

# FINAL QUESTIONNAIRE ON LIMITATIONS AND EXCEPTIONS

*prepared by the World Intellectual Property Organization (WIPO) Secretariat*

## INTRODUCTION

The WIPO Standing Committee on Copyright and Related Rights (SCCR) has agreed to address the issue of exceptions and limitations to copyright and related rights for the purposes of education, libraries and persons with disabilities, by exploring existing and proposed national laws on the subject, with a view to strengthening international understanding on exceptions and limitations.

During the 17<sup>th</sup> session of the SCCR held in November 2008, the WIPO Secretariat was requested to prepare a draft questionnaire regarding exceptions and limitations, with particular emphasis on the issues regarding education, libraries and persons with disabilities, for the consideration of Member States of the SCCR in the 18<sup>th</sup> session.

At the 18<sup>th</sup> session of the SCCR held in May 2009, it was agreed that delegations would send comments on the draft questionnaire (document SCCR/18/3) to the Secretariat. Based on those comments, the Secretariat would present a revised questionnaire.

In the conclusions of the 19<sup>th</sup> session of the SCCR held in December 2009, delegations were invited to send comments on the revised version of the questionnaire, or second draft questionnaire (document SCCR/19/2), to the Secretariat by January 8, 2010. On the basis of the comments and the discussions of the Committee, the Secretariat would finalize the questionnaire without any substantial changes in the content of the questions, and while retaining its seven chapters, and submit it to the Member States and the European Union by February 10, 2010 for replies.

### *Instructions*

The Secretariat presents this final questionnaire on limitations and exceptions and Member States are now invited to respond accordingly, via on-line or in paper form:

– On-line (preferred option): Replies may be provided by completion of the electronic form available on the WIPO website at <http://www.wipo.int/copyright/en/>. In order to access and complete the electronic form online, a general password has been created for all respondents: “LE2010”.

– Paper form: This copy is available in printable form from the aforementioned website and may be completed and sent to the International Bureau, c/o Copyright Law Division, WIPO, by post: 34, chemin des Colombettes, 1211 Geneva 20, Switzerland; by facsimile: +41 22 338 907010; or by e-mail: [copyright.mail@wipo.int](mailto:copyright.mail@wipo.int).

Member States are invited to submit their replies by May 10, 2010. After that date, the questionnaire will no longer be available on the WIPO website.

The Secretariat shall prepare a consolidated paper for the Twentieth Session of the SCCR based on the information gathered from the replies to this questionnaire.

This final questionnaire comprises 103 questions distributed in seven parts:

- Part I on general questions on limitations and exceptions;
- Part II on limitations and exceptions for educational activities;
- Part III on limitations and exceptions for libraries and archives;
- Part IV on limitations and exceptions for persons with disabilities;
- Part V on questions relating to religious, social and cultural exceptions;
- Part VI on other questions regarding digital technology; and
- Part VII on general questions to cover areas left out in Parts I to VI.

This questionnaire is only intended as a tool for data collection to facilitate an analysis of the status of copyright limitations and exceptions in WIPO Member States. It is acceptable for respondents not to answer all questions, particularly when the available data does not allow giving an unequivocal answer to the questions.

When questions include the phrase “please describe,” respondents are encouraged to provide a citation for the statutory provision and/or governing court decision (if applicable) and any other additional description that supports their answer.

The answers to this questionnaire have been provided on behalf of:

Country: LITHUANIA

by

Name and contact information (including telephone and e-mail): Gyta BERASNEVICIUTE, Chief Specialist of Copyright Division, Ministry of Culture of the Republic of Lithuania, J.Basanaviciaus str. 5, LT-01118 Vilnius, Lithuania, tel. +370 5 219 3463, fax: +370 5 262 3120, e-mail: [g.berasneviute@lrkm.lt](mailto:g.berasneviute@lrkm.lt).

*Part I: General*

1. Does your national statute provide for a limited number of specific statutory limitations and exceptions, an open system of limitations and exceptions (such as fair use or fair dealing) or a mix of both systems?

Specific

Open

Mixed

Others, please describe: \_\_\_\_\_

2. Does your national statute include the three-step test as a general provision on copyright limitations and exceptions?

Yes

No

Partially, please describe: \_\_\_\_\_

3. Does your national statute provide limitations and exceptions as free uses (there is no need for authorization or for payment of remuneration)?

Yes

No

If yes, please describe:

Limitations as free uses include: Quotation, Reproduction of a work for teaching and scientific research purposes, Use of a work for information purposes, Use of a work for the purpose of caricature or parody, Use of a work during religious celebrations, Use of a work for the purposes of public security, Certain acts with regard to copyright in works of architecture and sculptures, Temporary reproduction of a work, Making of a back-up copies and reproduction for adaptation of computer programmes, Decompilation of computer programmes, Use of databases.

4. Does your national statute include limitations and exceptions based on statutory licenses (direct permission granted by the law against remuneration)?

Yes

No

If yes, please describe:

Limitations based on statutory licenses include: Reproduction of works for personal use, Reprographic reproduction of works.

5. Does your national statute include limitations and exceptions based on compulsory licenses (obligation of the rights owners under the law to grant licenses against remuneration)?

- Yes  
 No

6. Does your national statute include specific limitations or exceptions permitting the use of copyrighted works for private or personal purposes, without previous authorization of the copyright or related rights owner?

- Yes  
 No

Please describe:

Article 20 paragraph 1 of Law on Copyright and Related Rights (Official Gazette 1999, No. 50-1598; 2003, No. 28-1125) (hereinafter – Law) provides that “it shall be permitted for a natural person, without the authorisation of the author or any other owner of copyright, to reproduce, exclusively for his individual use, not for direct or indirect commercial advantage, in a single copy a work published or communicated to the public in any other mode, where the reproduction is a single-action. When works are for the private use reproduced on paper by means of reprography (effected by the use of any kind of photographic technique or some other process having similar effects), the provisions of Article 23 of this Law shall apply”.

Article 23 of Law states that “without the authorisation of the author or other owner of copyright in a work, it shall be permissible to reproduce on paper the following by means of reprography (effected by the use of any kind of photographic technique or by some other process having similar effects):

1) a published article or any other short work, or a short extract of a writing, with or without illustrations, not for direct or indirect commercial advantage, provided that such reproduction is a separate single act. Repeated acts of such reproduction shall be permissible if they are done on unrelated occasions”.

Article 57 paragraph 2 of the Law provides limitation regarding private use of objects of related rights. It states that “it shall be permissible, without the authorization of an owner of related rights, for a natural person to reproduce for private use and for ends that are neither directly nor indirectly commercial, not more than one copy of performance, phonogram, audiovisual work (film) or broadcast of a broadcasting organization”.

7. Does your national statute provide remuneration for private or personal uses (for instance, copyright levies)?

- Yes  
 No

If yes, please describe:

Article 20 paragraph 3 of Law provides that “when reproducing an audiovisual work or a work recorded in a phonogram, the author of the work or his successor in title, together with

the performers and the producers of the audiovisual works and phonograms or their successors in title, shall have the right to receive fair compensation established as a percentage of the wholesale price for blank audio or audiovisual recording media intended for personal reproduction (other than the media intended for export, professional needs and the needs of persons with hearing or visual impairment)”.

Paragraph 4 of Article 20 provides that “the compensation referred to in paragraph 3 of this Article must be paid by producers and importers of audio or audiovisual analogue/digital recording media intended for personal reproduction, except in the cases where such blank media are brought into the country exclusively for the private use (in the luggage of a passenger)”.

Paragraph 5 of Article 20 provides that “taking into consideration the application or non-application of technological measures determined in paragraphs 1 and 2 of Article 74, the amount of compensation referred to in paragraph 3 of this Article, the conditions of distribution and payment thereof shall be established by the Government, after consultation with associations representing producers and importers of the said media and associations of collective administration of copyright and related rights. The compensation must not exceed 6 percent of the wholesale price of a blank audio or audiovisual medium. The compensation to owners of the rights specified in paragraph 3 of this Article shall be distributed and paid by associations of collective administration of copyright and related rights, approved by the institution authorised by the Government. Not more than 25 per cent of this compensation may, in the manner prescribed by law, be used for programmes for the support of creative activities”.

Article 23 paragraph 3 of Law provides that “the author and publishers shall be entitled to fair compensation for reproduction on paper by means of reprography (effected by the use of any kind of photographic technique or by some other process having similar effects) of works referred to in subparagraph 1 of paragraph 1 of this Article. Such compensation shall be paid by the persons providing fee-paying services of reprographic reproduction. The Government shall establish the amount of compensation, which takes account of application or non-application of technological measures specified in paragraphs 1 and 2 of Article 74, as well as the conditions of distribution and payment thereof. Compensation for authors and producers shall be collected, distributed and paid by the association of collective administration of copyright approved by the institution authorised by the Government”.

8. Does your national statute allow parties to agree in licensing agreements or other binding contracts not to engage in conduct that would otherwise be permitted under the national statute’s exceptions and limitations?

- Yes  
 No

If yes, please describe: There are no provisions in Law regarding this issue.

9. Does your national statute subject the exercise of limitations and exceptions to the condition of a lawful or authorized source requirement (for instance, that copies are made from a lawful source)?

- Yes  
 No

If yes, please describe:

Article 22 paragraph 1.2 of Law allows “reproduction for non-commercial educational, teaching and scientific research purposes of *lawfully* published works in the form intended for people having hearing or visual impairment, to the extent required by the specific disability, with the exception of works specifically created for this purpose”.

Article 29 of Law regarding temporary reproduction of a work allows “to carry out temporary acts of reproduction which are transient or incidental and an integral and essential part of a technological process and whose sole purpose is to enable an efficient transmission in a network between third persons by an intermediary, or a *lawful* use of a work to be made (when it is permitted by the owner of copyright or is not restricted by this Law), and which have no independent economic significance”.

Article 30 paragraph 1.2 of Law allows to make back-up copies of the computer programme or to adapt the computer programme, provided that such copies or adaptation of the programme are necessary: “for the use of a back-up copy of the *lawfully* acquired computer programme, in the event the computer programme is lost, destroyed or becomes unfit for use”.

Article 31 paragraph 1.1 of Law provides that decompilation of computer programmes is allowed when “these acts are performed by the licensee or another person *having a right* to use a copy of a program, or on their behalf by a person *authorised* to do so”.

Article 32 of Law provides that “a *lawful* user of a database or a copy thereof shall have the right, without the authorisation of the author or other owner of copyright, to perform the acts set out in paragraph 1 of Article 15 of this Law, provided that such acts are necessary for the purposes of access to, and an appropriate use of the contents of the database by the legitimate user of the database”.

10. Does your national statute protect technological measures?

- Yes  
 No

11. Does your national statute protect rights management information?

- Yes  
 No

12. Does your national statute provide specific mechanisms to ensure that limitations or exceptions continue to apply despite the existence of any technological measures implemented by the copyright or related rights owners?

- Yes  
 No

If yes, please describe:

Article 75 paragraph 1 of Law provides that “when technological measures applied by owners of copyright, related rights and *sui generis* rights prevent the users of such rights from benefiting from the limitations of copyright, related rights and *sui generis* rights, provided for in paragraph 1 of Article 20, subparagraphs 1 and 2 of paragraph 1 of Article 22, paragraph 1 of Article 23, Article 27, subparagraph 2 of paragraph 1 of Article 29, subparagraphs 4, 5, 6, 7, and 8 of paragraph 1 of Article 58, and paragraph 1 of Article 63 of this Law, the users of

the rights must be provided with conditions or adequate means (i.e. decoding devices and other) enabling to use legitimately accessible objects of copyright, related rights or *sui generis* rights to the extent necessary for the users of the rights to benefit from the limitations of copyright, related rights and *sui generis* rights provided for their interests.

2. Paragraph 1 of this Article shall not apply to works, objects of related rights and *sui generis* rights made available to the public by way of interactive on-demand transmissions, so that members of the public may access them from a place and at a time individually chosen by them. Conditions of the provision of such services shall be set in agreements.

3. The owners of copyright, related rights and *sui generis* rights who desire to apply voluntary measures ensuring the right to benefit from the limitations of copyright, related rights and *sui generis* rights, provided for in paragraph 1 of this Law, must furnish information to the institution authorised by the Government about a measure to be applied, and other information related to the implementation of such measure, including information about going negotiations between owners of the rights, users of the rights and other interested persons. The institution authorised by the Government shall have the right to appoint its representative to take part in those negotiations

4. When the owners of copyright, related rights and *sui generis* rights do not take measures (i.e. do not provide with decoding devices, do not conclude agreements with the users of the rights, etc.) which would enable the users to benefit from the limitations specified in paragraph 1 of this Article, the users of the rights who have the right to benefit from such limitations, may apply to the Council for mediation in such dispute. The mediator (s) shall present proposals and help the parties to reach agreement. It shall be considered that the parties have accepted a written proposal of the mediator (s), if none of them expressed in writing any disagreements within one month from the presentation of the proposal. If the parties do not accept a proposal of the mediator (s), the dispute shall be settled by Vilnius regional court”.

13. If recourse to legal proceedings is needed, what is the average time to ensure the exercise of limitations and exceptions if some type of technological measures of protection is applied by copyright and related rights owners?

Please describe: There is no regulation in Law and we don't have information regarding legal proceedings in relation to the exercise of limitations if technological measures of protection are applied.

14. Does your national statute provide that certain limitations or exceptions prevail over the prohibitions on the act of circumventing technological protection measures or rights management information?

- Yes  
 No

If yes, please describe:

Please see explanation in question No 12 regarding Article 75 paragraph 1 of Law. Certain limitations which prevail over the prohibition on the act of circumventing technological protection measures include: Reproduction of works for personal use (paragraph 1 of Article 20), Reproduction for teaching and scientific research purposes and reproduction for non-commercial educational, teaching and scientific research purposes for people having hearing or visual impairment (subparagraphs 1 and 2 of paragraph 1 of Article 22), Reprographic reproduction of works (paragraph 1 of Article 23), Use of a work for the purposes of public

security (Article 27), Making ephemeral recordings of works made by broadcasting organizations (subparagraph 2 of paragraph 1 of Article 29), Reproduction of an object of related rights in publicly accessible libraries, educational establishments, museums or archives, Making of ephemeral recordings of objects of related rights made by broadcasting organizations, Reproduction of an object of related rights for the benefit of people with a hearing disability, Use of an object of related rights for the sole purpose of illustration for teaching or scientific research, as criticism or review, Use of an object of related rights for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings (subparagraphs 4, 5, 6, 7, and 8 of paragraph 1 of Article 58) and Extraction or re-utilization of a substantial part of database (paragraph 1 of Article 63).

15. If recourse to legal proceedings is needed regarding limitations and exceptions, what is the average time needed to resolve a dispute regarding the prohibition of circumventing the technological measures of protection and digital rights management?

Please describe: There is no information regarding judicial or mediation practice in this area.

16. Does your national statute include limitations and exceptions especially for the use of computer programs?

- Yes  
 No

Please describe:

Article 30 of Law provides limitation for making of a back-up copies and reproduction for adaptation of computer programmes:

“1. A person who has a right to use a computer programme, shall, without the authorisation of the author or other owner of copyright, have the right to make back-up copies of the computer programme or to adapt the computer programme, provided that such copies or adaptation of the programme are necessary:

- 1) for the use of the computer program in accordance with its intended purpose, including for error correction;
  - 2) for the use of a back-up copy of the lawfully acquired computer programme, in the event the computer programme is lost, destroyed or becomes unfit for use.
2. The person having a right to use a copy of a computer programme shall be entitled, without the authorisation of the author or any other owner of copyright in the programme, to observe, study or test the functioning of the programme in order to determine the ideas and principles which underlie any element of the program if he does so while performing the acts he is entitled to do (loads, displays, transmits or stores the data of the programme.
3. No copy or adaptation of a computer programme shall, without the authorisation of the author or other owner of copyright, be used for goals other than those set out in paragraph 1 of this Article.
4. Any agreements impeding the performance of the acts provided for in paragraphs 1 and 2 of this Article shall be null and void”.

Article 31 of Law provides limitation for decompilation of computer programmes:

“1. The authorisation of the author or other owner of copyright shall not be required where reproduction of the code of a computer programme or translation of its form are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer programme with other programs, provided that the following conditions are met:



1) these acts are performed by the licensee or another person having a right to use a copy of a program, or on their behalf by a person authorised to do so;

2) the information necessary to achieve the interoperability of the programmes has not been previously readily available to the persons referred to in subparagraph 1 of paragraph 1 of this Article;

3) these acts are confined to the parts of the original programme, which are necessary to achieve interoperability.

2. The provisions of paragraph 1 of this Article shall not permit the information obtained through its application:

1) to be used for goals other than to achieve the interoperability of the independently created computer programme;

2) to be given to other persons, except when necessary for the interoperability of the independently created programme;

3) to be used for the development, production or marketing of a computer programme substantially similar in its expression, or for any other act, which infringes copyright.

3. Any agreements impeding any of the acts set out in paragraph 1 of this Article shall be null and void”.

17. Does your national statute provide limitations and exceptions for the temporary use of digital works?

- Yes  
 No

Please describe:

Article 29 paragraph 1.1 of Law regarding temporary reproduction of a work provides that “it shall be permissible to carry out the following acts without the authorization of an author or any other owner of copyright, and without a remuneration:

1) to carry out temporary acts of reproduction which are transient or incidental and an integral and essential part of a technological process and whose sole purpose is to enable an efficient transmission in a network between third persons by an intermediary, or a lawful use of a work to be made (when it is permitted by the owner of copyright or is not restricted by this Law), and which have no independent economic significance”.

Similar provision with regard to temporary reproduction of objects of related rights is provided in Article 58 paragraph 1.1 of Law.

18. Does your national statute include limitations and exceptions, or statutory safe harbors (statutory safe harbor refers to any statutory enactment which provides that a person will not be liable upon taking certain measures), for the activities of the service providers of digital transmission of works?

- Yes  
 No

Please describe:

Please see answer to the question No 17 regarding Article 29 paragraph 1.1 and Article 58 paragraph 1.1 of Law.

19. Does your national statute provide that certain limitations or exceptions prevail over the prohibition on the acts of trafficking with devices or providing services that allow the circumvention of technological protection measures or rights management information?

- Yes  
 No

If yes, please describe:

Article 74 paragraph 5 of Law provides that it is not prohibited to develop or use any means of circumventing a technological measure that is necessary to enable acts set out in paragraph 2 of Article 30 and Article 31.

Paragraph 2 of Article 30 refers to authorization to observe, study or test the functioning of the computer programme in order to determine the ideas and principles which underlie any element of the program if a person does so while performing the acts he is entitled to do (loads, displays, transmits or stores the data of the programme).

Article 31 refers to decompilation of computer programmes.

20. If recourse to legal proceedings is needed regarding exceptions and limitations, what is the average time needed to resolve a dispute regarding the prohibition of dealing with devices or providing services to circumvent the technological protection measures and rights management information?

Please describe: There is no information regarding judicial practice in this area.

*Part II: Limitations and Exceptions related to Educational Activities*

21. If your national statute is included in the analysis of specific exceptions contained in any of the studies on limitations and exceptions for educational or research activities (documents SCCR/19/4, SCCR/19/5, SCCR/19/6, SCCR/19/7, SCCR/19/8)<sup>1</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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22. Does your national statute provide specific limitations and exceptions for educational purposes?

- Yes  
 No

Please list them:

Article 22 paragraph 1.1 provides: “1. The following shall be permitted without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of a remuneration, but mentioning, when possible, the source and the name of the author:

1) reproduction for teaching and scientific research purposes of short published works or a short extract of a published work, by way of illustration, in writings, sound or visual recordings, provided that this is related to study programmes and does not exceed the extent justified by the purpose”.

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<sup>1</sup> For Latin American and the Caribbean countries, document SCCR/19/4. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130303](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130303)

For African countries, document SCCR/19/5. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130241](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130241)

For Arab countries, document SCCR/19/6. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130302](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130302)

For Asian and the Pacific countries, document SCCR/19/7. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130249](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130249)

For countries in North America, Europe, Caucasus, Central Asia and Israel, document SCCR/19/8. Available at: [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=130393](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=130393)

Article 58 paragraph 1.7 provides: “1. It shall be permitted, without the authorization of the owner of related rights and without the payment of a remuneration, to use a performance, a phonogram, a fixation of an audiovisual work (film) and a broadcast of a broadcasting organization or fixations thereof, for:

7) use for the sole purpose of illustration for teaching or scientific research, as criticism or review, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved”.

23. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Face-to-face activities  
 Distance education  
 Both

Please list them: The limitation in Article 22 paragraph 1.1 (cited above) covers mainly reproduction and this is mainly envisioned for face-to-face teaching.

*On performances<sup>2</sup>*

24. Does your national statute provide specific limitations and exceptions allowing performances for educational purposes, such as performances by teachers in classrooms or school concerts?

- Yes  
 No

If yes, please describe:

Article 58 paragraph 1.7 provides: “1. It shall be permitted, without the authorisation of the owner of related rights and without the payment of a remuneration, to use a performance, a phonogram, a fixation of an audiovisual work (film) and a broadcast of a broadcasting organisation or fixations thereof, for:

7) use for the sole purpose of illustration for teaching or scientific research, as criticism or review, as long as the source, including the author's name, is indicated, unless this turns out to be impossible and to the extent justified by the non-commercial purpose to be achieved”.

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<sup>2</sup> Performance is used here *lato sensu*. It is a broadly applied practice in national legislation to use terms other than those appearing in the international norms on copyright and related rights; that is, to characterize the acts and rights concerned in a way different from the way they are characterized legally in the said international norms. As in the current case, for example, several countries may grant a “right of public performance” in a way that it covers more or less all non-copy-related rights (not only the performance *stricto sensu*, but also and in particular, the right of broadcasting and the right of communication to the public by cable (wire), which, in the Berne Convention are construed as separate rights), or it is also frequent in national laws that a broader right of broadcasting is provided which also covers the right of communication to the public by cable (wire), a separate right under the Berne Convention.

25. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions that permit performances for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

26. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing performances for educational purposes?

- Yes  
 No

If yes, please describe:

Article 58 paragraph 1.7 (cited above) provides that object of related rights should be used for the sole purpose of illustration for teaching or scientific research. The source, unless it turns out to be impossible, has to be indicated. The extent of the use of works of related rights must be justified by the non-commercial purpose.

27. Who is eligible to engage in activity covered by the specific limitations and exceptions allowing performances for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: The Law does not specify who is eligible to engage in activity covered by the limitation, therefore all subjects are included.

28. In case educational institutions are eligible to engage in activities covered by specific limitations and exceptions allowing performances for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit  
 Not-for-profit  
 Public  
 Private  
 Others. Please describe: The Law does not specify conditions regarding the nature of educational institutions.

*On reproduction*

29. Does your national statute provide targeted limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

If yes, please describe:

Article 22 paragraph 1.1 (cited above) covers reproduction of works for educational purposes.

30. What kind of reproduction is covered by those limitations and exceptions? (more than one option can be selected)

- Reprography  
 Digital copying  
 Others. Please describe:

31. Do the limitations or exceptions allowing reproduction include the preparation of course packs, compilations or anthologies?

- Yes  
 No

If yes, please describe:

Article 22 paragraph 1.1 (cited above) allows reproduction *in writings, sound or audiovisual recordings*.

32. Does your national statute provide remuneration for the exercise of the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

33. Does your national statute provide for any specific requirement regarding the qualitative or quantitative limits and nature of the works or objects of related rights covered by the specific limitations and exceptions allowing reproduction for educational purposes?

- Yes  
 No

Article 22 paragraph 1.1 (cited above) allows reproduction of short published works or a short extract of a published work. This has to be done by way of illustration, in writings, sound or visual recordings and it should not exceed the extent justified by the educational purpose. The source and the name of the author, when possible, should be mentioned. Reproduction must be for non-commercial purposes and “in order to establish whether a work has been used for non-commercial purposes, notice must be taken of the purpose of use. Legal form, organizational structure and methods of financing shall not constitute deciding factors in this case” (Article 22 paragraph 2 of Law).

34. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing reproduction for educational purposes? (more than one option can be selected)

- Teachers
- Students
- Educational institutions
- Others. Please describe: The Law does not specify who is eligible to engage in activity covered by the limitation, therefore all subjects are included.

35. In case educational institutions are eligible to engage in activities covered by the enumerated limitations and exceptions allowing reproduction for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private
- Others. Please describe: The Law does not specify conditions regarding the nature of educational institutions.

36. Does your national statute subject the limitations and exceptions on reproduction for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe:

Limitation for reproduction for teaching and scientific research purposes prevails over the act of circumventing technological protection measures (please see explanation in question No 14).

*On translations*

37. Does your national statute provide specific limitations and exceptions allowing translations for educational purposes?

- Yes
- No

38. Does your national statute provide remuneration against the exercise of specific limitations and exceptions allowing translations for educational purposes?

- Yes
- No

If yes, please describe: \_\_\_\_\_

39. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the enumerated limitations and exceptions allowing translations for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

40. Who is eligible to engage in activities covered by the specific limitations and exceptions allowing translations for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: Not regulated by Law.

41. In case educational institutions are eligible to engage in activities covered by any of the enumerated limitations and exceptions allowing translations for educational purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit  
 Not-for-profit  
 Public  
 Private  
 Others. Please describe: Not regulated by Law.

*On making available in digital networks*

42. Does your national statute provide specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

Article 22 paragraph 1.3 provides: “1. The following shall be permitted without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of a remuneration, but mentioning, when possible, the source and the name of the author:

2) use for the purpose of research or private study of the works kept in publicly accessible libraries, educational establishments, museums or archives, by communication or making them available to the public by dedicated terminals on the premises of the said institutions”.

With regard to objects of related rights, Article 58 paragraph 1.3 provides: “1. It shall be permitted, without the authorisation of the owner of related rights and without the payment of



a remuneration, to use a performance, a phonogram, a fixation of an audiovisual work (film) and a broadcast of a broadcasting organisation or fixations thereof, for:

3) use for the purpose of research or private study of the objects of related rights kept in publicly accessible libraries, educational establishments, museums or archives, by communication or making them available to the public by dedicated terminals on the premises of the said institutions, provided that the owners of related rights do not prohibit such use”.

43. Do the specific limitations or exceptions for making available in digital networks include coursepacks, compilations or anthologies?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

44. Does your national statute provide remuneration against the exercise of the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

45. Does your national statute include any specific requirement regarding the qualitative or quantitative limits extent and nature of the works or objects of related rights covered by the specific limitations and exceptions for making available in digital networks for educational purposes?

- Yes  
 No

If yes, please describe: Works should be kept in publicly accessible libraries, educational establishments, museums or archives and it is allowed to communicate or make them available to the public by dedicated terminals on the premises of the said institutions. The source, when possible, should be mentioned. With regard to objects of related rights, owners of related rights should not prohibit such use.

46. Who is eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational purposes? (more than one option can be selected)

- Teachers  
 Students  
 Educational institutions  
 Others. Please describe: libraries, museums or archives.

47. In case educational institutions are eligible to engage in activities covered by the specific limitations and exceptions for making available in digital networks for educational

purposes, does your national statute establish conditions regarding their nature? (more than one option can be selected)

- For-profit
- Not-for-profit
- Public
- Private

Others. Please describe: The Law does not specify conditions regarding the nature of educational institutions.

48. Does your national statute subject the limitations and exceptions on making available in digital networks for educational purposes to the use of technological measures?

- Yes
- No

If yes, please describe: \_\_\_\_\_

49. Does your national statute include any other specific limitations or exceptions related to educational purposes that have not been covered above?

- Yes
- No

50. If not, what other limitations and exceptions for educational purposes would be necessary?

Please describe: No suggestions.

51. Are there impediments to the use of limitations and exceptions for educational purposes (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes
- No

If yes, please describe: \_\_\_\_\_

*Part III: Limitations and Exceptions related to Libraries and Archives*

52. If your national statute is included in the analysis of specific exceptions contained in the Annex of the WIPO Study on Copyright Limitations and Exceptions for Libraries and Archives (document SCCR/17/2)<sup>3</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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53. Does your national statute contain any limitations or exceptions that permit copying by libraries and/or archives for purposes of preservation or replacement?

- Yes  
 No

Please describe:

Article 23 paragraph 1.2 provides that “1. Without the authorisation of the author or other owner of copyright in a work, it shall be permissible to reproduce on paper the following by means of reprography (effected by the use of any kind of photographic technique or by some other process having similar effects):

2) a work kept in publicly accessible libraries, educational establishments, museums or archives, except the work made available to the public over computer networks (the Internet), not for direct or indirect commercial advantage, when a copy of the work is made for the purpose of preservation or replacement of a lost, destroyed or rendered unusable copy from the fonds or collections of the said institutions, or for the purpose of replacement of a lost, destroyed or unfit for use copy from the permanent collection of another similar library or archive, if it is impossible to obtain such a copy by other acceptable means, and if the act of such reproduction is a separate single act. Repeated acts of such reproduction shall be permissible if they are done on unrelated occasions”.

Similar provisions are provided in Article 58 paragraph 1.4 in relation to objects of related rights.

54. What types of works may be reproduced for these purposes?

Please describe: Works kept in the collections of the institutions (libraries, educational establishments, museums or archives). Works made available to the public over computer networks are excluded.

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<sup>3</sup> Document SCCR/17/2, page 72. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=109192](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=109192)

55. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes  
 No

Please describe: The reproduction must be a separate single act, unless done on unrelated occasions. Reproduction must be made not for direct or indirect commercial advantage.

56. What other conditions must be met in order for such reproduction to be authorized?

Please describe: Reproduction of a copy must be made for the purpose of preservation or replacement of a lost, destroyed or rendered unusable copy, or for the purpose of replacement of a lost, destroyed or unfit for use copy from the permanent collection of another similar library or archive, if it is impossible to obtain such a copy by other acceptable means.

57. Does your national statute contain any limitations or exceptions that permit copying by libraries or archives for patron use?

- Yes  
 No

Please describe:

58. What types of works may be reproduced for these purposes?

Please describe:

59. Does your national statute include specific provisions regarding orphan works?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

60. Does your country have plans to include or modify the specific exceptions and limitations related to the activities of libraries and archives?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

61. If not, what other limitations and exceptions for libraries and archives would be necessary?

Please describe: No suggestions.

62. Are there impediments to the use of limitations and exceptions related to the activities of libraries and archives (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

63. Does your national statute establish qualitative or quantitative limits for these purposes?

- Yes  
 No

Please describe: The reproduction must be a separate single act, unless done on unrelated occasions. Reproduction must be made not for direct or indirect commercial advantage.

64. What other conditions must be met in order for such reproduction to be authorized?

Please describe: Reproduction of a copy must be made for the purpose of preservation or replacement of a lost, destroyed or rendered unusable copy, or for the purpose of replacement of a lost, destroyed or unfit for use copy from the permanent collection of another similar library or archive, if it is impossible to obtain such a copy by other acceptable means.

65. Does your national statute contain any limitations or exceptions that permit libraries to reproduce and/or distribute works (either reprographic and/or digital) for the purposes of interlibrary lending?

- Yes  
 No

Please describe: \_\_\_\_\_

66. Does your national statute contain any limitations or exceptions that permit any other organizations (such as museums or educational institutions) to reproduce or distribute works for archival, preservation, or replacement purposes?

- Yes  
 No

Please describe: Article 23 paragraph 1.2 permits to reproduce works for archival, preservation or replacement purposes for libraries, as well as for educational establishments, museums or archives.

*Part IV: Limitations and Exceptions for Persons with Disabilities*

67. If your national statute is included in the analysis of specific exceptions contained in Annexes 2 and 3 of the Study on Limitations and Exceptions for the Visually Impaired (document SCCR/15/7)<sup>4</sup>, do you consider that the analysis is correct?

- Yes  
 No  
 The national statute was not included in the analysis

If you do not consider that the analysis is correct, please describe why:

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68. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with print disabilities<sup>5</sup> or visually impaired persons, including the reading impaired?

- Yes  
 No

Please describe:

Article 22 paragraph 1.2 of Law provides: “1. The following shall be permitted without the authorisation of the author of a work or any other owner of copyright in this work, and without the payment of a remuneration, but mentioning, when possible, the source and the name of the author:

2) reproduction for non-commercial educational, teaching and scientific research purposes of lawfully published works in the form intended for people having hearing or visual impairment, to the extent required by the specific disability, with the exception of works specifically created for this purpose”.

Similarly, Article 58 paragraph 1.6 of Law allows reproduction of objects of related rights for the benefit of people with a hearing disability to the extent required for this disability.

69. Does your national statute specify the formats (for instance, Braille or large print) that fall under this exception?

- Yes  
 No

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<sup>4</sup> Document SCCR/15/7, page 138. Available at:  
[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=75696](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=75696)

<sup>5</sup> A person with print disability is a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability.

Please describe: The Law permits reproduction in the form intended for people having hearing or visual impairment.

70. What other conditions must be met in order for such uses to be authorized?

Please describe: Reproduction of work should be made for non-commercial educational, teaching and scientific research purposes, to the extent required by the specific disability. Source and name of the author, when possible, should be indicated. The limitation does not apply for works specifically created for people having hearing or visual impairment.

71. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with print disabilities or visually impaired persons, including the reading impaired?

- Yes  
 No

Please describe: \_\_\_\_\_

72. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for deaf persons?

- Yes  
 No

Please describe: Article 22 paragraph 1.2 (cited above) permits reproduction of works for people having hearing impairment.

73. Does your national statute specify the formats that fall under this exception?

- Yes  
 No

Please describe: The Law permits reproduction in the form intended for people having hearing impairment.

74. What other conditions must be met in order for such uses to be authorized?

Please describe: Reproduction of work should be made for non-commercial educational, teaching and scientific research purposes, to the extent required by the specific disability. Source and name of the author, when possible, should be indicated. The limitation does not apply for works specifically created for people having hearing impairment.

75. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to the deaf persons?

- Yes  
 No

Please describe: \_\_\_\_\_

76. Does your national statute contain any limitations or exceptions that permit reproduction, distribution, and/or other form of utilization of works for persons with any other disabilities?

- Yes  
 No

Please describe: Article 22 paragraph 1.2. permits reproduction of works for people having visual impairment.

77. Does your national statute specify the formats that fall under this exception?

- Yes  
 No

Please describe: The Law permits reproduction in the form intended for people having visual impairment.

78. What other conditions must be met in order for such uses to be authorized?

Please describe: Reproduction of work should be made for non-commercial educational, teaching and scientific research purposes, to the extent required by the specific disability. Source and name of the author, when possible, should be indicated. The limitation does not apply for works specifically created for people having visual impairment.

79. Does your national statute contain any limitations or exceptions that permit the importation and/or exportation of material accessible to persons with any other disabilities?

- Yes  
 No

Please describe: \_\_\_\_\_

80. Does your country have plans to include or modify the specific exceptions related to persons with print disabilities, visually impaired persons or other persons with disabilities?

- Yes  
 No



If yes, please describe: The Ministry of Culture has prepared a Project amending Law on Copyright and Related Rights, which modifies current limitation related to persons with disabilities. Amendment extends the scope of permitted actions: beside reproduction it allows to publish and to communicate to the public a lawfully published work or a work, which has been communicated to the public, for non-commercial purposes. Secondly, the amendment extends the scope of subjects who will be able to benefit from the limitation: it provides that people having disability (current law provides “having visual or hearing impairment”) are permitted to benefit from the limitation. It also provides that legal entities, which are approved by the institution, authorized by the Government, and which represent the interests of people having disability, when they act for non-commercial purposes, are permitted to benefit from the limitation.

81. If not, what other limitations and exceptions for persons with disabilities would be required?

Please describe: \_\_\_\_\_

82. Are there impediments to the use of the limitations and exceptions for persons with disabilities (international constraints, capacity building, lack of information about the limitations and exceptions, etc.)?

- Yes  
 No

Please describe: \_\_\_\_\_

*Part V: Religious, social and cultural exceptions*

83. Does your national statute provide limitations and exceptions for religious, social and cultural purposes?

- Yes  
 No

84. In case of affirmative answer to the previous question, what kind of activities are those limitations and exceptions related to?

- Religious activities  
 Cultural Activities  
 Social Activities

85. Does your national statute subject the exercise of limitations and exceptions for religious purposes to the condition of the nature of the religious activities?

- Yes  
 No

If yes, please describe: Article 26 of Law provides that limitation for religious purposes applies in case of religious celebrations. It states: "it shall be permissible, without the authorisation of an author or any other owner of copyright, and without compensation, to reproduce and make available to the public a work use during religious celebrations".

86. Does your national statute provide remuneration for the exercise of limitations and exceptions for religious purposes?

- Yes  
 No

87. Does your national statute subject the exercise of limitations and exceptions for religious purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

88. Does your national statute subject the exercise of limitations and exceptions for cultural purposes to the condition of the nature of the cultural activities?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

89. Does your national statute provide remuneration for the exercise of limitations and exceptions for cultural purposes?

- Yes  
 No

90. Does your national statute provide for any specific requirement regarding the extent and nature of the works or objects of related rights covered by the limitations and exceptions for cultural purposes?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

91. Does your national statute subject the exercise of limitations and exceptions for social purposes to the condition of the nature of social activities?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

92. Does your national statute provide remuneration for the exercise of limitations and exceptions for social purposes?

- Yes  
 No

93. Does your national statute subject the exercise of limitations and exceptions for social purposes to any specific requirement regarding the extent and nature of the works or objects of related rights?

- Yes  
 No

If yes, please describe: \_\_\_\_\_

*Part VI: Other questions on digital technology*

94. Does your national statute provide any limitations or exceptions for reverse engineering?

- Yes  
 No

If yes, please describe:

Article 31 paragraph 1 of the Law states: “1. The authorisation of the author or other owner of copyright shall not be required where reproduction of the code of a computer programme or translation of its form are indispensable to obtain the information necessary to achieve the interoperability of an independently created computer programme with other programs, provided that the following conditions are met:

- 1) these acts are performed by the licensee or another person having a right to use a copy of a program, or on their behalf by a person authorised to do so;
- 2) the information necessary to achieve the interoperability of the programmes has not been previously readily available to the persons referred to in subparagraph 1 of paragraph 1 of this Article;
- 3) these acts are confined to the parts of the original programme which are necessary to achieve interoperability”.

Article 30 of the Law deals with making of back-up copies and reproduction for adaptation of computer programmes:

“1. A person who has a right to use a computer programme, shall, without the authorisation of the author or other owner of copyright, have the right to make back-up copies of the computer programme or to adapt the computer programme, provided that such copies or adaptation of the programme are necessary:

- 1) for the use of the computer program in accordance with its intended purpose, including for error correction;
- 2) for the use of a back-up copy of the lawfully acquired computer programme, in the event the computer programme is lost, destroyed or becomes unfit for use.

2. The person having a right to use a copy of a computer programme shall be entitled, without the authorisation of the author or any other owner of copyright in the programme, to observe, study or test the functioning of the programme in order to determine the ideas and principles which underlie any element of the program if he does so while performing the acts he is entitled to do (loads, displays, transmits or stores the data of the programme”.

95. Does your national statute impose any kind of liability (direct, indirect, or secondary) according to which a party can be held liable for the copyright infringement of third parties under certain circumstances (such as when that party has the ability to control an infringer’s actions or contributes to a third party’s infringing actions)?

- Yes  
 No

If yes, please describe:

Article 78 paragraph 1 deals with the right to apply injunction against intermediaries:

“1. When defending their rights, owners of copyright, related rights and *sui generis* rights shall have the right to apply for an injunction against an intermediary, with the aim of prohibiting him from rendering services in a network to third parties who make use of these services infringing a copyright, related right or *sui generis* right. An injunction to render the said services shall encompass suspension of a transmission of information related to the infringement of copyright, related rights or *sui generis* rights or elimination of such information, if an intermediary have technical means to carry this out, or removal of the access to information infringing copyright, related rights or *sui generis* rights”.

96. With respect to liability that arises from the infringing activities of third parties, does your national statute, for purposes such as to encourage online service providers to cooperate with rightsholders in deterring infringement, provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers in any way?

- Yes  
 No

If yes, please describe:

The Law of Information Society Services of the Republic of Lithuania (Official Gazette 2006, No. X-614) (hereinafter – Law of Information Society Services) provides limitations to the liability of online service providers with regard to ‘mere conduit’ (Article 12), ‘caching’ (Article 13) and ‘hosting’ (Article 14). These articles transpose relevant provisions of the Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market (Directive on electronic commerce).

97. With respect to liability that arises from the infringing activity of a third party, for which of the following activities, if any, does your national statute provide limitations or exceptions, or statutory safe harbors, to the liability of online service providers?

- Acting as a conduit for infringing material (e.g., transmitting, routing, or supplying connections for material)  
 Caching infringing material  
 Storing infringing material at the direction of a user  
 Providing access by means of information search tools such as indices, references, hyperlinks and directories to infringing materials that users post  
 Others. Please specify: \_\_\_\_\_

98. What conditions, if any, must be met in order for an online service provider to qualify for the limitation of liability, exception to liability, or statutory safe harbor?

Please specify:

Articles 12-14 of the Law of Information Society Services provide conditions that must be met in order for an online service provider to qualify for the limitation of liability. These conditions are in full compliance with the conditions, set out in Articles 12-14 of the Directive on electronic commerce.

*Part VII: General questions to cover areas left out in Part I to VI*

99. Are the following limitations or exceptions included in your national statute? (more than one option can be selected)

- right of quotation
- news reporting
- ephemeral copies
- incidental uses
- government uses
- non-voluntary license for broadcasting
- non-voluntary license for mechanical reproduction of musical works

Please describe:

Article 21 of Law provides the right of quotation:

“1. It shall be permissible, without the authorization of the author or any other owner of copyright, to reproduce a relatively short passage of a published work or a work made available to the public, both in the original and translated language, in the form of a quotation in another work, provided that such reproduction is compatible with fair practice and its extent does not exceed that justified by the purpose.

2. When quoting, mention must be made of the source, and of the name of the author, if it appears thereon”.

Article 24 of Law provides the limitation regarding the use of a work for information purposes or news reporting:

“1. The following acts shall be permitted without the authorization of the author or other owner of copyright in a work:

1) reproduction by the press, communication to the public or making available of published articles on current economic, political or religious topics or of broadcast works of the same character, in cases where such use is not expressly reserved by the authors or other owners of copyright in such works, and as long as the source, including the author's name, is indicated;

2) use of literary and artistic works the place of performance or display of which renders information on public events or current events in the press, radio or television, provided that such use is justified by the informatory purpose and constitutes additional information material, and the source, including the author's name, is indicated, unless this turns out to be impossible;

3) use in newspapers or periodicals, or communication to the public in any other mode of political speeches, reports, lectures or other works of a similar nature delivered in public, as well as speeches delivered during court proceedings, to the extent justified by the informatory purpose and as long as the source, including the author's name, is indicated, unless this turns out to be impossible;

4) reproduction or communication to the public for the purpose of advertising the public exhibition or sale of artistic works, to the extent necessary to promote the event, excluding any other commercial use;

5) reproduction and communication to the public of a work in connection with the demonstration or repair of equipment”.

Article 58 paragraph 1.2 permits “reproduction of short extracts from objects of related rights in reports of current events, to the extent justified for the informatory purpose”.

Article 29 of Law provides the limitation regarding temporary reproduction and ephemeral copies:

“1. It shall be permissible to carry out the following acts without the authorisation of an author or any other owner of copyright, and without a remuneration:

1) to carry out temporary acts of reproduction which are transient or incidental and an integral and essential part of a technological process and whose sole purpose is to enable an efficient transmission in a network between third persons by an intermediary, or a lawful use of a work to be made (when it is permitted by the owner of copyright or is not restricted by this Law), and which have no independent economic significance;

2) to make ephemeral recordings of works made by broadcasting organizations or a person acting on behalf of and under the responsibility of the broadcasting organization by means of their own facilities and for their own broadcasts.

2. Recordings specified in subparagraph 2 of paragraph 1 of this Article may be preserved for a period not exceeding 30 days and must be erased after their use for broadcasting. The recordings of an exceptional documentary character may be transferred to official State archives for preservation”.

Article 58 paragraph 1.5 permits “making of ephemeral recordings of objects of related rights made by broadcasting organizations or a person acting on behalf of and under the responsibility of the broadcasting organisation by means of their own facilities and for their own broadcasts. Such recordings may be preserved for a period not exceeding 30 days and must be erased after their use for broadcasting. The recordings of an exceptional documentary character may be transferred to official State archives for preservation”.

Article 28 of the Law provides limitation regarding incidental use of works of architecture and sculptures:

“1. It shall be permissible to carry out the following acts without the authorisation of an author and without a remuneration:

1) to reproduce and make available to the public works of architecture and sculptures, made to be located permanently in public places, except exhibitions and museums;

2) to use a project, design, sketch or model of a building or any other construction works for the purpose of reconstructing this building or construction works.

2. The provisions of subparagraph 1 of paragraph 1 of this Article shall not be applied when a work of architecture or a sculpture is the main subject of representation in the reproduction, and when this is done for direct or indirect commercial advantage.

3. The provisions of subparagraph 1 of paragraph 1 of this Article shall not grant the right to reproduce works of architecture in the form of buildings or other construction works, and to make copies of sculptures”.

Article 58 paragraph 1.10 permits “incidental inclusion of an object of related rights in other material”.

Article 27 of the Law provides limitation regarding use of a work for the purposes of public security:

“It shall be permissible, without the authorization of an author or any other owner of copyright, and without a remuneration, to reproduce and communicate to the public a work

for the purposes of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings”.

Article 58 paragraph 1.8 permits use of an object of related rights “for the purpose of public security or to ensure the proper performance or reporting of administrative, parliamentary or judicial proceedings”.

Regarding non-voluntary license for broadcasting and for mechanical reproduction of musical works, article 58 paragraph 4 of Law provides that “the right of performers, producers of phonograms, producers of the first fixation of an audiovisual work (film) and broadcasting organisations in respect of cable retransmission shall be exercised only through associations of collective administration of related rights in conformity with the procedure established in paragraphs 4 and 5 of Article 65 of this Law”.

100. Does your national statute include limitations and exceptions for any other activities that are not covered in the questionnaire so far?

- Yes  
 No

If yes, please describe:

Article 25 of Law provides limitation regarding use of a work for the purpose of caricature or parody:

“It shall be permissible, without the authorisation of an author or any other owner of copyright, and without compensation, to use a work for the purpose of caricature or parody”.

Article 58 paragraph 1.11 permits use of an object of related rights for the purpose of caricature or parody.

Article 33 of Law provides limitation regarding the public display of works:

“The public display of an original work of fine arts or a copy thereof shall be permitted without the authorisation of the author or his successor in title, if a work has been sold or its ownership has been otherwise transferred to another natural or legal person and where the author or his successor in title knows or has reasonable grounds to know that such a public display (exhibition) of works constitutes part of the regular activities of the natural or legal person who has acquired the work”.

Article 58 paragraph 1.12 of Law allows “without the authorisation of the owner of related rights and without the payment of a remuneration, to use a performance, a phonogram, a fixation of an audiovisual work (film) and a broadcast of a broadcasting organisation or fixations thereof in connection with the demonstration or repair of equipment”

101. Has your country signed, or is in the process of negotiating, a Free Trade Agreement (FTA) containing clauses on copyright and related rights exceptions and limitations?

- Yes  
 No

Please describe: European Commission negotiates and signs Free Trade Agreements containing intellectual property clauses on behalf of EU Member States.



102. If so, with which country or group of countries?

Please describe: European Commission could provide detailed information.

103. Please add any further comments and information you deem interesting for this questionnaire.

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[End of questionnaire]