Disclaimer: The English language text below is provided by the Translation and Terminology Centre for information only; it confers no rights and imposes no obligations separate from those conferred or imposed by the legislation formally adopted and published. Only the latter is authentic. The original Latvian text uses masculine pronouns in the singular. The Translation and Terminology Centre uses the principle of gender-neutral language in its English translations. In addition, gender-specific Latvian nouns have been translated as gender-neutral terms, e.g. chairperson.

Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending laws of:

6 March 2003;
22 April 2004;
8 February 2007;
6 December 2007.

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

Copyright Law

The *Saeima*[1] has adopted and the
President has proclaimed the following Law:

Copyright Law

Chapter I
General Provisions

Section 1. Terms Used in this Law

The following terms are used in this Law:

1) **author** – a natural person, as a result of whose creative activities a concrete work has been created;

2) **work** – the results of an author's creative activities in the literary, scientific or artistic domain, irrespective of the mode or form of its expression and its value;

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;

4) **fixation** - the embodiment of sound or image into material form, which provides a possibility to communicate it to the public, perceive or reproduce it by means of a relevant device;

5) **film** - an audio-visual or cinematographic work or moving images, whether or not accompanied by sound;

6) **film producer** – a natural or legal person who finances and organises the creation of a film and is responsible for its completion;

7) **phonogram** – fixation of the sounds of a performance, other sounds or representation of sounds;

8) **phonogram producer** – a natural or legal person who or which takes the initiative and has the responsibility for the first fixation of the sounds of a performance or other sounds, or the representations of sounds;

9) **rights management information -** information provided by a rightholder, as well as a maker of a database, which identifies the rightholder, as well as the maker of a database and the object, and information regarding the terms and conditions of use of the object of copyright or neighbouring rights, as well as databases, as well as any numbers or codes that represent such information;

10) **performer** – an actor, singer, musician, dancer, or other persons who act, read, sing, play, or otherwise perform literary or artistic works or expressions of folklore, provide stage, circus or puppet performances;

11) **distribution** – an activity by which the original or copy of the copyright or neighbouring rights object is sold or otherwise alienated;

12) **disclosure** – an action by means of which a work is made available to the public for the first time, irrespective of its form;

13) **publication** – any action, by means of which copies of an object of copyright or neighbouring rights are made available to the public with the consent of the rightholder, observing the condition that the number of copies shall satisfy a reasonable public demand in conformity with the nature of object of copyright or neighbouring rights; performances of dramatic, dramatic-musical or musical works, demonstrations of audio-visual works, public readings of literary works, the broadcasting of literary or artistic works, demonstrations of visual works or erected architectural works shall not be deemed to be publication of an object of copyright;

14) **communication to the public** – any action by means of which, either directly or through a relevant technical device, a work, performance, phonogram or broadcast is made available to the public;

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[1] *The Parliament of the Republic of Latvia*

15) **public performance** – the performance, playing or any other use of any work or other object protected by this Law outside the usual family circle, either directly or by means of any technical equipment or process;

16) **public lending** – an action by the user of the original or a copy of the work of an author, the fixation of a performance, a phonogram or a film, by means of which the object of copyright or neighbouring rights is made available through the intermediation of a publicly accessible institution to an unlimited number of people for a limited period of time, not for the purpose of gaining direct or indirect economic or commercial benefit;

17) **reproduction** – the making of one or more copies, by any means and in any form and scale, fully or partially, of an object of copyright or neighbouring rights, also short-term or long-term storage in electronic form of an object of copyright or neighbouring rights or a part thereof, as well as the making of three-dimensional copies of a two-dimensional object or two-dimensional copies of a three-dimensional object;

18) **reprographic reproduction** – the making of facsimile copies of a work, by any means of photocopying, except printing. Reprographic reproduction shall include also be deemed the scanning or the making of facsimile copies by means of photocopying in an enlarged or reduced scale;

19) **technological measures** – technological protection measures (technologies, devices or the components thereof) used by a rightholder, as well as a maker of a database, which are normally used in order to restrict or prevent such activities with an object of copyright or neighbouring rights, as well as a database, which are not authorised by the rightholder, as well as the maker of the database. Technological measures shall be deemed effective where the rightholder, as well as the maker of a database control the use of an object of copyright or neighbouring rights, as well as a database through the application of an access control or a protection process (with encryption, scrambling or other transformation of the object of copyright or neighbouring rights or database work or a copy control mechanism, which achieves the protection objective);

20) **original work of visual art** - a work of graphic or plastic art (paintings, collages, drawings, engravings, lithographs, sculptures, tapestries, ceramics or glassware, photographs and similar) if they are made by the author himself or herself, or also copies of the work, which are considered to be original works of visual art. Copies of the work, which have been made in limited numbers by the author himself or herself or have been made with his or her permission, shall be considered to be original works of visual art. Such copies shall normally have been numbered, signed or otherwise appropriately designated by the author; and

21) **seller of an original work of visual art** – a merchant (also a commission agent) who performs an auction or whose undertaking is an art gallery, an art salon, a store, an internet store, an auction house or the like, in which an original work of visual art is offered for purchase to a customer.

[22 April 2004; 8 February 2007]

Section 2. Principles of Copyright

(1) Copyright shall belong to the author as soon as a work is created, regardless of whether it has been completed.

(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.

(3) Proof of copyright ownership shall not require registration, special documentation for the work or observance of any other formalities.

(4) Authors or their successors in title may indicate their rights to a work by means of a copyright protection symbol, which shall be affixed in such a manner and in such a place so that it is clearly visible. Such a sign shall include three elements:

1) the letter “C” within a circle;

2) the name (designation) of the rightholder; and

3) the year of first publication of the work.

(5) Copyright has the nature of moral and economic rights.

(6) Copyright shall be governed by the same legal rights as personal property rights within the meaning of The Civil Law, but it may not be an object of property claims.

Section 3. Scope of Copyright

(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 title.
(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 title.
(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.
(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 title 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.

Chapter II
Protected and Non-protected Works

Section 4. Protected Works

The objects of copyright, regardless of the manner or form of expression, shall comprise the following works of authors:

1) literary works (books, brochures, speeches, computer programs, lectures, addresses, reports, sermons and other works of a similar nature);

2) dramatic and dramatico-musical works, scripts and treatments of audio-visual works;

3) choreographic works and pantomimes;

4) musical works with or without lyrics;

5) audio-visual works;

6) drawings, paintings, sculptures and graphic art and other works of art;

7) works of applied 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.

Section 5. Protected Derivative Works

(1) Without prejudice to the rights of authors as to the original work, the following derivative works shall also be protected:
1) translations and adaptations, revised works, annotations, theses, summaries, reviews, musical arrangements, screen and stage adaptations and similar works; and

2) 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.
(2) Derived works shall be protected irrespective of whether the works from which they are derived or which are included within them can have copyright protection applied to them.
(3) 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.
[22 April 2004]

Section 6. Non-Protected Works

The following shall not be protected by copyright:

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 and official consolidated versions;

2) State approved, as well as internationally recognised official symbols and signs (flags, Coats of Arms, anthems, and awards), the use of which is subject to specific regulatory enactments;

3) maps, the preparation and use of which are determined by regulatory enactments;

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

5) ideas, methods, processes and mathematical concepts.

[22 April 2004]

Chapter III
Authors and their Successors in title

Section 7. Rightholders

(1) The author of a work, co-authors, including authors of audio-visual works, authors of derivative works, their heirs and other successors in title may be a rightholder.
(2) Rightholders may realise the copyright to a work themselves, or through their representatives (also through collective management organisations).

Section 8. Presumption of Authorship

(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.
(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.

Section 9. Co-authors

(1) If a work has two or more authors and the individual contribution of each author to the creation of the work cannot be segregated as a separate work, copyright to the work shall belong to all the co-authors jointly.
(2) If the individual contribution of each author is a separate work, each author shall have copyright to his or her individual contribution as a separate work.
(3) Protection against copyright infringement may be realised by any of the co-authors, independently from the other co-authors.
(4) If one of the authors refuses to finish or, for reasons independent of the author, cannot finish his or her part in the creation of the work, he or she may not prevent the use of his or her part of the work in the completion of the work. Such author shall have copyright to his or her part of the work, as well as remuneration for it, unless specified otherwise by contract.

Section 10. Compiler of a Composite Work

(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.
(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.
(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.

Section 11. Authors of Audio-visual Works

(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 lyrics) 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.
(2) The producer of a work may not be recognised as an author of an audio-visual work.
(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 work in a different type of work, unless specified otherwise by contract .

Section 12. Author of a Work Created in the Course of Employment

(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.
(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.

Section 13. Author's Contract for a Commissioned Work

(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.
(2) It is the obligation of an author to personally perform the work commissioned from them.
(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.

Chapter IV
Rights of an Author

Section 14. Moral Rights of an Author

(1) The author of a work has the inalienable moral rights of an author to the following:
1) authorship – the right to be recognised as the author;
2) a decision whether and when the work will be disclosed;
3) the revocation of a work – the right to request that the use of a work be discontinued, with the provision that the author compensate the losses which have been incurred by the user due to the discontinuation;
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;
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; and
6) legal action (also unilateral repudiation of a contract without compensation for losses) against any distortion, modification, or other transformation of his or her work, as well as against such an infringement of an author's rights as may damage the honour or reputation of the author.
(2) None of the rights mentioned in Paragraph one of this Section may be transferred to another person during the lifetime of the author.

Section 15. Economic Rights of an Author

(1) With respect to the use of his or her own work, an author, except the author of a computer program or a database, has following exclusive rights:

1) to communicate the work to the public;

2) to publish the work;

3) to publicly perform the work;

4) to distribute the work;

5) to broadcast the work;

6) to retransmit the work;

7) to make the work available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;

8) to lease, rent or to publicly lend originals or copies of a work, except for three-dimensional architectural works and works of applied art;

9) directly or indirectly, temporarily or permanently reproduce the work;

10) to translate a work; and

11) to arrange, to adapt for stage or screen, or to otherwise transform a work.

(2) With respect to the use of a computer program, the author of a computer program has the following exclusive rights:

1) to distribute the computer program;

2) to make the computer program available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;

3) to lease, rent or to publicly lend the computer program;

4) to temporarily or permanently reproduce the computer program (insofar as the loading, demonstration, use, transmission or storage of the computer program requires its reproduction, if permission for such action has been granted in writing by the rightholder); and

5) to translate, 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 computer program).

(3) With respect to the use of a database, the author of a database has the following exclusive rights to permit or prohibit:

1) the communication to the public or demonstration of the database;

2) the distribution of the database;

3) to make the database available to the public by wire or by other means, so that it is accessible in an individually selected location and at an individually selected time;

4) the temporary or permanent reproduction of the database; and

5) the translation, adaptation or transformation in any other way of the database, as well as the reproduction, distribution, communication to the public, demonstration or display of the results of such activities.

(4) The author has 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.

[22 April 2004]

Section 16. Transfer of the Rights of an Author

(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 have the right to protect the moral rights of the author.

(2) Only the rights specified in Part one, two and three of Section 15 may be transferred to other successors in title (including legal persons).

(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.

Section 17. Inalienable Right of Authors to receive a Royalty in the case of the Public Resale of Original Works of Visual Art (droit de suite)

(1) Authors shall retain inalienable rights to receive a royalty for alienated original works of visual art, which have been transferred to the ownership of another person. An agreement in respect of which the author waives the right to royalty in the future shall not be in effect. The transfer of ownership of the original work of visual art from the author to another person, with or without remuneration, shall be considered the first alienation of such a work.
(2) After the first alienation of the original work of art, the further public resale (by auction, or through the mediation of an art gallery, an art salon, a store, an Internet store, an auction house or similar enterprise) of the original work of visual art, the author has the right to receive a royalty of:
1) 5 % for the portion of the sale price up to EUR50 000;
2) 3 % for the portion of the sale price from EUR50 000,01 to EUR200 000;
3) 1 % for the portion of the sale price from EUR200 000,01 to EUR350 000;
4) 0,5 % for the portion of the sale price from EUR350 000,01 to EUR500 000;
5) 0,25 % for the portion of the sale price exceeding EUR500 000.
(3) The amount of royalty each time for one original work of visual art may not exceed an amount equivalent to EUR 12 500.00.
(4) The monetary amount (without tax) received by the seller of an original work of visual art shall be considered the sale price.
(5) The seller of the original work of visual art has a duty, within a period of 10 days after the sale of the work, to pay in the royalty to the collective management organisation, which administers these rights.
(6) On the basis of a request from a collective management organisation, which administers these rights, the seller (also store, gallery, salon and the like) has a duty to provide the information, which is necessary in order to ensure the administration of the royalty. Such a request may be made within a period of three years after the sale of the original work of visual art.
(7) The owner of the original work of visual art has a duty to give the author of the alienated work a possibility to realise the right to reproduce the work, as well as to exhibit the work in a personal exhibition. The author has a duty himself or herself to ensure the preservation of the work in delivering it to and from the place of reproduction or exhibition, unless specified otherwise by contract.
(8) The rights referred to in this Section shall be applied to foreign authors and their heirs only in such case if the concrete state protects the public resale rights of original works of visual art of Latvian authors and their heirs.
(9) After the death of the author, the rights referred to in this Section shall devolved to the heirs of the author.
[22 April 2004; 8 February 2007; 6 December 2007]

Section 17.[1] Banknotes

(1) The Bank of Latvia holds the copyright of lat banknotes. The Bank of Latvia copyright does not affect the right of the author of the images used on the banknotes to be recognised as the author thereof.
(2) It is prohibited to reproduce banknotes in any way, except in the case, where the Bank of Latvia, the European Central Bank, the central bank or state which has emitted such banknotes has provided written permission or the requirements of the Bank of Latvia, the European Central Bank or the relevant state for the reproduction of banknotes. Restrictions on the economic rights of authors shall not apply to banknotes.
[22 April 2004]

Chapter V
Restrictions on the Economic Rights of an Author

Section 18. Principles of Restrictions on Economic Rights of an Author

(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.

(2) The restrictions on the economic rights of an author referred to in this Chapter shall be applied in such a way that they are not contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author.
(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.
(4) If a user of the work has the right to use the work in the cases specified in Section 20, Paragraph one, Clause 1, Sections 21-24 and 27, but he or she cannot implement these rights due to the effective technological measures used by the author, he or she has the right to request that the author gives access to such works taking into account the restrictions of the rights of an author. The author may refuse to provide such a possibility if the use of the work is contrary to the provisions of Paragraph two of this Section.
(5) If the user of the work and the author cannot reach an agreement in respect of the provisions of Paragraph four of this Section, they may apply to a mediator.
[22 April 2004]

Section 19. Use of a Work of an Author without the Consent of the Author and without Remuneration

(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:

1) a work is used for informational purposes taking into account the provisions of Section 20 of this Law;

2) a work is used for educational and research purposes taking into account the provisions of Section 21 of this Law;

3) a work is reproduced in order that the visually impaired or the hearing-impaired may use it;

4) a work is used for the needs of libraries, archives and museums;

5) a work is reproduced for the purposes of judicial proceedings;

6) a use is made of a work that is publicly accessible or on display;

7) a work is used in a public performance during official or religious ceremonies, as well as in teaching institutions as part of a face-to-face teaching process;

8) a work is used ephemerally by broadcasting organisations;

9) a work is parodied or caricatured;

10) computer programs are used for reproduction, translation and other transformations pursuant to Section 29 of this Law;

11) to ensure the interoperability of a computer program; and

12) the alienation of a work to another person occurs repeatedly, except as provided for in Section 17 of this Law.

(2) *[22 April 2004]*
[22 April 2004; 6 December 2007]

Section 19.[1] Public Lending of a Work

(1) Copyright shall not be deemed to be infringed if without the consent of the author, but with the payment of just remuneration to him or her, the published work is used for public lending.
(2) The procedures for the calculation of the amount of remuneration referred to in Paragraph one of this Section in relation to the libraries of the State, local government or other derived public persons and in relation to private libraries, as well as the procedures for the payment of the remuneration and the proportional distribution among authors, performers, phonograph producers and film producers shall be determined by the Cabinet.
(3) Remuneration for the use of a published work for public lending in libraries of the State, local government or other derived public persons and in private libraries shall be paid into the account in a credit institution indicated by the organisation for collective management of economic rights.
[22 April 2004; 8 February 2007]

Section 20. Use of a Work for Informational Purposes

(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:

1) to reproduce works communicated to the public and published in the form of quotations and fragments for scientific, research, polemical, critical purposes, as well as use in news broadcasts and reports of current events to the extent justified by the purpose;

2) to publish, 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.

(2) The provisions of this Section shall not apply to computer programs.

[22 April 2004; 6 December 2007]

Section 21. Use of a Work for Educational and Research Purposes

(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 .

(2) The provisions of this Section shall not apply to computer programs.

Section 22. Right to Reproduction of a Work for the Needs of the Visually Impaired and Hearing Impaired

Pursuant to the provision of Section 18, Paragraph two of this Law, organisations for the visually impaired and hearing impaired, as well as libraries which provide services to visually impaired and hearing impaired, shall be permitted to reproduce and distribute works, without remuneration, for non-commercial purposes, in a form perceivable by such impaired insofar as is necessary in the case of the relevant impairment.

[22 April 2004]

Section 23. The Use of Works for the Needs of Libraries, Archives and Museums

(1) Pursuant to the provisions of Section 18 of this Law, each library, archive or museum shall be entitled to make one copy of a work existing in their permanent collection by means of reproduction, without a direct or indirect commercial purpose, in order to preserve it or to replace a work from the permanent collection of the relevant or any other library, archive or museum if such work has been damaged or has become unusable on the condition that it is not possible to obtain a copy in some other acceptable manner, and the reproduction is repeated in separate and mutually unrelated cases. Only such works that have been published in Latvia and are not available commercially are permitted to be reproduced in a digital format, unless an agreement with the author determines otherwise.

(2) Without consent from the author, libraries, archives and museums of the state, local government or of other derived public persons shall be entitled, without a direct or indirect commercial purpose, to make available the works in their permanent collection, as well as copies thereof made in accordance with Paragraph one of this Section, upon request for the use for scientific research or for self-education purposes, to natural persons who have authorised access to computers specifically set up in the premises of the relevant library, archive or museum. Such service shall be ensured by the relevant library, archive or museum by using exclusively the intranet that has special protection.

(3) The provision specified in Paragraph two of this Section shall also apply to the registered libraries of state, local government and other derived public persons, that have access in a

closed network to the Latvian Digital Library and are included in the joint state library information system.
(4) In order to ensure the fulfilment of the provision specified in Paragraph two of this Section and the payment of remuneration pursuant to Section 19[1] of this Law, state and local government libraries shall maintain records of the units issued to the users of the libraries in accordance with the provisions of Section 15 of the Law on Libraries.
(5) The provisions of this Section shall not apply to computer programs.
[22 April 2004; 6 December 2007]

Section 24. Reproduction of a Work for Purposes of Judicial Proceedings

(1) Reproduction of a work is permitted to the extent justified, for purposes of judicial proceedings, without the permission of the author and without remuneration to the author.
(2) The provisions of this Section shall not apply to computer programs.

Section 25. Use of a Work on Public Display

(1) It is permitted to use images of works of architecture, photography, visual arts, design, as well as of applied arts, permanently displayed in public places, for personal use and as information in news broadcasts or reports of current events, or include in works for non-commercial purposes.
(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.
[22 April 2004; 6 December 2007]

Section 26. Free Use of a Work in a Public Performance

In compliance with the provisions of Section 18, Paragraph two of this Law, a work may be performed in public without the consent of the author and without the payment of royalties:

1) during official and religious ceremonies, to the extent justified by the nature of the ceremony; and

2) within the framework of the implementation of an educational programme, to an extent that corresponds to the teaching process and for non-commercial purposes, with a mandatory indication of the title and the name of the author of the work being used, and in compliance with the condition that the work is performed in public to an audience consisting of only the teachers, students or persons directly associated with the implementation of the relevant educational programme.
[6 December 2007]

Section 27. Free Recordings for Ephemeral Use by Broadcasting Organisations

(1) Observing the provisions of Section 18, Paragraph two of this Law, a broadcasting organisation may make ephemeral recordings of works which the organisation has the right to use in broadcasting, if the broadcasting organisation makes such recordings on its own account for its own use.
(2) The broadcasting organisation has the obligation to destroy such recordings within one month after their preparation, if there has not been an agreement with the author regarding a longer storage time.
(3) Recordings of works that have a particular documentary or cultural and historical significance may be preserved in official archives without an agreement with the author of the work, but the use of such a work requires the permission of the author.
[22 April 2004]

Section 28. Reproduction of a Work for Technical Use in a Broadcasting Organisation
[22 April 2004]

Section 29. Restrictions Regarding the Rights of Reproduction, Translation, Adaptation and any other Transformation of Computer Programs

(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 rightholder, as long as such activities (including correction of errors) are necessary for the purpose of the intended use of the computer program.
(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.
(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 demonstrating, using, broadcasting or storing.
[22 April 2004]

Section 30. Ensuring the Interoperability of Computer Programs

(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:
1) a person who has lawfully acquired the right to use a copy of the computer program performs the relevant activities;
2) the information necessary to achieve interoperability has not been easily accessible beforehand; and
3) only those parts of the computer program, which are necessary to achieve interoperability, are subject to such activities.
(2) In accordance with the provisions of Paragraph one of this Section, the information obtained may not be:
1) used for purposes other than to achieve interoperability with an independently created computer program;
2) disclosed to other persons, except in cases when it is necessary to achieve interoperability with an independently created computer program; and
3) used with the intention of developing, producing or selling a substantially similar computer program, or for any other activity whereby copyright is infringed.
[22 April 2004]

Section 31. Restrictions with Respect to Databases

(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.
(2) Agreements, which are contrary to the provisions of this Section, shall not be in effect.

Section 32. Exhaustion of Distribution Rights

The right to distribute a work shall be exhausted from the moment when such work is sold or otherwise alienated in the European Union for the first time if it has been done by the author himself or herself, or with his or her consent. This condition applies only to works embodied in concrete material objects or the copies thereof and which are sold or otherwise alienated.
[22 April 2004]

Section 33. Temporary Reproduction of a Work

It is permitted to temporarily reproduce a work without the consent of the author and without remuneration if the reproduction of the work is an integral part and an essential component of a technological process and the purpose of the reproduction is to permit the sending of the

work performed by the intermediary to a data network between third persons or the lawful use thereof, and if such reproduction has no independent economic significance.
[6 March 2003; 22 April 2004; 6 December 2007]

Section 34. Blank Tape Levy

(1) Without the permission of the author, a natural person shall be permitted to reproduce (including in a digital format) in one copy works that have been included in lawfully acquired films or phonograms or in other form of expression that is to be protected, as well as visual works for personal use without direct or indirect commercial purpose. Third persons shall not be involved in the production of such copy. The author is entitled to receive a *fair compensation* (blank tape levy) for the production of such copy.
(2) The blank tape levy for reproduction for personal use shall be paid by manufacturers and persons who import into Latvia equipment used in such reproduction and blank recording media (audio recording cassettes, videotapes or video cassettes, laser discs, compact discs, minidisks and the like).
(3) The blank tape levy shall not be paid if the equipment and blank recording media referred to in Paragraph two of this Section is imported for professional use by broadcasting organisations or the equipment and blank recording media are imported wholesale for reproduction of works for commercial purposes, as well as where natural persons import such equipment and blank recording media for non-commercial purposes.
(4) If the equipment and blank recording media referred to in Paragraph two of this Section are exported unused from Latvia, persons who have paid the blank tape levy have the right to receive it back.
(5) The seller of the equipment and blank recording media referred to in Paragraph two of this Section, on the basis of a request from a collective management organisation, has a duty to prove that the blank tape levy for the referred to equipment and blank recording media has been paid.
(6) If a seller cannot prove that the blank tape levy has been paid, the seller shall pay such levy. In such case, the seller is entitled to bring a subrogation action against the manufacturer or the person who imported the referred to equipment and blank recording media into Latvia.
(7) The amount of the blank tape levy, procedures for collection, repayment and payment of the levy, as well as proportional distribution among authors, performers and phonogram and film producers shall be determined by the Cabinet.
(8) The provisions of this Section shall not apply to computer programs and data bases.
[22 April 2004; 6 December 2007]

Section 35. Remuneration for Reprographic Reproduction of Works

(1) Natural persons shall be permitted to reprographically reproduce published works, except for sheet music, for personal use without direct or indirect commercial purpose without the permission of the author. Persons who have in their ownership or possession the equipment intended for reprographic reproduction and who ensure the availability of such reproduction to natural persons for a fee or free of charge shall be allowed to reprographically reproduce works for the benefit of and for the personal use of a natural person. Authors and publishers are entitled to receive a fair compensation for reprographic reproduction.
(2) The compensation for reprographic reproduction shall be paid by persons in whose ownership or possession there is the equipment intended for reprographic reproduction and who ensure the availability of such reproduction to natural persons for a fee or free of charge.
(3) The amount of compensation to be paid for reprographic reproduction, as well as the procedures for its collection, repayment and disbursement shall be determined by the organisation for collective management of economic rights of the authors according to an agreement with the persons, or an association thereof, referred to in Paragraph two of this Section.
(4) The Cabinet shall set up a commission representing the public administration and shall agree with the organisation for collective management of economic rights on the criteria for determining the relevant compensation and the amount thereof. The composition of the commission shall include representatives of the Ministry of Culture, Ministry of Education and Science, Ministry of Regional Development and Local Government, Ministry of Justice, and

Ministry of Finance. The agreement reached by the Commission shall be approved by the Cabinet.
(5) Compensation shall be collected, distributed and disbursed to the authors and publishers by a single organisation for collective management of economic rights that has obtained a permit from the Ministry of Culture in accordance with Section 67 of this Law.
(6) The collected compensation shall be distributed among authors and publishers on the basis of the printed publications included in the unified National Catalogue, which have been delivered to the National Library of Latvia pursuant to the Legal Deposit law and in compliance with the following conditions:

1) in distributing the compensation, the number of works included in the unified National Catalogue and the information compiled by the National Library of Latvia regarding the number of printed sheets shall be taken into consideration, whereas the content of the works shall not be taken into consideration; and

2) authors and publishers shall reach agree upon the proportional distribution of the compensation separately for periodical publications and non-periodical publications, in compliance with the provisions of Clause 1 of this Section.
[22 April 2004; 6 December 2007]

Chapter VI
Term of Copyright

Section 36. General Provisions Regarding the Term of Copyright

(1) 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 specified in Section 37 of this Law.
(2) If the country in which the work has been created is not a Member State of the European Union according to Article 5, Paragraph 4 of the Berne Convention for the Protection of Literary and Artistic Works and the author of the work is not a citizen of the European Union, the term of protection of this work in the European Union shall expire on the date of expiry of the protection granted by the country of origin, but it shall not exceed the term specified in Paragraph one of this Section.
[6 December 2007]

Section 37. Term of Copyright for Particular Types of Works

(1) Copyright to audio-visual works shall be in effect for 70 years after the death of the last of the following persons:

1) the director;
2) the author of the script;
3) the author of the dialogue; and
4) the author of a musical work created for an audio-visual work.

(2) Copyright to a work that has legally become available to the public anonymously or under a pseudonym shall be in effect for 70 years from the moment when it has legally become available to the public. If during the time referred to the author of a work whose work has legally become available to the public anonymously or under a pseudonym reveals his or her identity, or if there is no doubt about the identity, Section 36, Paragraph one of this Law shall apply.
(3) Copyright to a work created by co-authors shall be in effect for the duration of the lives of all the co-authors and for 70 years after the death of the last surviving co-author.
(4) As to authors, whose works were prohibited in Latvia or the use of which was restricted from June 1940 to May 1990, the years of prohibition or restriction shall be excluded from the term of the copyright.
(5) Copyright to works, whose term of copyright begins at the moment of legal publication and which are published in volumes, parts, instalments or sections, shall be in force separately for each volume, part, instalment or section.
(6) A work, the term of protection of which is not calculated from the moment of the death of the author or authors, protection shall expire if within a period of 70 years after the creation of such a work it has lawfully not become accessible to the public.

(7) Any person, who after expiration of a copyright lawfully publishes or communicates to the public a previously unpublished work, shall acquire rights which are equivalent to the economic rights of an author and shall be in effect for 25 years from the first publication or the communicating to the public of the work.
[22 April 2004]

Section 38. Calculation of the Duration of Copyright

The beginning of a copyright term provided for in this chapter shall begin on 1 January of the year following the moment of the creation of rights (legal fact) and shall expire on 31 December of the year in which the terms referred to in Sections 36 and 37 of this Law expire.

Section 39. Works to which Copyright has Expired

(1) Works in respect of which copyright has expired may be freely used by any person, observing the right of the author to a name and inviolability of the work in accordance with the provisions of Section 14 of this Law.
(2) Remuneration shall not be paid to the author for the use of such works.

Chapter VII
Rights to the Use of Works

Section 40. Rights to the Use of Works

(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 rightholder to the use of the work. It is prohibited to use works if permission of the rightholder has not been received, except for the cases specified by law.
(2) The permission of the rightholder shall be issued both as a licensing agreement and as a licence.
(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.
(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 10 days prior to the relevant event.
(5) Upon a request from a rightholder as well as from the organisation for collective management of economic rights, users of works have the duty to provide information regarding the works used in the amount requested by the rightholder or by the organisation for collective management of economic rights respectively.
[22 April 2004; 6 December 2007]

Section 41. Licensing Agreements

(1) A licensing agreement is an agreement by means of which one party – the rightholder – 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.
(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.
(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.

Section 42. Types of Licences

(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.

(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.
(3) An exclusive licence gives the right to conduct the activities specified in the licence solely to the recipient of the licence.
(4) A compulsory licence is issued by a collective management organisation, and such licence gives the right to use the works of all the authors represented by such organisation.

Section 43. Form of Licences and Licensing Agreements

(1) All licences shall be issued in writing.
(2) A licensing agreement may be entered into either orally or in writing. The following licensing agreements shall be entered into in writing:
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.

Section 44. Term of a Licensing Agreement or a Licence

(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.
(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 rightholder may terminate the licensing agreement or revoke the licence, giving a notice six months in advance.
(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.

Section 45. Territory in which a Licensing Agreement or a Licence is in Effect

(1) A licensing agreement or a licence must indicate the territory in which it is in effect.
(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 licensing agreement was executed or the licence issued.

Section 46. Rental of a Work

(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.
(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.
(3) An agreement pursuant to which the author relinquishes the right to receive remuneration for a future period shall not be in effect.

Chapter VIII
Neighbouring Rights

Section 47. Rightholders and Objects of Neighbouring Rights

(1) Neighbouring rights are the rights of performers, phonogram producers, film producers and of broadcasting organisations.
(2) The objects of neighbouring rights are performances, and their fixations, phonograms, films and broadcasts.
(3) The rightholders specified in this Section are performers, phonogram producers, film producers, and broadcasting organisations or their successors in title and heirs.
(4) Cable operators who only retransmit the broadcasts of other broadcasting organisations are not rightholders.

(5) Phonogram producers, film producers and broadcasting organisations shall realise their rights within the framework of those rights which, in contracts with authors and performers, have been granted for the objects of copyright or neighbouring rights. Permission for the use of an object of neighbouring rights, obtained from one rightholder, shall not constitute a substitute for permission that must be obtained from another rightholder and from the author of the work. The permission of an author and of a performer are not mutually interchangeable.
(6) Rightholders shall realise the rights specified in this Section, observing the rights of authors of the works.
(7) No formalities are necessary to affirm neighbouring rights. Performers, phonogram producers and film producers may use, on copies of phonograms or their packaging, a sign consisting of two elements: the letter "P" within a circle and the year of the first publication of a phonogram or of the year of the fixation of a film.
(8) Persons whose name, pseudonym or designation are indicated on a neighbouring rights object, attached thereto or appear in association with the neighbouring rights object, shall be deemed to be rightholders if not proven otherwise.
(9) The rights of rightholders shall not be associated with ownership rights to a material object in which the neighbouring rights object are expressed or included. The rights of rightholders shall be separated from the possession of the material object. The devolvement of the possession of the neighbouring rights object by itself shall not create the devolvement of the rights of the rightholder.
(10) In relation to the use of a neighbouring rights object, the provisions of Sections 40-45 of this Law shall be applied.
(11) Rightholders shall realise their rights directly, through an authorised person, or through collective management organisations.
[22 April 2004]

Section 48. Rights of Performers

(1) *[22 April 2004]*
(2) A performer, irrespective of his or her economic rights, as well as in the case where economic rights are transferred, regarding his or her performance and the fixation thereof has the right:
1) to require that he or she be identified as a performer, except in cases when such right is not possible due to the type of use of the performance; and
2) to object to any distortion, modification or other transformation of his or her performance, which may harm the reputation of the performer.
(3) With respect to their performance, performers shall have exclusive rights to:
1) broadcasting or communicating to the public the performance, except in cases when the performance has already been broadcast;
2) fixation of a performance that has not been previously fixed;
3) distribution of the fixation of a performance;
4) broadcasting or retransmission by cable of the fixation of a performance;
5) making available to the public of the fixation of a performance, by wire or otherwise, in an individually selected location and at an individually selected time;
6) lease, rent or public lending of the fixation of a performance; and
7) directly or indirectly, temporarily or permanently reproduce the fixation of a performance.
8) [22 April 2004]
(4) If performers individually or collectively enter into a contract with a film producer for the creation of an audio-visual work, the performers may be considered to have transferred their rental rights to the producer, if the contract does not specify otherwise.
(5) If a performer has transferred their rental rights, with respect to a phonogram or the original or copy of an audio-visual work, or may be deemed in accordance with Paragraph four of this Section, to have transferred their rental rights to the phonogram or film producer, the performer shall retain the right to receive just remuneration for such rental. An agreement regarding a waiver of right to receive remuneration for a future period shall be void.
(6) The collection, apportionment and payment of the aforementioned remuneration shall be done in accordance with Paragraph three of Section 51 of this Law.

(7) For permission granted to use a performance, and for its use, a performer shall be paid just remuneration. The remuneration shall be paid to the performer or to an authorised collective management organisation.
(8) *[22 April 2004]*
[22 April 2004]

Section 49. Contract for Creation of an Audio-visual Work

(1) By a contract for the creation of an audio-visual work, the performer transfers to the film producer his or her rights to the fixation, communication to the public and reproduction of his or her performance. The film producer shall not have the right to use separately sounds or images fixed in the audio-visual work, if it is not specified otherwise in the contract. The contract for the creation of an audio-visual work shall be entered into in writing.
(2) A contract for the creation of an audio-visual work shall provide for remuneration to the performer for each type of use of the particular work.
[22 April 2004]

Section 50. Rights of Film Producers

Film producers have exclusive rights in respect of the original of the film or copies thereof to:
distribute;
2) retransmit by cable;
3) make available to the public by wire or otherwise in an individually selected location and at an individually selected time;
4) lease, rent or publicly lend; and
5) directly or indirectly, temporarily or permanently reproduce the original of the film or copies thereof.
[22 April 2004]

Section 51. Rights of Phonogram Producers
(1) Phonogram producers have exclusive rights in respect of the phonograms or copies thereof to
1) distribute;
2) make available to the public by wire or otherwise in an individually selected location and at an individually selected time;
3) lease, rent or publicly lend, also in the cases where the distributor thereof is the phonogram producer himself or herself or such has occurred with his or her consent; and
4) directly or indirectly, temporarily or permanently reproduce the phonograms or copies thereof.
(2) *[22 April 2004]*
(3) The collection of remuneration for the lease, rental and public lending of phonograms, its apportionment and payment shall be done by collective management organisations, which are authorised by performers and phonogram producers. The remuneration amounts, paid by users in compliance with the provisions of this Section, shall be divided between the phonogram producer and the performers in equal parts, if it is not specified otherwise by the contract between the collective management organisations.
[22 April 2004]

Section 52. Use of Phonograms Published for Commercial Purposes

(1) Performers and phonogram producers have the right to receive just remuneration for the use of phonograms published for commercial purposes. The use shall include broadcasting, communication to the public, public performance, the communicating to the public of broadcasts consisting of phonograms published for commercial purposes, retransmission by cable and other ways of communication to the public. As a phonogram published for commercial purposes shall be deemed also such phonograms that are made legally accessible to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time.

(2) A document that confirms the observance of the rights provided for in Paragraph one of this Section shall be with the user at the time when he or she uses phonograms published for commercial purposes.
[22 April 2004; 6 December 2007]

Section 53. Rights of Broadcasting Organisations

(1) Broadcasting organisations, with respect to their broadcasts, shall have exclusive rights to:

1) make broadcasts for a charge or in locations, which are accessible to the public for a charge, or in locations where the owners or possessors use the broadcasts to attract customers;

2) the transmission of a signal carrying the programme with the assistance of any other broadcasting organisation, cable operator, or some other distributor;

3) the acquisition of any photographic image of the screen from a broadcast (photograph of the screen) if it is not done for personal use, and any duplication or distribution of such photographs

4) retransmission of broadcasts by cable;

5) making a broadcast or the fixation thereof available to the public by wire or otherwise so that they are available in an individually selected location and at an individually selected time;

6) fixation of any broadcasts by means of sound or video recording equipment, direct or indirect, temporary or permanent reproduction of a fixation of a broadcast and any distribution of such fixations.

(2) A broadcasting organisation shall receive remuneration for permission to use broadcasts and for their use in the cases specified in Paragraph one of this Section.

(3) A broadcasting organisation has the right to broadcast and communicate to the public such audio-visual works and phonograms which were lawfully included in its archives until the coming into force of the Law On Copyright and Neighbouring Rights (5 May 1993), upon payment of remuneration to the rightholders in compliance with the amounts of remuneration specified by the collective management organisation (Section 63).
[22 April 2004; 6 December 2007]

Section 54. Restrictions on Rights of the Neighbouring Rightholders

(1) It is allowed to restrict the right of a neighbouring rightholder to permit or to prohibit the use of a neighbouring rights object and to receive remuneration for the use thereof in the cases specified in this Law.

(2) The restrictions provided for in this Law shall be applied in such a way that they are not in contradiction with the provisions for normal use of a neighbouring rights object and do not unjustifiably restrict the lawful interests of the neighbouring rightholders.

(3) Neighbouring rights shall not be deemed infringed if, without permission of the neighbouring rightholder and without the payment of remuneration, the neighbouring rights object is used and fixed:

1) in short segments that are included in news broadcasts and in reports of current events, in amounts appropriate for informative purpose;

2) for other purposes specified in Sections 21, 22, 24, 25, 26, 27 and 33 of this Law with respect to restriction of the economic rights of authors; and

3) in the cases specified in Section 23 of this Law, provided that it is only allowed to reproduce in a digital format such films and phonograms that have been published in Latvia and are not available in circulation, unless specified otherwise by the agreement with the neighbouring rightholders.

(4) Neighbouring rights shall not be deemed infringed if, without the permission of the neighbouring rightholder but with the payment of fair compensation to him or her, films, phonograms, as well as neighbouring rights objects included in a film or a phonogram are used for public lending. The procedure for the payment of remuneration shall be specified in Paragraphs two and three of Section 19^1 of this Law.

(5) Without the consent of the author a natural person shall be permitted to reproduce (including in a digital format) in one copy lawfully acquired films or phonograms, as well as neighbouring rights objects included in a lawfully acquired film or phonogram for personal use,

without direct or indirect commercial purpose. Third persons shall not be involved in the production of such copy. Neighbouring rightholders shall be entitled to receive fair compensation (blank tape levy) for the production of the copy referred to in Paragraph one of this Section. The procedure for the payment of the blank type levy shall be specified in Paragraphs 2 to 7 of Section 34 of this Law.
(6) If the use of the neighbouring rights object in accordance with the provisions specified in Paragraph two of this Section is not possible due to the effective technological means utilised by the neighbouring rightholder, the provisions of Paragraphs four and five of Section 18 of this Law shall be applicable.
(7) The right of a neighbouring rightholder to control the distribution in the European Union of the fixation of his or her performance, phonogram or film or the copies thereof shall expire on the date when they are sold or otherwise alienated in the European Union for the first time, if done by the neighbouring rightholder himself or herself or with his or her consent. This condition shall apply only to those neighbouring rights objects included in concrete material media and the copies thereof, which have been sold or otherwise alienated.
[22 April 2004; 6 December 2007]

Section 55. Term of Neighbouring Rights

(1) The rights of performers shall be in effect for 50 years from the first performance. If during this time a fixation of the performance is lawfully published or communicated to the public, the period of protection shall be in effect 50 years from the day of such publication or communication to the public, depending on which action was the first. The moral rights of performers shall be in effect as long as the economic rights are in effect.
(2) The rights of phonogram producers and film producers shall be in effect for 50 years from when the fixation was made. If during this time a phonogram or film has been lawfully published or communicated to the public, the period of protection shall be 50 years from the day of such publication or communication to the public, depending on which action was the first.
(3) The rights of broadcasting organisations shall be in effect for 50 years from the first transmission of a broadcast.
(3^1) The terms of protection specified in Paragraphs one, two and three of this Section shall also be in force if the rightholders are not citizens of the European Union but at least one Member State of the European Union ensures protection to them. Such term of protection shall expire on the date when the protection granted by the state whose citizen the rightholder is shall end, but shall not be longer than the term specified in Paragraphs one, two and three of this Section, unless otherwise provided by international agreements binding for Latvia.
(4) The term for neighbouring rights provided for in this Section shall begin on 1 January of the year following the year in which the rights were created (legal fact) and shall end on 31 December of the year in which the time referred to in this Section ends.
[22 April 2004; 6 December 2007]

Section 56. Scope of Neighbouring Rights

(1) The rights of performers shall be recognised if one of the following conditions is met:
1) the performer is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia;
2) the performance occurred in Latvia;
3) the performance is fixed in a phonogram which is protected in accordance with the provisions of Paragraph two of this Section; or
4) a performance that is not fixed in a phonogram, has been included in a broadcast of a broadcasting organisation which is protected in accordance with the provisions of Paragraph four of this Section.
(2) The rights of phonogram producers shall be recognised if one of the following conditions is met:
1) the producer of a phonogram is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia;
2) the first sound fixation was made in Latvia; or

3) the publication or making available to the public of the phonogram has occurred in Latvia.

(3) The rights of film producers shall be recognised if one of the following conditions is met:

1) the film producer is a citizen of Latvia, or a person entitled to a Latvian non-citizen passport, or a person whose permanent residence (domicile) is in Latvia; or

2) the first fixation of the film was made in Latvia.

(4) The rights of broadcasting organisations shall be recognised in accordance with this Chapter if the official location of the broadcasting organisation is Latvia.

(5) The rights provided for in this Chapter shall be recognised for foreign natural and legal persons in accordance with international agreements binding on Latvia.

[22 April 2004]

Chapter IX
Special Aspects of Protection of Databases (sui generis)

Section 57. Rights of a Maker of a Database

(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.

(2) The maker of a database has the right to prevent the following regarding the entire contents of the database or such parts of which may be qualitatively of quantitatively regarded as substantial:

1) 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

2) re-use, 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.

(3) Public lending is not an act of extraction or re-use.

(4) The repeated and systematic extraction and re-use of non-essential 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.

Section 58. Rights and Obligations of Users of a Database

(1) A lawful user of a database which is available to the public has the right to extract or re-use, for any purposes, parts of its content that may be regarded as qualitatively or quantitatively non-essential 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-use.

(2) A lawful user of a database, which is available to the public, shall observe the rights of the rightholders related to the works or materials contained in the database.

(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.

Section 59. Restrictions to Rights of Protection of Databases

(1) Without the consent of the maker of a database which is available to the public the lawful users of a database may:

1) extract the contents of a non-electronic database for personal use;

2) 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; and

3) extract or re-use 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.

(2) The right of the maker of a database to control the resale of the database in the European Union shall be exhausted at the moment when the database is sold or otherwise alienated in

the European Union 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. This condition shall apply only to those objects included in concrete material media or the copies thereof, which are sold or otherwise alienated.
[22 April 2004]

Section 60. Term of Rights of Protection of Databases

(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.
(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 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.
(3) If any changes 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 has the right to its own term of protection, and the provisions of Paragraphs one and two of this Section shall apply.

Section 61. Scope of Rights of Protection of Databases

(1) The rights of the maker of a database – a natural person – shall be recognised, if he or she is a Latvian citizen or a person who is entitled to a Latvian non-citizen passport, a citizen of another Member State of the European Union or if Latvia or another Member State of the European Union is their permanent place of residence (domicile) or if he or she has a permanent residence permit.
(2) The rights of a maker of a database – a legal person – shall be recognised, if such legal person has been established in accordance with the regulatory enactments of Latvia or another Member State of the European Union, and its legal address, administration or principal place of activities is in the European Union. If a legal person has only its legal address in the territory of Latvia or another Member State of the European Union, the operations of such person must be linked on an ongoing basis with the economy of Latvia or the relevant Member State of the European Union.
(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.
[22 April 2004]

Section 62. Protection of Rights of Makers of Databases

The rights of makers of databases shall be protected in accordance with the provisions of Chapter XI of this Law.

Chapter X
Collective Management

Section 63. General Provisions for Collective Management

(1) The protection of economic rights of rightholders if such rights can not be ensured on an individual basis or if such protection is difficult, shall be conducted by a collective management organisation.
(2) The Associations and Establishments Law shall regulate the establishment, activities, reorganisation and liquidation of a collective management organisation insofar as this Law does not determine otherwise.
(3) Authors shall form a collective management organisation and the purpose of its activities shall be collective management.

(4) A collective management organisation shall be established if only the interests of the rightholders are not in contradiction, performers, film and phonogram producers, and the purpose of its activities is collective management.
(5) The economic rights of the rightholders shall be administered only on a collective basis in respect of:

1) a public performance, if it is occurs in locations, cafes, shops, hotels and other similar places;

2) lease, rental and public lending (except computer programs, databases and works of art);

3) retransmission by cable (except the rights of broadcasting organisations, irrespective of whether it is their own broadcasting organisation rights or those which the broadcasting organisation has transferred to rightholders);

4) reproduction for personal use;

5) reprographic reproduction for personal use;

6) resale of original works of visual art; and

7) use of phonograms published for commercial purposes.

(6) Collective management in relation to the use of a copyright or neighbouring right object simultaneously specified in Paragraph five of this Section may be performed by one collective management organisation.
(7) On the basis of an authorisation, a collective management organisation may represent the interests of a rightholder represented by another organisation.
(8) Only one organisation for collective management of economic rights without an authorisation from another organisation for collective management shall perform collective management of economic rights in relation to public lending, as well as reproduction and reprographic reproduction for personal use.
[22 April 2004; 6 December 2007]

Section 64. Scope of Rights of Collective Management Organisations

(1) *[22 April 2004]*
(2) Collective management organisations, in accordance with written contracts entered into, shall protect the economic rights of the rightholders arising from copyright or neighbouring rights.
(3) In respect to the types of use of works referred to in Paragraph five of Section 63, the organisation for collective management of economic rights has the right to represent the rightholders without conclusion of a relevant contract.
(4) A collective management organisation may entrust the work of administration on a collective basis to another collective management organisation in Latvia or in a foreign state.
(5) Collective management organisations have the right to reserve in their bank accounts the remuneration amounts, which have been collected from users of works and neighbouring rights objects and have not been claimed or identified, and, after three years from the day when such sums were paid into the accounts of the organisation, to incorporate them, as well as the interest paid by the bank on deposits into the regular amount of payment to be apportioned.
[22 April 2004; 8 February 2007]

Section 65. Functions of Collective Management Organisations

(1) Collective management organisations shall perform the following functions:

1) agree with the users of works and neighbouring rights objects (in the cases specified in Section 63, Paragraph five, Clause 1 and in relation to neighbouring rights – in the case of communication to the public with user associations) regarding the amount of remuneration, procedures for payment and other provisions with which licences are issued;

2) issue works and neighbouring rights object licences to users for exercising the rights, which are managed by the particular organisation, and collect the remuneration as specified in the licences;

3) specify just remuneration in cases when, in accordance with Section 63, Paragraph five of this Law, the organisation has a duty to administer the economic rights of the rightholders on the basis of law, and collect the specified remuneration;

4) collect remuneration for the public resale of original works of visual art, for the reproduction of works for personal use, and for other types of use of works and neighbouring rights objects in accordance with regulatory enactments; and

5) apportion the collected remuneration and pay it to the rightholders.

(2) Other functions of collective management organisations shall be specified by the contract, which the relevant organisation and the rightholder have entered into.

[22 April 2004; 6 December 2007]

Section 66. Duties of Collective Management Organisations

(1) Collective management organisations shall in the course of their activities represent the rights and lawful interests of holders of neighbouring rights in accordance with contracts entered into with respect to the use of works and neighbouring rights objects. Such organisations shall perform the following duties:

1) provide a report of the use of a work and neighbouring rights object and other activities when paying out remuneration to rightholders; and

2) after making the deductions specified in Paragraph two of this Section, apportion the collected remuneration amounts between the rightholders represented by such organisations in proportion to the use of their works and neighbouring rights objects, as well as other activities and regularly make payments.

(2) Collective management organisations shall cover, from the remuneration amounts collected in accordance with contracts entered into, the actual expenditures associated with the collection, apportionment and payment of remuneration.

(3) Collective management organisations may develop special funds in the interests of rightholders, by making deductions from the collected remuneration amounts in accordance with the goals and tasks of the collective management organisation.

(4) Rightholders, who have not authorised organisations to collect the remuneration specified in Section 65 of this Law, have the right to require the organisations to pay the remuneration due them in accordance with the apportionment of the remuneration that has been made, as well as to exclude their works and neighbouring rights objects or performance from the licences which such organisations issue to the users of works.

(5) Collective management organisations shall publish their annual report, as well as the amount of remuneration specified in Section 65, Paragraph one, Clause 3 of this Law, within the term specified by law, in the newspaper Latvijas Vēstnesis [the official Gazette of the Government of Latvia].

[22 April 2004]

Section 67. Supervision of the Activities of Collective Management Organisations

(1) Collective management organisations may perform collective management only after obtaining a permit. Permits for the administration of economic rights on a collective basis shall be issued and cancelled by the Ministry of Culture. A permit shall be issued on the basis of a submission from the organisation to which is appended all the information necessary for evaluation.

(2) In issuing a permit to a collective management organisation, the Ministry of Culture shall evaluate:

1) whether the articles of association of the organisation conform to this Law;

2) whether the organisation represents a substantial amount of Latvian authors or performers, phonogram producers and other rightholders;

3) whether the organisation is capable of the effective administration of the concrete rights or type of use and whether such are not already ensured by another collective management organisation; and

4) other circumstances, which have a significant importance in the collective administration of the concrete rights or type of use.

(3) The Ministry of Culture shall supervise the activities of collective management organisations, particularly supervising whether:

1) equal provisions are applied to one and the same category of user;

2) the issuance of a licence is not denied without substantiated basis;

3) the apportionment of remuneration and payments occur in accordance with the procedures specified;

4) the provisions regarding collection and apportionment of remuneration are fair; and

5) the administration expenditures are justified.

(4) The Ministry of Culture shall cancel a permit to perform the administration of economic rights on a collective basis if:

1) the organisation after a repeated request from the Ministry of Culture does not submit information, which is necessary for the performance of supervision; and

2) the activities of the organisation do not conform to the law and within the time period

(5) Information regarding the coming into effect or cancellation of the permits specified in Paragraphs two and four of this Section shall be published by the Ministry of Culture in the newspaper Latvijas Vēstnesis.

[22 April 2004]

Chapter X[1]
Mediators

Section 67.[1] Use of Mediators

(1) If broadcasting organisations cannot mutually agree regarding retransmission, as well as in the cases specified in Section 18, Paragraph five of this Law, any of the parties may apply to a mediator.

(2) An application to commence the mediator procedure shall be addressed to the Ministry of Culture and the other party.

[22 April 2004]

Section 67.[2] Selection of a Mediator

(1) The parties may agree regarding the candidature of a mediator or regarding the procedures by which a mediator shall be invited or appointed. If the parties cannot agree regarding the candidature of a mediator or regarding the procedures by which a mediator shall be invited, the mediator may be appointed by the Minister for Culture, on the basis of a written request from the parties.

(2) The mediator shall be selected so that his or her independence and neutrality shall not cause justified doubts.

[22 April 2004]

Section 67.[3] Course of the Mediator Procedure

(1) If any of the parties has submitted a proposal to resolve the dispute, the mediator procedure shall take place on the basis of such a proposal.

(2) The mediator may express proposals to the parties to resolve the dispute and specify a time period within which the parties approve or reject his or her proposal. If none of the parties objects to the proposal of the mediator within a period of three months after receipt of the proposal, it shall be deemed that they have accepted such proposals.

(3) A mediator is not entitled to disclose intelligence and information, which has become known to him or her in connection with the mediator procedure.

(4) Application by the parties to a mediator shall not influence their right to apply to a court.

[22 April 2004]

Chapter XI
Protection of Copyright and Neighbouring Rights

Section 68. Infringement of Copyright and Neighbouring Rights

(1) Violations of copyright and neighbouring rights shall be deemed to be activities by which the personal or economic rights of the rightholders are infringed, including:

1) fixation of copyright and neighbouring rights objects, their publication, communicating them to the public, their reproduction or distribution in any form without the consent from the rightholder;

2) activities, by which, without the permission of the rightholders, electronic information regarding the management of rights attached by rightholders has been extinguished, amended or transformed;

3) activities, by which an object of rights for which the electronic information regarding the management of rights has been extinguished, amended or transformed without permission is distributed, broadcast, communicated to the public or published;

4) the destruction or circumvention of such effective technological measures used by the rightholder, which were intended in order to restrict or not allow any activity with the copyright and neighbouring right object, or other activities with technological measures if such have occurred without the permission of the rightholder;

5) the manufacture, importation, distribution, sale, lease, advertisement or use for other commercial purposes of such devices or the components thereof, as well as the provision of such services, which are directed towards the circumvention of effective technological measures or the destruction thereof;

6) the non-payment of the remuneration provided for in Sections 34, 35 and 52 of this Law; and

7) non-provision of the information provided for in Section 40, Paragraph five of this Law or provision of such information to an inadequate extent.

(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.

(3) Copyright and neighbouring rights objects or the copies thereof produced as a result of illegal actions are infringing copies.

(4) Copyright and neighbouring rights objects 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.

[22 April 2004; 6 December 2007]

Section 69. General Principles for the Protection of Rights of the Copyright Holders and Neighbouring Rightholders

(1) Copyright holders and neighbouring rightholders, organisations for collective management of economic rights, and other representatives of copyright holders and neighbouring rightholders have the right:

1) to require of the person who has illegally used the object of copyright or neighbouring rights to recognise the rights of the copyright holders and neighbouring rightholders;

2) to prohibit the use of their works;

3) to require that the person who has illegally used the object of copyright or neighbouring rights renew the status existing 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 person stop the activities that are considered to be preparation for illegal use of the objects of copyright or neighbouring rights;

5) to require that the person who has illegally used the object of copyright or neighbouring rights compensate the losses and moral damage incurred by the copyright holders or neighbouring rightholders;

6) to require that the infringing copies be destroyed; and

7) to require that intermediaries the services provided by whom are used in order to infringe the rights of the copyright holders or neighbouring rightholders, or who make such infringement possible, shall perform relevant measures for the purpose of preventing the users from being able to perform such infringements. If the intermediary does not perform relevant measures, the copyright holder or neighbouring rightholder or their reperesentative has the right to bring an action against the intermediary.

(2) To protect their rights, the copyright holders and neighbouring rightholders or their reperesentatives may initiate proceedings. If the rights that are to be protected in accordance with the procedures specified in Chapter X of this Law have been infringed, an action for protection of the infringed rights shall be brought by the copyright holder or neighbouring rightholder himself or herself or, on behalf of the rightholders – by the organisation for collective management of economic rights.

(3) When bringing an action concerning infringement of rights to a court, the copyright holders and neighbouring rightholders shall be exempt from the State fee. Organisations for collective management of economic rights, when bringing an action to court concerning infringement of rights that arise from the cases referred to in Section 63, Paragraph five of this Law shall be exempt from the State fee.
[22 April 2004; 8 February 2007]

Section 69[1]. Procedure for Determining the Amount of Compensation for Losses and Moral Damage

(1) If objects of copyright or neighbouring rights have been illegally used due to the fault of a person, the copyright holders or neighbouring rightholders are entitled to require a compensation for the incurred losses and moral damage.
(2) The amount of compensation for losses and moral injury shall be determined in accordance with the Civil law. When determining the amount of compensation for losses, the unfair earnings gained by the person who has illegally used the object of copyright or neighbouring rights may be taken into consideration.
(3) If the amount of actual losses cannot be determined in accordance with Paragraph two of this section, the amount of compensation for losses shall be determined in accordance with the amount which could be received by the copyright holder or neighbouring rightholder for the issue of a permit to use the object of copyright or neighbouring rights.
[8 February 2007]

Section 70. Attachment and Destruction of Infringing Copies

(1) Upon identifying infringing copies, the police or another competent State institution shall seize them.
(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 seized them.
[22 April 2004]

Section 71. Liability for Infringement of Copyright and Neighbouring Rights and the Rights of the Makers of Databases

Depending on the nature of the infringement of copyright or of neighbouring rights and the consequences thereof, the person who has illegally used the object of copyright or neighbouring rights shall be held liable in accordance with the law.
[22 April 2004; 8 February 2007]

Transitional Provisions

1. The following are repealed:
1) the Law On Copyright and Neighbouring Rights (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, No. 22/23, 1993);
2) the 11 May 1993 decision of the Supreme Council On the Coming into Effect of the Republic of Latvia Law On Copyright and Neighbouring Rights (Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs, No. 22/23, 1993).

2. The terms of protection of copyright and neighbouring rights provided for in this Law shall apply to all the works and objects of rights which were subject to protection on 1 July 1995 at least in one Member State of the European Union in accordance with the relevant national provisions regarding copyright and neighbouring rights.
[8 February 2007]

3. The provision of Section 35 of this Law regarding remuneration to authors for reprographic reproduction shall come into force on 1 January 2001.

4. The provision of Section 19, Paragraph two of this Law regarding the payment of remuneration to authors in respect of libraries which are financed from the State budget, or from the budgets of Local Governments, shall come into force from 1 January 2003.

5. The rights of protection of a database provided for in Section 57 of this Law shall apply also to such databases the creation of which was completed not earlier than 15 years before the coming into force of this Law and which are, on the day of the coming into force of the Law, in compliance with the provisions of Section 5, Paragraph two of this Law. Protection of a database shall not restrict previously acquired rights and shall not affect contracts, which have been entered into before the coming into force of this Law.

6. The rights of performers specified in Section 48, Paragraph two, Clauses 3 and 7 of this Law shall be administered only collectively in relation to the performances fixed in phonograms, which are fixed or published in Latvia up to 15 May 1993.
[22 April 2004]

7. Collective management organisations that have been established up to 1 May 2004 shall, not later than by 1 September 2004, obtain a permit to perform the administration of economic rights on a collective basis.
[22 April 2004]

8. Until the date of entry into force of new Cabinet regulations, but not later than until 1 September 2007, Cabinet Regulation No. 444 of 27 April 2004 Regulations regarding Public Lending, shall be applicable insofar as they are not in contradiction to this Law.
[8 February 2007]

9. The provisions of Sections 32, 36, 54, 55, 59 and 61 of this Law shall also be applicable with regard to the following states of the European Economic Area: the Republic of Island, the Principality of Liechtenstein and the Kingdom of Norway.
[6 December 2007]

Informative Reference to European Union Directives

This Law contains legal provisions arising from:

1) Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs;

2) Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property;

3) Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission;

4) Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights;

5) Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases;

6) Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society;

7) Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art; and

8) Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (Text with EEA relevance)
[22 April 2004; 8 February 2007]

This Law has been adopted by the Saeima on 6 April 2000.
President V. Vīķe-Freiberga
Rīga, 27 April 2000