

[LT] Act on Copyright and related Rights Amended

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On 21 December 2011 the Seimas (Lithuanian Parliament) adopted some amendments to the Law on Copyright and Related Rights. The main part of these amendments relates to the regulation of the determination, pay out and distribution of the remuneration to copyright and related rightsholders for the reproduction of audiovisual works or phonograms for private use. The amendments to remuneration came into force on 1 March 2012.

The amendments determine that remuneration shall be paid for reproduction devices and empty audiovisual data storage devices produced in the Republic of Lithuania or imported to its territory, which are meant for the reproduction of works for personal use.

It has to be noted that the former Law on Copyright and Related Rights provided that in Lithuania the payment of remuneration for the reproduction of works for personal use was due to rightsholders only for certain empty audiovisual data storage devices, e.g., audio/video tapes, CDs, DVDs etc. However, it did not establish any payment of remuneration for reproduction devices. From now on, the remuneration shall have to be paid for mobile phones, TV sets with memory stick and audio/video recording function etc. The list of data storage devices and reproduction devices as well as the tariffs is defined in Appendix 1 of the Law on Copyright and Related Rights. Remuneration has to be paid by persons who are trading with the mentioned reproduction devices and empty data storage devices in the territory of Lithuania.

In addition, the amended Law determines the cases when the paid remuneration has to be returned i.e., when the reproduction devices and empty data storage devices are purchased for professional or disabled needs or are brought away from Lithuania.

The Law also establishes new rules for distributing the newly collected remuneration. According to these 25 % of remuneration is allocated to the financing of creative activity programmes and copyright and related rights protection programmes. The remaining part of the payment of remuneration (for the empty audiovisual works storage devices and reproduction devices) is distributed among authors, performers and producers of audiovisual works in the amount of 1/3 each.

The former law did not foresee any amount of the remuneration. This was determined only in the by-law act of 19 September 2007 adopted by Government Resolution. According to the rules set out in the mentioned legal act, the amounts of the remuneration for the copyright and related rights parties were not equal, i.e. 40 % were meant for authors and 30 % for performers and 30 % for producers of phonograms.

The amendments to the Law on Copyright and Related Rights determine that the collecting, distributing and paying out of the remuneration for the copyright and related rights parties is the prerogative of collecting societies in accordance with the rules set out by the Government. The rules on the procedure of returning paid remuneration are also set out by the Government. Until now, none of these rules have been approved.

Autorių teisių ir gretutinių teisių įstatymo 2, 16, 19, 20, 21, 22, 23, 24, 25, 26, 28, 33, 39, 58, 75 straipsnių ir įstatymo priedo pakeitimo ir papildymo ir įstatymo papildymo 201 straipsniu ir 1,2 priedais įstatymas

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=415881&p_query=&p_tr2=2

Law on the Amendment of the Law on Copyright and Related Rights, adopted on 21 December 2011

