p> <p>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 program or to adapt the computer programme, provided that such copies or adaptation of the program are necessary:</p> <p>1) for the use of the computer program in accordance with its intended purpose, including for error correction;</p> <p>2) for the use of a back-up copy of the lawfully acquired computer programme, in the event the computer program is lost, destroyed or becomes unfit for use.</p> <p>2. The person having a right to use a copy of a computer program 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 program 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).</p> <p>3. No copy or adaptation of a computer program 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.</p> <p>4. Any agreements impeding the performance of the acts provided for in paragraphs 1 and 2 of this Article shall be null and void.</p> <p>Article 31. Decompilation of Computer Programmes</p> <p>1. The authorisation of the author or other owner of copyright shall not be required where reproduction of the code of a computer program or translation of its form are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer program with other programs, provided that the following conditions are met:</p> <p>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;</p> <p>2) the information necessary to achieve the interoperability of the programmes has not been previously readily available to the persons referred to in subparagraph 1 of paragraph 1 of this Article;</p> <p>3) these acts are confined to the parts of the original program which are necessary to achieve interoperability.</p> <p>2. The provisions of paragraph 1 of this Article shall not permit the information obtained through its application:</p> <p>1) to be used for goals other than to achieve the interoperability of the independently created computer programme;</p>
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	<p>2) to be given to other persons, except when necessary for the interoperability of the independently created programme;</p> <p>3) to be used for the development, production or marketing of a computer program substantially similar in its expression, or for any other act which infringes copyright.</p> <p>3. Any agreements impeding any of the acts set out in paragraph 1 of this Article shall be null and void.</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>Article 2. Main Definitions of this Law</p> <p>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).</p> <p>Article 15. Economic Rights of Authors</p> <p>1. The author shall have the exclusive rights to authorise or to prohibit any of the following acts:</p> <p>1) reproduction of a work in any form or by any means;</p> <p>2) publication of a work;</p> <p>3) translation of a work;</p> <p>4) adaptation, arrangement, dramatisation or other transformation of a work;</p> <p>(...)</p>
Right of communication to the public and right of making available	<p>Article 15. Economic Rights of Authors</p> <p>1. The author shall have the exclusive rights to authorise or to prohibit any of the following acts:</p> <p>....</p> <p>6) public display of the original or copies of a work;</p> <p>7) public performance of a work in any form or by any means;</p> <p>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 over computer networks (on the Internet).</p> <p>Article 18. Right of Making Available of Work of Fine Art and Work of Architecture</p>
Distribution right	<p>Article 15. Economic Rights of Authors</p> <p>1. The author shall have the exclusive rights to authorise or to prohibit any of the following acts:</p> <p>(...)</p> <p>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;</p> <p>(...)</p> <p>6. The exclusive right of rental and lending of the original or a copy of a work shall not apply in relation to buildings and to works of applied art.</p> <p>Article 16. Distribution of a Work after the First Sale or other Transfer of Ownership Rights in the Work</p> <p>1. Upon the first sale or other transfer of the original or copies of a work into</p>

	<p>the ownership in the Republic of Lithuania by the author or his successor in title (or with their consent), the exclusive right of distribution of the work or its copies which are lawfully in circulation shall expire (be exhausted) in the Republic of Lithuania.</p> <p>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 sold or transferred into ownership in any other manner.</p>
Moral rights	
Right of publication	
Recognition of authorship	<p>Article 14. Author's Moral Rights</p> <p>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:</p> <p>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);</p> <p>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);</p> <p>(...)</p>
Distortion of the work	<p>Article 14. Author's Moral Rights</p> <p>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:</p> <p>(...)</p> <p>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) (...)</p>
Duration of Protection	<p>Article 34. Duration of Copyright</p> <p>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.</p> <p>2. The protection of the author's moral rights shall be of unlimited duration.</p> <p>Article 35. Special Duration of the Economic Rights of Authors</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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,</p>

	<p>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.</p> <p>Article 36. Economic Rights of Authors in a Work Published after the Expiry of Copyright Protection</p> <p>Article 37. Calculation of Copyright Protection</p> <p>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.</p> <p>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.</p>
<p>Exceptions and limitations</p>	
<p>Educational and scientific purposes</p>	<p>Article 21. Quotation</p> <p>1. It shall be permissible, without the authorisation of the author or any other owner of copyright, to reproduce a relatively short passage of a published work or a work made available to the public, both in the original and translated language, in the form of a quotation in another work, provided that such reproduction is compatible with fair practice and its extent does not exceed that justified by the purpose.</p> <p>2. When quoting, mention must be made of the source, and of the name of the author, if it appears thereon.</p> <p>Article 2. Main Definitions of this Law</p> <p>(...)</p> <p>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.</p> <p>Article 22. Reproduction of a Work for Teaching and Scientific Research Purposes</p> <p>1. The following shall be permitted without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of a remuneration, but mentioning, when possible, the source and the name of the author:</p> <p>1) reproduction for teaching and scientific research purposes of short published works or a short extract of a published work, by way of illustration, in writings, sound or visual recordings, provided that this is related to study programmes and does not exceed the extent justified by the purpose;</p> <p>2) reproduction for non-commercial educational, teaching and scientific research purposes of lawfully published works in the form intended for people having hearing or visual impairment, to the extent required by the specific disability, with the exception of works specifically created for this purpose;</p> <p>3) use for the purpose of research or private study of the works kept in publicly accessible libraries, educational establishments, museums or archives, by communication or making them available to the public by dedicated terminals on the premises of the said institutions.</p> <p>2. In order to establish whether a work has been used for non-commercial purposes, notice must be taken of the purpose of use. Legal form, organisational structure and methods of financing shall not constitute deciding factors in this case.</p>

	<p>Article 23. Reprographic Reproduction of Works</p> <p>1. Without the authorisation of the author or other owner of copyright in a work, it shall be permissible to reproduce on paper the following by means of reprography (effected by the use of any kind of photographic technique or by some other process having similar effects):</p> <p>1) a published article or any other short work, or a short extract of a writing, with or without illustrations, not for direct or indirect commercial advantage, provided that such reproduction is a separate single act. Repeated acts of such reproduction shall be permissible if they are done on unrelated occasions;</p> <p>2) a work kept in publicly accessible libraries, educational establishments, museums or archives, except the work made available to the public over computer networks (the Internet), not for direct or indirect commercial advantage, when a copy of the work is made for the purpose of preservation or replacement of a lost, destroyed or rendered unusable copy from the fonds or collections of the said institutions, or for the purpose of replacement of a lost, destroyed or unfit for use copy from the permanent collection of another similar library or archive, if it is impossible to obtain such a copy by other acceptable means, and if the act of such reproduction is a separate single act. Repeated acts of such reproduction shall be permissible if they are done on unrelated occasions.</p> <p>2. The provisions of subparagraph 1 of paragraph 1 of this Article shall not be applied when reproducing on paper the whole text of a book or a major part thereof, or sheet music by means of reprography (effected by the use of any kind of photographic technique or by some other process having similar effects).</p> <p>Article 24. Use of a Work for Information Purposes</p> <p>1. The following acts shall be permitted without the authorisation of the author or other owner of copyright in a work:</p> <p>1) reproduction by the press, communication to the public or making available of published 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 or other owners of copyright in such works, and as long as the source, including the author's name, is indicated;</p> <p>2) use 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, and the source, including the author's name, is indicated, unless this turns out to be impossible;</p> <p>3) use in newspapers or periodicals, or communication to the public in any other mode of political speeches, reports, lectures or other works of a similar nature delivered in public, as well as speeches delivered during court proceedings, to the extent justified by the informatory purpose and as long as the source, including the author's name, is indicated, unless this turns out to be impossible;</p> <p>4) reproduction or communication to the public 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;</p> <p>5) reproduction and communication to the public of a work in connection with the demonstration or repair of equipment.</p> <p>2. The provisions of subparagraph 3 of paragraph 1 of this Article shall not</p>
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	<p>apply to the exclusive right to compile or authorise the compiling of collections of such works.</p> <p>Article 25. Use of a Work for the Purpose of Caricature or Parody</p> <p>It shall be permissible, without the authorisation of an author or any other owner of copyright, and without compensation, to use a work for the purpose of caricature or parody.</p> <p>Article 32. Use of Databases</p> <p>(...)</p> <p>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(...)</p>
Scope of exceptions	<p>Article 19. Conditions of Limitation on Economic Rights</p> <p>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.</p>
Libraries and archives	<p>Article 22. Reproduction of a Work for Teaching and Scientific Research Purposes</p> <p>1. The following shall be permitted without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of a remuneration, but mentioning, when possible, the source and the name of the author:</p> <p>3) use for the purpose of research or private study of the works kept in publicly accessible libraries, educational establishments, museums or archives, by communication or making them available to the public by dedicated terminals on the premises of the said institutions.</p> <p>2. In order to establish whether a work has been used for non-commercial purposes, notice must be taken of the purpose of use. Legal form, organisational structure and methods of financing shall not constitute deciding factors in this case.</p> <p>Article 23. Reprographic Reproduction of Works</p> <p>1. Without the authorisation of the author or other owner of copyright in a work, it shall be permissible to reproduce on paper the following by means of reprography (effected by the use of any kind of photographic technique or by some other process having similar effects):</p> <p>(...)</p> <p>2) a work kept in publicly accessible libraries, educational establishments, museums or archives, except the work made available to the public over computer networks (the Internet), not for direct or indirect commercial advantage, when a copy of the work is made for the purpose of preservation or replacement of a lost, destroyed or rendered unusable copy from the fonds or collections of the said institutions, or for the purpose of replacement of a lost, destroyed or unfit for use copy from the permanent collection of another similar library or archive, if it is impossible to obtain such a copy by other acceptable means, and if the act of such reproduction is a separate single act. Repeated acts of such reproduction shall be permissible if they are done on unrelated occasions.</p> <p>2. The provisions of subparagraph 1 of paragraph 1 of this Article shall not be applied when reproducing on paper the whole text of a book or a major part thereof, or sheet music by means of reprography (effected by the use</p>

	of any kind of photographic technique or by some other process having similar effects).
Acknowledgement of source	<p>Article 21. Quotation</p> <ol style="list-style-type: none"> 1. (...) 2. When quoting, mention must be made of the source, and of the name of the author, if it appears thereon. <p>Article 22. Reproduction of a Work for Teaching and Scientific Research Purposes</p> <ol style="list-style-type: none"> 1....but mentioning, when possible, the source and the name of the author: <p>Article 32. Use of Databases</p> <p>(...)</p> <ol style="list-style-type: none"> 4. ... as long as the source is indicated
Private use	<p>Article 20. Reproduction of Works for Personal Use</p> <ol style="list-style-type: none"> 1. It shall be permitted for a natural person, without the authorisation of the author or any other owner of copyright, to reproduce, exclusively for his individual use, not for direct or indirect commercial advantage, in a single copy a work published or communicated to the public in any other mode, where the reproduction is a single-action. When works are for the private use reproduced on paper by means of reprography (effected by the use of any kind of photographic technique or some other process having similar effects), the provisions of Article 23 of this Law shall apply. 2. The provisions of paragraph 1 of this Article shall not apply to the reproduction of the following works: <ol style="list-style-type: none"> 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). 3. ff: Compensation
How to acquire rights if necessary?	
Right-holder	
Authorship	<p>Article 6. Author</p> <ol style="list-style-type: none"> 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. <p>Copyright in Audiovisual Works: For details see Article 11</p>
Joint authors/ compound works/ authors in employment	<p>Article 7. Joint Authorship</p> <ol style="list-style-type: none"> 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

	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Article 8. Copyright in Collective Works</p> <p>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.</p> <p>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.</p> <p>Article 9. Copyright in a Work Created in the Execution of Official Duties or Fulfilment of Work Functions</p> <p>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.</p> <p>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.</p>
Collecting Societies	<p>Article 15. Economic Rights of Authors</p> <p>(...)</p> <p>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.</p> <p>The provisions of subparagraph 5 of paragraph 1 of this Article shall not apply in respect of computer programmes where the program itself does not constitute the essential object of distribution (computer programmes in household appliances, <i>etc</i>).</p> <p>Article 65 ff Details on Collective Administration of Copyright and Related Rights</p> <p>Article 78. Claims of Collective Administration Associations Filed in the Interest of the Owners of Copyright and Related Rights They Represent</p>
Contract Law/Licenses	
Transfer of rights	<p>Article 14. Author's Moral Rights</p> <p>1. (...)</p>

	<p>2. An author's moral rights shall not be subject to transfer to other persons. Upon the death of the author, his moral rights shall be exercised in accordance with the procedure established in paragraph 2 of Article 49 of this Law.</p> <p>Article 17. Right to a Share in the Returns from the Resale of an Original Work of Art or Original Manuscript</p> <p>1. The author shall have an unwaivable right to a share in the returns from each sale through public auction or any other public sale of an original work of art or an original manuscript of a literary or musical work, when the sale takes place subsequent to the first transfer of the right of ownership in the work by the author himself, and where the resale price of the original work or manuscript is at least 500 litas.</p> <p>(...)</p> <p>Article 38. Transfer of Authors' Economic Rights</p> <p>1. The authors' economic rights may be transferred by an agreement, by testamentary succession or by other procedure prescribed by law.</p> <p>2. Transfer of author's economic rights may be full or partial, subject or not subject to payment.</p> <p>3. It shall not be permitted to transfer the right in all future works of an author. 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.</p> <p>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.</p> <p>Article 39. Copyright Agreements</p> <p>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.</p> <p>2. An author may transfer the economic rights laid down in paragraph 1 of Article 15 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.</p> <p>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.</p> <p>Article 40. Terms and Conditions of Copyright Agreements</p> <p>1. A copyright agreement for the transfer of economic rights and a copyright licensing agreement must stipulate the following terms and conditions:</p> <p>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;</p>
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	<p>2) types of the authors' economic rights to be transferred or granted (mode of the exploitation of a work), as well as a type of the licence (the exclusive or nonexclusive licence);</p> <p>3) the territory covered;</p> <p>4) the term of validity;</p> <p>5) the amount of remuneration, the procedure and terms of payment;</p> <p>6) dispute settlement procedure and liability of the parties;</p> <p>7) other conditions considered to be important to the parties.</p> <p>2. If the agreement does not specify the duration of the economic rights transferred or the licence granted, any of the parties may terminate the agreement by informing in writing the other party of the termination thereof one year in advance. If a copyright agreement does not indicate the territory covered, it shall be considered that the economic rights are transferred on the territory of the Republic of Lithuania.</p> <p>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.</p> <p>4. If modes of use of a work are not stipulated in a copyright agreement, it shall be considered that the agreements is concluded only for those modes of use of the work which are necessary for the parties to achieve the purpose which is the reason of the conclusion of the agreement.</p> <p>Article 41. Copyright Agreements for Commissioned Works</p> <p>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.</p> <p>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.</p> <p>Article 42. Form of Copyright Agreements</p> <p>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.</p> <p>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 program or an electronic database shall be granted under a licensing agreement which is contained in the package of a computer program 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 program or the electronic database. 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 over computer networks, the right to use a computer program 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 use of the computer program or the electronic database.</p> <p>3. The grounds for the invalidity of copyright agreements shall be</p>
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	<p>determined by the norms regarding the invalidity of transactions provided for by the Civil Code.</p> <p>Article 43 ff Publishing contracts</p> <p>Article 48. Amount and Procedure of Payment of Remuneration under a Copyright Agreement</p> <ol style="list-style-type: none"> 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. <p>Article 50. Alienation of the Right of Ownership in a Work</p> <ol style="list-style-type: none"> 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.
Remuneration Schemes/ compensation	<p>Article 15. Economic Rights of Authors</p> <p>(...)</p> <ol style="list-style-type: none"> 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 by means of 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 the producer of a phonogram, shall retain an unwaivable right to obtain an equitable remuneration for the rental of such work. The remuneration shall be paid by natural or legal persons who rent phonograms or their copies as the persons to whom the right to rent those phonograms

	<p>or their copies has been transferred. This right shall be enforced only through the association of collective administration of copyright.</p> <p>(...)</p> <p>Article 16. Distribution of a Work after the First Sale or other Transfer of Ownership Rights in the Work</p> <p>(...)</p> <p>3. When the lending of books and other publications is carried out through libraries, their authors shall have the right to receive equitable remuneration for the transferred exclusive right to lend a work. The amount of remuneration and the procedure of payment shall be established by the Government, taking into account the proposals of the 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 scientific institutions.</p> <p>Article 17. Right to a Share in the Returns from the Resale of an Original Work of Art or Original Manuscript</p> <p>1. The author shall have an unwaivable right to a share in the returns from each sale through public auction or any other public sale of an original work of art or an original manuscript of a literary or musical work, when the sale takes place subsequent to the first transfer of the right of ownership in the work by the author himself, and where the resale price of the original work or manuscript is at least 500 litas.</p> <p>2. As used in this Article, works of art shall mean works of visual art, applied art and photographic works.</p> <p>3. The share in the returns provided for in paragraph 1 of this Article constituting 5 per cent of the sale price of an original work or manuscript shall be paid to the author by the seller. The organisers of auctions and other public sale events must provide the authors or associations of collective administration of copyright representing them with the information about the original works or manuscripts sold, the seller and the sale price of the work or the manuscript.</p> <p>4. An author's right to receive the share in the returns from the resale of the original work of art or original manuscript, as provided for in paragraph 1 of this Article, shall be transferred to other persons only upon the author's death by hereditary succession.</p> <p>Article 20. Reproduction of Works for Personal Use</p> <p>(...)</p> <p>3. When reproducing an audiovisual work or a work recorded in a phonogram, the author of the work or his successor in title, together with the performers and the producers of the audiovisual works and phonograms or their successors in title, shall have the right to receive fair compensation established as a percentage of the wholesale price for blank audio or audiovisual recording media intended for personal reproduction (other than the media intended for export, professional needs and the needs of persons with hearing or visual impairment).</p> <p>(...)</p> <p>(Note: Paragraph 3, 4, 5, and 6 of Article 20 enter into force on 1 January 2004.)</p> <p>Article 23. Reprographic Reproduction of Works</p> <p>(...)</p> <p>3. The author and publishers shall be entitled to fair compensation for reproduction on paper by means of reprography (effected by the use of any</p>
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	<p>kind of photographic technique or by some other process having similar effects) of works referred to in subparagraph 1 of paragraph 1 of this Article. Such compensation shall be paid by the persons providing fee-paying services of reprographic reproduction. The Government shall establish the amount of compensation which takes account of application or non-application of technological measures specified in paragraphs 1 and 2 of Article 74 of this Article, as well as the conditions of distribution and payment thereof. Compensation for authors and producers shall be collected, distributed and paid by the association of collective administration of copyright approved by the institution authorised by the Government.</p>
<p>Protection of technological measures and rights management information</p>	<p>Article 74. Technological Measures</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 paragraph 2 of Article 30, and Article 31. 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 paragraph 1 of Article 75 of this Law, and which are applied voluntarily by the owners of copyright, related rights and sui generis rights. <p>Article 75. Limitations for Application of Technological Measures</p> <ol style="list-style-type: none"> 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 paragraph 1 of Article 20, subparagraphs 1 and 2 of paragraph 1 of Article 22, paragraph 1 of Article 23, Article 27, subparagraph 2 of paragraph 1 of Article 29, subparagraphs 4, 5, 6, 7, and 8 of paragraph

	<p>1 of Article 58, and paragraph 1 of Article 63 of this Law, the users of the rights must be provided with conditions or adequate means (<i>ie.</i> 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.</p> <p>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.</p> <p>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</p> <p>4. When the owners of copyright, related rights and sui generis rights do not take measures (<i>ie.</i> do not provide with decoding devices, do not conclude agreements with the users of the rights, <i>etc</i>) 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. It shall be considered that the parties have accepted a written proposal of the mediator (s), if none of them expressed in writing any disagreements within one month from the presentation of the proposal. If the parties do not accept a proposal of the mediator (s), the dispute shall be settled by Vilnius regional court.</p> <p>Article 76. Violation of Rights-Management Information</p> <p>Violation of rights-management information shall be the removal or alteration of any rights-management information without the permission of the owner of the rights; as well as acts referred to in subparagraphs 1 and 2 of Article 73 of this Law, when rights-management information is removed or altered without authority, if 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.</p>
Consequences of copyright infringement	<p>Article 15. Economic Rights of Authors</p> <p>1. (...)</p> <p>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).</p> <p>Article 73. Infringement of Copyright, Related Rights and Sui Generis Rights</p> <p>The following acts shall be deemed to be the infringement of copyright, related rights and sui generis rights:</p> <p>1) use of a work or an object of related rights or sui generis rights (including the publication, reproduction, public performance, broadcasting and retransmission or other communication to the public), and distribution thereof without the licence of the owner of such rights (without the</p>

	<p>conclusion of an agreement, or upon violation of its terms and conditions);</p> <p>2) import, export, distribution, transportation or keeping for commercial advantage of infringing copies of works , objects of related rights or sui generis rights;</p> <p>3) refusal to pay remuneration provided for by this Law or copyright agreements;</p> <p>4) infringement of the moral rights of an author or a performer;</p> <p>5) making of links in Internet web pages to the objects of copyright, related rights or sui generis rights, unlawfully communicated to the public, when a person who makes links does, knows or has reasonable grounds to know that the objects of copyright, related rights or sui generis rights are unlawfully communicated to the public;</p> <p>6) infringement of other provisions of this Law, and the copyright, related rights or sui generis rights laid down by other laws.</p> <p>Article 77. Remedies for Infringement</p> <p>1. With the aim of enforcing their rights, owners of copyright, related rights or sui generis rights shall be entitled to apply in the manner prescribed by law, to court to bring an action for:</p> <p>1) recognition of rights;</p> <p>2) injunction to terminate unlawful acts;</p> <p>3) prohibition of actions because of which the rights may be actually infringed or damage may be actually caused;</p> <p>4) redress of the infringed moral rights (injunction to make appropriate amendments, to announce the infringement in the press, or any other way);</p> <p>5) exaction of unpaid remuneration for unlawful use of objects of copyright, related rights or sui generis rights;</p> <p>6) compensation for property damage, including the lost income and other expenses, and in the cases provided for in Article 80 — non-pecuniary damage, as well;</p> <p>7) payment of compensation;</p> <p>8) seizure, and when a final court's decision is made — taking out of circulation in such a way that damage would not be made to the rightholder and protection of his rights would be ensured (<i>eg</i> to reprocess into other goods, utilise or apply other similar measures), transfer to the aggrieved at his request or destruction at the expense of the offender of infringing copies of works, computer programs. fixations of audiovisual works (films) and phonograms, possessed by the said offender, and the devices or equipment used for the manufacture or duplication of infringing copies intended for distribution;</p> <p>9) other legislative measures for the protection of violated rights.</p> <p>2. The offenders who reproduce or distribute infringing copies of works or other objects, violating the rights of owners of copyright, related rights or sui generis rights, must, demanded by the court, immediately furnish all information about the origin of such copies, especially the identity (names and surnames) and addresses of producers, suppliers (distributors), clients, channels of distribution of infringing copies of works, amount of produced, submitted, received or ordered infringing copies.</p> <p>3. When defending their own rights, owners of copyright and related rights shall have the right to apply for an injunction against intermediaries to render over computer networks the services to a third party who makes use of such services by infringing copyright and related rights. Prohibition to</p>
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	<p>render such services shall include discontinuation of the transmission of information relative to the infringement of copyright or related rights, or, when an intermediary is technically able to carry out such an act, removal of information infringing copyright or related rights, or prohibition from accessing information infringing copyright or related rights. Implementation of such decision of the court shall not exempt the intermediary from the liability for actions or inaction related to keeping or transfer of the said information, which was carried out before entry into force of such decision.</p> <p>Article 79. Recovery of Material Damage. Compensation</p> <ol style="list-style-type: none"> 1. The procedure for recovery of material damage shall be regulated by the Civil Code and this Law. 2. When assessing the amount of losses, the court shall take into account the substance of violation, the amount of the inflicted damage, the lost income as well as other expenses incurred by the owner of copyright, related rights or sui generis rights, and gains received by the infringer from unlawful acts. Infringing copies of works or other objects may be handed over to the respective owners of copyright, related rights or sui generis rights, if requested. 3. The amount of income not received by an owner of copyright, related rights or sui generis rights shall be established taking into account the income that would have been received when using works or other objects (taking into consideration a remuneration which is normally paid for lawful use of such works or other objects, or a remuneration which is paid for lawful use of similar works or other objects, or remuneration 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 income (works performed by owners of rights, devices used, negotiations on conclusion of agreements pertaining to the use of a work, <i>etc</i>). 4. Gains received by infringing copyright, related rights or sui generis rights may, at the request of the owners of such rights, be recognised as losses. Illicit gains of an infringer shall comprise everything that the infringer saved and (or) received by infringing copyright, related rights or sui generis rights. Illicit gains received by the infringer shall be established and recovered regardless of whether the owner of the rights himself would have received the same gains which was received by the infringer, or whether the infringer knew that his actions were unlawful. 5. When presenting a claim for damages, including a claim for the illicit gains received by the infringer, an owner of copyright, related rights or sui generis rights shall have the right to request that the infringer would submit documents which are necessary to establish his illicit gains. If such documents are deliberately or without valid reason not submitted to the court within set time limits, or the infringer refuses to let use them, the court shall have the right to make a decision on the basis of evidence presented to it. 6. Instead of recovery of damages, the owner of copyright or related rights may claim compensation. Its amount, from 10 to 1000 minimal standards of living, shall be determined by the court having regard to the culpability of the infringer, his property status, causes of unlawful actions and other circumstances are of significance to the case, as well as the criteria of good faith, fairness and reasonableness. <p>Article 80. Compensation for Non-pecuniary Damage</p> <ol style="list-style-type: none"> 1. A person who has infringed moral rights of the author or performer, provided for in Article 14 and Article 52 of this Law, must compensate for non-pecuniary damage inflicted, the amount of which expressed in money shall be determined by the court.
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	<p>2. When determining the amount of compensation for non-pecuniary damage, the court shall have regard to the culpability of the infringer, his property status, the causes of unlawful actions, as well as other circumstances that are of significance to the case, as well as the criteria of good faith, fairness and reasonableness.</p> <p>Article 81. Provisional Measures</p> <p>1. In urgent cases, with the presence of sufficient evidence about the infringement of copyright, related rights or sui generis rights, the court may, in accordance with the procedure established by the Code of Civil Procedure, apply provisional measures necessary to preserve evidence, to promptly prevent an infringement from occurring and to enforce a final decision of the court, that is:</p> <p>1) to order persons to terminate the unlawful exploitation of works or other objects of the rights protected under this Law;</p> <p>2) to prohibit the release into circulation of infringing copies of works or other objects of the rights protected under this Law;</p> <p>3) seize infringing copies of fixations of audiovisual works or phonograms, as well as technical devices and equipment used for the reproduction thereof, and appropriate documents;</p> <p>4) to apply other measures set out by the Code of Civil Procedure.</p> <p>2. Where essential irreparable damage may be caused to the owner of copyright or other rights, or where the evidence may be destroyed, the court may, in accordance with the procedure established by the Code of Civil Procedure, apply provisional measures, specified in paragraph 1 of this Article, without informing the other party and without calling it to the court hearing.</p> <p>Article 82. Administrative and Criminal Liability</p> <p>Administrative and criminal liability for violations of copyright, related rights and sui generis rights shall be defined by the Code of Administrative Offences and the Criminal Code.</p>
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Malta	
ACT XIII of 2000, as amended by Act VI of 2001	
Protected Works	
Categories of protected works	<p>3. (1) Subject to the provisions of this article the following works shall be eligible for copyright:</p> <p>(a) artistic works;</p> <p>(b) audiovisual works;</p> <p>(c) databases;</p> <p>(d) literary works;</p> <p>(e) musical works.</p> <p>Sec 32 ff Sui generis right protection in respect of semiconductor topographies</p>
Conditions for protection	<p>3. (1) (...)</p> <p>(2) A literary, musical, or artistic work shall not be eligible for copyright</p>

	<p>unless the work has an original character and it has been written down, recorded, fixed or otherwise reduced to material form.</p> <p>(3) A work shall not be ineligible for copyright by reason only that the making of the work, or the doing of any act in relation to the work, involved an infringement of copyright in some other work.</p> <p>(4) A database shall not be eligible for copyright unless by reason of the selection or arrangement of its contents, it constitutes the author's intellectual creation. Moreover the copyright conferred to a database shall not extend to its contents and shall be without prejudice to any rights subsisting in such contents themselves.</p> <p>4. (1) Copyright shall be conferred by this article on every work eligible for copyright of which the author or, in the case of a work of joint authorship, any of the joint authors, is, at the time when the work is made:</p> <p>(a) an individual who is a citizen of, or is domiciled or permanently resident in Malta or in a State in which copyright is protected under an international agreement to which Malta is also a party;</p> <p>(b) a body of persons or a commercial partnership constituted, established, registered and vested with legal personality under the laws of Malta or of a State in which copyright is protected under an international agreement to which Malta is also a party.</p> <p>5. (1) Copyright shall be conferred by this article on every work which is eligible for copyright and which is made or first published in Malta or in a State in which such works are protected under an international agreement to which Malta is also a party and which has not been the subject of copyright conferred by article 4.</p> <p>(2) Copyright conferred on a work by this article shall have the same duration as is provided for in article 4 in relation to the same type of work.</p> <p>6. (1) Copyright shall be conferred by this article on every work which is eligible for copyright and which is made by or under the direction or control of the Government of Malta and also such governments of other States, international bodies or other intergovernmental organisations as may be prescribed by the Minister responsible for the Industrial Property Office.</p> <p>(2) Copyright conferred by this article on databases or on a literary, musical or artistic work shall subsist until the end of the expiration of seventy years from the end of the year in which it was first published.</p> <p>(3) Copyright conferred by this article on an audiovisual work shall have the same duration as is provided for by article 4 in relation to the same type of work.</p> <p>(4) Article 4(5) shall apply in like manner to works eligible for copyright to which this article applies which, having been unpublished, are lawfully published or lawfully communicated to the public for the first time after copyright protection has expired.</p> <p>(5) Articles 4 and 5 shall not be deemed to confer copyright on works to which this article applies.</p>
Database protection	<p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall not include the right to authorize or prohibit -</p> <p>(...)</p> <p>(s) in the case of a database, the performance of those acts which are normally necessary in order that the licensed user obtains access to the contents of the database and normal use thereof, in respect of the whole or part of the database which the user is licensed to use and any contractual</p>

	<p>provisions running counter to what is prescribed in this paragraph shall be null and void;</p> <p>(t) in the case of a database, any use which is necessary for the purposes of public security or for the purposes of an administrative procedure, to the extent justified by the purpose.</p> <p>Sui generis protection of databases</p> <p>25. Notwithstanding the provisions of article 7(1), the maker of a database who can show that there has been qualitatively or quantitatively a substantial investment in either the obtaining, verification or presentation of the contents of the database shall</p> <p>have, irrespective of the eligibility of that database or its contents for protection by copyright or by other rights, the right to authorise or prohibit acts of extraction or re-utilization of its contents, in whole or in substantial part, evaluated qualitatively or quantitatively.</p> <p>26. (1) The maker of a database which is made available to the public in whatever manner may not prevent a licensed user of the database from extracting or re-utilizing insubstantial parts of its contents, evaluated qualitatively or quantitatively, for any purpose whatsoever, as long as the licensed user does not perform acts which conflict with the normal exploitation of the database or unreasonably prejudice the legitimate interests of the maker of the database or in any way cause prejudice to the holder of a copyright or neighbouring right in respect of the works or subject matter contained in the database and any contractual provisions running counter to this proviso shall be null and void: Provided that the repeated and systematic extraction or reutilization of insubstantial parts of the contents of the database implying acts which conflict with a normal exploitation of that database or which unreasonably prejudice the legitimate interests of the maker of the database shall not be permitted.</p> <p>(2) Notwithstanding article 25, a licensed user may, without the authorization of the maker of a database made available to the public in whatever manner, extract or re-utilize a substantial part of its contents for the following purposes:</p> <p>(a) extraction for private use in the case of a non electronic database;</p> <p>(b) extraction for the purposes of illustration for teaching or for scientific research to the extent justified by the non-commercial purpose to be achieved provided the source is indicated;</p> <p>(c) extraction or re-utilization for the purposes of public security or an administrative or judicial procedure.</p> <p>27. The right provided for in article 25 shall expire fifteen years from the first of January of the year following the date of completion of the making of the database, or if made available to the public in whatever manner before expiry of the said period, such a right shall expire fifteen years from the first of January of the year following the date when the database was first made available to the public:</p> <p>Provided that any substantial change, evaluated qualitatively or quantitatively, to the contents of a database, including any substantial change resulting from the accumulation of successive additions, deletions or alterations, which would result in the database being considered to be a substantial new investment, evaluated qualitatively or quantitatively, shall give rise to the creation of a new database, which shall be entitled from that moment to its own term of protection of fifteen years.</p> <p>28. Such a right which may be assigned or granted under contractual licence subject to the provisions of article 24 shall be without prejudice to rights</p>
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	<p>existing in respect of the contents of the database.</p> <p>29. The right conferred by this article shall only apply to a database -</p> <p>(a) whose maker or rightholder is at the time when the database is made -</p> <p>(i) an individual who is a citizen of, or is domiciled or permanently resident in Malta or in a State in which such a sui generis right in respect of databases is protected under an international agreement to which Malta is also a party;</p> <p>(ii) a body of persons or a commercial partnership constituted, established, registered and vested with legal personality under the laws of Malta or of a State in which such a sui generis right in respect of databases is protected under an international agreement to which Malta is also a party;</p> <p>or</p> <p>(b) which is made or first made available to the public in Malta or in a State in which such a sui generis right in respect of databases is protected under an international agreement to which Malta is also a party;</p> <p>or</p> <p>(c) which is made by or under the direction or control of the Government of Malta and also such governments of other States, international bodies or other intergovernmental organisations as may be prescribed.</p> <p>30. (1) For the purposes of this Part 'extraction' means the 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 while 're-utilization' means any form of making available to the public all or a substantial part of the contents of a database by</p> <p>the distribution of copies, by renting, by on-line or other forms of transmission:</p> <p>(2) Provided that public lending shall not be deemed to be an act of extraction or re-utilization.</p> <p>31. The first sale in Malta of a copy of a database by the rightholder or with his consent shall exhaust the right to control the resale of that copy.</p> <p>11. (1) Copyright conferred by articles 4, 5 and 6 shall vest initially in the author or in the joint authors:</p> <p>Provided that in the case of computer programs and databases where a work is made in the course of the author's employment, in the execution of his duties or following the instructions given by his employer, the economic rights conferred by copyright shall be deemed to be transferred to the author's employer, subject to any agreement between the parties excluding or limiting such transfer. In respect of other works eligible for copyright, in such circumstances, subject to any agreement to the contrary between the parties, the copyright shall always vest in the author or joint authors.</p>
Computer Software	<p>2. (...)</p> <p>'literary work' shall include, irrespective of literary quality, any of the following, or works similar thereto(...)</p> <p>(g) computer programs,</p> <p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall not include the right to authorize or prohibit -</p> <p>(a) other than in the case of a computer program the doing of any of the acts mentioned in article 7(1) by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, provided that, if such use is public, it is accompanied by an</p>

	<p>acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast or rebroadcast or communication to the public or cable retransmission:</p> <p>(...)</p> <p>(p) in the case of a computer program, the observation, the study or testing of the functioning of the program by the licensed user in order to determine the ideas and principles which underlie any element of the program if this is done whilst performing any of the acts of loading, displaying, running, transmitting or storing the program which he is entitled to do;</p> <p>(q) in the case of a computer program, the reproduction by the licensed user of the code and translation of its form indispensable to obtain the information necessary to achieve the interoperability of an independently created computer program with other programs, provided that these acts are confined to the parts of the original program which are necessary to achieve interoperability and the information necessary to achieve interoperability has not previously been readily available to the licensed user: Provided that any information obtained from the reproduction of the code and the translation of the form of a computer program made under this paragraph shall not:</p> <p>(i) be used for purposes other than to achieve the interoperability of the independently created computer program;</p> <p>(ii) be given to other persons, except when necessary for the interoperability of the independently created computer program;</p> <p>(iii) be used for the development, production or marketing of a computer program substantially similar in its expression to the original program, or for any other act which infringes copyright;</p> <p>(r) the making of a copy or a back-up copy, the translation, adaptation, arrangement and any other alteration of a computer program and the reproduction of the results thereof, in so far as this is necessary for the licensed user to make proper use of the program in accordance with its intended purpose, including error correction, and the right of the licensed user to make a back-up copy of a computer program may not be restricted or excluded by contract in so far as it is necessary for the use of that computer program.</p> <p>11. (1) Copyright conferred by articles 4, 5 and 6 shall vest initially in the author or in the joint authors:</p> <p>Provided that in the case of computer programs and databases where a work is made in the course of the author's employment, in the execution of his duties or following the instructions given by his employer, the economic rights conferred by copyright shall be deemed to be transferred to the author's employer, subject to any agreement between the parties excluding or limiting such transfer. In respect of other works eligible for copyright, in such circumstances, subject to any agreement to the contrary between the parties, the copyright shall always vest in the author or joint authors.</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>7. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall be the exclusive right to authorise or prohibit the doing in Malta in respect of the protected material in its totality or substantial part thereof, either in its original form or in any form recognisably derived from the original of any of the following:</p> <p>(a) the direct or indirect, temporary or permanent reproduction by any means and in any form, in whole or in part;</p>

	<p>(...)</p> <p>(d) the translation in other languages including different computer languages;</p> <p>(e) the adaptation, the arrangement and any other alteration and the reproduction, distribution, communication, display or performance to the public of the results thereof;</p> <p>10. Copyright in a work of architecture shall also include the exclusive right to authorize or prevent the erection of any building which reproduces the whole or a substantial part of the work either in its original form or in any form recognisably derived from the original: Provided that the copyright in any such work shall not include the right to authorise or prevent the reconstruction, in the same style as the original, of a building to which that copyright relates or the right to authorize or prevent the rental or lending of buildings or works of applied art.</p>
Right of communication to the public and right of making available	<p>7. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall be the exclusive right to authorise or prohibit the doing in Malta in respect of the protected material in its totality or substantial part thereof, either in its original form or in any form recognisably derived from the original of any of the following:</p> <p>(...)</p> <p>(e) the adaptation, the arrangement and any other alteration and the reproduction, distribution, communication, display or performance to the public of the results thereof;</p> <p>(f) the broadcasting or rebroadcasting or the communication to the public or cable retransmission;</p> <p>(g) display or performance to the public:</p>
Distribution right	<p>7. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall be the exclusive right to authorise or prohibit the doing in Malta in respect of the protected material in its totality or substantial part thereof, either in its original form or in any form recognisably derived from the original of any of the following:</p> <p>(...)</p> <p>(b) the rental and lending;</p> <p>(c) the distribution;</p> <p>(...)</p> <p>8. The first sale in Malta of the original work enjoying copyright or of a copy thereof, when such sale is effected by or with the consent of the copyright owner himself, shall exhaust the exclusive distribution right in respect of that work or its copy.</p>
Moral rights	
Right of publication	Only understood as an economic right
Recognition of authorship	<p>12. (1)</p> <p>(2) The author of a work eligible for copyright shall, until the expiry of copyright, in addition to copyright conferred in relation to that work, and also in those cases where copyright shall have been transmitted by assignment or by testamentary disposition enjoy the moral right -</p> <p>(a) to claim authorship of his work, in particular, the right that his name as far as practicable, be indicated in a prominent way on the copies, and in connection with any public use of that work; or</p> <p>(b) that his name be not indicated on the copies, and in connection with any public use, of his work, or that his pseudonym be so indicated:</p> <p>Provided that during the lifetime of the author of a work it shall not be lawful</p>

	<p>to transmit any of the aforesaid moral rights.</p> <p>(3) On the death of the author -</p> <p>(a) the right passes to such person as he may by testamentary disposition specifically direct, provided that on this person's death the right passes to his successor;</p> <p>(b) if there is no such direction but the copyright in the work in question forms part of his estate, the right passes to the person to whom the copyright passes;</p> <p>(c) if or to the extent the right does not pass under paragraph (a) or paragraph (b) it would be exercisable by the owners of the copyright.</p>
Distortion of the work	<p>12. (1) It shall not be lawful for any person, including the assignee of the copyright or a licensee thereunder, without the author's consent, to mutilate, modify, distort or subject to any other derogatory action any work during its term of copyright in a way prejudicial to the honour or reputation of the author. (...)</p>
Duration of Protection	<p>4. (1) (...)</p> <p>(2) The terms of copyright protection conferred by this article shall be calculated according to the following table:</p> <p>(i) Literary, musical or artistic works and database: Seventy years after the end of the year in which the author dies , irrespective of the date when the work is lawfully made available to the public.</p> <p>(ii) Audiovisual works Seventy years after the end of the year in which the last of the following person dies: the principal director, the author of the screenplay, the author of the dialogue and the composer of music specifically created for use in the audiovisual work from the time when the work was first lawfully published or lawfully communicated to the public.</p> <p>(3) In the case of an anonymous or pseudonymous literary, musical or artistic work, or in the case of a collective work, the copyright in the work subsists until the end of the expiration of 70 years from the end of the year in which it was lawfully made available to the public or after the end of the year in which the work was made if it has not been made available to the public:</p> <p>Provided that when the pseudonym adopted by the author leaves no doubt as to his identity or in the event of the identity of the author becoming known during the period referred to in the preceding paragraph of this sub-article or where in the case of collective works by a body of persons the natural persons who have created the work are individually identifiable in the versions of the work made available to the public the terms of copyright protection shall be calculated in accordance with the provision of paragraph (i) of the last preceding sub-article.</p> <p>(4) In the case of joint authorship reference in the preceding table to the death of the author shall be deemed to refer to the joint author who dies last, whether or not he is a qualified person in terms of article 4(1).</p> <p>(5) In the case of a person who for the first time lawfully publishes or lawfully communicates to the public a previously unpublished work the copyright protection of which has expired, he shall benefit from a protection equivalent to the economic rights covered by copyright but limitedly for a period of twenty-five years</p> <p>(6) Where a work is published in volumes, parts, instalments, issues or episodes and the term of protection runs from the time when the work was lawfully made available to the public, the term of protection shall run for each such item separately.</p>

Exceptions and limitations	
Educational and scientific purposes	<p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall not include the right to authorize or prohibit -</p> <p>(a) other than in the case of a computer program the doing of any of the acts mentioned in article 7(1) by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, provided that, if such use is public, it is accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast or rebroadcast or communication to the public or cable retransmission:</p> <p>(...)</p> <p>(f) the reproduction of a short part of a published work, by way of illustration, in writings or sound or audiovisual recordings for teaching purposes:</p> <p>Provided that such reproduction is compatible with fair practice and its extent does not exceed the extent justified by the purpose and its source and the name of the author shall, as far as practicable, be indicated;</p> <p>(g) the reproduction, for face-to-face teaching in activities do not serve direct or indirect commercial gain, to the extent justified by the purpose, of a published article or other short work or short extract of a writing, with or without illustrations:</p> <p>Provided that the act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions, and there is no collective licence available (that is, offered by a collecting society in a way that the educational institution is aware or should be aware of the availability of the licence) under which such reproduction can be made:</p> <p>Provided further that on any copy made under this sub-article there shall be indicated as far as practicable its source and the name of the author;</p> <p>(h) the reading or recitation in public by a person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement;</p> <p>(...).</p>
Scope of exceptions	<p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall not include the right to authorize or prohibit -</p> <p>(a) other than in the case of a computer program the doing of any of the acts mentioned in article 7(1) by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, provided that, if such use is public, it is accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast or rebroadcast or communication to the public or cable retransmission:</p> <p>(...)</p> <p>(g) the reproduction, for face-to-face teaching in activities do not serve direct or indirect commercial gain, to the extent justified by the purpose, of a published article or other short work or short extract of a writing, with or without illustrations:</p> <p>Provided that the act of reproduction is an isolated one occurring, if repeated, on separate and unrelated occasions, and there is no collective licence available (that is, offered by a collecting society in a way that the educational institution is aware or should be aware of the availability of the licence) under which such reproduction can be made(...)</p>
Libraries and archives	<p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic</p>

	<p>work shall not include the right to authorize or prohibit -</p> <p>(...)</p> <p>(i) the making of single copies of works by public libraries, non-commercial documentation centres and scientific institutions for the purpose of study, scholarship or private research, provided no collective licence for such reproduction is available and no revenue is derived there from and no admission fee is charged for the communication, if any, to the public of the work thus used;</p> <p>(j) the making of single copies of works by public libraries, non-commercial documentation centres and scientific institutions in order to preserve and, if necessary, in the event that it is lost, destroyed or rendered unusable, to replace a copy, or to replace, in the permanent collection of another similar library or archive, a copy which has been lost, destroyed or rendered unusable:</p> <p>Provided that it is impossible to obtain such a copy under reasonable conditions and the act of reproduction is an isolated case occurring, if repeated, on separate and unrelated occasions;</p> <p>(k) the doing of any of the aforesaid acts, at the request of a person with a perceptual disability or for a non-profit organisation acting for his or her benefit:</p> <p>Provided that this does not apply when the work in respect of which such an act is to be done is commercially available in a format specially designed to meet the needs of any person referred to in the above paragraph and may be located within a reasonable time, for a reasonable price with reasonable effort;</p>
<p>Acknowledgement of source</p>	<p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall not include the right to authorize or prohibit -</p> <p>(a) other than in the case of a computer program the doing of any of the acts mentioned in article 7(1) by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, provided that, if such use is public, it is accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast or rebroadcast or communication to the public or cable retransmission:</p> <p>(...)</p> <p>(f) the reproduction of a short part of a published work, by way of illustration, in writings or sound or audiovisual recordings for teaching purposes:</p> <p>Provided that such reproduction is compatible with fair practice and its extent does not exceed the extent justified by the purpose and its source and the name of the author shall, as far as practicable, be indicated;</p> <p>(...)</p> <p>(h) the reading or recitation in public by a person of any reasonable extract from a published literary work if accompanied by a sufficient acknowledgement;(...).</p>
<p>Private use</p>	<p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall not include the right to authorize or prohibit -</p> <p>(a) other than in the case of a computer program the doing of any of the acts mentioned in article 7(1) by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, provided that, if such use is public, it is accompanied by an acknowledgement of the title of the work and its</p>

	<p>authorship, except where the work is incidentally included in a broadcast or rebroadcast or communication to the public or cable retransmission:</p> <p>(...)</p>
How to acquire rights if necessary?	
Right-holder	
Authorship	<p>4. (1) Copyright shall be conferred by this article on every work eligible for copyright of which the author or, in the case of a work of joint authorship, any of the joint authors, is, at the time when the work is made:</p> <p>(a) an individual who is a citizen of, or is domiciled or permanently resident in Malta or in a State in which copyright is protected under an international agreement to which Malta is also a party;</p> <p>(b) a body of persons or a commercial partnership constituted, established, registered and vested with legal personality under the laws of Malta or of a State in which copyright is protected under an international agreement to which Malta is also a party.</p> <p>11. (1) Copyright conferred by articles 4, 5 and 6 shall vest initially in the author or in the joint authors:</p> <p>Provided that in the case of computer programs and databases where a work is made in the course of the author's employment, in the execution of his duties or following the instructions given by his employer, the economic rights conferred by copyright shall be deemed to be transferred to the author's employer, subject to any agreement between the parties excluding or limiting such transfer. In respect of other works eligible for copyright, in such circumstances, subject to any agreement to the contrary between the parties, the copyright shall always vest in the author or joint authors.</p> <p>(2) Subject to the provision of the last preceding sub-article-</p> <p>(a) the name on a work purporting to be the name of its author shall be considered as such, unless the contrary is proved;</p> <p>(b) in the case of an anonymous or pseudonymous work, the publisher whose name is indicated in the work as such shall be deemed to be, unless the contrary is proved, the legal representative of the anonymous or pseudonymous author and shall be entitled to exercise and protect the rights belonging to the author under this Act.</p> <p>12. (1) (...)</p> <p>(2) (...)</p> <p>(3) On the death of the author -</p> <p>(a) the right passes to such person as he may by testamentary disposition specifically direct, provided that on this person's death the right passes to his successor;</p> <p>(b) if there is no such direction but the copyright in the work in question forms part of his estate, the right passes to the person to whom the copyright passes;</p> <p>(c) if or to the extent the right does not pass under paragraph (a) or paragraph (b) it would be exercisable by the owners of the copyright.</p>
Joint authors/ compound works/ authors in employment	<p>11. (1) Copyright conferred by articles 4, 5 and 6 shall vest initially in the author or in the joint authors:</p> <p>Provided that in the case of computer programs and databases where a work is made in the course of the author's employment, in the execution of his duties or following the instructions given by his employer, the economic rights conferred by copyright shall be deemed to be transferred to the</p>

	<p>author's employer, subject to any agreement between the parties excluding or limiting such transfer. In respect of other works eligible for copyright, in such circumstances, subject to any agreement to the contrary between the parties, the copyright shall always vest in the author or joint authors.</p> <p>2. In this Act, unless the context otherwise requires –(...)</p> <p>'collective work' means a work which has been created by two or more physical persons at the initiative and under the direction of a physical person or legal entity with the understanding that it will be disclosed by the latter person or entity under his or its own name and that the identity of the contributing physical persons will not be indicated in the work;</p>
Collecting Societies	<p>52. Authors and other owners of copyright and of neighbouring rights may authorize a collecting society to administer their economic rights.</p> <p>For details see section 53 ff</p>
Contract Law/Licenses	
Transfer of rights	<p>24. (1) Subject to the provisions of this article, copyright and neighbouring rights shall be transmissible by assignment, operation of law or by testamentary disposition as movable property.</p> <p>(2) An assignment or testamentary disposition of copyright or neighbouring rights may be limited so as to apply to some only of the acts which the owner of the copyright or neighbouring rights has the exclusive right to authorize or prevent, or to a part only of the period of the copyright or neighbouring right, or to a specified country or other geographical area.</p> <p>(3) When an author in relation to the original or copy of his work or a performer in relation to the fixation of his performance assigns his exclusive right to authorize or prevent the rental thereof to the producer of the sound recording or the producer of the audiovisual work containing the author's work or the performer's fixed performance, that author or performer shall retain the right to obtain individually or through a collecting society an equitable remuneration for the rental of the said sound recording or original or copy of the said audiovisual work from the producer concerned and such right may not be waived. In the absence of agreement on the remuneration payable under this sub-article, the amount of such remuneration shall be determined by the Board.</p> <p>(4) Subject to the provisions of article 52 no assignment of copyright or neighbouring rights and no licence to do an act the doing of which is controlled by copyright or by neighbouring rights shall have effect unless it is effected by an agreement in writing between the parties:</p> <p>Provided that when a contract is concluded between a performer and a producer of audiovisual works concerning the production of an audiovisual work the performer shall be deemed to have assigned to the producer his exclusive rights on the fixation of his performance, unless agreed otherwise, subject only to the right, which may not be waived, of the performer to an equitable remuneration payable on the conclusion of the contract by the producer to the performer or should he so desire to a collecting society representing him, which remuneration shall, in the absence of agreement between the parties, be determined by the Board.</p> <p>Provided further that, when a contract is concluded between the author of an audiovisual work or the authors of the underlying works used as the basis for the audiovisual work and the producer of the audiovisual work concerning the production of that audiovisual work such authors shall be deemed to have assigned to the producer their exclusive rights on their copyright works, unless agreed otherwise, subject only to the right, which may not be waived, of the authors to an equitable remuneration payable on the conclusion of the contract by the producer to the author individually or</p>

	<p>should the author so desire, to a collecting society representing him, which remuneration shall, in the absence of agreement between the parties, be determined by the Board.</p> <p>(5) An assignment or licence of copyright granted by a joint author or an assignment or licence of a neighbouring right granted by a joint rightholder shall have effect as if granted by the other joint authors or joint rightholders respectively:</p> <p>Provided that, where any other joint author in the case of copyright or joint rightholder in the case of neighbouring rights is not satisfied with the terms on which such assignment or licence has been granted, he may, within three months from the day on which the said terms have been communicated in writing to him, apply to the Board for the determination by it of such terms as the Board may consider fair and reasonable.</p> <p>(6) An assignment, licence or testamentary disposition may be effectively granted or made in respect of a future work or an existing work in which copyright or a neighbouring right does not yet subsist, and the prospective copyright or prospective neighbouring right in any such work shall be transmissible as movable property:</p> <p>Provided that in the case of copyright such assignment or licence shall not be deemed to include a copyright which in terms of article 11(1) vests in the author's employers, unless the parties expressly include it.</p> <p>(7) A testamentary disposition of the material on which a work is first written or otherwise recorded shall, unless the testator has provided otherwise, be deemed to include any copyright or neighbouring right or prospective copyright or prospective neighbouring right in the work which is vested in the deceased.</p> <p>12. (1) (...)</p> <p>(2) ...Provided that during the lifetime of the author of a work it shall not be lawful to transmit any of the aforesaid moral rights.</p>
Remuneration Schemes/ compensation	<p>9. Copyright in an audiovisual work, a database, a literary, musical or artistic work shall not include the right to authorize or prohibit -</p> <p>(a) other than in the case of a computer program the doing of any of the acts mentioned in article 7(1) by way of fair dealing for purposes of research, private use, criticism or review, or the reporting of current events, provided that, if such use is public, it is accompanied by an acknowledgement of the title of the work and its authorship, except where the work is incidentally included in a broadcast or rebroadcast or communication to the public or cable retransmission:</p> <p>Provided that when in terms of this paragraph an author of a work eligible for copyright suffers a derogation of his exclusive lending right he shall be entitled to a remuneration for such lending which can be collected individually or through a collecting society from the establishment lending such work or copies thereof other than State public libraries, universities and educational establishments licensed to operate by the State which are all excluded from such an obligation. In the calculation of such remuneration, in the case of literary, musical and artistic works only, account shall be taken of national cultural promotion objectives and in case of disagreement over the remuneration due, this shall be determined by the Board;</p>
Protection of technological measures and rights management information	<p>42. (...)</p> <p>(3) Copyright, neighbouring rights or sui generis rights are also infringed by any person who without the licence of the copyright owner or rightholder makes, imports into Malta, possesses in the course of trade or sells or lets for hire, or offers or exposes for sale or hire an article the sole intended purpose of which is to facilitate the unauthorised removal or circumvention</p>

	<p>of any technical device which may have been applied to protect a work or other subject matter eligible for copyright, neighbouring rights or sui generis rights under this Act against being copied, seen, viewed, heard or otherwise perceived.</p>
<p>Consequences of copyright infringement</p>	<p>42. (1) Copyright, neighbouring rights and sui generis rights are infringed by any person who does or causes another person to do, without a licence from the owner or holder thereof, an act the doing of which is controlled by copyright, neighbouring rights or sui generis rights.</p> <p>(2) Copyright, neighbouring rights and sui generis rights are also infringed by any person who, without the licence of the copyright owner or right holder, imports into Malta otherwise than for private and domestic use, or distributes therein by way of trade, hire or otherwise, or by way of trade exhibits in public or is in possession or manufactures in the course of business or offers or exposes for sale or hire an article in respect of which copyright, neighbouring rights or sui generis rights are infringed under the last preceding article.</p> <p>(3) Copyright, neighbouring rights or sui generis rights are also infringed by any person who without the licence of the copyright owner or rightholder makes, imports into Malta, possesses in the course of trade or sells or lets for hire, or offers or exposes for sale or hire an article the sole intended purpose of which is to facilitate the unauthorised removal or circumvention of any technical device which may have been applied to protect a work or other subject matter eligible for copyright, neighbouring rights or sui generis rights under this Act against being copied, seen, viewed, heard or otherwise perceived.</p> <p>43. (1) Where any person infringes the copyright, neighbouring rights or sui generis rights in respect of a work, he shall be liable, at the suit of the copyright owner or right holder to be condemned by the Civil Court, First Hall to the payment of damages or to the payment of a fine to be determined in accordance with a scale of fines to be prescribed by the Minister, as the said Court, having regard to the circumstances of the case, may deem proper and to the restitution of all the profit derived from the infringement of the copyright, neighbouring rights or sui generis rights:</p> <p>Provided that where the defendant proves to the satisfaction of the Court that at the time of the infringement he was not aware and could not reasonably be expected to be aware that copyright, neighbouring rights or sui generis rights subsisted in the work to which the action relates, the Court shall not condemn him to the restitution of the profit.</p> <p>(2) The Civil Court, First Hall may in an action for infringement of copyright, neighbouring rights or sui generis rights having regard to all the circumstances and in particular to the flagrancy of the infringement and any benefit accruing to the defendant by reason of the infringement, award such additional damage as the justice of the case may require.</p> <p>(3) The Court may, moreover, in a suit instituted under this article, on the application of the plaintiff, order that all the infringing articles still in possession of the defendant be delivered to the plaintiff.</p> <p>(4) In an action for infringement of copyright in respect of the construction of a building, no prohibitory injunction or other order shall be made -</p> <p>(a) after the construction of the building has been begun, so as to prevent it from being completed; or</p> <p>(b) so as to require the building, in so far as it has been constructed, to be demolished.</p> <p>44. (1) Saving the provisions of the last preceding article, any person who contravenes the provision of article 12(1), shall be liable at the suit of the</p>

	<p>author or his heirs to be condemned by the Civil Court, First Hall, to the payment of a fine, and for damages to be determined in accordance with a scale of fines to be prescribed by the Minister.</p> <p>(2) In any proceedings under the last preceding sub-article the Court shall order the destruction of all the infringing articles still in possession of the defendant where it is satisfied that the prejudice caused to the author is so serious as to justify such measure.</p> <p>(3) The provision of the last preceding sub-article shall not apply where the infringing article is a building.</p> <p>(4) Any person who contravenes the provisions of article 12(1) and (2) and article 23(1) shall be liable at the suit of the author or the physical person to whom, or the legal entity to which, the right to exercise the aforesaid moral rights has been transmitted under the proviso to article 11(2), to be condemned by the Civil Court, First Hall to the payment of a fine, and for damages to be determined in accordance with a scale of fines to be prescribed by the Minister.</p>
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j) Poland

Poland	
Law on Copyright and Neighbouring Rights of February 4, 1994, as amended on October 28, 2002	
Protected Works	
Categories of protected works	<p>Article 1 (2)</p> <ol style="list-style-type: none"> 1) Works expressed in words, mathematical symbols, graphical signs, (literary, journalistic, scientific, cartographic works, and computer programs), 2) Works of the fine arts, 3) Photographic works, 4) Stringed musical instruments, 5) Industrial designs, 6) Architectural, architectural-urban, and urban works, 7) Musical works and works composed of words and music, 8) Works for the stage, staged musical works, choreographic works and pantomimes, 9) Audiovisual works (including cinematographic). <p>Article 2 (1) Also derivative works (<i>eg</i> translations) are protected without prejudice to the rights to the original work</p> <p>Article 4</p> <p>The following are not the subject of copyright:</p> <ol style="list-style-type: none"> 1) Normative acts or their official drafts, 2) Official documents, materials, marks and symbols, 3) Published patent descriptions or protected design specifications, 4) Simple press reports.
Conditions for protection	<p>Article 1</p> <p>(1) ...encompasses any manifestation of creative activity of an individual nature, no matter in what form it comes into being and regardless of its</p>

	<p>value, purpose or manner of its expression...</p> <p>(2) Only the manner of expression shall be subject to copyright; inventions, ideas, procedures, methods and rules of procedure as well as mathematic concepts shall not be protected by copyright.</p> <p>Article 5 governs the application of Polish Copyright Law</p>
Database protection	<p>Article 3</p> <p>Collections, anthologies, selections, and databases are subject to copyright, even if they contain unprotected material, if their selection, arrangement or compilation is of a creative nature, without prejudice to the rights to works contained in them.</p> <p>Additional Protection by the 'Database Protection Act' Close adaptation of the database directive.</p> <p>Article 2</p> <p>1) database shall mean a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means which shows that there has been qualitatively and/or quantitatively a substantial investment in either the creation, verification or presentation of the contents</p> <p>Article 1</p> <p>'No sui generis protection for databases which are already protected by copyright'</p> <p>Article 4</p> <p>The protection of databases shall not apply to computer programs used in the making or operation of databases accessible by electronic means.</p> <p>Article 1 4) Rightholder</p> <p>the maker of a database shall be the natural person or the legal entity or organisational unit without legal personality who has taken the risk of investment when creating the database</p> <p>Article 6 Conferred rights</p> <p>The maker of the database enjoys the exclusive and alienable right of extraction and re-utilization of the whole or of a substantial part, evaluated qualitatively and/or quantitatively, of the contents of that database.</p> <p>Article 3</p> <p>Public lending is not an act of extraction or re-utilization</p> <p>Article 7 Exceptions</p> <p>The maker of a database which is made available to the public in whatever manner may not prevent a lawful user of the database from extracting and/or re-utilizing insubstantial parts of its contents, evaluated qualitatively and/or quantitatively, for any purposes whatsoever.</p> <p>Where the lawful user is authorized to extract and/or re-utilize only part of the database, paragraph 1) shall apply only to that part.</p> <p>The usage within the meaning of paragraph one may not unreasonably conflict with normal exploitation or unreasonably prejudice the legitimate interests of the maker of the database shall not be permitted</p> <p>Article 8 Exceptions</p> <p>1. The utilization of a database which is made available to the public in whatever manner is permitted without the authorization of its maker</p> <p>1) in the case of extraction for private purposes of the contents of a non-</p>

	<p>electronic database;</p> <p>2) in the case of extraction for the purposes 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;</p> <p>3) in the case of extraction and/or re-utilization for the purposes of public security or an administrative or judicial procedure.</p> <p>2. The repeated and systematic extraction and/or re-utilization of insubstantial parts of the contents of the database implying acts which conflict with a normal exploitation of that database or which unreasonably prejudice the legitimate interests of the maker of the database shall not be permitted</p> <p>Article 9 Exhaustion</p> <p>Article 10 Term of protection</p> <p>1. ...15 years...</p> <p>3. ...new term of protection in the case of a new substantial investment...</p> <p>Art. 11/ 12 Civil and criminal consequences of database infringement</p>
Computer Software	<p>Article 74</p> <p>1. Computer programs are subject to protection as literary works, unless the provisions of this chapter specify otherwise.</p> <p>2. The protection granted to a computer program encompasses all forms of its expression. The ideas and principles forming the basis of any element of the computer program, including the basis of interfaces, are not subject to protection.</p> <p>Article 75 Special Exceptions/ Limitations</p> <p>1. ... certain acts do not require the copyright holder's consent if they are necessary for the use of the computer program in accordance with its purpose, including correction of errors by its rightful owner,...</p> <p>2. The rightholder's permission is not required for:</p> <p>1) presentation of an archival copy, if this is indispensable in usage of the computer program. Such copy may not be used concurrently with the computer program, unless otherwise provided in the contract.</p> <p>2) observation, study, and testing the functioning of the computer program, for the purpose of learning its ideas and principles by the person holding the right to use a copy of the computer program, provided the authorized person performs it during the installation, display, application, transmission or storage of the computer program.</p> <p>3) reproduction of the code or translation of its form in the meaning of Article 74, Paragraph 4, Items 1 and 2, if this is indispensable in obtaining information necessary for achieving interoperability of an independently developed computer program with other computer programs, provided the following conditions are fulfilled:</p> <p>a) these operations are performed by a licensee or other person authorized to use a copy of the computer program, or a person acting on his or her behalf,</p> <p>b) the information needed to achieve interoperability was not previously readily accessible to persons referred to in Item a),</p> <p>c) these activities pertain to such parts of the original computer program that are necessary for achieving inter operability.</p> <p>3. Information referred to in Paragraph 2 item 3 may not be:</p> <p>1) Utilised for purposes other than achieving interoperability of</p>

	<p>independently created computer program.</p> <p>2) Transmitted to other people, unless this is needed to achieve interoperability of an independently created computer program.</p> <p>3) Used to develop, manufacture, or introduce into circulation a computer program of essentially similar form of expression, or to pursue other activities infringing the copyright.</p> <p>Article 77</p> <p>Certain provisions (Article 16, Items 3-5, Articles 20, 23, 27, 28, 30, Article 49, Paragraph 2, and Articles 56, 60, and 62) do not apply to computer programs.</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>Covered by the General Clause (Article 17)</p> <p>Unless this Law specifies otherwise, the exclusive right to use and to exploit the work in all fields of exploitation and to receive remuneration for use of the work, vests in the author.</p> <p>The General Clause is specified by Article 50 which reads as follows:</p> <p>Article 50 The particular fields of exploitation include:</p> <p>1) in respect of fixation and replication of a work — production of copies of a work using a specific technique, including printing, reprography, magnetic recording and digital technology...</p> <p>Article 74 Special Provisions concerning Computer Pr.</p> <p>4. With the exception of Articles 75, paragraphs 2 and 3, the economic rights to a computer program comprise the right to:</p> <p>1) permanent or temporary reproduction of the program in its entirety or in part, by any means and in any form; to the extent to which its installation, display, application, transmission and storage requires its reproduction, these operations require the consent of copyright holder.</p> <p>2) translation, adaptation, alteration of the system, or any other changes in the computer program, without prejudice to the rights of the person performing these changes.</p>
Right of communication to the public and right of making available	<p>Covered by the General Clause (Article 17). This clause is specified by Article 50:</p> <p>Article 50 The particular fields of exploitation include:</p> <p>3) in respect of dissemination of the work in a manner different that referred to in item 2 — public performance, staging, screening, communication to the public, broadcasting and retransmission, as well as making available of the work in such a way that the members of the public may access them from a place and at a time individually chosen by them....</p>
Distribution right	<p>Covered by Article 17 (General Clause). This clause is specified by Article 50:</p> <p>Article 50 The particular fields of exploitation include:</p> <p>2) in respect of circulation of the original work or its copies on which the work had been fixed — introduction into circulation, public lending or rental of the original work or its copies...</p> <p>Article 74 Special Provisions concerning Computer Programs</p> <p>4.... the economic rights to a computer program comprise the right to:...</p> <p>Public dissemination, including rental or lease, of the computer program or its copies.</p>

Moral rights	
Right of publication	<p>Article 16: personal copyright protects the bond between the author and his or her work, which is indefinite in duration and not subject to waiver or transfer, and includes the right to:</p> <ol style="list-style-type: none"> 1) claim authorship of the work; 2) designate the work with own name or pseudonym or make it available anonymously; 3) inviolability of the content and form of the work and of proper usage of the work; 4) decide when to make the work available to the public; 5) supervise the manner in which the work is used. <p>Also the Articles 49 ff regulate personal rights. These articles refer to the remaining rights of an author in the event of a transfer of rights. These principles are derivative of the principles set out in Article 16. For further details: see: 'Section: Transfer of rights'.</p>
Recognition of authorship	Granted, see above for details.
Distortion of the work	Granted, see above for details.
Duration of Protection	<p>Regulated by Article 36 and Article 16.</p> <p>Moral Right are not subject to lapse of time (Article 16). In general, economic rights of authors expire after 70 years (Article 36). Further details see Articles 37- 42</p>
Exceptions and limitations	
Educational and scientific purposes	<p>Article 27</p> <p>Scientific and educational institutions may, for didactical or own research purposes, use published works in the original translation and prepare for this purpose copies of fragments of a published work.</p> <p>Article 28</p> <p>Libraries, archives and schools may:</p> <ol style="list-style-type: none"> 1) Make available without charge, within the scope of their statutory purposes, copies of published works. 2) Prepare or commission preparation of single copies of published works that are not available on the market — for the purpose of complementing or preservation of their collections, and for making them available free of charge. <p>Quotations:</p> <p>It is allowed to cite, in reports of current events, fragments from works made available during these events, but within the limits justified by the information purposes (Article 26).</p> <p>Article 29</p> <ol style="list-style-type: none"> 1. It is allowed to cite, in works constituting an independent whole, excerpts from disseminated works or minor works in their entirety, to the extent justified by an explanation, critical analysis, instruction, or requirements of a specific type of art form.

	<p>2. It is allowed for didactical and academic purposes, to include disseminated minor works or excerpts from larger works in textbooks and classroom selections.</p> <p>3. In cases referred to in Paragraph 2, the author is entitled to remuneration.</p>
Scope of exceptions	<p>Article 35</p> <p>The allowed use may not infringe upon normal use of a work or justified interests of the author.</p>
Libraries and archives	<p>Article 28</p> <p>Libraries, archives and schools may:</p> <ol style="list-style-type: none"> 1) Make available without charge, within the scope of their statutory purposes, copies of published works. 2) Prepare or commission preparation of single copies of published works that are not available on the market — for the purpose of complementing or preservation of their collections, and for making them available free of charge. <p>Article 30</p> <ol style="list-style-type: none"> 1. Information and documentation centres may prepare their own documentary studies as well as single copies of fragments, no longer than a single editorial sheet, from published works. 2. The author or the proper organization for administering copyrights or neighbouring rights is authorized to collect, from the <i>centres</i> referred to in Paragraph 1, remuneration for allowing for-charge access to copies of fragments of works. <p>Article 33</p> <p>The following may be disseminated:</p> <p>(...)</p> <ol style="list-style-type: none"> 3) In encyclopaedias and atlases — published works of the fine arts and photographic works, if contacting the author for the purpose of obtaining his permission meets obstacles difficult to overcome. The author is then entitled to remuneration.
Acknowledgement of source	The authors and sources have to be identified (Article 34)
How to acquire rights if necessary	
Right-holder	
Authorship	<p>Article 8</p> <ol style="list-style-type: none"> 1. Copyright vests in the author, unless otherwise specified in this Law. 2. It is presumed that the author is the person whose name is indicated as such on copies of the work, or whose authorship is made public in some other way in connection with the dissemination of the work. <p>(...)</p>
Joint authors/ compound works/ authors in employment	<p>Co- Authors</p> <p>Article 9</p> <ol style="list-style-type: none"> 1. Co-authors are co-owners of copyright. It is presumed that they share in the copyright equally. Any co-author may demand that a court define the extent of his or her share in proportion to his or her creative contribution. 2. Co-authors may exercise the copyright in their autonomous parts of the work, without prejudice of the rights of the other co-authors.

	<p>3. Exercise of the copyright in the whole work requires the consent of all co-authors. In the event of absence of such consent, any co-author may demand a decision from a court, which will take into account the interests of all co-authors.</p> <p>4. Any co-author may institute claims for infringement of copyright in the entire work. All co-authors, in proportion to their individual contributions share the compensation received.</p> <p>(...)</p> <p>Combined works</p> <p>Article 10</p> <p>When authors combine their separate works for the purpose of joint dissemination, each of them may demand of the remaining authors permission to disseminate the resulting whole unless there exists reasonable grounds for refusal to grant permission and the contract does not specify otherwise. Provisions of Article 9, Paragraphs 2-4 apply mutatis mutandis.</p> <p>Article 11</p> <p>Economic rights to a joint work including an encyclopaedia or a periodical publication, vest in the producer or the publisher, while the copyrights to individual and autonomous parts of the whole vest in their authors. It is presumed that the producer or the publisher has the right to the title.</p> <p>Author in employment</p> <p>Article 12</p> <p>1. Unless this Law or an employment contract specify otherwise, an employer whose employee created a work within the scope of his or her employment duties acquires economic rights to the work, upon the acceptance of it, within the limits ensuing from the purpose of the employment contract and the mutual intent of the parties.</p> <p>2. If, within two years from the date of acceptance of the work, the employer does not begin the dissemination of the work specified for dissemination in the employment contract, the author may give the employer, in writing, an appropriate deadline for disseminating the work, with the effect that upon its expiry, the rights acquired by the employer, together with the ownership of the object on which the work has been fixed, revert to the author unless the contract provides otherwise. Parties may specify different deadline for beginning the dissemination of a work.</p> <p>3. Once the work is accepted, the employer acquires ownership of the object in which the work has been fixed, unless the employment contract provides otherwise.</p> <p>Article 14</p> <p>1. Unless the employment contract provides otherwise, a scientific institution has the right of priority in publishing the work of a scientific associate who created it within the scope of his or her employment duties. The author retains the right to remuneration. Such priority of publication expires if, within six months from the date of delivery of the work, no contract for publication of the work was made or if within two years from its acceptance, the work has not been published.</p> <p>2. A scientific institution may use the scientific work contained in the work referred to in Paragraph 1 without separate remuneration, and make the material available to third parties if that follows from the agreed-upon purpose of the work or from a contractual agreement.</p> <p>Article 74</p>
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	<p>3. Economic rights to the computer program created by an employee within the scope of employment duties, vest in the employer, unless the employment contract specifies otherwise.</p>
Collecting Societies	<p>Article 20 ff: govern fees to be paid by producers and importers of certain goods.</p> <p>Article 104</p> <p>1. Organization for collective administration of copyrights or neighbouring rights, further referred to as 'collective administration organizations', are, in the meaning of this Law, associations of authors, performing artists, producers, or radio and television organizations, whose statutory purposes include the collective administration and protection of the copyrights or neighbouring rights entrusted to them and the exercise of rights ensuing from this Law.</p> <p>(...)</p> <p>Article 105</p> <p>1. It is presumed that the organization for collective administration is authorised to administer and protect the work in respect of the separate fields of exploitation included in collective administration, and that it is authorized to enforce such rights. This presumption shall not apply when more than one organization claims the right to the same work or artistic performance.</p> <p>(...)</p> <p>Further Details: Articles 106-110</p>
Contract Law/Licenses	
Transfer of rights	<p>In general, economic rights may be transferred to other persons by inheritance or by contract (Article 41 1.1)). The acquirer of economic rights may transfer them to other persons, unless the contract specifies otherwise (Article 41 1 2)).</p> <p>Polish Copyright Law distinguishes between a transfer of economic rights and an agreement for use of a work ('license') (Article 41 2.)</p> <p>Parts of a contract which concern all works or all works of a particular kind of the same author which are to be created in the future, are invalid (Article 41 3).</p> <p>A contract applies only to fields of exploitation known at the time the contract is concluded (Article 41 4.)</p> <p>A contract for transfer of economic rights must be in writing under the penalty of invalidity (Article 53).</p> <p>Termination of a contract:</p> <p>Article 56</p> <p>1. An author may renounce or terminate a contract for reasons of his or her vital creative interests.</p> <p>2. If within two years from the date of the renunciation or termination referred to in Paragraph 1 the author intends to use the work, he or she is obliged to first offer it for use to the person or entity that originally acquired or licensed it, designating an appropriate time period for this purpose.</p> <p>3. If the renunciation or termination of the contract takes place after its acceptance, the other party to the contract may make such renunciation or termination dependent on compensation for the expenses incurred in connection with the contract. However, compensation of the expenses incurred may not be demanded if the dissemination has to be abandoned due to circumstances beyond the author's control.</p>

	<p>4. The provisions of Paragraph 1 do not apply to architectural, architectural-urban, audiovisual works, or to works commissioned with the purpose of their exploitation as part of audiovisual works.</p> <p>Article 57</p> <p>1. If the acquirer of economic rights or a license, obliged to disseminate the work, fails to commence the dissemination within the agreed time, or, if no such time is specified, within two years from the acceptance of the work, the author may renounce or terminate the contract and upon the expiry of an additional time — not shorter than six months — insist the damages incurred be repaired.</p> <p>2. If the work was not disseminated due to circumstance for which the acquirer of the economic rights or the licensee is responsible, the author may demand, instead of reparation of damages, twice the amount of remuneration provided for in the contract for dissemination of the work, unless the license is nonexclusive.</p> <p>3. The provisions of Paragraph 1 and 2 do not apply to architectural and architectural — urban works.</p> <p>Article 58</p> <p>If the work is disseminated in an unsuitable form or with revisions against which the author could justifiably object, the author may renounce or terminate the contract, following an ineffective demand to terminate the infringement. The author is entitled to the remuneration specified in the contract.</p> <p>Further Provisions:</p> <ul style="list-style-type: none"> - Unless the contract provides otherwise, the author retains the exclusive right to authorize the making of a derivative work, even though the contract provides for the transfer of all of the economic rights (Article 46). - If the contract does not define the manner of use of a work, the use should conform to the nature and purpose of the work and the common custom (Article 49 1). - A legal successor may not alter the work without the author’s consent, unless the alterations are caused by evident necessity and the author has no justified reason for objecting to them. This applies mutatis mutandis to works in which the term of economic rights protection has expired (Article 49 2). <p>Article 52</p> <p>1. Transfer of ownership of copy of the work does not constitute a transfer or economic rights to the work, unless the contract provides otherwise.</p> <p>2. Unless the contract provides otherwise, transfer of economic rights does not constitute a transfer of ownership of the copy of the work to the acquirer of the rights.</p> <p>3. An acquirer of the original work is obliged to make it accessible to its author to the extent necessary for the exercise of copyright. However, the acquirer may demand that the author provide proper security for the work and remuneration for its use.</p> <p>Article 60</p> <p>1. Prior to dissemination of a work, the user is obliged to enable its author to execute the author’s right of supervision. If the revisions incorporated in the work resulting from performance of such supervision are indispensable and are due to circumstances beyond the author’s control, the expenses connected to their inclusion are borne by the acquirer of the economic rights or by the licensee.</p>
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	<p>2. If the author does not exercise his or her right of supervision within a suitable time, it is assumed that he or she has given consent that the work be disseminated.</p> <p>3. Unless this Law or the contract specifies otherwise, the author is not entitled to additional remuneration for performing that author's right of supervision.</p> <p>4. The author of a work of the fine arts is entitled to receive compensation for exercising his or her right of supervision.</p> <p>5. The exercise of the author's right of supervision over architectural or architectural-urban works is governed by separate regulations.</p> <p>Article 62</p> <p>1. In published collections of his or her works, the author may include works for whose publication he or she has concluded separate contracts.</p> <p>2. The contract for publication of collected works does not include the right to publish particular works contained in that collection, unless the contract provides otherwise.</p> <p>Article 63</p> <p>If the contract provides for the making of copies of work to be disseminated, the author is entitled to receive author's copies in the amount provided in the contract.</p> <p>Article 64</p> <p>Upon acceptance of the work, the contract for transfer of economic rights transfers to the acquirer the right to exclusive use of the work in particular field of exploitation provided in the contract, unless the contract provides otherwise.</p> <p>Article 65</p> <p>In the absence of a clearly specified transfer of a right, it is assumed that the author has granted a license.</p> <p>Article 66</p> <p>1. Unless otherwise provided in the contract, a licensing agreement shall be deemed to permit use of a work for five years in the territory of a country in which the licensee resides.</p> <p>2. Upon the expiry of the period of time referred to in Paragraph 1, the right obtained under the licensing agreement expires.</p> <p>Article 67</p> <p>1. The author may authorize the use of his or her work in the fields of exploitation indicated in the contract, specifying the scope, place, and time of the use.</p> <p>2. If the contract does not provide for exclusivity of the use in a particular manner (exclusive license), the grant of a license does not preclude the author from authorizing others to use his or her work in the same field of exploitation (nonexclusive license).</p> <p>3. A licensee may not authorize another person or entity to use a work under the obtained license, unless the contract specifies otherwise.</p> <p>4. Unless otherwise provided in the contract, the holder of an exclusive license may pursue actions for infringement of economic rights within the scope of the license.</p> <p>5. An exclusive licensing agreement must be in writing under penalty of invalidity.</p>
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	<p>Article 68</p> <ol style="list-style-type: none"> 1. Unless otherwise provided in the contract, if the license was granted for an unspecified period of time, the author may renounce it within the time set in a contract, or if no such time was provided for, the author may renounce it with a year's notice, at the end of the calendar year. 2. A license granted for a period longer than five years is considered to be granted for an indefinite time following expiration of that period.
<p>Remuneration Schemes/ compensation</p>	<p>Article 17</p> <p>Unless this Law specifies otherwise, the exclusive right to use and to exploit the work in all fields of exploitation and to receive remuneration for use of the work, vests in the author.</p> <p>Article 19</p> <ol style="list-style-type: none"> 1. The author and his or her heirs are entitled to remuneration in the amount of 5 percent of the price of professionally vended resales of original copies of works of the fine arts and manuscripts of literary and musical works. This remuneration should be paid by the vendor and if acting on behalf of a third party, the vendor is jointly responsible for the payment. 2. The vendor is obliged to disclose the identity of the third party referred to in Paragraph 1. The vendor may be released from this obligation by paying the remuneration due. 3. A waiver of the remuneration referred to in Paragraph 1 is invalid, unless it concerns executable claims of creditors. <p>Article 43</p> <ol style="list-style-type: none"> 1. If the contract does not specify that the transfer of the economic rights or the granting of a license was without charge, the author is entitled to remuneration. 2. If the contract does not specify the amount of royalty, the amount is determined according to the scope of the rights granted and benefits ensuing from the use of the work. <p>Article 44</p> <p>In the event of egregious disproportion between the royalty and the benefits ensuing to the acquirer of the economic rights or to the licensee, the author may demand that the court increase the royalty.</p> <p>Article 45</p> <p>The author is entitled to a separate remuneration for the use of his or her work on each of the particular fields of exploitation, unless the contract provides otherwise.</p> <p>Article 47</p> <p>If the author's remuneration depends on the amount of income received from the use of the work, the author has the right to receive information or to inspect records that are essential to determining the amount of remuneration.</p> <p>Article 48</p> <ol style="list-style-type: none"> 1. If the author's remuneration is defined as percentage of the sales price of copies of the work, and if that price is increased, the author is entitled to the agreed percentage of proceeds from the copies sold at the higher price. 2. A unilateral reduction in the sales price of the copies before the expiration of one year after the dissemination of the work has begun, does not affect the amount of remuneration. The parties to the contract may extend that term.

	<p>Article 18</p> <p>1. Economic rights are not subject to garnishment as long they serve the author. This does not apply to executable claims of creditors.</p> <p>(...)</p> <p>3. The right to remuneration referred to in Article 20 Paragraphs 2-4, Article 20(1), Article 30 Paragraph 2, and Article 70 Paragraph 3 is not subject to waiver, transfer, or garnishment. This does not apply to executable claims of creditors.</p>
<p>Protection of technological measures and rights management information</p>	<p>Article 77: Clause regarding Computer Programs</p> <p>The holder of rights may demand that the user of a computer program destroy all technical means in his or her possession (including computer programs) whose single purpose is to facilitate unlawful removal or circumvention of technical protection of the program.</p> <p>Article 79 Protection of Economic Rights</p> <p>1. The author may demand that the infringer of his or her economic rights discontinue the infringement and return the profits made, or pay the double, and in the event the infringement was intentional, triple the amount of the suitable compensation as of the time the suit was filed; if the infringer's actions are intentional, the author may also demand that compensation for the harm sustained be paid.</p> <p>2. (...)</p> <p>3. The provision of Paragraph 1 is applied mutatis mutandis with respect to removal or circumvention of technical protection against access, reproduction or dissemination of a work, if these actions are intended to enable unlawful use of the work.</p>
<p>Consequences of copyright infringement</p>	<p>Article 78 Protection of Personal Rights</p> <p>1. An author, whose personal copyright is threatened by actions of another person or entity may demand termination cessation of that action. In the event an infringement has been committed, the author may demand that the person or entity responsible for the infringement take steps towards elimination of the consequences of the infringement and, in particular, make a public declaration of a suitable form and content. If the infringement is intentional, the court may award the author a suitable pecuniary compensation for the incurred harm, or, upon the author's demand, oblige the infringer to donate a specified amount of money for a social cause indicated by the author.</p> <p>2. — 4. ...also successors and organizations for collective administration collective may file a claim in the meaning of paragraph 1...</p> <p>Article 79 Protection of Economic Rights</p> <p>1. The author may demand that the infringer of his or her economic rights discontinue the infringement and return the profits made, or pay the double, and in the event the infringement was intentional, triple the amount of the suitable compensation as of the time the suit was filed; if the infringer's actions are intentional, the author may also demand that compensation for the harm sustained be paid.</p> <p>2. Irrespective of the claims referred to in Paragraph 1, the rightholder may also demand of the perpetrator of a culpable infringement committed while engaging in a commercial activity in one's own or on behalf of another person or entity, the payment of an appropriate amount of compensation to the Fund referred to in Article 111. That amount may not be less than double the probable profits gained by the infringer from the infringement.</p> <p>3. The provision of Paragraph 1 is applied mutatis mutandis with respect to</p>

	<p>removal or circumvention of technical protection against access, reproduction or dissemination of a work, if these actions are intended to enable unlawful use of the work.</p> <p>4. The provisions of Paragraphs 1 and 2 are applied mutatis mutandis in case of removal of or changing without authorization any electronic information identifying a work, its author, a subject of copyright of the work, or information concerning conditions for the exploitation of the work, as long as they have been attached to a copy of the work or appear in connection with the dissemination of the work, as well as to culpable dissemination of works unlawfully deprived of such information or with such information unlawfully changed.</p> <p>Article 80 Injunctions...</p> <p>1. The court with jurisdiction over an action for infringement of economic rights, located in the territory where the infringing party conducts business activities or where the infringing party's assets are located, shall rule, even before the proceedings commence, but not later than three days from the time the complaint is filed, on the plaintiff's motion:</p> <p>1) to secure evidence, without the necessity of proof that obtaining it later may become infeasible or too difficult,</p> <p>2) to oblige the infringer of the economic rights to provide the information and documentary evidence, requested by the court, relevant to the claims referred to in Article 79, Paragraph 1,</p> <p>3) to issue temporary injunction to secure the claims for the infringement of economic rights — even if issuance of temporary injunction results in satisfying the claim — upon being presented with a showing of probability that otherwise the plaintiff would be deprived of the possibility of having his or her claim satisfied.</p> <p>2. The court may condition its ruling on securing the evidence or claims referred to in Paragraph 1, Item 1 and 3, on submission of appropriate security.</p> <p>3. The court shall order forfeiture, for the State Treasury, of illegally manufactured copies of works.</p> <p>4. The court may order forfeiture, for the State Treasury, of devices which are used in illegal production of copies of works or devices which were used in the infringement.</p> <p>5. At the request of the injured party, the court may award the devices mentioned in Paragraph 4 to the injured party as part of the damages award.</p> <p>6. It is presumed that the objects referred to in Paragraph 4 belong to the infringer.</p> <p>7. An appeal from the court's ruling in matters referred to in Paragraph 1, Item 1-3 shall be considered by the court within seven days.</p> <p>Art. 11. of the database protection Act: Omission of infringements, elimination of the consequences of the infringement; damages according to the general rules of law; account of profits...</p> <p>Article 115 Criminal Liability</p> <p>1. Whoever appropriates the authorship of another or misleads others as to the authorship of the entirety or a part of another's work or artistic performance shall be liable to a fine, restriction of liberty or imprisonment of up to three years</p> <p>2. The same penalty applies to anyone who disseminates, without identifying the author by name or pseudonym, the original or derivative version of a work, an artistic performance or who publicly distorts such work, an artistic</p>
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	<p>performance, phonogram, videogram or broadcast.</p> <p>3. Whoever, for purposes of economic gain, infringes a copyright or neighbouring rights specified in Articles 16, 17, 18, Article 19 Paragraph 1 or 2, Article 20 Paragraphs 1-4, Article 40 Paragraphs 1 and 2, Article 86, Article 94 Paragraph 4, and Article 97, in a manner other than that defined in Paragraph 1 or 2, shall be liable to a fine, restriction of liberty or imprisonment of up to 1 year.</p> <p>Article 116.</p> <p>1. Whoever, without authorization or acting contrary to its terms, disseminates a work of another in its original or derivative version, or artistic performance, phonogram, videogram or broadcast, shall be liable to a fine, restriction of liberty or imprisonment of up to 2 years.</p> <p>2. If the infringer commits an act referred to in Paragraph 1 for purposes of economic gain, he or she shall be liable to imprisonment of up to 3 years.</p> <p>3. If the infringer turns the offence specified in Paragraph 1 into a regular source of income or a criminal commercial activity specified in Paragraph 1, organizes or directs such activity, he or she shall be liable to imprisonment of from 6 months to 5 years.</p> <p>4. If the infringer commits an act specified in Paragraph 1 not wilfully he or she shall be liable to a fine, restriction of liberty or imprisonment of up to 1 year.</p> <p>Article 117.</p> <p>1. Whoever, without authorisation or acting contrary to its terms, fixes or reproduces a work of another in the original or its derivative form, artistic performance, phonogram, videogram, or broadcast, for the purpose of their dissemination, shall be liable to a fine, restriction of liberty or imprisonment of up to 2 years.</p> <p>2. If the infringer turns the offence specified in Paragraph 1 into regular source of income or a criminal commercial activity, specified in Paragraph 1, organizes or directs such an activity, he or she shall be liable to imprisonment of up to 3 years.</p> <p>Article 118</p> <p>1. Whoever, for purposes of economic gain purchases, helps in its vending, accepts or helps to hide an object which serves as a carrier of a work, artistic performance, phonogram or videogram reproduced, or disseminated without authorization or against its terms, shall be liable for imprisonment of from 3 months to 5 years.</p> <p>2. If the infringer turns the offence referred to in Paragraph 1 into a regular source of income or criminal commercial activity referred to in Paragraph 1, organizes or directs it, he or she shall be liable to imprisonment of up to 5 years.</p> <p>3. If, on the basis of attendant circumstances the perpetrator of the offence specified in Paragraph 1 or 2 should and may suppose that the object was acquired by means of a prohibited act, he shall be liable to a fine, restriction of liberty or imprisonment of up to 2 years.</p> <p>Article 118.1</p> <p>1. Whoever manufactures objects for illegal removal or circumvention of technical protection against playback, copying or reproducing a work, or such for illegal reception of broadcast programs, directed to a closed group of recipients, who get access to them after paying a fee to the service provider, or circulates such objects is liable to a fine, restriction of liberty or imprisonment of up to 3 years.</p>
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	<p>2. Whoever is in possession, stores or uses the objects referred to in Paragraph 1 is liable to a fine, restriction of liberty or imprisonment of up to 1 year.</p> <p>Article 119</p> <p>Whoever prevents or obstructs the exercise of the right to control the use of a work, an artistic performance, a phonogram or a videogram, or refuses to provide information referred to in Article 47, shall be liable to a fine, restriction of liberty or imprisonment of up to 1 year.</p> <p>Article 121 Forfeiture</p> <p>1. In case of a conviction for offences specified in Articles 115, 116, 117, 118, or 118.1 the court shall order the forfeiture of all infringing objects linked to the offence, even if they do not belong to the infringer.</p> <p>2. In case of a conviction for offences specified in Articles 115, 116, 117, and 118, the court may order the forfeiture of objects used to commit the offence, even if they do not belong to the infringer.</p> <p>Art. 12 of the Database Protection Act: Liability of a fine for the unlawful extraction of data/ re-utilization of a database or a substantial part with the intention to gain pecuniary advantage</p>
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k) Slovakia

Slovakia	
Act No. 383/1997 of 5th December 1997 as changed and amended by Act No. 234/2000 of 20th June 2000	
and	
Act No. 283/1997 on Collective Administration of Rights of 3rd October 1997 as changed and amended by Act No. 234/2000 of 20th June 2000	
Protected Works	
Categories of protected works	<p>§ 6</p> <p>(1)...</p> <p>a) literary work and computer program,</p> <p>b) work delivered orally or declaimed, or literary work performed in another way, in particular the speech and the lecture,</p> <p>c) theatrical work, in particular dramatic work, dramatico-musical work, pantomimic work and choreographic work as well as any other work created with a view to their being made public or publicly performed,</p> <p>d) musical work with or without lyrics,</p> <p>e) audiovisual work, in particular cinematographic work,</p> <p>f) work of painting and drawing, <i>sketch</i>, illustration, sculpture and other work of visual art,</p> <p>g) photographic work,</p> <p>h) architectural works, in particular the buildings and works of urban planning, and work of garden and interior architecture and the work of building design,</p> <p>i) work of applied art,</p> <p>j) cartographic work in analogue or any other form.</p> <p>(2) Database is also eligible for copyright, irrespective of its form, subject only to their being original in terms of the creative selection or arrangement of its content.</p> <p>(...)</p>

	<p>§ 10</p> <p>(1) A collection is a chronicle, periodical, review, exhibition or any other compilation insofar as its arrangement is the result of the author's own creative intellectual activity. A work may be included into a collection only with the prior permission of its author.</p> <p>§ 11</p> <p>(1) A new original work created by original creative transformation of another work shall also be eligible for copyright.</p> <p>(2) The translation of a work into another language and the adaptation of the work shall likewise be eligible for copyright.</p>
Conditions for protection	<p>§ 6</p> <p>(1) The subject matter of copyright is constituted by literary work, scientific work and artistic work that are the result of creative intellectual activity of the author, in particular (...)</p> <p>(2) (...)</p> <p>(3) No protection shall extend to:</p> <p>a) any idea, procedure, system, method, concept, principle, discovery or mere information that has been expressed, described, explained, illustrated or embodied in a work,</p> <p>b) any text of legislation, or of a decision of administrative and legal nature, public document, official document, mere news of the day and speeches delivered in the course of a public events and the translations thereof; however, the publication of a collection of such speeches or their inclusion into a chronicle requires the consent of the person who delivered them.</p> <p>§ 15</p> <p>(1) Copyright in a work is established as soon as the work is expressed in a form perceivable by the senses, regardless of its form, content, quality, purpose or form of expression.</p> <p>(2) The copyright in a work relates to the work as a whole and also to parts thereof.</p>
Database protection	<p>§ 6</p> <p>(1) (...)</p> <p>(2) Database is also eligible for copyright, irrespective of its form, subject only to their being original in terms of the creative selection or arrangement of its content.</p> <p>§ 5</p> <p>Definitions of Certain Concepts</p> <p>(...)</p> <p>(19) A database is a collection of works, data, information or any other material (such as texts, images, sounds, numbers or facts) that is arranged systematically or by system and which is capable of being individually accessed by electronic or any other means.</p> <p>(20) The maker of a database is the physical person or legal entity on initiative, account and responsibility of whose or of which the database was created.</p> <p>(...)</p> <p>Sui Generis Rights in a Database</p> <p>§ 52a</p>

	<p>The maker of a database which shows qualitatively or quantitatively a substantial investment in either the obtaining, verification or presentation of the contents thereof shall have sui generis rights in database, irrespective of the protection of that database or the contents thereof by copyright or by other rights.</p> <p>Sui Generis Rights of the Maker of Database</p> <p>§ 52b</p> <p>(1) The maker of a database shall have the right to authorise any extraction and re-utilisation of all contents of a database or, evaluated qualitatively or quantitatively, of a substantial part thereof.</p> <p>(2) The extraction under Subsection 1 shall be the 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.</p> <p>(3) The re-utilisation under Subsection 1 shall be any form of making available all or a substantial part of the contents of a database by the distribution of copies, by renting, by on-line transmission or other form of transmission.</p> <p>(4) The lending of a database is neither the extraction under Subsection 2 nor the re-utilisation under Subsection 3.</p> <p>(5) The repeated and systematic extraction, re-utilisation of insubstantial parts of the contents of a database and other act of use that is not normal or reasonable and that is prejudicial to legitimate interests of the maker of the database shall be prohibited.</p> <p>(6) The rights of the maker of a database shall be transferable.</p> <p>§ 52c</p> <p>Rights and Obligations of User of a Database</p> <p>(1) The maker of a database which is made available in whatever manner may not prohibit a user of a database or of a part thereof the extraction, re-utilisation of qualitatively and quantitatively insubstantial part of the contents thereof, for any purposes whatsoever.</p> <p>(2) The user of a database which is made available in whatever manner may not use it otherwise than in normal and reasonable way and without prejudice to the legitimate interests of the maker of a database.</p> <p>(3) The user of a database which is made available in whatever manner may not cause prejudice to the author or other person to which belong the rights under this Act in respect of works or other protected subject matter contained in the database.</p> <p>§ 52d</p> <p>Limitation of Sui Generis Rights in a Database</p> <p>(1) The lawful user of a database which is made available in whatever manner may, without the authorisation of the maker thereof, extract, re-utilise a substantial part of its contents</p> <p>a) in the case of extraction for private purposes of the contents of a non-electronic database,</p> <p>b) in the case of extraction for the purposes of illustration within teaching or scientific research, as long as the source is indicated and as long as the extent of extraction is justified by the non-commercial purpose to be achieved,</p> <p>c) in the case of extraction and re-utilisation for the purposes of public security and within the administrative or judicial procedure.</p> <p>§ 52e</p> <p>Duration of Sui Generis Rights of the Maker of a Database</p>
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	<p>(1) The sui generis rights of the maker of a database shall last for 15 years.</p> <p>(2) The duration of sui generis rights of the maker of a database shall be calculated from the first day of the year following the year when the making of a database was completed. However, where the database is for the first time made available within this period, the duration of sui generis rights of the maker of a database shall be calculated from the first day of the year following the year in which the database was for the first time made available.</p> <p>(3) Any new qualitatively or quantitatively substantial contribution to the database consisting of the addition, deletion or other alteration shall result into the constitution of a new database.</p>
Computer Software	<p>§ 6</p> <p>(1) The subject matter of copyright is constituted by literary work, scientific work and artistic work that are the result of creative intellectual activity of the author, in particular</p> <p>a) literary work and computer program,</p> <p>§ 17</p> <p>(...)</p> <p>(6) In the case of a computer program created by an employee in the course of his/her duties arising from his/her employment relations or any other similar relations and on instructions of his/her employer, the holder of the right to use the work shall be the employer unless otherwise provided by contract.</p> <p>§ 21</p> <p>(1) (...)</p> <p>(2) A physical person may not make a copy of a disclosed work for his/her personal purposes without the authorisation of the author in the casec) of a computer program, subject to the exceptions provided for in § 26 and § 27,</p> <p>§ 26</p> <p>Reproduction and Modification of a Computer Program</p> <p>(1) The lawful acquirer of a copy of a computer program may, without the authorisation of the author or other holder of rights, make a copy of that copy of the computer program or of an adaptation or translation thereof, provided that the copying, adaptation or translation is necessary:</p> <p>a) for the conjunction of the computer program with the computer according to the purpose and extent for which the program has been acquired, including the corrections of errors in the computer program,</p> <p>b) for archiving and back-up purposes or for the replacement of a lawfully acquired copy of the computer program in the event of the copy of the computer program having been lost, destroyed or damaged.</p> <p>(2) The lawful acquirer of a copy of a computer program may, without the authorisation of the author or other holder of rights, observe, study or test the functionality of the program to determine the ideas or principles underlying any part thereof in the course of the downloading, display or transmission, functionality test and storage of the program into computer memory that he/she has been authorised to do.</p> <p>(3) Any such copy, adaptation or translation shall be destroyed where further use of the copy of the computer program provided for in the subsection 1 ceases to be lawful.</p> <p>(4) The right provided for in subsection 1 (b) and subsection 2 may not be</p>

	<p>withheld by contract.</p> <p>(5) There shall be no obligation to pay remuneration to the author in the cases provided for in subsections 1 and 2.</p> <p>§ 27</p> <p>Decompilation of Computer Programs</p> <p>(1) The authorisation of the author or other holder of rights shall not be required for reproduction of the code of a computer program or translation of the form of that code if that is necessary for obtaining the information required to achieve interoperability between independently created computer programs and other computer programs, provided that:</p> <p>a) the act is performed by the lawful acquirer who is entitled to use the copy of the computer program,</p> <p>b) the information necessary to achieve interoperability has not previously been commonly available to the persons entitled to reproduce or translate,</p> <p>c) the acts are confined to parts of the original computer program only, and are necessary for the interoperability of the independently created computer programs to be achieved.</p> <p>(2) The information obtained by acts provided for in the subsection 1 shall not be used</p> <p>a) to pursue any aim other than the achievement of interoperability of the independently created computer programs,</p> <p>b) so that the information may be passed on to other persons, except where its use is necessary to achieve the interoperability between independently created computer programs,</p> <p>c) to facilitate the development or production, and for trade with a computer program that is similar in its expression,</p> <p>d) for any activity by means of which the right of author or other holder of rights could be violated.</p> <p>(3) The authorisation of the author or other holder of rights for the acts provided for in subsection 1 shall be required where the reproduction of a computer programs would conflict with the fair exploitation of the computer program or otherwise unreasonably interfere with the legitimate interests of the author of the computer program or the other holder of rights in this program.</p> <p>(4) Neither reproduction of the machine code of the computer program nor translation of its form may be prevented by contract.</p> <p>(5) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p>
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Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>§ 5</p> <p>Definitions of Certain Concepts</p> <p>(...)</p> <p>(7) Reproduction is the making of one or more copies of a work or of a subject matter of related rights in any form, directly or indirectly, including any permanent or temporary storage in electronic form; the direct reproduction is the making of one or more copies from the original of the work and the indirect reproduction is the making of one or more copies from</p>

	<p>a copy of the work. (...) § 16 (...) (2) The author of the work shall have an exclusive right to authorise any use of the work, including: a) reproduction of the work, b) translation of the work, c) adaptation, arrangement or other transformation of the work, d) use of all or part of the work for the creation of another work, (...) § 11 (...) (3) A work may be transformed, translated into another language or adapted only with the permission of its author. The permission of the author for translation into another language shall not be required in the case of the works listed in § 6 Subs. 3 (b).</p>
<p>Right of communication to the public and right of making available</p>	<p>§ 5 Definitions of Certain Concepts (...) (8) Public performance is a performance of any other work, different from audiovisual work, in particular by its recitation, playing, dancing or by any other manner. (9) Public display is the showing of the original of the work or of a copy thereof directly or indirectly by means of a slide, television image or by a similar means on a screen; in the case of an audiovisual work the showing of an individual still image non-sequentially. (10) Communication to the public is a dissemination by means of wire or without wire by technical equipment or in any other way, of the images or sounds of fixations, of the images or sounds of the work or of a subject matter of related rights, the said images or sounds being perceivable by persons in places where it would not be possible to perceive such images or sounds without such communication. (...) § 16 (1) (...) (2) The author of the work shall have an exclusive right to authorise any use of the work, including (...) f) public display of the work or of the copy thereof, g) public performance of the work, h) broadcasting of the work, i) cable retransmission of the work, j) communication of the work by any other method. (5) The author has the right to remuneration for any use of his/her work; this right may not be waived in advance. The materialisation of the architectural work in the form of the project documentation or territory planning documentation or in the form of realisation of the building, garden, interior or scene shall be considered as being the use of the work. (6) The provision of Subs. 2 (e) shall not apply to the architectural works</p>

	and works of applied art.
Distribution right	<p>§ 16</p> <p>(1) (...)</p> <p>(2) The author of the work shall have an exclusive right to authorise any use of the work, including</p> <p>(...)</p> <p>e) distribution of the original of the work or of a copy thereof to the public by sale, rental, lending or by any form of transfer of ownership or of possession,</p> <p>(...)</p> <p>(6) The provision of Subs. 2 (e) shall not apply to the architectural works and works of applied art.</p> <p>§ 20</p> <p>The Distribution of the Original of the Work or of a Copy Thereof to the Public After the First Sale</p> <p>(1) The right of the author or other holder of rights to authorise the distribution of the original of the work or of a copy thereof to the public under the § 16 Subs. 2 (e) shall be exhausted for the territory of the Slovak Republic on the first lawful sale or on any other act of transfer of ownership of the original of the work or of a copy thereof realised on the territory of the Slovak Republic, this in respect of the original of the work and any copies thereof that were subject to said sale or to any other act of transfer of ownership; the right of the author or other holder of rights to authorise the distribution of the original of the work or of a copy thereof to the public by rental and the right of the author or other holder of rights to authorise the distribution of the original of the work or of a copy thereof to the public by the lending shall not be affected thereby.</p> <p>(2) The subsection 1 shall not apply to architectural work and work of applied art.</p>
Moral rights	
Right of publication	<p>§ 16</p> <p>Content of Copyright</p> <p>(1) The author shall have the right to protect his/her authorship and in particular the right (...)</p> <p>e) to decide on the disclosure of his/her work.</p> <p>§ 13</p> <p>(1) The work shall be considered disclosed on the day on which it is first lawfully performed or displayed in public, published or otherwise made known to public.</p> <p>(2) The work shall be considered published on the day on which copies of it start to be lawfully distributed to the public.</p>
Recognition of authorship	<p>§ 16</p> <p>(1) The author shall have the right to protect his/her authorship and in particular the right</p> <p>a) to sign his/her work by his/her name; his/her name shall be indicated in an appropriate manner on all copies of the work, and in connection with any public use thereof , the manner of the indication being determined by the nature of the use,</p> <p>b) to sign his/her work with a pseudonym; his/her pseudonym shall be indicated in an appropriate manner on all copies of the work, and in</p>

	<p>connection with any public use thereof depending on the nature of this use, c) not to sign his/her work, (...)</p> <p>§ 12</p> <p>(1) An anonymous work is a work made public without any mention of the name of the author; the name of the author may be disclosed only with his/her permission.</p> <p>(2) A pseudonymous work is a work made public under a pseudonym; the true name of the author may be disclosed only with his/her permission.</p> <p>(3) Until such time as the identity of the author is revealed to the public, the copyright in the work may be claimed by the person who or which has lawfully published it for the first time or, if it was not published, by the person who or which made it public. The revelation of the identity of the author on the public is not required if his/her true name is widely known.</p>
Distortion of the work	<p>§ 16</p> <p>(1) The author shall have the right to protect his/her authorship and in particular the right</p> <p>d) to the inviolability of his/her work, and in particular to protection against interference with the work or against any derogatory use thereof that would be detrimental to his/her honour or reputation,</p> <p>(3) The author has the right to make corrections in the proofs of his/her work. In the case of works of architecture, supervision of author of the construction of the building shall be equivalent to checking the proofs.</p>
Duration of Protection	<p>§ 18</p> <p>(1) The copyright shall last throughout the lifetime of author and 70 years after his/her death.</p> <p>(2) In the case of a work of joint authorship or composite work created for use in that form, the copyright shall last throughout the lifetime of the last surviving author and 70 years after his/her death.</p> <p>(3) In the case of a collective work, the copyright shall last 70 years from the time at which the work was first time lawfully presented on public. In a case the work has been signed by the names of authors who created the work the copyright shall last throughout the life of the last of the authors and 70 years after his/her death.</p> <p>(4) In the case of an audiovisual work the copyright shall last throughout the lifetime of the co-authors and 70 years after the death of the last one of them.</p> <p>(5) In the case of a work disclosed under a pseudonym or an anonymous work the copyright shall last 70 years after the first publication of the work; however, when there is no doubt as to the identity of the author, it shall last 70 years after his/her death.</p> <p>(6) In the case the time when the work was made available to the public determines the duration of copyright in work published in volumes, parts, instalments or episodes, the duration of copyright shall run for each such volume, part, instalment or episode separately from the from the moment when the item was made public.</p> <p>(7) In the case of a database the copyright shall last 70 years from the time at which it was made.</p> <p>(8) In the case of work for which the duration of copyright is not calculated from the death of the author and which has not been lawfully made available to the public within 70 years from its creation, the protection shall terminate.</p>

	<p>§ 19</p> <p>The duration of copyright shall be calculated from the first day of the year following the event which gives rise thereto.</p>
<p>Exceptions and limitations</p>	
<p>Educational and scientific purposes</p>	<p>§ 22</p> <p>Quotation from the Work</p> <p>A short part of a disclosed work may be used in the form of a quotation in another work without the authorisation of the author, provided that the reproduction constitutes fair use and its extent does not exceed that justified by the purpose of the quotation. The quotation shall be accompanied by a mention of the source and the name of author if a disclosed work features them. There shall be no obligation to pay remuneration to the author for such use.</p> <p>§ 23</p> <p>Reproduction for Teaching Purposes</p> <p>(1) The authorisation of the author shall not be required for</p> <p>a) reproduction of a short excerpt from a work that has been disclosed and set down in writing or fixed in the form of sound or visual recording, provided that such reproduction constitutes fair use and its extent does not exceed that justified by the teaching purpose,</p> <p>b) reproduction by means of reprographic apparatus of an disclosed article or other short work or short extract with or without illustrations which are made public, if done for teaching purposes in education establishments,</p> <p>(2) The name of the author or his/her pseudonym shall be mentioned on any copy produced under the subsection 1.</p> <p>(3) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p> <p>§ 25</p> <p>Use of Work for Information Purposes</p> <p>(1) The authorisation of the author is not required in the following cases if the source and the name of author or the pseudonym thereof are mentioned:</p> <p>a) reproduction of an article disclosed in a newspaper or other information medium on current economic, political or religious events or topics, broadcasting or rebroadcasting, cable retransmission or other communication of such subject matter; this shall not apply where the author of the work or other holder of rights in the work has reserved the right to authorise any reproduction, broadcasting, rebroadcasting and cable retransmission or other communication thereof,</p> <p>b) reproduction, broadcasting, rebroadcasting, cable retransmission or other communication of short excerpts from works perceivable in the course of current events being the subject of the news reporting,</p> <p>c) reproduction of a lecture, speech or other work of similar nature delivered in public.</p> <p>(2) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p> <p>§ 21</p> <p>Reproduction of Work for Personal Purposes</p> <p>(1) A physical person may make a copy of a disclosed work for his/her personal purposes without the authorisation of author thereof. The said physical person is not obliged to pay remuneration to the author for such</p>

	<p>reproduction.</p> <p>(2) A physical person may not make a copy of a disclosed work for his/her personal purposes without the authorisation of the author in the case</p> <p>a) of an architectural work in the form of project documentation of a building or other structure,</p> <p>b) of a copy of an entire literary work, cartographic work or musical work in written form, or of a substantial part thereof by means of reprographic equipment,</p> <p>c) of a computer program, subject to the exceptions provided for in § 26 and § 27,</p> <p>d) of a work the reproduction of which would conflict with the fair exploitation of the work or otherwise interfere with the interests of the author of the work or other holder of rights therein.</p> <p>§ 24</p> <p>Reprographic Reproduction by Libraries or Archives</p> <p>(1) A library or archive may, by means of reprographic apparatus and without the authorisation of the author, make</p> <p>a) a copy of a disclosed article or other short work or short extract with or without illustrations, if the purpose of that act of reproduction is to satisfy the request of a physical person who will use that copy for the purpose of education or research...</p>
Scope of exceptions	<p>§ 28a</p> <p>Disposal of the work provided for in § 21 to 28 may not conflict with a normal exploitation of the work and may not unreasonably prejudice the legitimate interests of the author.</p>
Libraries and archives	<p>§ 24</p> <p>Reprographic Reproduction by Libraries or Archives</p> <p>(1) A library or archive may, by means of reprographic apparatus and without the authorisation of the author, make</p> <p>a) a copy of a disclosed article or other short work or short extract with or without illustrations, if the purpose of that act of reproduction is to satisfy the request of a physical person who will use that copy for the purpose of education or research,</p> <p>b) a copy of any disclosed work, if the purpose of that act of reproduction is replacement, archiving or preservation for the cases of the loss or destruction or damage, or where the permanent collection is being constituted.</p> <p>(2) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p>
Acknowledgement of source	<p>§ 22</p> <p>Quotation from the Work</p> <p>... The quotation shall be accompanied by a mention of the source and the name of author if a disclosed work features them ...</p> <p>§ 23</p> <p>Reproduction for Teaching Purposes</p> <p>(1)</p> <p>(2) The name of the author or his/her pseudonym shall be mentioned on any copy produced under the subsection 1.</p> <p>§ 25</p> <p>Use of Work for Information Purposes</p>

	(1) The authorisation of the author is not required in the following cases if the source and the name of author or the pseudonym thereof are mentioned: ...
Private use	<p>§ 21 Reproduction of Work for Personal Purposes</p> <p>(1) A physical person may make a copy of a disclosed work for his/her personal purposes without the authorisation of author thereof. The said physical person is not obliged to pay remuneration to the author for such reproduction.</p> <p>(2) A physical person may not make a copy of a disclosed work for his/her personal purposes without the authorisation of the author in the case</p> <p>a) of an architectural work in the form of project documentation of a building or other structure, b) of a copy of an entire literary work, cartographic work or musical work in written form, or of a substantial part thereof by means of reprographic equipment, c) of a computer program, subject to the exceptions provided for in § 26 and § 27, d) of a work the reproduction of which would conflict with the fair exploitation of the work or otherwise interfere with the interests of the author of the work or other holder of rights therein.</p>
How to acquire rights if necessary?	
Right-holder	
Authorship	<p>§ 17 (1) The author shall be the original holder of the right to use the work. (...)</p> <p>§ 10 (...)</p> <p>(2) The copyright in a collection as a whole shall belong to the person who arranged it; this shall be without prejudice to the rights of the authors of the works included in the collection.</p> <p>§ 30 Inheritance of Copyright</p> <p>(1) Copyright shall pass on to author's heirs. The provisions of this Act concerning the author shall then apply to his/her heirs except where the nature thereof implies otherwise.</p> <p>(2) Where a co-author has no heirs, his/her share shall accrue to the other co-authors.</p> <p>§ 40 Work in the Public Domain</p> <p>(1) If the author has no heirs or his/her heirs refuse to accept their inheritance, his/her work shall pass into the public domain, subject to the exception provided for in § 30 Subs. 2, even before expiry of the term provided for in § 18.</p> <p>(2) If the duration of copyright expires or if the work passes into the public domain for another reason, the user is not obliged to apply for a licence to use the work or to pay remuneration to the author. However, a work in the public domain may only be used in a manner that befits its value and its</p>

	<p>author, if he/she is known, shall be mentioned. Compliance with this prerequisite shall be ensured by the authors' unions and legal entities licensed to perform collective administration in a particular area of creative activity.</p> <p>§ 41</p> <p>(1) Any person who first discloses or communicates to the public a previously unpublished work after the expiry of the duration of copyright shall have the copyright provided for in § 16 Subs. 2 and 5.</p> <p>(2) The right provided for in the subsection 1 shall last for 25 years from publication or communication to the public.</p> <p>§ 42</p> <p>The physical person whose name is indicated on a work in the usual manner as being that of the author shall, in the absence of proof to the contrary, be presumed to be the author of the work. This provision shall be applicable also if a pseudonym is indicated on the work, if there are no doubts as to the identity of the author.</p>
<p>Joint authors/ compound works/ authors in employment</p>	<p>§ 17</p> <p>(1)</p> <p>(2) In the case of a work of joint authorship, all the authors shall be original holders of the right to use the work.</p> <p>(3) In the case of a collective work, the physical person or legal entity under the direction of which the work has been created and which has initiated the creation of the work, has directed or facilitated the creation of the work and which took the obligation to prepare the work for publication and to publish the work shall be the original holder of the right to use the work.</p> <p>(4) In the case of respect of a collection, the original holder of the right to use the work shall be the author who arranged it, without prejudice to the rights of authors of the works included into the collection.</p> <p>(5) In the case of a work created by an employee in the course of his/her duties and on instructions of the employer, the original holder of the right to use the work shall be, unless otherwise provided by, the author; however, the right to use the work shall be deemed transferred to the employer to the extent necessary for his/her/its customary activities.</p> <p>(6) In the case of a computer program created by an employee in the course of his/her duties arising from his/her employment relations or any other similar relations and on instructions of his/her employer, the holder of the right to use the work shall be the employer unless otherwise provided by contract.</p> <p>(7)</p> <p>§ 7</p> <p>A work of joint authorship is a work that has been created by creative intellectual activity of two or more authors as a single work, the rights in which belong jointly and inseparably to all the authors.</p> <p>§ 8</p> <p>A composite work is a work that has been created by combining several single works for an agreed purpose with the permission of their authors. A composite work is disposed of by all the authors jointly. The rights of the authors to dispose of works so combined in any manner other than disposal of the whole composite work shall be without prejudice thereto. In the case of performance of a musical work with lyrics, this shall require the permission of author of the musical part only.</p>

	<p>§ 9</p> <p>(1) A collective work is a work that has been created by the joint activity of two authors or more authors who have agreed on the use of their own creative intellectual activity for the creation thereof under the direction of the physical person who, or legal entity which,</p> <p>a) has initiated the creation of the work, b) has directed or facilitated the creation of the work, c) took the obligation to prepare the work for publication and to publish the work.</p> <p>(2) A collective work may be disseminated under the name of physical person or legal entity mentioned in subsection 1.</p>
Collecting Societies	<p>§ 53</p> <p>(1) The rights under this Act may also be administered collectively.</p> <p>(2) The collective administration of rights provided for in this Act shall be performed by organisations authorised to perform that activity under the relevant legislation (Act No. 283/1997).</p>
Contract Law/Licenses	
Transfer of rights	<p>§ 16</p> <p>(...)</p> <p>(4) The rights of author under the subsections 1 and 3 (see 'moral rights') are untransferable and unlimited in time.</p> <p>(5) The author has the right to remuneration for any use of his/her work; this right may not be waived in advance. (...)</p> <p>(...)</p> <p>(7) The rights of author may not be restricted or excluded by contract.</p> <p>§ 29</p> <p>Transfer of Copyright</p> <p>(1) The author may transfer only the right to use the work.</p> <p>(2) The acquirer may transfer the right acquired to another person only with the permission of the author.</p> <p>(3) If a legal entity or a physical person to which or whom the right to use the work has been transferred ceases to exist or dies without a successor in title, the author shall recover the right to decide on the further use of the work.</p> <p>§ 31</p> <p>Transfer of the Original of the Work or of a Copy Thereof</p> <p>(1) Any person who acquires the original of the work or a copy thereof does not thereby acquire any right to use the work, unless otherwise agreed by contract.</p> <p>(2) The author who has transferred the original of his/her work consideration may demand a reasonable settlement from any lawful acquirer who has secured a large material benefit from further transfer of ownership; that right may not be waived in advance.</p> <p>§ 32</p> <p>Contracts for the Dissemination of Work</p> <p>(1) The author may licence a physical person or legal entity, against remuneration, to disseminate his/her work under a contract for the dissemination of the work; the conditions governing the dissemination of the work may also be written into general contracts.</p>

	<p>(2) The contract for the dissemination of a work shall typically be a publishing contract, a contract for the public performance of the work, a contract for the distribution of the work by lending or rental of a copy thereof, a contract for the distribution of a copy of a sound recording of the work or an audiovisual recording of the work, and a contract for the broadcasting of the work by radio or television.</p> <p>(3) The contract for the dissemination of a work shall comprise the method and extent of the dissemination of the work, the period for such dissemination, the remuneration payable to the author, the author's co-operation, the term for which the contract is concluded and the lawfully authorised user's undertaking that dissemination will take place at his/her/its expense.</p> <p>(4) In the case of general contracts for the use of protected subject matter 6a) by cable retransmission, concluded between users and organisations for the collective administration of the rights of authors, performing artists and producers of phonograms and audiovisual fixations authorised for this particular area and field under the relevant legislation, the total remuneration shall be not less than 10 % of all income earned by users in connection with the dissemination of protected subject matter in that way.</p> <p>(5) The total remuneration provided for in subsection 4 itemised as per one cable network connected household per calendar year, shall not be less for any individual user, than one half of the average remuneration itemised in said way and paid by cable network operators in the Slovak Republic during the previous calendar year.</p> <p>(6) In the case of general contracts for the use of protected subject matter by radio broadcasting and television broadcasting, the remuneration shall belong to the authors of musical works and shall be no less than a proportional share from the one tenth of all income of the broadcaster arising from the creation and broadcasting of the programs.8)</p> <p>(7) The proportional share provided for in subsection 6 shall be calculated as the ratio of time span of the musical works to the total broadcasting time.</p> <p>(8) Contract for the dissemination of work shall be concluded in writing, otherwise it is null and void.</p> <p>§ 33</p> <p>(1) The author is obliged to submit his/her work to the authorised user in due time and in such a condition as to allow it to be disseminated in the agreed manner.</p> <p>(2) The authorised user may withdraw from the contract if the author has failed, without a legitimate reason, to submit the work to him/her/it in due form, even within an additional period granted him/her by the user; the additional period need not be granted if the contract or the nature of the subject matter indicates that the user has no interest in a delayed performance. In the latter case the authorised user may demand the return of whatever he/she/it has already performed to the author.</p> <p>(3) The author may withdraw from the contract and demand the return of his/her work if dissemination has not occurred within the term agreed upon in the contract; this shall be without prejudice to the entitlement to the amount of remuneration agreed upon in the contract.</p> <p>Publishing Contract</p> <p>§ 34</p> <p>(1) Under a publishing contract the author licenses the publisher to publish a literary work, dramatico-musical work or musical work, work of visual art, photographic or cartographic work, and the publisher undertakes to publish</p>
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	<p>the work at his/her/its own expense, arrange for its dissemination and pay the remuneration to the author.</p> <p>(2) The author may not, for as long as the relations established by the publishing contract last, license another publisher to publish his/her work without the consent of the publisher already licensed, except in the case of publication of his/her collected works or a publication of his/her work in a periodical.</p> <p>(4) Where the work is out of print before the term for which the contract has been concluded expires, the author may demand another edition of his/her work of the publisher, even if no further edition has been agreed upon. If no contract for a new edition of the work is concluded within six months, the author shall be free to negotiate a contract with another publisher.</p> <p>§ 35</p> <p>(1) The author shall have the right to correct the proofs of his/her work.</p> <p>(2) The author may withdraw from the contract and demand the return of his/her work if he has not been given the possibility of making corrections to the proofs of his/her work or if the work has been used in a manner that detracts from its value; this shall be without prejudice to his/her entitlement to remuneration in the amount agreed upon in the contract.</p> <p>§ 36</p> <p>Contract for the Public Performance of a Work</p> <p>Under a contract for the public performance of a work the author licenses the performance of the dramatic work or musical work and the other party to the contract undertakes to perform the work at his/her/its own expense and pay the agreed remuneration to the author.</p> <p>§ 37</p> <p>Contract for the Distribution of Work by the Lending or Rental of Copies of Work</p> <p>(1) Under a contract for the distribution of a work by the lending of copies of work the author licenses the lender to transfer copies of the work to other persons for their use without payment and for a period specified in the contract. The lender undertakes to act at his/her/its own expense.</p> <p>(2) Under a contract for the distribution of a work by rental of copies of work the author licenses the lessor to transfer copies of the work to other persons for their use against payment and for term specified in the contract. The lessor undertakes to act at his/her/its own expense and pay the remuneration to author.</p> <p>§ 38</p> <p>Contract for the Creation of a Work</p> <p>(1) Under a contract for the creation of a work the author undertakes to create a work for his/her client against remuneration, and licenses that client to use the work for the purpose specified in the contract.</p> <p>(2) The author is obliged to create the work himself and within the term specified. Unless otherwise agreed, the author shall become entitled to the agreed remuneration on submission of his/her work.</p> <p>(3) Where the work has defects that prevent it from being used for the purpose agreed upon in the contract, the client may withdraw from the contract. Where the defects are removable, the client may withdraw from the contract only if the author has failed to remove them within a reasonable period, allowed him/her by the client for this purpose.</p> <p>(4) The provision of § 33 Subs. 2 shall apply mutatis mutandis to contract for</p>
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	<p>the creation of work.</p> <p>§ 39</p> <p>Contract for Other Use of Work</p> <p>(1) The provisions of § 32 Subs. 3 and § 33 shall apply mutatis mutandis to the contracts for other use of work.</p> <p>(2) In the case of use of a musical work by production and distribution of sound and audiovisual carriers on which the work has been fixed, the amount of the author's remuneration shall be determined by agreement between the user and the author in the form of a share from sale price of said carriers. The remuneration for all authors of musical works shall not be less than 10 % of the price of the carriers.</p>
Remuneration Schemes/ compensation	<p>§ 16</p> <p>(...)</p> <p>(5) The author has the right to remuneration for any use of his/her work; this right may not be waived in advance. The materialisation of the architectural work in the form of the project documentation or territory planning documentation or in the form of realisation of the building, garden, interior or scene shall be considered as being the use of the work.</p> <p>§ 21</p> <p>(1) A physical person may make a copy of a disclosed work for his/her personal purposes without the authorisation of author thereof. The said physical person is not obliged to pay remuneration to the author for such reproduction.</p> <p>(2)</p> <p>(3) The authors or other holders of rights are entitled to compensatory remuneration for the reproduction of the work embodied in a phonogram or audiovisual fixation.</p> <p>(4) The authors of the works that can, on account of their nature, be reproduced by printing or copying, or by transfer onto another medium with the aid of reprographic or other technical apparatus, shall have the right to compensatory remuneration.</p> <p>(5) Compensatory remuneration shall be paid to the author or other rightholders through the collective administration organisation by</p> <p>a) the manufacturer or importer of blank recording material ('the carrier' hereinafter) generally used for reproduction of the work for personal purposes as provided in the subsection 3; in amount of 6 % from the sale price of the carrier,</p> <p>b) the manufacturer or importer of a equipment capable of reproducing the phonograms or audiovisual fixations ('the equipment' hereinafter); in amount of 3 % from the sale price of the said equipment,</p> <p>c) the manufacturer or importer of a reprographic device or other technical apparatus capable of reproducing the work ('the apparatus' hereinafter); in amount of 3 % from the sale price of the said apparatus,</p> <p>d) the physical person who, or legal entity which, provides the reproduction services against the payment; in amount of 3 % from the total incomes due to said services,</p> <p>e) the vendor of the carrier, device or apparatus instead of persons liable under (a) to (c), shall the vendor fail to provide the data necessary for the identification of the importer of manufacturer upon the written request from the collective administration organisation 2a) ; in amounts as provided for in (a) to (c).</p> <p>(6) Compensatory remuneration shall not be payable where the carrier,</p>

	<p>device or apparatus mentioned in subsection 5 (a) to (c), is exported for further sale; compensatory remuneration shall not be payable also where the carrier is imported for the personal purposes of the importer.</p> <p>(7) Persons mentioned in subsection 5 are obliged to pay compensatory remuneration in prescribed amounts to respective collective administration organisation quarterly, however, not later than at the end of following month.</p> <p>(8) Persons mentioned in subsection 5 are obliged to present to respective collective administration organisation the information on the type and number of the imported carriers, devices and apparatuses and information on the sale prices thereof. In the case these duties are not fulfilled even in the additional term, specified by the respective collective administration organisation, the rate of the compensatory remuneration is doubled.</p> <p>§ 22</p> <p>Quotation from the Work</p> <p>... There shall be no obligation to pay remuneration to the author for such use.</p> <p>§ 23</p> <p>Reproduction for Teaching Purposes</p> <p>(...)</p> <p>(3) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p> <p>§ 24</p> <p>Reprographic Reproduction by Libraries or Archives</p> <p>(2) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p> <p>§ 25</p> <p>Use of Work for Information Purposes</p> <p>(2) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p> <p>§ 26</p> <p>Reproduction and Modification of a Computer Program</p> <p>(5) There shall be no obligation to pay remuneration to the author in the cases provided for in subsections 1 and 2.</p> <p>§ 27</p> <p>Decompilation of Computer Programs</p> <p>(5) There shall be no obligation to pay remuneration to the author in the cases provided for in subsection 1.</p>
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<p>Protection of technological measures and rights management information</p>	<p>§ 5 Definitions of Certain Concepts (...) (22) The Rights Management Information is data which identify the work, the author of the work, the holder of any right in the work, information about the terms and conditions of use of the work and any numbers or codes that represent such information, when any of these information items is attached to a copy of a work or appears in connection with the communication of a work to the public. (...) § 44 (...) see below (3) The author may make the same claims of imperilment or violation of his/her rights against persons who import, manufacture or operate equipment designed exclusively or partly for removal, disablement or inhibition of the operation of effective technological measures that are used by author in connection with the exercise of his/her rights under this Act, or that restrict acts of use of the work, which are not authorised by him/her or permitted by this Act. (4) The author may make the same claims of imperilment or violation of his/her rights against persons, who induce, enable, facilitate or conceal the violation of his/her rights under this Act by performing any of the following acts a) removal or alteration of any electronic rights management information without authority, b) distribution, importation for distribution, broadcasting, communication to the public of works or copies of works, without authority, knowing that electronic rights management information has been removed or altered without the authorisation of the author.</p>
<p>Consequences of copyright infringement</p>	<p>§ 44 (1) An author whose copyright has been violated may demand in particular that further violation be prohibited, that the consequences of the violation be removed and that he/she be given an appropriate compensation. Where considerable prejudice of a non-material character has resulted from the violation of his/her copyright, the author has the right to monetary compensation provided that other form of compensation appears insufficient; the amount of the monetary compensation shall be determined by the court, which shall in particular take the extent of the prejudice sustained and also the circumstances of the violation into consideration. (2) The provisions of the Civil Code shall apply to the author's claim for compensation for damages sustained on account of the violation. (...) (5) An author, whose copyright has been violated, may demand that all the copies of his/her works unlawfully manufactured, distributed or intended for distribution that are being in the possession of the person who violated his/her rights, be destructed; he may also demand that all the equipment said person used, or could use, for the unlawful reproduction of his/her work, be destructed. This destruction shall be realised on the expense of the person, who violated the rights of the author. The author has right to obtain information on the origin and distribution network of illegally manufactured copies, which were or are being possessed by the person, who violated his rights.</p>

I) Slovenia

Slovenia	
Copyright Act as amended 2001	
Protected Works	
Categories of protected works	<p>Article 5.</p> <p>(1) Copyright works are individual intellectual creations in the domain of literature, science, and art, which are expressed in any mode, unless otherwise provided by this Act.</p> <p>(2) As copyright works are considered in particular:</p> <ol style="list-style-type: none"> 1. spoken works such as speeches, sermons, and lectures; 2. written works such as belletristic works, articles, manuals, studies, and computer programs; 3. musical works with or without words; 4. theatrical or theatrico-musical works, and works of puppetry; 5. choreographic works and works of pantomime; 6. photographic works and works produced by a process similar to photography; 7. audiovisual works; 8. works of fine art such as paintings, graphic works, and sculptures; 9. works of architecture such as <i>sketches</i>, plans, and built structures in the field of architecture, urban planning, and landscape architecture; 10. works of applied art and industrial design; 11. cartographic works; 12. presentations of a scientific, educational or technical nature (technical drawings, plans, <i>sketches</i>, tables, expert opinions, three-dimensional representations, and other works of similar nature). <p>Article 6. Also elements of a copyright work are protected:</p> <p>(1) Draft, component parts and the title of a work, which are in itself individual intellectual creations, shall enjoy the same protection as the work itself.</p> <p>(2) Regardless of the foregoing paragraph, it is not permitted to use for a title of a work such title as has already been used for the same kind of work, if such title creates or is likely to create confusion as to the source of the work.</p> <p>Article 7. Transformations of copyright works</p> <p>(1) Translations, adaptations, arrangements, changes and other transformations of a pre-existing work or of other material, which are individual intellectual creations, shall be deemed independent works.</p> <p>Article 8.</p> <p>(1) Collections of works or of other material, such as encyclopaedias, anthologies, databases, collections of documents, <i>etc</i>, which, by virtue of selection, co-ordination or arrangement of their contents, are individual intellectual creations, shall be deemed independent works.</p> <p>(2) Rights of authors of pre-existing works shall not be infringed by the inclusion of such works in a collection; by the inclusion in a collection, pre-existing material does not become a protected work.</p>

	<p>(3) Databases as mentioned in Paragraph (1) of this Article are collections of independent works, data or other materials in any form, arranged in a systematic or methodical way and individually accessible by electronic or other means.</p> <p>(4) Protection under this Article shall not apply to computer programs used in the making or operation of electronic databases.</p> <p>Non-protected creations</p> <p>Article 9.</p> <p>(1) Copyright protection shall not be afforded to:</p> <ol style="list-style-type: none"> 1. ideas, principles, discoveries; 2. official legislative, administrative and judicial texts; 3. folk literary and artistic creations. <p>(2) Translations of texts mentioned under item 2 of the foregoing paragraph shall enjoy copyright protection, unless they are published as official texts.</p>
Conditions for protection	<p>Article 5.</p> <p>(1) Copyright works are individual intellectual creations (...)</p>
Database protection	<p>Article 8.</p> <p>(1) Collections of works or of other material, such as encyclopaedias, anthologies, databases, collections of documents, <i>etc</i>, which, by virtue of selection, co-ordination or arrangement of their contents, are individual intellectual creations, shall be deemed independent works.</p> <p>(3) Databases as mentioned in Paragraph (1) of this Article are collections of independent works, data or other materials in any form, arranged in a systematic or methodical way and individually accessible by electronic or other means.</p> <p>Article 53.a Databases</p> <p>(1) A lawful user of a disclosed database or of a copy thereof may freely reproduce or alter that database, if this is necessary for the purposes of access to its contents and the normal use of that contents. Where the user is authorized only to a part of the database, this provision shall apply only to that part.</p> <p>(2) Any contractual provision contrary to the preceding paragraph shall be null and void.</p> <p>Article 141. a</p> <p>(1) A database shall mean a collection of independent works, data or other materials in any form, arranged in a systematic or methodical way and individually accessible by electronic or other means, whereby either the obtaining, verification or presentation of its contents demands a qualitatively or quantitatively substantial investment.</p> <p>(2) The protection of a database or its contents shall apply irrespective of their protection by copyright or by other rights. The inclusion of a material into a database and its use shall be without prejudice to rights existing in respect of that material.</p> <p>Article 141.b Scope of protection</p> <p>(1) Protection of a database under this Section shall apply to:</p> <ol style="list-style-type: none"> 1. the whole contents of a database, 2. every qualitatively or quantitatively substantial part of its contents, 3. qualitatively or quantitatively insubstantial parts of its contents, when they

	<p>are used repeatedly and systematically, which conflicts with a normal exploitation of that database or which unreasonably prejudice the legitimate interests of the maker of the database.</p> <p>(2) Protection under this Section shall not apply to computer programs used in the making or operation of electronic databases.</p> <p>Article 141.c Rights of the maker of databases</p> <p>The maker of a database shall have the exclusive right:</p> <ol style="list-style-type: none"> 1. to reproduce his database, 2. to distribute copies of his database, 3. to rent copies of his database, 4. to make available to the public his database, 5. to other forms of communication to the public of his database. <p>Article 141. d Rights and obligations of lawful users</p> <p>(1) A lawful user of a disclosed database or a copy thereof shall free to use qualitatively or quantitatively insubstantial parts of its contents for any purposes whatsoever. Where the user is authorized to use only a part of the database, this Article shall apply only to that part.</p> <p>(2) A lawful user of a disclosed database or a copy thereof may not perform acts which conflict with a normal exploitation of that database or which unreasonably prejudice the legitimate interests of the maker of the database.</p> <p>(3) A lawful user of a disclosed database or a copy thereof may not cause prejudice to the copyright or related rights in respect of the works or subject matter contained in that database.</p> <p>(4) Any contractual provision contrary to this Article shall be null and void.</p> <p>Article 141.e Employment and contracts for hire</p> <p>Where a database is made by an employee in the execution of his duties or following the instructions given by his employer, or where it is made by a person under a contract for hire, it shall be deemed that the exclusive Rights to such database are exclusively and without limitations assigned to the employer or to the ordering party, unless otherwise provided by contract.</p> <p>Article 141.f Term of protection</p> <p>(1) The rights of a maker of databases shall last for 15 years after the completion of the making of the database. If the database is lawfully disclosed within this period, the rights shall last 15 years from such first disclosure.</p> <p>(2) Any qualitatively or quantitatively substantial change to the contents of a database, which results in a qualitatively or quantitatively substantial new investment, shall qualify the database resulting from that investment for a new term of protection. A substantial change of contents includes also the accumulation of successive additions, deletions or alterations of the database.</p> <p>Article 50 Limitation of Article 50 (Private and other internal reproduction) does not apply to databases</p> <p>(...)</p> <p>(2) Reproduction according to the foregoing paragraph is not permitted with respect to written works to the extent of the whole book, with respect to graphic editions of musical works, databases, computer programs, and in the form of building of architectural structures, unless otherwise provided by this Act or by contract.</p>
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Computer Software	<p>Article 5.</p> <p>(1) (...)</p> <p>(2) As copyright works are considered in particular:</p> <ol style="list-style-type: none"> 1. spoken works such as speeches, sermons, and lectures; 2. written works such as belletristic works, articles, manuals, studies, and computer programs; <p>(...)</p> <p>Article 8.</p> <p>(1) Collections of works or of other material, such as encyclopaedias, anthologies, databases, collections of documents, <i>etc</i>, which, by virtue of selection, co-ordination or arrangement of their contents, are individual intellectual creations, shall be deemed independent works.</p> <p>(...)</p> <p>(4) Protection under this Article shall not apply to computer programs used in the making or operation of electronic databases.</p> <p>Computer Programs</p> <p>Article 111. Definition</p> <p>(1) Computer programs, within the meaning of this Act, are programs expressed in any form, including preparatory design materials for their creation.</p> <p>(2) Ideas and principles, which underlie any element of a computer program, including those which underlie its interfaces, are not protected.</p> <p>(3) Computer programs shall be protected if they are individual works, in the sense that they are their author's own intellectual creations.</p> <p>Article 112. Employment and works made for hire</p> <p>Where a computer program is created by an employee in the execution of his duties or following the instructions given by his employer, or where it is created by an author under a contract for a work made for hire, it shall be deemed that the economic rights and other rights of the author to such program are assigned to the employer or person ordering the work, exclusively and without limitations, unless otherwise provided by contract.</p> <p>Article 113. Rights of the author</p> <p>(1) Unless otherwise provided in Articles 114 and 115 of this Act, the author of a computer program shall have the exclusive right, in particular:</p> <ol style="list-style-type: none"> 1. to make permanent or temporary reproductions of a computer program by any means and in any form, in part or in whole. Insofar as loading, displaying, running, transmission or storage of the computer program necessitate its reproduction, the author's permission shall be necessary for such acts; 2. to make translations, adaptations, arrangements and any other alterations of a computer program and the reproduction of the results thereof, without prejudice to the rights of the person who alters the program; 3. to distribute the original of the computer program or copies thereof in any form, including its rental. <p>(2) The author may assign the rights mentioned in the foregoing paragraph to third persons also with a license agreement.</p> <p>Article 114. Limitations of the scope of author's rights</p> <p>(1) Unless otherwise provided by contract, the acts referred to under items 1 and 2 of the foregoing Article, including error corrections, may be done by the</p>
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	<p>lawful acquirer of the program without the authorisation of the author, if they are necessary for the use of the computer program in accordance with its intended purpose.</p> <p>(2) A person having the right to use a computer program may, without the authorisation by the author, make a maximum of two back-up copies of it, if that is necessary for its use.</p> <p>(3) A person having the right to use a copy of a computer program shall be entitled, without the authorization by the author, to observe, study or test the functioning of a program in order to determine the ideas and principles that underlie any element of the program, if he does so while performing any of the acts of loading, displaying, running, transmitting or storing the program which he is entitled to do.</p> <p>(4) Provisions of this Act, relating to the right of withdrawal (Article 20), and to the private or other personal use (Articles 37 to 39, and Article 50), do not apply to computer programs. Computer programs may not be lent publicly (Article 36), unless otherwise provided by a contract between the author and the user.</p> <p>(5) Contractual stipulations contrary to the provisions of paragraphs (2) and (3) of this Article, shall be null and void.</p> <p>Article 115. Decompilation</p> <p>(1) Reproduction of the code and translation of its form, within the meaning of items 1 and 2 of Article 113 of this Act, shall not require the authorization of the author, where such reproduction or translation is indispensable to obtain the information necessary to achieve the interoperability of an independently created computer program with other programs, or with hardware, provided that the following conditions are met:</p> <ol style="list-style-type: none">1. that these acts are performed by the licensee or by another authorized user, or on their behalf, by a person authorized to do so;2. that the information necessary to achieve interoperability has not been previously readily available to the persons referred to in foregoing item;3. that these acts are confined only to those parts of the pre-existing program which are necessary to achieve interoperability. <p>(2) The information obtained through the application of the foregoing paragraph may not be:</p> <ol style="list-style-type: none">1. used for goals other than to achieve the interoperability of the independently created computer program;2. given to others, except when necessary for the interoperability of the independently created computer program;3. used for the development, production or marketing of another computer program substantially similar in sit expression, or for any other act that infringes copyright. <p>(3) The provisions of this Article may not be interpreted in such way as to allow its application to be used in a manner that unreasonably prejudices legitimate interests of the author or conflicts with a normal use of the computer program.</p> <p>(4) Contractual stipulations contrary to the provision of this Article shall be null and void.</p> <p>Article 116. Special measures of protection</p> <p>As infringements of copyright in a computer program shall be deemed the following acts of a person:</p>
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	<p>1. any distribution of a copy of a computer program, knowing or having reason to believe, that it is an infringing copy; or</p> <p>2. the possession, for commercial purposes, of a copy of a computer program, knowing or having reason to believe, that it is an infringing copy.</p>
Scope/Form of Protection	
Economic/Exploitation Rights	
Right of reproduction	<p>Article 23. Right of reproduction</p> <p>(1) The reproduction right is the exclusive right to fix the work in a material medium or in another copy directly or indirectly, temporarily or permanently, by any means and in any form, in whole or in part.</p> <p>(2) The work is reproduced in particular by graphic reproduction, three-dimensional reproduction, building or carrying out of an architectural structure, photographic reproduction, sound or visual fixation, and by saving in electronic form.</p>
Right of communication to the public and right of making available	<p>Article 26. Right of public performance</p> <p>The right of public performance includes the exclusive rights:</p> <ol style="list-style-type: none"> 1. to recite a literary work in public by live delivery (right of public recitation); 2. to communicate a musical work to the public by live performance (right of public musical performance); 3. to communicate a work to the public by performing it on a stage (right of public stage presentation). <p>Article 27. Right of public transmission</p> <p>The right of public transmission is the exclusive right to relay recitations, performances, or presentations of a Work by a loudspeaker, screen or similar device beyond the original place or location.</p> <p>Article 28. Right of public communication by means of Phonograms or videograms</p> <p>The right of public communication by means of phonograms and videograms is the exclusive right to Communicate to the public the recitations, performances or stage presentations of a work, which are fixed in a Phonogram or videogram.</p> <p>Article 29. Right of public presentation</p> <p>The right of public presentation is the exclusive right to communicate to the public, by technical means, an Audiovisual work, a photographic work, a work of fine art, a work of architecture, urban planning, applied art, industrial design, and cartography, or a presentations of scientific or technical nature.</p> <p>Article 30. Right of broadcasting</p> <p>(1) The right of broadcasting is the exclusive right to communicate a work to the public by radio or television program signals, intended to the public, either by wireless means (including satellite), or by wire (including cable or microwave system).</p> <p>(2) Communication to the public by satellite, within the meaning of the foregoing paragraph, exists when under the control and responsibility of a broadcasting organization program-carrying signals intended for the public are sent in an uninterrupted chain of communication to a satellite and down to the Earth.</p> <p>(3) If the program-carrying signals are encrypted, communication to the public by satellite shall be deemed to have occurred, within the meaning of</p>

	<p>the foregoing paragraph, on condition that the means for decrypting are provided to the public by the broadcasting organization, or with its consent.</p> <p>Article 31. Right of rebroadcasting</p> <p>The right of rebroadcasting is the exclusive right to a simultaneous, unaltered, and unabridged communication to the public of a broadcast of a work:</p> <ol style="list-style-type: none"> 1. when made by a broadcasting organization other than the initial one; or 2. when transmission is by cable or microwave system, and involves more than 100 cable connections, or if the work was initially broadcast from another state (cable retransmission). <p>Article 32.a Right of making available</p> <p>The right of making available is the exclusive right that a work, by wire or wireless means, is made Available to the public in such a way that members of the public may access it from a place and at a time Individually chosen by them or that a work is transmitted to a member of the public based on an offer, intended for the public.</p> <p>Article 32. Right of secondary broadcasting</p> <p>The right of secondary broadcasting is the exclusive right to communicate a broadcast work to the public by a Loudspeaker, screen or similar device.</p>
Distribution right	<p>Article 24. Right of distribution</p> <ol style="list-style-type: none"> (1) The right of distribution is the exclusive right to put into circulation the original or copies of the work by sale or other form of transfer of ownership, or to offer the same to the public with such intent. (2) The right of distribution includes also the exclusive right to import copies of the work to a country with the intent of their further distribution, regardless whether such copies were legally made or not. <p>Article 25. Rental right</p> <ol style="list-style-type: none"> (1) The rental right is the exclusive right of making available for use the original or copies of a work, for a limited period of time, and for direct or indirect economic advantage. (2) The foregoing paragraph shall not apply to the use of: <ol style="list-style-type: none"> 1. architectural structures; 2. originals or copies of works of applied art and industrial design; 3. originals or copies of works for the purpose of public communication; 4. works for on-the-spot reference; 5. works by persons acting within the scope of their employment, if such use is intended exclusively for the execution of their work related duties. <p>Article 43. Exhaustion of the right of distribution</p> <ol style="list-style-type: none"> (1) By the first sale or other form of acquisition of ownership in an original or a copy of a work in the Republic of Slovenia, made by an express or tacit consent of the author, the right of distribution with respect to such original or copy of a work is exhausted as regards the territory of the Republic of Slovenia. (2) The foregoing paragraph does not apply to the author's exclusive right to permit the importation of copies of the work to a certain country, unless otherwise provided by international agreement. (3) The foregoing paragraph does not apply to the importation of copies intended for private and noncommercial use of a person, as a part of its personal luggage. (de minimis imports)

Moral rights	<p>Article 16.</p> <p>Moral rights shall protect the author with respect to his intellectual and personal ties to the work.</p>
Right of publication	<p>Article 17. Right to the first disclosure</p> <p>The author shall have the exclusive right to determine whether, when, and how his work is to be disclosed for the first time.</p>
Recognition of authorship	<p>Article 18. Right to recognition of authorship</p> <p>(1) The author shall have the exclusive right to recognition of the authorship of his work.</p> <p>(2) The author may determine whether his authorship is to be indicated at the time of disclosure of his work, and with what mark.</p>
Distortion of the work	<p>Article 19. Right to integrity of the work</p> <p>The author shall have the exclusive right to prohibit any distortion or any other tampering with his work, as well as any use of his work, if such tampering or use could be prejudicial to his person.</p> <p>Article 20. Right to withdrawal</p> <p>(1) The author has the exclusive right to revoke his assigned economic right from its holder, provided he has serious moral reasons for this, and on condition that he first reimburses the damage caused to the right holder by such revocation.</p> <p>(...)</p> <p>(5) The provisions of this article do not apply to computer programs, audiovisual works and databases</p>
Duration of Protection	<p>Article 59. General provision</p> <p>The copyright shall run for the life of the author and for 70 years after his death, unless otherwise provided by this Act.</p> <p>Article 60. Co-authors</p> <p>If the work was created by a number of authors, the term of protection mentioned in the foregoing Article, shall be calculated from the death of the last surviving co-author.</p> <p>Article 61. Anonymous and pseudonymous works</p> <p>(1) Copyright in anonymous and pseudonymous works shall run for 70 years after the lawful disclosure of the work.</p> <p>(2) When the pseudonym leaves no doubt as to the identity of the author, or if the author discloses his identity during the period referred to in the foregoing paragraph, the term of protection shall be that laid down in Article 59 of this Act.</p> <p>Article 62. Collective works</p> <p>In case of collective works, the copyright shall run for 70 years after the lawful disclosure of the work.</p> <p>Article 63. Special term for certain undisclosed works</p> <p>When the term of protection under this Act does not run from the death of the author or authors, and the work was not lawfully disclosed within 70 years from its creation, the copyright shall terminate with the expiration of this term.</p> <p>Article 64. Serial works</p> <p>When, according to this Act, the term of protection is calculated from the day of lawful disclosure of the work, and the work is disclosed over a period</p>

	<p>of time in volumes, parts, sequels, issues, or series, the term of protection shall be calculated for each of this components separately.</p> <p>Article 65. Collections</p> <p>(1) Insubstantial changes to the selection, adjustment or arrangement of the contents of a collection shall not extend the term of protection in that collection.</p> <p>(2) 'Insubstantial changes', within the meaning of the foregoing paragraph, are additions, deletions, or alterations to the selection or arrangement of the contents of a collection, which are necessary in order that this collection may continue to function in the way it was intended by its author.</p> <p>Article 66. The right of withdrawal</p> <p>The right of withdrawal shall run for the life of the author.</p> <p>Article 67. Calculation of terms</p> <p>The terms of protection laid down in this Section shall be calculated from the first day of January of the year following the year in which the event which gives rise to them has occurred.</p>
<p>Exceptions and limitations</p>	
<p>Educational and scientific purposes</p>	<p>Article 47. Teaching and periodicals</p> <p>(1) Without the assignment of a respective economic right, but on payment of equitable remuneration, it shall be lawful:</p> <ol style="list-style-type: none"> 1. to reproduce in readers and textbooks intended for teaching, parts of works, as well as single works of photography, fine arts, architecture, applied art, industrial design and cartography, provided these are already disclosed works of a number of authors; 2. to reproduce in periodical publications articles on current topics of general interest published in other periodicals, unless the author expressly prohibited it. <p>(2) Provision of the foregoing paragraph apply accordingly to public communication of the works mentioned therein.</p> <p>Right to information Article 48.</p> <p>(1) In order to have free access to information of public nature it shall be free:</p> <ol style="list-style-type: none"> 1. to reproduce works, which are capable of being seen or heard as a part of a current event that is being reported on; 2. to prepare and reproduce abstracts of published newspaper and similar articles in the form of press reviews; 3. to reproduce public political speeches and public speeches made at hearings before state, religious or similar bodies; 4. to use the news of the day, which have the nature of a press release; <p>(2) Provisions of the foregoing paragraph apply mutatis mutandis to public communications of the works mentioned therein.</p> <p>(3) In cases stated in the foregoing paragraphs, the source and authorship of the work must be indicated, if the latter is indicated on the work used.</p> <p>Article 49. Teaching</p> <p>(1) For the purpose of teaching it shall be permissible to:</p> <ol style="list-style-type: none"> 1. publicly perform a disclosed work in the form of direct teaching;

	<p>2. publicly perform a disclosed work at school events with free admission, on condition that the performers receive no payment for their performance;</p> <p>3. rebroadcast a radio or television school broadcast.</p> <p>Private and other internal reproduction Article 50.</p> <p>(1) Taking into account the provisions of Article 37 of this Act, the reproduction of a disclosed work shall be free, if made in no more than three copies -</p> <p>1. for the purpose of private use of a natural person, provided such copies are not available to the public, or</p> <p>2. for the purpose of internal use of public archives, public libraries, and educational or scientific institutions, provided such reproductions are made from their own copy.</p> <p>(2) Reproduction according to the foregoing paragraph is not permitted with respect to written works to the extent of the whole book, with respect to graphic editions of musical works, databases, computer programs, and in the form of building of architectural structures, unless otherwise provided by this Act or by contract.</p> <p>(3) Regardless of the provisions of the foregoing paragraph, it shall be permissible, under the conditions of paragraph (1) of this Article:</p> <p>1. to reproduce a written work to the extent of the whole book, if such work is out of print for a minimum of two years;</p> <p>2. to reproduce a graphic edition of musical work by means of handwritten transcription.</p> <p>Article 51. Quotations</p> <p>(1) It shall be permissible to make quotations of parts of a disclosed work and of single disclosed photographs, works of fine arts, architecture, applied art, industrial design and cartography, provided it is necessary for the purpose of illustration, argumentation or referral.</p> <p>(2) In cases stated in the foregoing paragraph, the source and authorship of the work must be indicated, if the latter is indicated on the work used.</p> <p>Article 52. Accessory works of secondary importance</p> <p>Such disclosed works that may be regarded as accessory works of secondary importance with regard to the actual purpose of some material object, may be used freely while exploiting such object.</p>
Scope of exceptions	<p>Article 46. General provision</p> <p>Limitations on copyright are permissible in cases mentioned in this Section, provided that the extent of such exploitation of copyright works is limited by the intended purpose, is compatible with fair practice, does not conflict with normal use of the work, and does not unreasonably prejudice the legitimate interests of the author.</p>
Libraries and archives	<p>Article 50. Private and other internal reproduction</p> <p>(1) Taking into account the provisions of Article 37 of this Act, the reproduction of a disclosed work shall be free, if made in no more than three copies -</p> <p>2. for the purpose of internal use of public archives, public libraries, and educational or scientific institutions, provided such reproductions are made from their own copy.</p> <p>(2) Reproduction according to the foregoing paragraph is not permitted with</p>

	<p>respect to written works to the extent of the whole book, with respect to graphic editions of musical works, databases, computer programs, and in the form of building of architectural structures, unless otherwise provided by this Act or by contract.</p> <p>(3) Regardless of the provisions of the foregoing paragraph, it shall be permissible, under the conditions of paragraph (1) of this Article:</p> <ol style="list-style-type: none"> 1. to reproduce a written work to the extent of the whole book, if such work is out of print for a minimum of two years; 2. to reproduce a graphic edition of musical work by means of handwritten transcription.
<p>Acknowledgement of source</p>	<p>Article 47. Teaching and periodicals</p> <p>(3) In cases stated in the foregoing paragraphs, the source and authorship of the work must be indicated, if the latter is indicated on the work used.</p> <p>Right to information Article 48</p> <p>(3) In cases stated in the foregoing paragraphs, the source and authorship of the work must be indicated, if the latter is indicated on the work used.</p> <p>Teaching Article 49.</p> <p>(2) In cases stated in the foregoing paragraph, the source and authorship of the work must be indicated, if the latter indicated on the work used.</p> <p>Quotations</p> <p>Article 51.</p> <p>(2) In cases stated in the foregoing paragraph, the source and authorship of the work must be indicated, if the latter is indicated on the work used.</p> <p>Catalogues</p> <p>Article 54.</p> <p>(2) In cases stated in the foregoing paragraph, the source and authorship of the work must be indicated, if the latter is indicated on the work used.</p> <p>Works located in generally accessible premises</p> <p>Article 55.</p> <p>(3) In cases stated in paragraph (1) of this Article, the source and authorship of the work must be indicated, if the latter is indicated on the work used.</p>
<p>Private use</p>	<p>Private and other internal reproduction Article 50.</p> <p>(1) Taking into account the provisions of Article 37 of this Act, the reproduction of a disclosed work shall be free, if made in no more than three copies</p> <ol style="list-style-type: none"> 1. for the purpose of private use of a natural person, provided such copies are not available to the public, or <p>(2) Reproduction according to the foregoing paragraph is not permitted with respect to written works to the extent of the whole book, with respect to graphic editions of musical works, databases, computer programs, and in the form of building of architectural structures, unless otherwise provided by this Act or by contract.</p> <p>(3) Regardless of the provisions of the foregoing paragraph, it shall be permissible, under the conditions of paragraph (1) of this Article:</p> <ol style="list-style-type: none"> 1. to reproduce a written work to the extent of the whole book, if such work is out of print for a minimum of two years;

	<p>2. to reproduce a graphic edition of musical work by means of handwritten transcription.</p> <p>Free transformations Article 53.</p> <p>Transformation of a disclosed work is permissible:</p> <ol style="list-style-type: none"> 1. if it is a private or other internal transformation, which is not intended for, and not available to the public; 2. if the work is transformed into a parody or caricature, provided this does not, or is not likely to, create confusion as to the source of the work; 3. if the transformation is dictated by the purpose of the permitted use; 4. if the transformation is done in connection with permitted use and the author's objection to such transformation is unreasonable or in bad faith. <p>Works located in generally accessible premises Article 55.</p> <p>(1) Works permanently placed in parks, streets, squares, or other generally accessible premises may be used freely.</p> <p>(2) Works mentioned in the foregoing paragraph may not be reproduced in a three-dimensional form, used for the same purpose as the original work, or used for economic gain.</p> <p>Testing of equipment Article 57.</p> <p>Workshops and shops that manufacture or sell phonograms, videograms, equipment for their reproduction or public communication and equipment for reception of broadcasts, may, in order to test their functioning at the time of manufacture or sale, freely reproduce and publicly communicate works, provided this is done only to the extent necessary for the purpose of testing.</p>
How to acquire rights if necessary	
Right-holder	
Authorship	<p>Article 10. A natural person</p> <p>An author is a natural person who created the work.</p> <p>Article 11. Presumption of authorship</p> <p>(1) A person whose name, pseudonym or artist's mark appears in the customary manner on the work itself or is so indicated at the time of disclosure of the work, shall be presumed the author of the work, until proved otherwise.</p> <p>(2) Where the author is not known according to the foregoing paragraph, the person who published the work is presumed to be entitled to exercise the author's rights. If this person is also not indicated, than the one who disclosed the work is so entitled.</p> <p>(3) The foregoing paragraph shall cease to apply once the author becomes known. The person entitled under the foregoing paragraph, must transfer the benefits derived from the author's rights to the author, unless otherwise provided by contract.</p> <p>Article 14. Origin of copyright</p> <p>Copyright belongs to the author by the mere fact of creation of a work.</p>
Joint authors/ compound works/ authors in employment	<p>Article 12. Co-authors</p> <p>(1) If the work, created in collaboration of two or more persons, constitutes an inseparable whole, all coauthors of such work shall have a joint copyright in it.</p> <p>(2) Deciding on the use of such work belongs jointly to all co-authors, however, an individual co-author may not oppose to it unreasonably or in</p>

	<p>bad faith.</p> <p>(3) Co-authors' shares shall be determined in proportion to the extent of their respective contributions to the creation of the work, unless they are set otherwise by their agreement.</p> <p>Article 13. Authors of compound works</p> <p>Provision of the foregoing article shall apply mutatis mutandis, when several authors combine their works for the purpose of exploitation in common.</p> <p>Article 101. Copyright work created in the course of employment</p> <p>(1) When copyright work is created by an employee in the execution of his duties or following the instructions given by his employer (copyright work created in the course of employment), it shall be deemed that the economic rights and other rights of the author to such work are exclusively assigned to the employer for the period of ten years from the completion of the work, unless otherwise provided by contract.</p> <p>(2) On the expiration of the term mentioned in the foregoing paragraph, the rights mentioned in the foregoing paragraph revert to the employee, however, the employer can claim a new exclusive assignment of these rights, for adequate remuneration.</p> <p>Article 102. Special rights</p> <p>Irrespective of the provisions of the foregoing Article:</p> <ol style="list-style-type: none"> 1. an employee retains the exclusive right to use a work, created in the course of employment, as part of his collected works; 2. it shall be deemed that economic rights and other rights of the author to a database and to a collective work, are assigned exclusively and without limitations to the employer, unless otherwise provided by contract. <p>Computer/ Employment and works made for hire Article 112.</p> <p>Where a computer program is created by an employee in the execution of his duties or following the instructions given by his employer, or where it is created by an author under a contract for a work made for hire, it shall be deemed that the economic rights and other rights of the author to such program are assigned to the employer or person ordering the work, exclusively and without limitations, unless otherwise provided by contract.</p> <p>Database/ Employment and contracts for hire Article 141.e</p> <p>Where a database is made by an employee in the execution of his duties or following the instructions given by his employer, or where it is made by a person under a contract for hire, it shall be deemed that the exclusive Rights to such database are exclusively and without limitations assigned to the employer or to the ordering party, unless otherwise provided by contract.</p>
Collecting Societies	<p>142. Author and agent Article</p> <p>The author may personally administer his author's rights, or he can do so through an agent.</p> <p>Article 143. Individual and collective administration of rights</p> <p>Authors' rights may be administered singly (individually), that is separately for each copyright work; or, when this Act so provides, they may be administered jointly (collectively), that is for a number of works of several authors at the same time.</p> <p>For details see Article 144 ff</p>
Contract Law/Licenses	
Transfer of rights	Article 68. Succession

	<p>Copyright as a whole, with the exception of the right to withdrawal, is subject to succession.</p> <p>Article 69. Non-transferability of copyright as a whole Copyright as a whole cannot be transferred.</p> <p>Article 70. Assignment of single rights (1) An author may not assign his moral rights to other persons. (2) An author may assign to other persons single economic rights and other rights of the author, either by contract or by another legal transaction recognized in law, unless otherwise provided by this Act.</p> <p>Execution Article 71. (1) Copyright, unfinished works and undisclosed originals are not subject to execution. (2) Only economic benefits deriving from copyright may be subject to execution.</p> <p>Legal capacity Article 72. Rights recognized by this Act to the author, including the right to seek legal redress, belong to another right holder to the extent in which they are assigned to him by law or by legal transaction, unless otherwise provided by this Act.</p> <p>Article 73. Scope of assignment An assignment of single economic rights or other single rights of the author, may be limited as to the extent, territory, or time.</p> <p>Article 74. Exclusive and non-exclusive assignment (1) A non-exclusive assignment gives an assignee the right to exploit the work according to the terms of the assignment and in competition with both the author and other assignees. (2) An exclusive assignment gives an assignee the right to exploit the work according to the terms of the assignment and to the exclusion of the author and any other person. (3) Non-exclusive assignment made prior to a subsequent exclusive assignment is valid and effective as to the assignee of the exclusive rights, unless otherwise provided by the agreement between the author and the assignee of the non-exclusive rights.</p> <p>Article 75. Presumptions as to the scope of assignment (1) Unless otherwise provided by law or contract, it shall be presumed that rights are assigned non-exclusively, that the assignment is territorially limited to the Republic of Slovenia, and that the assignment is limited in its duration to the term customary for this category of works. (2) If it is not specified which single rights are assigned, or to what extent a single right is assigned, it shall be presumed that only such rights, and only to such extent are assigned, as is essentially for the achievement of the intentions of the contract.</p> <p>Article 76. The rule of separate assignments (1) An assignment of a single economic right or other single right of the author, has no effect on the assignment of his other rights, unless otherwise provided by this Act or by contract. (2) An assignment of the right of reproduction of the work (Article 23), does not include the assignment of the right of its saving in electronic form, or the right to its sound or visual fixation, unless otherwise provided by law or</p>
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	<p>contract.</p> <p>(3) An assignment of the right of distribution of copies of a work (Article 24), does not include the assignment of the right of importation of such copies, unless otherwise provided by law or by contract.</p> <p>(4) When the right of rental of phonograms or videograms containing a copyright work is assigned (Article 25), the author retains the right to an equitable remuneration for each such rental. An author cannot waive this right.</p> <p>Article 77. Presumptions of joint assignment</p> <p>(1) In case of assignment of the right of reproduction of the work (Article 23), it shall be presumed that the right of distribution of copies of such work (Article 24), has been also assigned, with the exception of the right of importation, unless otherwise provided by contract.</p> <p>(2) In case of assignment of the right of broadcasting (Article 30), it shall be presumed that the broadcasting organization also acquired the right:</p> <ol style="list-style-type: none"> 1. to make fixations of the work, on condition that the broadcasting organization makes such fixations with its own facilities and for its own broadcasts, that it broadcasts them only once, and that it destroys such fixations no later than one month after the broadcast (ephemeral fixations); and 2. to deliver ephemeral fixations to a public archive if such fixations have exceptional documentary value. The broadcasting organization must immediately notify the author about this. <p>Article 78. Subsequent assignments</p> <p>(1) An assignee to whom an economic right or other author's right has been assigned, may not, without the consent of the author, further assign this right to a third party, unless otherwise provided by contract.</p> <p>(2) Consent, mentioned in the foregoing paragraph, is not required where subsequent assignment of the right is effected in consequence of corporate changes, bankruptcy or liquidation of the assignee.</p> <p>(3) Where subsequent assignment is allowed without the author's consent either by law or by contract, the initial and subsequent assignees are jointly liable to the author for his claims.</p> <p>Nullity Article 79.</p> <p>Any contractual stipulation shall be considered null and void, if the author undertakes to assign with it:</p> <ol style="list-style-type: none"> 1. copyright in its entirety; 2. moral rights; 3. economic rights with respect to all his future works; 4. economic rights with respect to yet unknown means of use of his work. <p>Article 80. Formality</p> <p>(1) All assignments of economic rights or other author's rights, and all authorizations must be in writing, unless otherwise provided by law.</p> <p>(2) In case of noncompliance with the formality, required in the foregoing paragraph, all controversial or unclear stipulations shall be interpreted in favour of the author.</p> <p>Article 81. Royalty and remuneration</p> <p>(1) Where royalty or remuneration was not determined, it shall be determined by taking into account the usual fees for a particular category of</p>
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	<p>works, the scope and duration of exploitation, and other circumstances of the case.</p> <p>(2) Where the profit derived from the exploitation of the work is in manifest disproportion to the agreed upon or determined royalty or remuneration, the author may demand that the contract be revised, so that a more equitable share of the revenues is provided for him.</p> <p>(3) An author cannot waive the right mentioned in the foregoing paragraph.</p> <p>Article 82. Accounting</p> <p>(1) Where the royalty or remuneration is agreed to, or determined in proportion to the revenues derived from the exploitation of the work, the user of the work must keep the books or other documentation necessary to determine the amount of such revenues.</p> <p>(2) The user of the work shall allow the author to inspect the documentary evidence mentioned in the foregoing paragraph, and shall send him adequate reports on the revenues, both at usual intervals and to the necessary extent.</p> <p>Article 83. Revocation of economic right</p> <p>(1) An author may revoke an assigned economic right, in case its exclusive holder exploits such right to insufficient extent or not at all, and the author's valid interests are considerably adversely affected thereby. Author cannot revoke the right, if the reasons for non-exploitation or insufficient exploitation originate preponderantly from his sphere.</p> <p>(2) The revocation mentioned in the foregoing paragraph cannot be effected before the expiration of two years from the time of assignment of the economic right to a work. In case of contributions to daily newspapers, this term shall be three months, and in case of other periodical publications, the term shall be one year.</p> <p>(3) An author may exercise his revocation, according to this Article, only after first giving the holder adequate additional time to comply with the demand for sufficient exploitation.</p> <p>(4) With the exercise of revocation, the economic right of the holder shall be extinguished.</p> <p>(5) Author cannot waive the right of revocation, as provided by this Article.</p> <p>(6) If equity so requires, the author must adequately indemnify the holder.</p> <p>Authors' collective agreements</p> <p>Article 84.</p> <p>Organisations of authors of individual categories of works and the users of such works or their associations, may in accordance with this Act:</p> <ol style="list-style-type: none"> 1. lay down general rules for the use of copyright works; 2. conclude tariff agreements. <p>Article 85 ff Publishing contracts</p> <p>Article 95 ff Performance contracts</p> <p>Article 99 ff contracts for a copyright work made for hire</p>
Remuneration Schemes/ Compensation	<p>Article 37. Right to remuneration</p> <p>(1) The author has a right to equitable remuneration for making a sound or visual fixation, and for photocopying of his work, done within the scope of private or other internal use, under Article 50 of this Act.</p> <p>(2) Remuneration under the foregoing paragraph with respect to sound or</p>

	<p>visual fixation shall be paid:</p> <ol style="list-style-type: none"> 1. upon the first sale or importation of new appliances for sound or visual fixation, and 2. upon the first sale or importation of new blank audio or video fixation mediums. <p>(3) Remuneration under paragraph (1) of this Article, with respect to photocopying shall be paid:</p> <ol style="list-style-type: none"> 1. upon the first sale or importation of new appliances for photocopying, and 2. upon photocopies made for sale, <i>ie.</i> monthly on their probable number. <p>(4) For the purposes of this Article the term photocopying includes other similar reproduction techniques, to the term appliances for sound or visual fixation other appliances, which enable getting the same effect, are assimilated.</p> <p>(5) The right to remuneration under paragraph (1) of this Article may not be waived, assigned during the life of the author, and is not subject to execution.</p> <p>Article 38. Persons liable</p> <p>(1) Persons liable to pay remuneration under the foregoing Article are: manufacturers of appliances for sound or visual reproduction; manufacturers of appliances for photocopying; manufacturers of blank audio or video fixation media; and holders of appliances who are offering photocopying services against payment. Jointly liable with manufacturers are importers of appliances and fixation media, unless such imports are intended for private and non-commercial use, as part of their personal luggage (<i>de minimis</i> imports).</p> <p>(2) Manufacturers mentioned in the foregoing paragraph are not liable to pay remuneration with respect to such appliances or fixation media which are made for exportation.</p> <p>(3) Persons mentioned in paragraph (1) of this Article shall, on request of a collecting society, submit information about the type and number of sold or imported appliances and media, mentioned in the foregoing Article, as well as such information about the photocopies sold, as is necessary for the calculation of the remuneration due.</p> <p>Article 39. Amount of remuneration</p> <p>(1) The amounts of remuneration for private and other internal reproduction which belong collectively to all persons entitled under this Act shall be set by the Government of the Republic of Slovenia.</p> <p>(2) The amounts mentioned in the foregoing paragraph shall be set separately: for each appliance for sound fixation and each appliance for visual fixation; for each fixation appliance which due to its design, does not require separate mediums for its operation (double the amount); for each sound and visual fixation medium depending on the possible duration of the fixation; for each appliance for photocopying, depending on its capability (number of copies per minute), and its capacity to make colour copies (double the amount of black and white copying); as well as for each photocopy made for sale.</p> <p>(3) The Government of the Republic of Slovenia shall adjust the amounts mentioned in this Article, according to fluctuations in retail prices in the Republic of Slovenia, as appropriate.</p> <p>Droit de suite</p> <p>Article 35.</p>
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	<p>(1) If the original of a work of fine art is sold, or if the ownership to it is transferred by some other legal transaction against payment, the author has the right to be notified of such transfer, as well as the right to a remuneration in the amount of 3% of the selling price.</p> <p>(2) The person transferring the ownership of the work is liable to pay to the author the remuneration, mentioned in the foregoing paragraph. If the transfer of ownership is effected through a gallery, auction house, or other agent, these persons are jointly liable with the person transferring the ownership.</p> <p>(3) The duty of notification mentioned in paragraph (1) of this Article, refers to the specification of sold originals, information on the vendor and the retail selling price, as well as to the right of the author to inspect, to the necessary extent, the books or other documents of liable persons.</p> <p>(4) Droit de suite may not be waived or assigned during the life of the author, and is not subject to execution.</p>
<p>Protection of technological measures and rights management information</p>	<p>Article 166. Protection of rights-management information</p> <p>(1) It shall be deemed that a person infringes the exclusive rights granted by this Act, when it commits any of the following acts by which it induces, enables, facilitates or conceals the infringements of the rights under this Act:</p> <ol style="list-style-type: none"> 1. the removal or alteration of any electronic rights-management information; 2. the reproduction, distribution, importation for distribution, rental or communication to the public of a copyright work or subject matter of related rights, where electronic rights-management information has been removed or altered without authority. <p>(2) Rights-management information as mentioned in the foregoing paragraph, means any information provided by rightholders on the identification of the subject matter of rights, the author, the rightholder, the terms and conditions for use, and their relevant numbers and codes, when they are indicated on a copy of a copyright work or subject matter of related rights or when they appear in connection with their communication to the public.</p> <p>Article 166.a Protection of technological measures</p> <p>(1) It shall be deemed that a person infringes the exclusive rights granted by this Act, when it commits any anti-protective act for the purpose of the circumvention of effective technological measures, designed to protect the rights under this Act.</p> <p>(2) Technological measures as mentioned in the foregoing paragraph, mean any technology, computer program or other measure that are designed to, in the normal course of their operation, prevent or inhibit the infringement of rights under this Act. These measures shall be deemed effective, where the access to or use of a copyright work or subject matter of related rights is controlled through a protection process which achieves the protection goal in an operational and reliable manner and with the authorization of the rightholders.</p> <p>(3) An anti-protective act as mentioned in the first paragraph of this Article, means any circumvention of effective technology measures. It means in addition the manufacture, importation for distribution, distribution, sale, rental, advertisement for sale or rental, or possession for commercial purposes of a technology, device or computer program, or the unauthorized provision of services, which:</p> <ol style="list-style-type: none"> 1. are advertised or marketed for the purpose of circumvention of effective technological measures, or

	<p>2. have a significant commercial purpose or use only from the aspect of circumvention of effective technological measures, or</p> <p>3. are primarily designed, produced, adapted or performed for the purpose of the circumvention of effective technological measures.</p> <p>(4) This Article shall apply mutatis mutandis also to any technology, device or computer program, by which electronic rights-management information is removed or altered (Article 166).</p>
<p>Consequences of copyright infringement</p>	<p>Civil consequences</p> <p>Article 167. Claims</p> <p>(1) When the exclusive rights granted by this Act were infringed, the right holder may claim:</p> <ol style="list-style-type: none"> 1. that the infringer is prohibited from doing certain preparatory act, the infringement itself, and future infringements; 2. that the infringer rectifies the situation caused by the infringement; 3. that the unlawfully made copies of the work and their packaging, of a performance, or of other objects of protection under this Act, be destroyed or altered; 4. that the stencils, negatives, plates, melds, or other means, which were instrumental to the infringement, be destroyed or altered; 5. that the devices, the sole or prevalent purpose of which is to make the infringements mentioned in this Act possible, and which are owned by the infringer, be destroyed or altered; 6. that the judgement be published in public media at the infringer's expense, to the extent and in such manner, as deemed appropriate by the court. <p>(2) Provisions of items 2 and 3 of the foregoing paragraph shall not apply to architectural buildings, unless the destruction or alteration of a building is dictated by the circumstances of the case.</p> <p>(3) Instead of claims mentioned in items 3 or 4 of paragraph (1) of this Article, the right holder may claim that the infringer or owner surrenders to him the copies or means enumerated therein, against the reimbursement of the costs of their production.</p> <p>Article 168. Punitive damages</p> <p>(1) If an economic right or other right of the author, recognized by this Act, was infringed intentionally or by gross negligence, the right holder may claim the payment of agreed upon or customary royalty or remuneration for such use, increased by up to 200 %, irrespective of whether he suffered actual pecuniary damage because of such infringement.</p> <p>(2) When deciding on the claim for the award of punitive damages and setting of their amount, the court shall take into account all circumstances of the case, and in particular, the degree of culpability of the infringer, the amount of agreed upon or customary remuneration, and the achievement of a general preventive purpose sought by the award of punitive damages.</p> <p>(3) In case that the actual damage is in excess of the amount of punitive damages mentioned in the foregoing paragraph, the right holder has a right to claim the difference to full actual damages.</p> <p>Article 169. Monetary satisfaction for non-material damage</p> <p>Irrespective of any pecuniary damages recovered, or even if there is no material loss suffered, the court may award to an author or a performer equitable monetary satisfaction for the mental anguish and suffering endured as a consequence of the infringement of his moral rights, if the court finds that the circumstances of the case, and especially the degree of suffering and its duration so dictate.</p>

	<p>Article 170. Provisional measures</p> <p>(1) If the right holder shows probable grounds for belief that his exclusive right under this Act is being infringed, the court may, on application of the right holder, order provisional measures to secure his nonmonetary claims, such as:</p> <ol style="list-style-type: none"> 1. seizure, exclusion from circulation, and taking into custody of copies, means, equipment, and relevant documents; 2. interdiction of imminent infringements or of infringements already commenced; 3. other similar measures. <p>(2) If there is a demonstrable risk that the provisional measures mentioned in the above paragraph may not be effective at a later time, the court may order and execute such measures without prior notification and hearing of the other party. (inaudita altera parte)</p> <p>(3) The proceedings for the adoption of provisional measures are summary.</p> <p>(4) The provisions of the Code of Execution Procedure shall apply to the proceedings for the adoption of provisional measures, unless otherwise provided by this Act.</p> <p>Article 171. Preservation of evidence</p> <p>(1) If the right holder shows probable grounds for belief that his exclusive right under this Act is being infringed, and that there is a demonstrable risk that evidence of such infringement will be destroyed or that it will be impossible to obtain such evidence at a later time, the court may, on application of the right holder, take such evidence without prior notification and hearing of the other party. (inaudita altera parte)</p> <p>(2) The taking of evidence, according to the foregoing paragraph may include the inspection (of places, business records, inventory, databases, computer memory units, or other things <i>etc</i>), examination and seizure of documents, examination of witnesses, and the appointment and examination of experts.</p> <p>(3) Court order with which the application for the preservation of evidence was granted, shall be served on the adverse party at the time when the actual taking of evidence begins or, when this is impossible, as soon as the service becomes possible. No appeal can be taken from such order.</p> <p>(4) The proceedings for the securing of evidence are summary.</p> <p>(5) The provisions of the Code of Civil Procedure shall apply to the proceedings for the preservation of evidence, unless otherwise provided by this Act.</p> <p>Article 172. Duty to provide information</p> <p>(1) A right holder may demand that persons, who are in any way connected with the infringement of rights recognized by this Act (manufacturers, printers, importers, suppliers, or possessors of copies or means with which the right was infringed), provide information and produce documents in connection with the infringement, immediately upon demand.</p> <p>(2) The duty mentioned in the foregoing paragraph shall not apply, when conditions exist that would allow a witness in any civil proceedings to refuse to testify or to answer to a particular question.</p> <p>(3) If the persons mentioned in the paragraph (1) of this Article fail to give the required information or produce the documents in their possession, they are liable for damages that may be caused by their failure to comply.</p>
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	<p>Criminal consequences</p> <p>Article 184</p> <p>(1) By a fine of no less than SLT 400.000 shall be punishable for a misdemeanor any legal entity or any independent individual entrepreneur who:</p> <ol style="list-style-type: none"> 1. without the assignment of the relevant economic right, when such assignment is required under this Act, reproduces, distributes, rents, publicly performs, publicly transmits, publicly communicates, publicly presents, broadcasts, rebroadcasts, secondary broadcasts, makes available to the public, transforms or audiovisually adapts a work or a copy of it, or otherwise uses it (Article 21 and 22); 2. possesses a copy of a computer program for commercial purposes, knowing or having reason to believe, that it is an infringing copy (Article 116, item 2); 3. without the assignment of the relevant exclusive right, when such assignment is required under this Act, fixes a live performance, reproduces, distributes, rents or makes available to the public a fixation of a performance or a phonogram or videogram with a performance, or otherwise uses a performance (Article 121); 4. without the assignment of the relevant exclusive right, when such assignment is required under this Act, reproduces, distributes, rents or makes available to the public a phonogram or videogram, or otherwise uses it (Articles 129, 134); 5. without the assignment of the relevant exclusive right, when such assignment is required under this Act, retransmits, fixes, reproduces, distributes or makes available to the public a broadcast or a fixation of a broadcast, or otherwise uses it (Article 137); 6. without the assignment of the relevant exclusive right, when such assignment is required under this Act, reproduces, distributes, rents or makes available to the public a database or a copy of it, or otherwise uses it (Articles 141.c); 7. removes or alters any rights-management information (Article 166, Paragr.(1), Item 1); 8. reproduces, distributes, imports for distribution, rents, or communicates to the public a copyright work or subject matter of related rights or a copy thereof where electronic rights-management information has been removed or altered without authorization (Article 166, Paragraph (1), Item 2); 9. circumvents effective technological measures or manufactures, imports for distribution, distributes, sells, rents, advertises for sale or rental, possesses for commercial purposes a technology, device or computer program, or provides a service or carries out any other anti-protective act for the purpose of circumvention of effective technological measures, designed to protect the rights under this Act (Article 166.a, Paragraphs (1), (2) and (3)); 10. manufactures, imports for distribution, distributes, sells, rents, advertises for sale or rental, possesses for commercial purposes a technology, device or computer program for the removal or alteration of rights management information (Article 166.a, Paragraph (4)). <p>(2) By a fine of no less than SLT 80.000 shall be punishable an institutional legal representative of a legal entity who commits a misdemeanor mentioned in the foregoing paragraph.</p> <p>(3) By a fine of no less than SLT 80.000 shall be punishable an individual</p>
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	<p>who commits a misdemeanor mentioned under paragraph (1) of this Article.</p> <p>(4) The articles which were used or intended for or created by the misdemeanor shall be confiscated.</p> <p>Article 185.</p> <p>(1) By a fine of no less than SLT 200.000 shall be punishable for a misdemeanor any legal entity or any independent individual entrepreneur:</p> <ol style="list-style-type: none">1. that does not submit to the competent collecting society, on demand and within the prescribed time limit, information about the types and number of sold or imported devices for sound or visual fixation, photocopying devices, blank carriers, as well as information about sold photocopies which is necessary for the calculation of the remuneration due (Article 38 (3))2. that does not submit to the competent collecting society, within the prescribed time limit, the list of works used (Article 160 (1), (3), and (4));3. that does not submit to the competent collecting society, within the prescribed time limit, the information regarding the sold originals, the vendor and the selling price of originals of works of fine art (Article 160 (5)). <p>(2) By a fine of no less than SLT 60.000 shall be punishable an institutional legal representative of a legal entity who commits a misdemeanor mentioned in the foregoing paragraph.</p> <p>(3) By a fine of no less than SLT 60.000 shall be punishable an individual who commits a misdemeanour mentioned under paragraph (1) of this Article.</p>
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