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

6 March 2003.

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.

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:

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

2) **work** – the original creation of an author in any material form, as well as an improvisation performed in public at the time of its performance;

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;

) **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;

) **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 performs the first fixation of the sounds of a performance, other sounds or representation of sounds, and is responsible for its completion;

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

10) **publication** – any action, by means of which copies of a work are made available to the public with the consent of the author, observing the condition that the number of copies shall satisfy a reasonable public demand for that type of work. Publication shall not include: performances of dramatic, dramatic-musical or audio-visual works, performances of musical

1 The Parliament of the Republic of Latvia

works, public readings of literary works, the broadcasting of literary or artistic works, demonstrations of visual works or erected architectural works;

11) **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;

12) **public performance** – the performance, reading, demonstration, presentation by an actor, or any other use of any work or other object protected by this Law in a public place or in places where people are outside their usual family circle, either directly or by means of any technical equipment or process;

13) **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 work is made available to unlimited number of people for an unlimited period of time, not for the purpose of gaining direct or indirect economic or commercial benefit;

14) **broadcasting** – the initial distribution of programmes for public reception by means of ground transmitters, cable networks, or satellites in an open or encoded form. Broadcasting shall also include communication to the public through use of a satellite;

15) **reproduction** – the making of one or more copies, in any form and by any means, of a work or another object protected by this Law, also the making of three-dimensional copies of a two-dimensional work or two-dimensional copies of a three-dimensional work, including short-term or long-term storage in electronic form of a work or an object of neighbouring rights, or a part of such;

16) **reprographic reproduction** – the making of the original of a work, or of facsimile copies of copies of a work, by any means of photocopying, except printing. Reprographic reproduction shall include also the scanning or the making of facsimile copies by means of photocopying in an enlarged or reduced version; and

17) **retransmission by cable** - any synchronous, unaltered and unhindered retransmission through a cable or microwave system of a transmission of any radio or television broadcast transmitted by communications lines or by air, including satellite transmission.

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 interest 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 holder of the copyright; 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 interest to copyright.
(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 interest to the copyright.
(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 interest 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 dramatic-musical works, scripts and treatments of audio-visual works;

3) choreographic works and pantomimes;

4) musical works with or without words;

5) audio-visual works;

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

7) applied works of 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) 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.

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;

2) State approved as well as internationally recognised official symbols and signs (flags, Coats of Arms, anthems, decorations, bank notes, and the like), 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.

Chapter III
Authors and Successors in Interest to Copyright

Section 7. Holders of Copyright

(1) The author of a work, co-authors, including authors of audio-visual works, authors of derivative works, their heirs and other successors in interest may be a holder of copyright.

(2) Holders of copyright may realise the copyright to a work themselves, or through their representatives (also through organisations that administer economic rights on a collective basis).

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 words) 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 shall have 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 a work, an author, except the author of a computer program or a database, shall have the following exclusive rights:
1) to communicate the work to the public;
2) to reproduce the work;
3) to distribute the work;
4) to rent or to publicly lend originals or copies of a work, except for three-dimensional architectural works and works of applied art;
5) to retransmit the work by cable;
6) to translate a work;
7) to arrange, to adapt for stage or screen, or to otherwise transform a work; and
8) to make the work available to the public by wire or by other means, in an individually selected location and at an individually selected time.

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

1) to reproduce the computer program (insofar as the loading, demonstration, use, transmission or storage of the computer program requires its reproduction, permission for such action may be granted in writing by the author);

2) to distribute the computer program;

3) to rent the computer program;

4) to transmit, 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 program); and

5) to make the computer program available to the public by cable or in another individually selected location and at an individually selected time.

(3) With respect to the use of a database, the author of a database shall have the following exclusive rights:

1) to reproduce the database;

2) to transmit, adapt or in any other way transform the database, as well as reproduce, distribute, communicate to the public, demonstrate or display the results of such activities;

3) to distribute the database;

4) to communicate to the public, demonstrate or display the database; and

5) to make the database available to the public by cable or in another individually selected location and at an individually selected time.

(4) The author shall have 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.

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 shall 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 interest to copyright (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. Copyright to Alienated Fine Art Works

(1) Authors shall retain copyright to fine art works, sketches of them, draft compositions and models of works, which have been transferred to the ownership of another person. The transfer of ownership in a work of fine art from the author to another person, with or without remuneration, shall be considered the first alienation of such a work. In the case of the further public resale (at an auction, or by a fine arts gallery or art salon, a store or the like) of a work of fine art, the author shall have the right to receive five percent of the resale price.

(2) Remuneration due to an author, in accordance with Paragraph one of this Section, may be collected, apportioned and paid by an organisation that administers the economic rights of authors on a collective basis.

(3) The owner of a work shall have the obligation to give the holder of the copyright to the alienated work the opportunity to realise the right to reproduce the work, as well as to display it in a personal exhibition. The author shall have the obligation to ensure the protection of the work (security) in transit to and from the place of the exhibition or reproduction, unless specified otherwise by contract.

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 use of a work of an author without permission and without remuneration may not be contrary to the provisions for normal use of the work of an author and may not unjustifiably limit the lawful interests of the author, or cause losses to 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.

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;

2) a work is used for educational and research purposes;

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

4) a work is reproduced to meet the needs of libraries and archives;

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 musical work is used 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 reproduced for technical use by an broadcasting organisation;

10) computer programs are used for reproduction, compilation 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 in the cases provided for in Section 17, Paragraph one of this Law.

(2) Copyright shall not be considered infringed if the work of an author is used, without the permission of the author, but with just remuneration to him or her, for public lending.

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 in the form of quotations for scientific, research, polemical, critical and informational purposes to the extent justified by the purpose of the quotation;

2) to publish in newspapers, 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.

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. The Right to Reproduction of a Work for 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 works, without remuneration, in a form perceivable by such impaired.

Section 23. Reproduction of Works for the Needs of Libraries and Archives

(1) Observing the provisions of Section 18 of this Law, every library or archive shall be permitted to make one copy of a work by means of reprographic reproduction for non-commercial purposes, if such copy is made to preserve a particularly valuable work or to replace for a particular library's or another library's or archive's permanent collection a copy which has been lost, damaged or become unusable and, moreover, it is not possible to obtain such a copy in some other acceptable manner, and the reproduction is repeated in separate and mutually unrelated cases.

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

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, fine arts, design, as well as of applied arts, permanently displayed in public places, in broadcasts.
(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.

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

A musical work may be performed in public without the consent of the author and without the payment of remuneration to the author:

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

2) in educational institutions in a face-to-face teaching process with the participation of teachers and learners, if the audience comprises only the teachers and learners, as well as persons who are directly associated with the implementation of an educational programme.

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 six months 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.

Section 28. Reproduction of a Work for Technical Use in a Broadcasting Organisation

A broadcasting organisation may perform a technical processing of a work, including reproduction, if it is necessary in order to make professional use of the licence granted by the author for the use of the work, or to broadcast or make the relevant work available to the public.

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 holder of the copyright, 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 loading, displaying, running, transmitting or storing the computer program in the computer memory.

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 may not be accessed by other means; 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.

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

Except in cases referred to in Section 17, Paragraph one, of this Law, the right of an author to control the resale of his or her work shall be exhausted from the moment when such work is sold in Latvia for the first time, if it has been done by the author himself or herself, or with his or her consent.

Section 33. Remuneration for Recording Media

(1) Natural persons may without the permission of the author, but on payment of remuneration for the recording media (blank tape levy), reproduce one film or phonogram copy for personal use. This provision shall not apply to computer programs and databases.

(2) Natural and legal persons may, without the permission of the author but on payment of an just remuneration, to reproduce works reprographically for personal or official use.
[6 March 2003]

Section 34. The Blank Tape Levy for the Reproduction of a Film or a Phonogram for Personal Use

(1) The blank tape levy for the reproduction of a film or a phonogram for personal use shall be paid by manufacturers and importers of equipment used in such reproduction and blank recording media (audio recording cassettes, videotapes or video cassettes, laser discs, compact discs, minidisks and the like) before the first alienation or importation.
(2) The amount of the blank tape levy, procedures for collection and payment of the levy, as well as proportional distribution among authors, performers and phonogram and film producers shall be determined by the Cabinet.
(3) The blank tape levy shall not be paid if the equipment mentioned in Paragraph two of this Section is imported for professional use by broadcasting organisations or if blank recording media are imported wholesale for reproduction of works for commercial purposes.

Section 35. Remuneration for Reprographic Reproduction of Works

(1) Authors and publishers have the right to receive remuneration for reprographic reproduction of works. The persons who provide such services shall pay remuneration for reprographic reproduction.
(2) The amount of remuneration to be paid for reprographic reproduction, and the procedures for its collection and payment, shall be determined by the Cabinet.
(3) Remuneration shall be collected and distributed among the authors and publishers by organisations that administer the economic rights of authors on a collective basis.

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 mentioned in Section 37 of this Law.
(2) An author is entitled to indicate, in the same way that an executor of an estate is appointed, the person to whom he or she entrust the protection of his or her rights after death. Such person shall exercise his or her powers until the end of his or her life. If no such instructions exist, after the death of an author the copyright shall be realised by his or her heirs. If the author has no heirs or the term of the copyright belonging to them has expired, protection of such right shall be realised by organisations that administer the economic rights of authors on a collective basis.

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) Any person, who after expiration of a copyright lawfully publishes or communicates to the public a previously unpublished work, shall acquire the economic rights of an author, which shall be in effect for 25 years from the first publication or the communicating to the public of the work.

Section 38. Calculation of the Term 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 end on 31 December of the year in which the terms referred to in Sections 36 and 37 of this Law end.

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 holder of the copyright to the use of the work.
(2) The permission of the holder of copyright 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 three days prior to the relevant event.

Section 41. Licensing Agreements

(1) A licensing agreement is an agreement by means of which one party – the holder of the copyright – 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 an organisation that administers the economic rights of authors on a collective basis, 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 holder of the copyright 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 licence 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. Holders 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 holders of the rights specified in this Section are performers, phonogram producers, film producers, and broadcasting organisations or their successors in interest and heirs.
(4) Cable operators who only retransmit the broadcasts of other broadcasting organisations are not holders of neighbouring rights.
(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 holder of neighbouring rights, shall not constitute a substitute for permission that must be obtained from another holder of neighbouring rights and from the author of the work. The permission of an author and of a performer are not mutually interchangeable.
(6) Performers, phonogram producers and film producers 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 utilise, 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) Owners of neighbouring rights shall realise their rights directly, through an authorised person, or through organisations that administer neighbouring rights on a collective basis.

Section 48. The Rights of Performers

(1) A performer is an actor, singer, musician, dancer or other person who acts in a role, sings, reads, plays or in any other manner performs a literary or artistic work or folklore, or gives a stage, circus, marionette or other type of performance.
(2) A performer, irrespective of his or her economic rights regarding his or her performance and the performance fixed in a phonogram or an audio-visual work, has the right to require that he or she be identified as a performer, except in cases when such right is not granted in connection with the type of use of the performance, as well as the right to object against any distortion, modification or other transformation of his or her performance.
(3) With respect to their performance, performers shall have exclusive rights to permit or prohibit:

1) broadcasting or communicating to the public the performance, except in cases when the performance has already been broadcast or otherwise fixed;

2) fixation of a performance that has not been previously fixed;

3) direct or indirect reproduction of the fixation of a performance;

4) broadcasting or retransmission by cable of the fixation of a performance;

5) distribution of the fixation of a performance, that is, selling or otherwise making available to the public of the fixation of a performance or its copies;

6) rental or public lending of the fixation of a performance; and

7) 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.

(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 organisation that administers neighbouring rights on a collective basis.
(8) A performer has the right to issue licences referred to in Section 42 of this Law.

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.
(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.

Section 50. Rights of Film Producers

Film producers have exclusive rights to permit or prohibit the rental and public lending of the original and copies of their films, their direct or indirect reproduction, retransmission by cable, making films available to the public by wire or otherwise in an individually selected location and at an individually selected time, as well as to permit or prohibit their distribution, that is, to sell or otherwise make available to the public the original or copies of a film.

Section 51. Rights of Phonogram Producers

(1) Except in cases specified by this Law, phonogram producers have exclusive rights to permit or prohibit the direct or indirect reproduction of and distribution for commercial purposes of their phonograms or copies thereof, as well as making phonograms available to the public by wire or otherwise in an individually selected location and at an individually selected time. The right to distribution includes the rental and public lending rights for phonograms and their copies.
(2) In addition to the rights referred to in Paragraph one of this Section, phonogram producers have the right to permit or prohibit the importation of lawfully produced phonograms and their copies, except in the cases specified in this Law.
(3) The collection of remuneration for the rental and public lending of phonograms, its apportionment and payment shall be done by organisations that administer economic rights on a collective basis 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 organisations that administer neighbouring rights on a collective basis.

Section 52. Use of Published Phonograms for Commercial Purposes

(1) Performers and phonogram producers have the right to receive just remuneration for the use of published phonograms for commercial purposes. The use shall include broadcasting, retransmission by cable, playing of phonograms in public places, as well as the communicating to the public of broadcasts consisting of published phonograms for commercial purposes.
(2) The amount of remuneration referred to in Paragraph one of this Section shall be specified by a contract entered into between the performer, the phonogram producer, their representative or an authorised organisation that administers neighbouring rights on a collective basis, and the user or an association of users of the phonogram or its copies. The agreement shall make provision for remuneration for each type of use of a phonogram, as well as for the procedures for collection and apportionment of such remuneration.

Section 53. Rights of Broadcasting Organisations

(1) Broadcasting organisations, with respect to their broadcasts, shall have exclusive rights to permit or prohibit (except in cases specified by this Law and other regulatory enactments):

1) retransmission of broadcasts by cable;

2) making a broadcast available to the public by wire or otherwise in an individually selected location and at an individually selected time;

3) distribution of broadcasts, if they are being distributed to the public for a charge or at places accessible to the public for a charge;

4) fixation of any broadcasts by means of sound or video recording equipment, direct or indirect reproduction of a fixation of a broadcast and any distribution of such fixations;

5) 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;

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

7) the importation and distribution or the retransmission of fixations of broadcasts which is done without authorisation in a state, in which they are not protected against such fixation or retransmission.

(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 holders of the copyright and the neighbouring rights in compliance with the amounts of remuneration specified by the organisation that administers economic rights on a collective basis (Section 63).

Section 54. Restrictions on Rights of Performers, Phonogram Producers, Film Producers and of Broadcasting Organisations

(1) The use of a performance, phonogram, film and broadcast, as well as a fixation of such, without the consent of the performers, phonogram producers, film producers and broadcasting organisations and without remuneration, shall be permitted in the following cases:

1) for personal use in accordance with the provisions of Section 33 and 34 of this Law;

2) as short excerpts within reports of current events;

3) for educational and research purposes; and

4) for other purposes specified in Chapter V of this Law with respect to restriction of the economic rights of authors.

(2) The right of a holder of neighbouring rights to control the distribution of the fixation of his or her performance, phonogram or film, or of his or her copies shall be exhausted in Latvia on the day when such are sold in Latvia for the first time, if it has been done by the holder of the neighbouring rights himself or herself, or with his or her consent.

(3) The restrictions provided for in this Section shall be applied in a way that they do not result in hindering the normal use of the work, and the use of objects encompassed by them as well as without prejudice to the lawful interests of authors, performers, phonogram producers, film producers and broadcasting organisations.

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, regardless of 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, regardless of 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.
(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.

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 disclosure 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 who have produced the first performance, sound or image fixation or broadcasting outside of Latvia in accordance with international agreements binding on Latvia.

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 shall have 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-utilisation, 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-utilisation.

(4) The repeated and systematic extraction and re-utilisation of less than substantial 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 shall have the right to extract or re-utilise, for any purposes, parts of its content that may be regarded as qualitatively or quantitatively less than substantial 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-utilise.

(2) A lawful user of a database, which is available to the public, shall observe the rights of the holders of copyright and neighbouring rights 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-utilise 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 Latvia shall be exhausted at the moment when the database is sold in Latvia 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.

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 rights 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 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 shall have 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 citizen of Latvia or a person who is entitled to a Latvian non-citizen passport, or if Latvia 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 formed in accordance with the regulatory enactments of Latvia, and its legal address, administration or principal place of activities is in Latvia. If a legal person has only its legal address in the territory of Latvia, the operations of such person must be linked on an ongoing basis with the economy of Latvia.
(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.

Section 62. Protection of Rights of Makers of Databases

The rights of makers of databases shall be protected in accordance with the provisions of Section 68 and 69 of this Law.

Chapter X
Collective Administration of Economic Rights

Section 63. Principles of Operation of Organisations that Administer Economic Rights on a Collective Basis

(1) The protection of economic rights of Latvian holders of copyright and of neighbouring rights, if such rights can not be ensured on an individual basis or if such protection is difficult, shall be conducted by an organisation that administers the economic rights on a collective basis.
(2) The economic rights of the holders of copyright and of neighbouring rights shall be administered only on a collective basis in respect of:

1) a public performance, if it is occurs in cafes, shops, institutions, hotels and other similar places;
2) rental and public lending (except computer programs, databases and works of art);
3) retransmission by cable (except broadcasting organisations' own programmes);
4) reproduction for personal use;
5) reprographic reproduction for personal or official use; and
6) resale of works of fine art.

(3) Authors shall form an organisation that administers the economic rights of authors on a collective basis. It may not represent the holders of neighbouring rights and shall act within the scope of authorisations, which have been received from the authors in accordance with written contracts.

(4) An author, who simultaneously is the holder of neighbouring rights, may not participate in the development of tariffs and procedures for the collection, apportionment and payment of remuneration by an organisation that administers the economic rights of authors on a collective basis.
(5) Performers, phonogram producers and other holders of neighbouring rights shall form an organisation that administers neighbouring rights on a collective basis. Such organisation may not represent the holders of copyright and shall act within the scope of authorisations, which have been received from the holders of neighbouring rights in accordance with written contracts.
(6) A holder of neighbouring rights, who simultaneously is an author, may not participate in the development of tariffs and procedures for the collection, apportionment and payment of remuneration by an organisation that administers neighbouring rights on a collective basis.

Section 64. Scope of Rights of Organisations that Administer Economic Rights on a Collective Basis

(1) Pursuant to this Law, activities of organisations that administer economic rights shall not be considered a monopoly and shall not be subject to restrictions set by regulatory enactments that regulate competition.
(2) Organisations that administer the economic rights of authors on a collective basis, and organisations that administer neighbouring rights on a collective basis, in accordance with written contracts entered into, shall protect the economic rights of the holders of copyright and of neighbouring rights arising from copyright or neighbouring rights.
(3) Organisations that administer the economic rights of authors and holders of neighbouring rights on a collective basis, in their activities and in accordance with agency contracts with holders of copyright and of neighbouring rights, shall represent the rights and lawful interests of the referred to holders in all relations with any holder of public or private rights, also in court and concerning all matters pertaining to this type of activity.
(4) An organisation that administers the economic rights on a collective basis may entrust the work of administration on a collective basis to another organisation that administers the economic rights on a collective basis in Latvia or in a foreign state.
(5) Organisations that administer economic rights on a collective basis have the right to hold in their bank accounts the remuneration amounts, which have been collected from users of works 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 into the regular amount of payment to be apportioned or to use them for other purposes in the interests of the holders of copyright of neighbouring rights represented by the organisations.

Section 65. Functions of Organisations that Administer Economic Rights on a Collective Basis

(1) Organisations that administer economic rights on a collective basis shall perform the following functions:
1) agree with the users of works regarding the amount of remuneration, procedures for payment and other provisions with which licences are issued;
2) issue licences to users for exercising the rights, which are administered 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 two of this Law, the organisation has an obligation to administer the economic rights of the holders of copyright and neighbouring rights on the basis of law, and collect the specified remuneration;

4) collect remuneration for the resale of works of art, for the reproduction of works for personal use, and for other types of use of works in accordance with regulatory enactments; and

5) apportion the collected remuneration and pay it to the holders of copyright and of neighbouring rights.

(2) Other functions of organisations that administer economic rights on a collective basis shall be specified by the contract, which the relevant organisation and the holder of the copyright or of neighbouring rights have entered into.

Section 66. Duties of Organisations that Administer Economic Rights on a Collective Basis

(1) Organisations that administer economic rights on a collective basis 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. Such organisations shall perform the following duties:

1) provide a report of the use of a work, performance, and other activities when paying out remuneration to holders of copyright and of neighbouring rights; and

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

(2) Organisations that administer economic rights on a collective basis 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) Organisations that administer economic rights on a collective basis may develop special funds in the interests of holders of copyright and of neighbouring rights, by making deductions from the collected remuneration amounts in accordance with the goals and tasks of the organisation that administers economic rights on a collective basis.

(4) Holders of copyright and neighbouring rights, 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 or performance from the licences which such organisations issue to the users of works.

(5) Organisations that administer economic rights on a collective basis 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].

Section 67. Supervision of Organisations that Administer Economic Rights on a Collective Basis

(1) The Ministry of Culture shall supervise the compliance to the provisions of the Law of the activities of organisations that administer economic rights on a collective basis, particularly supervising whether:

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

2) the administration expenditures are justified;

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

4) the issuance of a licence is not denied without substantiated basis.

(2) To rectify deficiencies that have been determined, the Ministry of Culture shall give binding instructions to the organisations that administer economic rights on a collective basis. If the organisations that administer economic rights on a collective basis do not comply with such instructions, the Ministry of Culture has the right to bring an action in court regarding the dismissal of the relevant executive institution (official) of the organisation.

(3) Organisations that administer economic rights on a collective basis shall submit to the Ministry of Culture their articles of association, the annual reports on their activities, as well as provide information that is necessary for the Ministry of Culture for deciding the issues within its competence.

(4) To ensure supervision, the Ministry of Culture shall establish an advisory board consisting of representatives of interested organisations, experts, and holders of copyright and neighbouring rights.

Chapter XI
Protection of Copyright and Neighbouring Rights

Section 68. Infringement of Copyright and Neighbouring Rights

(1) An action whereby the moral or economic rights of a holder of copyright or neighbouring rights are infringed, including fixation of protected objects, their publication, communicating them to the public, their reproduction or distribution in any form without the consent from the holder of the rights, shall be considered as an infringement of copyright and neighbouring rights.

(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) Copies of works produced as a result of illegal actions are infringing copies.

(4) Copies of works 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.

Section 69. Protection of Copyright and the Rights of Holders of Neighbouring Rights

(1) Holders of copyright and of neighbouring rights, organisations that administer their economic rights on a collective basis, and other representatives shall have the right:

1) to require that the infringer recognise their rights;

2) to prohibit the use of their works;

3) to require that the infringer renew the status 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 infringer compensate the losses, including lost profits, or also to require that an infringer provide compensation pursuant to the discretion of the court; and

5) to require that the infringing copies be destroyed.

(2) To protect their rights, holders of copyright and of neighbouring rights may resort to the courts. In such matters pursuant to a petition by the plaintiff, the court may apply measures

specified by law to secure the claim also in cases when the action does not have an economic character (the action has not been brought for compensation of losses).
(3) The court may, pursuant to a petition by the plaintiff, make a decision that, regarding materials and equipment used for making of infringing copies, collection may be made to compensate the losses incurred by the author, or also that such materials and equipment be given for use for charitable purposes or confiscated. The infringing copies shall be destroyed.
(4) If rights protected in accordance with the procedures specified by Chapter X of this Law have been infringed, an action for protection of the infringed rights may be brought by in the name of the holders of copyright or of neighbouring rights, by the holder of copyright or of neighbouring rights himself or herself, or by an organisation that administers economic rights on a collective basis.
(5) In submitting an action concerning infringement of rights to a court, the holders of copyright and of neighbouring rights, as well as organisations that administer economic rights on a collective basis, shall be exempt from the State fee.

Section 70. Confiscation and Destruction of Infringing Copies

(1) Upon identifying infringing copies, police, customs or another competent State institution shall confiscate 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 confiscated them.

Section 71. Liability for Infringement of Copyright or of Neighbouring Rights

Depending on the nature of the infringement of copyright or of neighbouring rights and the consequences thereof, the infringer shall be held to liability in accordance with law.

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 the day of the coming into force of this Law.

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.

This Law has been adopted by the *Saeima* on 6 April 2000.

President V. Vīķe-Freiberga

Rīga, 27 April 2000

