

Regional Meeting for Caucasian, Central Asian and Eastern European Countries on the Beijing and Marrakesh Treaties
Tbilisi, on May 28 and 29, 2015.

a) The current situation in Latvia regarding copyright limitations and exceptions for the visually impaired:

Section 22 of the Copyright Law of Latvia provides the copyright limitation according to which organisations for the visually impaired, as well as libraries which provide services to visually impaired, are 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, and as long as it is 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.

If a user of the work has the right to use the work in the case specified above, 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 respective use is contrary to the provisions for normal use of the work of an author and may unjustifiably limit the lawful interests of the author;

b) The current situation in Latvia regarding protection of audiovisual performances:

Section 48 of the Copyright Law states that a performer of audiovisual performances, 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 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 to object to any distortion, modification or other transformation of his or her performance, which may harm the reputation of the performer. With respect to their performance, performers of audiovisual performances 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;
- 7) directly or indirectly, temporarily or permanently reproduce the fixation of a performance.

If performers individually or collectively enter into a contract with a film producer for the creation of an audiovisual work, the performers may be considered to have transferred their rental rights to the producer, if the contract does not specify otherwise. If a performer has transferred their rental rights, with respect to a phonogram or the original or copy of an audiovisual work, or may be deemed to have transferred their rental rights to the phonogram or film producer, the performer retains the right to receive just remuneration for such rental. An agreement regarding a waiver of right to receive remuneration for a future period is void.

Section 49 of the Copyright Law sets out requirements for a contract for creation of audiovisual works. By this contract 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 has no right to use separately sounds or images fixed in the audiovisual

work, if it is not specified otherwise in the contract. The contract has to be in writing and has to provide for remuneration to the performer for each type of use of the particular work.

The same kinds of limitations or exceptions with regard to the protection of performers are provided as with regard to the protection of copyright in literary and artistic works. The term of protection of the rights of performers of audiovisual works is 50 years computed from the end of the year in which the performance was fixed.

Reinis Markvarts

Ministry of Culture of Latvia

Copyright Unit

E-mail: reinis.markvarts@km.gov.lv

Phone: +371 67 330 240