[BY]: Waiver on copyrighted objects from “unfriendly countries”

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On 17 January 2023, the Statute of the Republic of Belarus that introduces the bypassing of possible economic measures of foreign states as to the use of copyrighted objects in Belarus entered into force. The statute refers to certain categories of copyrighted published objects whose use in Belarus is forbidden by the rightsholders and/or collective societies from foreign countries. These foreign countries are enumerated for their “unfriendly actions” in relation to Belarusian individuals and/or legal entities in the Regulation of the Council of Ministers of Belarus from April 2022. They include all the countries of the EU, the UK, the US and others.

The categories of objects include computer programmes, audiovisual works, musical works, and broadcasting programmes. The statute allows for their use without seeking permission. The fee for the use of the works shall be determined by the Council of Ministers. Thereafter the user shall transfer the required amount in Belarusian Roubles to the relevant bank account opened by the Patent Office. If the rightsholders or collective societies fail to withdraw the fees within three years of the payment, the money will be transferred to the national budget as revenue.

The use of works conducted under the procedure will not be recognised as a violation of intellectual property rights.

Закон Республики Беларусь “Об ограничении исключительных прав на объекты интеллектуальной собственности”, 3 января 2023 года, № 241-Z

https://www.alta.ru/tamdoc/23bl0241/

Statute of the Republic of Belarus “On limitation of exclusive rights to the intellectual property objects”, 3 January 2023, No 241-Z

Постановление Совета Министров Республики Беларусь «О перечне иностранных государств, совершающих недружественные действия в отношении белорусских юридических и (или) физических лиц», 6 апреля 2022 года, N 209

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https://pravo.by/document/?guid=12551&p0=C22200209&p1=1&p5=0

Regulation of the Council of Ministers of the Republic of Belarus "On the list of foreign states that are engaged in unfriendly actions in relation to Belarusian legal entities and/or individuals", 6 April 2022, N 209

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