

[LT] Amendments to the Act on Copyright and Related Rights

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On 12 October 2006, the Lithuanian Parliament (*Seimas*) adopted amendments to the Act on Copyright and Related Rights which entered into force on 31 October 2006. These amendments are crucially important for Lithuania's audiovisual sector and are particularly required for the regulation of copyright and related rights in the presentation of the audiovisual works via new media services, e.g. mobile phones, internet, etc.. There have been some instances in Lithuania, where an entire programme or a part of it was broadcast on the Internet in exchange for payment without the consent of, or agreement with, the broadcaster.

The act was amended with the aim of harmonising its provisions with EU requirements, namely the Directive 2001/84/EC on resale rights and Directive 2004/48/EC on enforcement of intellectual property rights. It was also intended to abolish legal obstacles that may impede the participation of Lithuania in the common market of the EU as well as to improve protection of copyright and related rights.

The amended provisions of the act provide that the authors, the co-authors of audiovisual works as well as the performers retain the irrevocable right of remuneration for the rental of their audiovisual works, phonograms or copies thereof. The remuneration is to be paid by natural or legal persons to whom the right to rent audiovisual works, phonograms or their copies has been transferred or granted. Usually this right is secured through the work of collective societies.

The new amendments lay down the rules for the distribution of recordings of broadcasts after the first sale or other kinds of transfer of the ownership rights of the broadcast recordings. The new provisions of the Law foresees that the exclusive right to distribute recordings of broadcasts or their copies is exhausted in the territory of the European Economic Area in respect of those recordings or copies, which are sold by the broadcaster or its successor in title, or under the authorisation of any of these, and which are lawfully released into circulation in the territory of the European Economic Area.

Amendments were also made in Chapter VI of the law regarding the enforcement of copyright, related rights and *sui generis* rights. The amended provisions

explicitly provide that not only the owners of these rights, but also the holders of exclusive licences and collective administration institutions, are entitled to bring a claim before the court in order to protect their rights.

Previously, the law foresaw an exhaustive list of actions, which were regarded as an infringement of the author's rights, related rights and *sui generis* rights. In the amended version of the law this is changed to a general clause under which all these actions are considered as constituting an infringement.

The law was also supplemented with a new provision regarding an author's non-property rights to computer programmes and electronic data. The provision provides that the above mentioned rights may not be used in such a way as to unreasonably constrain a holder's property rights to computer programmes and data, including the right to adapt, change and distribute these works.

For the purpose of protecting the author's interests, the Law provides that any action by a person, holding the author's economic rights, shall not violate the author's dignity and reputation.

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http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=285756

Act on Copyright and Related Rights (with amendments)

