

The acting Law of the Republic of Armenia on Copyright and Related Rights, which was adopted in 2006, contains articles on Exceptions and Limitations as well as on Limitations of Rights of Performers, Producers of Phonograms or Film Producers and Broadcasting Organizations.

The first mention on exceptions and limitations is stated in Article 22. **Free Use of a Work.** It states that "Free use of a work shall mean the use of a work without the consent of the author and without remuneration, however with the obligatory mention of the author's name and the origin of the work, which does not prejudice the normal exploitation of the work and legitimate interests of the author to his work."

It states that free uses shall be permitted for making quotation, in original language or in translation, of an extract of the work lawfully made public for scientific, research, polemic, critical and informational purposes, including the reproduction of the extracts from the articles of newspapers and magazines in the form of a press release; for educational purposes, to the extent justified by the purpose. Various types of reproductions and communication to the public of lawfully disclosed copyright subject matters; the use and reproduction of a work for private purposes; the reproduction of political speeches, lectures, announcements and other similar works; the reproduction and public communication of the literary and artistic works seen or heard in the course of the events for the purpose of reporting on current events by means of photography, cinematography, broadcasting; the use of a work, except computer programs, for the purposes of court and administrative proceedings (name and the source of the work is not obligatory); public performance of a musical work lawfully made public; during official, religious as well as ritual ceremonies, to the extent justified by the purpose of use; at educational institutions in the course of educational activities with the participation of teachers and students, if the audience is composed of teachers and students, as well as persons directly connected with the educational institution (the mention of the author's name and the source of the work is not obligatory); the reproduction in Braille, or by other special ways foreseen for the blind, of a work lawfully made public, done without profit-making, with the exception of reproduction of the works created especially by such means; the reproduction and distribution of works, displayed at exhibitions, auctions, fairs and collections, in catalogues published for that purpose by the organizers of such displays mentioning the title of each work and the author's name if the latter are indicated on the work used; if the work is transformed into a parody or caricature, provided this does not create confusion as to the source of the work.

It shall be permitted, without the author's consent and without remuneration, to make short-time or rare temporary reproductions of a work, which have no individual economic significance, and is an inseparable and significant part of technological procedures and which have the purpose of network distribution of a work through a mediator among third parties or provision of a possibility for lawful use of a work.

The Law as well contains provisions on **Reproduction of a Work for Private Purposes, Reprographic Reproduction of a Work, Freedom of Panorama, Making and Free Use of Short-Time Audio and Video Recordings by Broadcasting Organization** according to which without the consent of the author and without additional remuneration a broadcasting organization has the right to make short-time audio or video recordings of the work, in respect of which it has obtained the broadcasting right, if the audio or video recording is made by that

broadcasting organization through its own technical equipment and for its own programs. The Law states as well the liability of the broadcasting organization to destroy the audio or video recording within 6 months after it has been created unless otherwise agreed with the author of the work. However, it may, without the consent of the author, be preserved in official archives if it is of an exclusively documentary nature.

Protection of Audiovisual Performances

According to Article 45. **Economic Rights of the Performer** The performer has the right to use his performance in any form and mode and to receive remuneration for any type of use of the performance except the cases provided by the Law.

The performer has an exclusive right to authorize or prohibit third persons the following acts:

- a) the broadcast of a live performance or the carrying out of other communication of it to the public, if the fixation of the performance made before is not used for such a communication or the used performance has not been broadcast before;
- b) the fixation of a performance not fixed before;
- c) the reproduction of a fixed performance directly or indirectly;
- d) the distribution of the phonograms and videograms containing his performance through sale or other form of transfer of ownership, among them the import;
- e) the broadcast of a fixed performance if the fixation of it was initially made for non-commercial purposes;
- f) the rental of the copies of a fixed performance,
- g) the lending of the copies of a fixed performance;
- h) the making of the fixed performance available to the public.

The conclusion of an individual or collective contract for the purpose of creating an audiovisual work, between the performer and the producer of a fixation of an audiovisual work results in transferring by the performer the exclusive rights to the producer, unless otherwise provided by the contract. However, the performer retains his right of rental of the copies of such an audiovisual work and the right to receive an equitable remuneration for other types of use. Provision of such rights by the performer shall be limited by the use of the audiovisual work itself, and unless otherwise stipulated by the contract, provision of such rights shall not include the right to use separately the sounds or the images fixed in the audiovisual work.