

[LT] Copyright Act Amended

IRIS 2003-3:1/33

*Kathrin Berger
Institute of European Media Law (EMR), Saarbrücken/Brussels*

On 21 March 2003, an amended Copyright Act entered into force, designed mainly to bring the Act into line with various EU Directives. The Copyright Act has been amended numerous times since 1999, due partly to Lithuania's accession to international organisations such as the WTO and international agreements such as the Bern and Rome Conventions.

One of the amendments introduced in 2003 is a new definition of the term "reproduction", which now expressly covers both direct and indirect actions. More precise details are given about temporary acts of reproduction, which are permitted if they are an essential part of a technological process (e.g. storage in the cache of a computer). Concerning the right of an author to authorise or prohibit the publication of his work, it is now also stipulated that he has the exclusive right to allow it to be made accessible via internet. The new Act also contains detailed regulations on the rights of publishers and compensation of authors for the transfer of rights.

The Act also stipulates that broadcasting organisations are entitled to decide on any retransmission of their programmes as well as on making these programmes available via internet. The list of examples of copyright law infringements is also extended. Such an infringement can now result when a link is provided to a webpage which contains protected works, if the person who makes the link knows or ought to know that the content is unlawfully communicated to the public.

The Act describes in some detail effective technological measures that are designed to protect works from copyright infringements. The circumvention of such measures is illegal. However, limitations for the application of such technological measures are also laid down. For example, a user must be able to bypass technological measures if he is entitled to use a work in accordance with one of the exceptions laid down by law (eg to make a single copy for private use).

Persons who infringe copyright law must also now provide certain information. They must reveal in court to whom or where they have distributed illegal copies. Copyright holders are given greater scope to claim compensation, while a reference to the Criminal Code ensures that copyright infringements are punishable criminal offences.

-

Amendment of the Copyright Act No. IX-1355 of 5 March 2003

[http://portal.unesco.org/culture/en/ev.php-
URL_ID=15314&URL_DO=DO_TOPIC&URL_SECTION=201.html](http://portal.unesco.org/culture/en/ev.php-URL_ID=15314&URL_DO=DO_TOPIC&URL_SECTION=201.html)

